

# **ANNOTATED MINUTES**

Thursday, June 29, 2006 - 9:30 AM  
Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

## **REGULAR MEETING**

*Chair Diane Linn convened the meeting at 9:32 a.m., with Vice-Chair Lonnie Roberts and Commissioners Lisa Naito and Maria Rojo de Steffey present, and Commissioner Serena Cruz Walsh excused.*

### **CONSENT CALENDAR**

***UPON MOTION OF COMMISSIONER NAITO,  
SECONDED BY COMMISSIONER ROBERTS, THE  
CONSENT CALENDAR (ITEMS C-1 THROUGH C-6)  
WAS UNANIMOUSLY APPROVED.***

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

- C-1 ORDER Authorizing Designees of the Mental Health Program Director to Direct a Peace Officer to Take an Allegedly Mentally Ill Person into Custody

***ORDER 06-114.***

### **SCHOOL AND COMMUNITY PARTNERSHIPS**

- C-2 Consortium Agreement 4710000037 with the Cities of Portland and Gresham to Receive Funds from the U.S. Department of Housing and Urban Development HOME Investment Partnerships Program to Support Local and Regional Affordable Housing Activities for the Program Years July 1, 2006 through June 30, 2009

### **DEPARTMENT OF COMMUNITY SERVICES**

- C-3 RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to Tyson L. Jones, Martha N. Jones, Rick Boerner and Donna Boerner

***RESOLUTION 06-115***

- C-4 RESOLUTION Authorizing Private Sale of Certain Tax Foreclosed Property to Ralph N. Clinton, Trustee, Clinton Living Trust

***RESOLUTION 06-116***

**DEPARTMENT OF HEALTH**

- C-5 Intergovernmental Revenue Agreement 0506112 with Clackamas County for Multnomah County's Health Officer to Provide Public Health and Medical Consultation Services to Clackamas County on a Temporary Basis

**SHERIFF'S OFFICE**

- C-6 Amendment 3 to Intergovernmental Revenue Agreement 0310499 with the City of Wood Village for Law Enforcement Patrols

**REGULAR AGENDA**  
**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.

***CAROLYN TOMEI AND CARLOTTA COLLETTE  
COMMENTED IN SUPPORT OF SOUTHEAST  
LIGHT RAIL AND URGED FUNDING FOR THE  
SOUTHEAST LIGHT RAIL PROJECT BEFORE ANY  
OTHER TRANSPORTATION PROJECTS.***

**SHERIFF'S OFFICE**

- R-1 Update on Multnomah County Sheriff's Office Operations and Policy Issues: Overtime. Presented by Sheriff Bernie Giusto, Christine Kirk and Larry Aab.

***CHRISTINE KIRK PRESENTATION REGARDING  
OVERTIME ISSUES AND UPDATE ON RECENT  
DROWNINGS.***

- R-2 Budget Modification MCSO-13 Appropriating \$17,412 in Oregon Department of Transportation Multi-Agency Traffic Team (MATT) Grant Funding

**COMMISSIONER NAITO MOVED AND  
COMMISSIONER ROJO SECONDED, APPROVAL  
OF R-2. WANDA YANTIS EXPLANATION. BUDGET  
MODIFICATION UNANIMOUSLY APPROVED.**

- R-3 Budget Modification MCSO-14 Appropriating \$13,020 in Oregon State Sheriff's Association Seatbelt Grant Funding

**COMMISSIONER NAITO MOVED AND  
COMMISSIONER ROJO SECONDED, APPROVAL  
OF R-3. WANDA YANTIS EXPLANATION. BUDGET  
MODIFICATION UNANIMOUSLY APPROVED.**

**NON-DEPARTMENTAL**

- R-4 Pioneer of Precaution Award Presented to Multnomah County. Presented by Commissioner Maria Rojo de Steffey and Molly Chidsey.

**COMMISSIONER ROJO AND MOLLY CHIDSEY  
EXPLANATION AND COMMENTS IN SUPPORT.**

- R-5 RESOLUTION Accepting the Portland Children's Investment Fund Recommendation to Renew Current Investments in After-School and Mentoring Programs; and Offering Advice and Counsel to the City of Portland Concerning the Recommendations

**COMMISSIONER NAITO MOVED AND  
COMMISSIONER ROJO SECONDED, APPROVAL  
OF R-5. COMMISSIONER NAITO EXPLANATION.  
CHAIR LINN COMMENTS IN SUPPORT.  
RESOLUTION 06-117 UNANIMOUSLY ADOPTED.**

- R-6 RESOLUTION Adopting the Eastside Transit Project Locally Preferred Alternative, Located within the Portland Central City and Endorsing the Eastside Transit Project Work Program Considerations

**COMMISSIONER ROJO MOVED AND  
COMMISSIONER NAITO SECONDED, APPROVAL  
OF R-6. ED ABRAHAMSON EXPLANATION AND  
INTRODUCTIONS. ROSS ROBERTS; HANK  
ASHFORTH; SUSAN PIERCE AND RICK  
GUSTAFSON PRESENTATIONS, COMMENTS IN  
SUPPORT AND RESPONSE TO QUESTION OF**

***CHAIR LINN. BOARD COMMENTS IN SUPPORT OF THE PROJECT AND IN APPRECIATION FOR THE EFFORTS OF THE COMMITTEE MEMBERS, METRO AND COUNTY STAFF. RESOLUTION 06-118 UNANIMOUSLY ADOPTED.***

- R-7 Public Hearing and Consideration of a RESOLUTION Approving the 2008-11 Transportation Enhancement Program Project List

***COMMISSIONER ROJO MOVED AND COMMISSIONER NAITO SECONDED, APPROVAL OF REVISED RESOLUTION. ED ABRAHAMSON EXPLANATION. RESOLUTION 06-119 UNANIMOUSLY ADOPTED.***

- R-8 Public Hearing and Consideration of a RESOLUTION Approving the 2008-11 Metropolitan Transportation Improvement Project List

***COMMISSIONER ROJO MOVED AND COMMISSIONER NAITO SECONDED, APPROVAL OF R-8. ED ABRAHAMSON EXPLANATION. RESOLUTION 06-120 UNANIMOUSLY ADOPTED.***

- R-9 RESOLUTION Directing the Facilities and Property Management Division to Sell the Morrison Bridgehead Property Through a Market Sale

***COMMISSIONER ROJO MOVED AND COMMISSIONER NAITO SECONDED, APPROVAL OF R-9. DOUG BUTLER EXPLANATION. CHAIR LINN COMMENTS IN SUPPORT. RESOLUTION 06-121 UNANIMOUSLY ADOPTED.***

**DEPARTMENT OF COMMUNITY SERVICES**

- R-10 Public Hearing to Consider and Possibly Act Upon a Measure 37 Claim Filed by Jean O'Mara Seeking a Waiver of Land Use Rules that Allow Her to Establish One Dwelling and Accessory Structures on Each Lot and to Replace the Existing Dwelling on Tax Lot 1600. Presented by Adam Barber and Sandy Duffy.

***CHAIR LINN CONVENED THE HEARING, WITH COMMISSIONERS AND COMMISSIONERS LISA NAITO, MARIA ROJO DE STEFFEY AND LONNIE***

**ROBERTS PRESENT AND COMMISSIONER SERENA CRUZ WALSH EXCUSED. AT CHAIR LINN'S REQUEST FOR DISCLOSURE, NO EX PARTE CONTACTS WERE REPORTED. AT CHAIR LINN'S REQUEST FOR DISCLOSURE, NO CONFLICTS OF INTEREST WERE REPORTED. AT CHAIR LINN'S REQUESTS FOR DISCLOSURE, NO BOARD MEMBER DISCLOSED HAVING A FINANCIAL INTEREST IN THE OUTCOME OF THIS MATTER AND NO BOARD MEMBER DISCLOSED LIVING WITHIN THE GEOGRAPHICAL AREA ENTITLED TO NOTICE OF CLAIM. CHAIR LINN EXPLAINED THE CONDUCT OF HEARING, THE ORDER OF TESTIMONY AND HOW TO PRESENT TESTIMONY. PLANNER ADAM BARBER PRESENTED THE STAFF REPORT AND RECOMMENDATIONS. ASSISTANT COUNTY ATTORNEY SANDRA DUFFY RESPONSE TO A QUESTION OF COMMISSIONER ROBERTS. JOSEPH SCHAEFFER, REPRESENTING JEAN O'MARA TESTIFIED THAT CLAIMANT IS NOT SEEKING MONEY, JUST A WAIVER OF THE LAND USE RULES. THERE BEING NO FURTHER TESTIMONY OR BOARD QUESTIONS, COMMISSIONER NAITO MOVED AND COMMISSIONER ROBERTS SECONDED, APPROVAL OF AN ORDER TO NOT APPLY LAND USE REGULATIONS TO TAX LOTS 1600 AND 1700 ON NW CHARLTON ROAD UNDER BALLOT MEASURE 37. MS. DUFFY EXPLANATION OF ORDER. COMMISSIONER NAITO AND CHAIR LINN COMMENTS IN SUPPORT OF WAIVER. ORDER 06-122 UNANIMOUSLY ADOPTED.**

- R-11 Public Hearing to Consider a Measure 37 Claim Filed by Jack Stafford for the Right to Construct One Dwelling on Each of the Six Subdivision Lots Located at 4046 SE 302nd Avenue. Presented by Tammy Boren-King and Sandra Duffy.

**CHAIR LINN CONVENED THE HEARING, WITH COMMISSIONERS AND COMMISSIONERS LISA NAITO, MARIA ROJO DE STEFFEY AND LONNIE ROBERTS PRESENT AND COMMISSIONER**

**SERENA CRUZ WALSH EXCUSED. AT CHAIR LINN'S REQUEST FOR DISCLOSURE, NO EX PARTE CONTACTS WERE REPORTED. AT CHAIR LINN'S REQUEST FOR DISCLOSURE, NO CONFLICTS OF INTEREST WERE REPORTED. AT CHAIR LINN'S REQUESTS FOR DISCLOSURE, NO BOARD MEMBER DISCLOSED HAVING A FINANCIAL INTEREST IN THE OUTCOME OF THIS MATTER AND NO BOARD MEMBER DISCLOSED LIVING WITHIN THE GEOGRAPHICAL AREA ENTITLED TO NOTICE OF CLAIM. CHAIR LINN EXPLAINED THE CONDUCT OF HEARING, THE ORDER OF TESTIMONY AND HOW TO PRESENT TESTIMONY. PLANNER TAMMY BOREN-KING PRESENTED THE STAFF REPORT AND RECOMMENDATIONS AND RESPONDED TO QUESTIONS OF COMMISSIONER NAITO. ASSISTANT COUNTY ATTORNEY SANDRA DUFFY ADVISED SHE HAS PREPARED AN ORDER THAT WAIVES THE LAND USE REGULATIONS. FRANK WALKER, REPRESENTING MR. AND MRS. JACK STAFFORD, QUESTIONED WHETHER A CONFLICT OF INTEREST EXISTS FOR BOARD MEMBERS WHO PARTICIPATED IN 1998 LAND USE LEGISLATION. COUNTY ATTORNEY AGNES SOWLE AND ASSISTANT COUNTY ATTORNEY SANDRA DUFFY ADVISED THERE IS NO CONFLICT OF INTEREST. MR. WALKER TESTIFIED IN SUPPORT OF A WAIVER OF THE LAND USE RULES. THERE BEING NO FURTHER TESTIMONY OR BOARD QUESTIONS, COMMISSIONER NAITO MOVED AND COMMISSIONER ROBERTS SECONDED, APPROVAL OF AN ORDER TO NOT APPLY LAND USE REGULATIONS TO 4046 SE 302ND AVENUE UNDER BALLOT MEASURE 37. ORDER 06-123 UNANIMOUSLY ADOPTED.**

*There being no further business, the meeting was adjourned at 11:21 a.m.*

BOARD CLERK FOR MULTNOMAH COUNTY, OREGON

***Deborah L. Bogstad***

Thursday, June 29, 2006 - 11:15 AM  
**(OR IMMEDIATELY FOLLOWING BOARD MEETING)**  
Multnomah Building, First Floor Commissioners Conference Room 112  
501 SE Hawthorne Boulevard, Portland

**IF NEEDED EXECUTIVE SESSION**

- E-1 The Multnomah County Board of Commissioners will meet in Executive Session Pursuant to ORS 192.660(2)(h). Only Representatives of the News Media and Designated Staff are allowed to attend. News Media and All Other Attendees are Specifically Directed Not to Disclose Information that is the Subject of the Session. No Final Decision will be made in the Session. Presented by Agnes Sowle. 15-30 MINUTES REQUESTED.

***EXECUTIVE SESSION NOT NEEDED.***



**Multnomah County Oregon**

## **Board of Commissioners & Agenda**

*connecting citizens with information and services*

### **BOARD OF COMMISSIONERS**

**Diane Linn, Chair**

501 SE Hawthorne Boulevard, Suite 600  
Portland, Or 97214

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

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

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

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**Lisa Naito, Commission Dist. 3**

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

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**Lonnie Roberts, Commission Dist. 4**

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### **JUNE 29, 2006 BOARD MEETING**

#### **FASTLOOK AGENDA ITEMS OF INTEREST**

Pg 3	9:30 a.m. Opportunity for Public Comment on Non-Agenda Matters
Pg 3	9:30 a.m. Update on Multnomah County Sheriff's Office Operations and Policy Issues
Pg 3	9:45 a.m. Resolution Accepting the Portland Children's Investment Fund Recommendation
Pg 3	9:55 a.m. Resolution Adopting the Eastside Transit Project Locally Preferred Alternative
Pg 4	10:25 a.m. Public Hearing to Consider a Measure 37 Claim Filed by Jean O'Mara
Pg 4	10:50 a.m. Public Hearing to Consider a Measure 37 Claim by Jack Stafford
Pg 4	11:15 a.m. if needed Executive Session

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Friday, 11:00 PM, Channel 30  
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Sunday, 11:00 AM, Channel 30

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Thursday, June 29, 2006 - 9:30 AM  
Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

## **REGULAR MEETING**

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

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

- C-1 ORDER Authorizing Designees of the Mental Health Program Director to Direct a Peace Officer to Take an Allegedly Mentally Ill Person into Custody

#### **SCHOOL AND COMMUNITY PARTNERSHIPS**

- C-2 Consortium Agreement 4710000037 with the Cities of Portland and Gresham to Receive Funds from the U.S. Department of Housing and Urban Development HOME Investment Partnerships Program to Support Local and Regional Affordable Housing Activities for the Program Years July 1, 2006 through June 30, 2009

#### **DEPARTMENT OF COMMUNITY SERVICES**

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#### **DEPARTMENT OF HEALTH**

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#### **SHERIFF'S OFFICE**

- C-6 Amendment 3 to Intergovernmental Revenue Agreement 0310499 with the City of Wood Village for Law Enforcement Patrols

### **REGULAR AGENDA - 9:30 AM**

#### **PUBLIC COMMENT - 9:30 AM**

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**SHERIFF'S OFFICE - 9:30 AM**

- R-1 Update on Multnomah County Sheriff's Office Operations and Policy Issues: Overtime. Presented by Sheriff Bernie Giusto, Christine Kirk and Larry Aab.
- R-2 Budget Modification MCSO-13 Appropriating \$17,412 in Oregon Department of Transportation Multi-Agency Traffic Team (MATT) Grant Funding
- R-3 Budget Modification MCSO-14 Appropriating \$13,020 in Oregon State Sheriff's Association Seatbelt Grant Funding

**NON-DEPARTMENTAL - 9:40 AM**

- R-4 Pioneer of Precaution Award Presented to Multnomah County. Presented by Commissioner Maria Rojo de Steffey and Molly Chidsey.
- R-5 RESOLUTION Accepting the Portland Children's Investment Fund Recommendation to Renew Current Investments in After-School and Mentoring Programs; and Offering Advice and Counsel to the City of Portland Concerning the Recommendations
- R-6 RESOLUTION Adopting the Eastside Transit Project Locally Preferred Alternative, Located within the Portland Central City and Endorsing the Eastside Transit Project Work Program Considerations
- R-7 Public Hearing and Consideration of a RESOLUTION Approving the 2008-11 Transportation Enhancement Program Project List
- R-8 Public Hearing and Consideration of a RESOLUTION Approving the 2008-11 Metropolitan Transportation Improvement Project List
- R-9 RESOLUTION Directing the Facilities and Property Management Division to Sell the Morrison Bridgehead Property Through a Market Sale

**DEPARTMENT OF COMMUNITY SERVICES - 10:25 AM**

- R-10 Public Hearing to Consider and Possibly Act Upon a Measure 37 Claim Filed by Jean O'Mara Seeking a Waiver of Land Use Rules that Allow Her to Establish One Dwelling and Accessory Structures on Each Lot and to Replace the Existing Dwelling on Tax Lot 1600. Presented by Adam Barber and Sandy Duffy.
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- 

Thursday, June 29, 2006 - 11:15 AM  
**(OR IMMEDIATELY FOLLOWING BOARD MEETING)**  
Multnomah Building, First Floor Commissioners Conference Room 112  
501 SE Hawthorne Boulevard, Portland

### **IF NEEDED EXECUTIVE SESSION**

- E-1 The Multnomah County Board of Commissioners will meet in Executive Session Pursuant to ORS 192.660(2)(h). Only Representatives of the News Media and Designated Staff are allowed to attend. News Media and All Other Attendees are Specifically Directed Not to Disclose Information that is the Subject of the Session. No Final Decision will be made in the Session. Presented by Agnes Sowle. 15-30 MINUTES REQUESTED.



Commissioner Serena Cruz Walsh, District 2

**MULTNOMAH COUNTY OREGON**

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

**MEMORANDUM**

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

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

DATE: June 21, 2006

RE: June 29, 2006 Board Meeting

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Commissioner Cruz Walsh will not attend the June 29th Board Briefing.  
She will be out of town.



## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

### Board Clerk Use Only

Meeting Date: 06/29/06  
Agenda Item #: C-1  
Est. Start Time: 9:30 AM  
Date Submitted: 06/15/06

**BUDGET MODIFICATION:** -

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

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

<b>Date Requested:</b>	June 29, 2006	<b>Time Requested:</b>	N/A
<b>Department:</b>	DCHS	<b>Division:</b>	MHASD
<b>Contact(s):</b>	Jean Dentinger/Debra Myers		
<b>Phone:</b>	(503) 988-5464	<b>Ext.</b>	27297
<b>I/O Address:</b>	167/1/520		
<b>Presenter(s):</b>	Consent Calendar		

### General Information

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

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

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

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

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

None.

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

In accordance with ORS 426.215.

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

None.

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**Required Signatures**

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**Department/  
Agency Director:**

*Ref Surface*

**Date:** 06/15/06

**Budget Analyst:**

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

**Department HR:**

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

**Countywide HR:**

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

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

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

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

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

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

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

ADOPTED this 29th day of June, 2006.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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Diane M. Linn, Chair

REVIEWED:

AGNES SOWLES, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Agnes Sowle, County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**ORDER NO. 06-114**

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

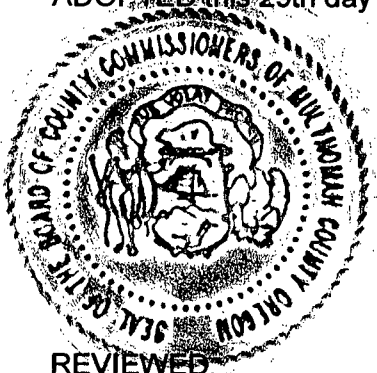
**The Multnomah County Board of Commissioners Finds:**

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

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

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

ADOPTED this 29th day of June, 2006.



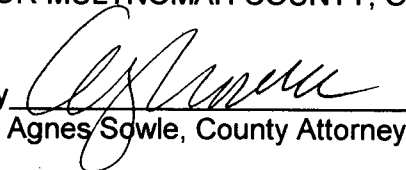
REVIEWED

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Diane M. Linn, Chair

AGNES SOWLES, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By

  
Agnes Sowle, County Attorney





## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

### Board Clerk Use Only

Meeting Date: 06/29/06  
Agenda Item #: C-2  
Est. Start Time: 9:30 AM  
Date Submitted: 06/05/06

### BUDGET MODIFICATION:

**Consortium Agreement 4710000037 with the Cities of Portland and Gresham to Receive Funds from the U.S. Department of Housing and Urban Development HOME Investment Partnerships Program to Support Local and Regional Affordable Housing Activities for the Program Years July 1, 2006 through June 30, 2009**

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

Date Requested: June 29, 2006 Time Requested: Consent Agenda  
Department: DSCP Division:  
Contact(s): Carol Cade, HC Tupper  
Phone: 503 988-6295 Ext. 26598 I/O Address: 167/200/2  
Presenter(s): N/A

### General Information

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

The Board of County Commissioners is requested to review and approve extending the attached Portland HOME Consortium Agreement for the program years beginning July 1, 2006 and ending June 30, 2009. Since 1992, the City of Portland, City of Gresham and Multnomah County have participated in the Consortium to receive federal HOME grant funds, which support affordable housing programs throughout the County. Each participating local government must adopt the attached Portland HOME Consortium Cooperation Agreement and provide the fully executed agreement to the local HUD office by June 30, 2006 in order to continue receiving HOME grant funds for the 2006-9 program years.

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

Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990, as amended, allows

local governments to form consortia for the purpose of obtaining funding as a participating jurisdiction under the US Department of Housing and Urban Development's (HUD) HOME investment Partnership program. Unlike the HUD Community Development Block Grant Program, the HOME program provides funds to the Consortium specifically for the provision of affordable housing to low and moderate-income households.

The City of Portland, City of Gresham and Multnomah County have participated in a Consortium since 1992 to receive funds under the HOME program to support local and regional affordable housing activities. Each of the local governments has also participated in preparing the five-year Consolidated Plan, which guides utilization of HOME funds. The current Consolidated Plan is effective for fiscal years 2005-2010. During each year the Consolidated Plan's policy and planning priorities are effective, one-year Action Plans for implementing actual housing activities and services.

The amount of HOME funding awarded to the Consortium each year is determined by HUD according to a formula counting the eligible low income populations within the jurisdictional boundaries of all the local governments within the Consortium. The participation of each member of the Consortium contributes to the overall HOME funds received. Each member of the Consortium is then entitled to a pro-rata share of the HOME funds received based on its contribution of population. The County is the smallest member of the Consortium, counting eligible residents from unincorporated east County and the cities of Troutdale, Fairview, Wood Village and Maywood Park. Each local government expends its share of the HOME funds with separate applications and grant awarding processes to non-profit housing sponsors or other housing and services providers. The County's portion of the HOME award for the 2006-7 fiscal year is \$165,739. After subtracting set-asides for the operating support of Community Housing Development Organizations and program administration, the amount available for program allocation is \$131,628. As the County portion of the HOME funds is so small and the administrative compliance burden heavy, the DSCP has ceded to the City of Portland the responsibility for complying with the federal rules concerning fund reservation, project commitment and timely expenditure. The County is involved in determining how the HOME monies are allocated. The City of Portland is the lead agency and fiscal agent for the overall management and reporting required by HUD.

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

The Consortium's total administrative cost for HOME program management projected for the 2006-7 fiscal year is \$292,156. The administrative fee paid to the City of Portland by Gresham and Multnomah County is calculated to be approximately \$35,000. This administrative fee will be apportioned between Gresham and Multnomah County according to the population contribution factor. This administrative fee is paid with HOME funds; no general fund support is required.

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

None anticipated.

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

The five-year Consolidated Plan and yearly Action Plans have been exhaustively reviewed in public meetings before the joint Housing and Community Development Commission. The Consolidated Plan was also adopted in a public meeting before the Board of Commissioners. The annual award of HOME funds controlled by the County is made in public meetings before the Board of Commissioners.

Please feel free to contact Carol Cade or HC Tupper from the Department of School and Community Partnerships should you wish to discuss this material.

---

**Required Signatures**

---

**Department/  
Agency Director:**

*Shlenzo T. Poe Jr.*

**Date:** 06/05/06

**Budget Analyst:**

**Date:**

**Department HR:**

**Date:**

**Countywide HR:**

**Date:**

# **PORTLAND HOME CONSORTIUM COOPERATION AGREEMENT**

Program Years 2007, 2008, 2009

This Agreement is entered into between the City of Portland, Oregon, the City of Gresham, Oregon, and Multnomah County, Oregon to form a Consortium for the purpose of participating in the HOME Investment Partnership Program of the U.S. Department of Housing and Urban Development.

WHEREAS, the HOME Investment Partnership Program is a Federal grant program to assist local governments with the provision of affordable housing for low and moderate income households; and

WHEREAS, the City of Portland, the City of Gresham and Multnomah County have participated in a Consortium under this program to receive funds which support affordable housing programs throughout the county since 1992; and

WHEREAS, the City of Portland, the City of Gresham and Multnomah County have jointly prepared a HUD-approved Consolidated Plan for fiscal years 2005-2010 to guide the utilization of HOME funds, and

WHEREAS, the City of Portland, the City of Gresham and Multnomah County wish to continue to participate in a HOME Program Consortium beginning July 1, 2006);

WHEREAS, the City of Portland, the City of Gresham and Multnomah County are on the same program year for CDBG, HOME, ESG, and HOPWA programs with annual start dates of July 1.

NOW, THEREFORE, the Consortium members agree as follows:

## **I DEFINITIONS**

- A. "HOME Program" means the HOME Investment Partnership Program authorized by the Title II of the Cranston-Gonzalez National Affordable Housing Act, as amended (42 USC 12701 et seq.).
- B. "Member" means a unit of local government that is a signatory to this Agreement and therefore a member of the Portland HOME Consortium.
- C. "Portland HOME Consortium" means the particular Consortium operating under the HOME Program consisting of the City of Portland, the City of Gresham and Multnomah County.
- D. "Representative Member" means the unit of local government designated by the Portland

HOME Consortium to act in a representative capacity for all members for the purposes of this Agreement. The City of Portland shall serve as the Representative Member and be authorized to amend the Agreement and add new members on behalf of the entire Portland HOME Consortium. Portland will consult with existing members before making changes to this Agreement.

- E. "IDIS" means the Integrated Disbursement and Information System, HUD's on-line systems for draws and reporting for the HOME Program, or any system that HUD may implement in its place.

## **II FUNDING**

- A. HUD will determine the amount of HOME funding to be awarded to the Consortium based upon a formula that considers the eligible population within the jurisdictional boundaries of all Consortium members. Therefore, each member's participation in the Portland HOME Consortium contributes to the amount of federal funds awarded to the Consortium. Each member is entitled to plan for the expenditure of funds in an amount equal to their pro-rata share of the HOME grant award, to be determined during each fiscal year of this agreement as follows.
  - 1. The amount of funding attributable to each member will be calculated by applying to the yearly Consortium funding amount the relative percentage of persons living below the federal poverty line in each of the member jurisdictions as determined by the most recent data from the American Community Survey or Federal Census, whichever is more recent.
  - 2. This formula will be applied each year to the amount of the HOME grant award to determine the amount available for each member using the most up-to-date federal poverty data.
- B. Members may choose to collaborate in funding HOME projects or activities or may choose to pursue independent projects or activities.
- C. Each member is responsible for meeting its pro-rata share of the Consortium's obligations to the HOME Program as follows:
  - 1. Community Housing Development Organization (CHDO) Set-Aside: Each member is responsible to meet its pro-rata share of the CHDO Set-Aside obligations under 24 CFR 92.300.
  - 2. Match Obligations: To comply with Matching Contribution Requirements under 24 CFR 92.218-221, each member is responsible for ensuring that required amounts of qualified matching funds are contributed to HOME eligible projects initiated by the member.

- D. Each member is responsible for complying with the Consortium limitations under the HOME Program in a pro-rata share as follows:
1. Administrative Fund Cap and City of Portland Administration fee:
    - a. Each member is limited to budget and expend its pro-rata share of the 10% of total Consortium HOME funds for administration costs pursuant to 24 CFR 92.207. From this amount, Gresham and Multnomah County will pay to the City of Portland an administration fee in the amount of 12% of City of Portland's total administrative cost for operating the HOME Program. The administration fee shall reimburse the City of Portland for costs associated with serving as lead agency and administering the Portland HOME Consortium.
    - b. The administrative fee will be divided between Gresham and Multnomah County in proportion to their share of the non-Portland Consortium allocation.
    - c. For FY 2003-04, the City of Portland's total administrative cost for operating the HOME Program is \$283,647, and the administrative fee to be split between Multnomah County and the City of Gresham shall be \$34,038. The dollar amount of the administrative fee shall never increase by more than the lesser of the following, without the consent of all parties: 5% from the previous year or the percentage increase of the HOME grant from the previous year to the year that the fee is collected.
  2. CHDO Operating Support: Each member is limited to its pro-rata share of the 5% of total Consortium HOME funds which can be made available for CHDO operating support under 24 CFR 92.208.
- E. Each member is responsible for complying with the fund reservation, commitment and expenditure time frames under 24 CFR 92.500(d).
- F. Should any member fail to meet any of the obligations or exceed any of the limitations described above and should such failure jeopardize compliance of the Consortium as a whole, the Representative Member has final control over re-distribution of funds among members in order to insure that all grant requirements are met. The Representative Member shall consult with other members of the Consortium prior to any potential re-distribution of funds under this provision.
- G. Should funds be de-obligated by HUD for any reason, the Representative Member will calculate the impact of de-obligation on each consortium member and make appropriate adjustments to the amount allocated to each member. The reduction in funds to each member will be approximately proportionate to the member's contribution to the cause of the de-obligation, unless members agree otherwise.

### **III ACTIVITIES**

- A. The members agree to cooperate in undertaking housing assistance activities for the HOME Program in compliance with the adopted Consolidated Plan.
- B. The members agree to affirmatively further fair housing in their jurisdictions. Such actions may include planning, education, outreach and enforcement activities.

### **IV ADMINISTRATION**

- A. The City of Portland is designated as the Representative Member of the Portland HOME Consortium and agrees to carry out overall responsibility, with cooperation of all members, for ensuring that the Consortium's HOME Program is carried out in compliance with the requirements of the HOME Program, including requirements for the Consolidated Plan in accordance with HUD regulations in 24 CFR Part 92 and 91, respectively.
- B. As the Representative Member, the City of Portland will incur costs in conjunction with the overall administration of the HOME Program grant. The City of Portland will identify HOME Program administration costs in its annual budget and each member will contribute to these costs in pro-rata share, subject to provisions in Section II, D. 1. above.
- C. Each member agrees to carry out program activities in conformance with 24 CFR Part 92.
- D. Each member agrees to supply to the Representative Member information and records necessary for participation, including but not limited to HOME Program Activity set up and completion information required by IDIS, to maintain records to support HOME Match, CHDO and MBE/WBE reporting, and provide reporting information required by HUD. All documents of the members relating to the HOME Investment Partnership Program are open to inspection by the Representative Member, or its designee, upon request. The Representative Member may, from time-to-time, monitor the members of the Consortium for compliance with this Agreement. The Representative Member agrees to provide reasonable technical assistance to members to promote compliance.
- E. Any member responsible for a finding, which requires repayment to HUD, will bear the impact of such repayment from its pro-rata share of the HOME Program funds.

### **V TERMS OF THE AGREEMENT**

- A. This Agreement shall remain in full force and effect from the date of execution and approval by HUD for the period necessary to carry out all activities funded from the three

program years 2007, 2008, 2009).

B. Members are required to remain in the Consortium and cannot terminate this Agreement or withdraw from the Consortium during the full term of this Agreement per CPD Notice 00-05 (dated April 5, 2000).

C. At the

Agreed to this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

**CITY OF PORTLAND**

**MULTNOMAH COUNTY**

**CITY OF GRESHAM**

\_\_\_\_\_  
**Tom Potter, Mayor**

\_\_\_\_\_  
**Diane Linn, Commission Chair**

\_\_\_\_\_  
**Charles Becker, Mayor**

We hereby find that the terms and provisions of this Agreement are fully authorized under state law by ORS 190.003 et seq. And local law by Portland City Charter §2-105(a)(4), Charter of the City of Gresham, Oregon, Chapter 2 § 5, and Multnomah County Charter, Chapter 2, and that the Agreement provides full legal authority for the Consortium to undertake housing assistance activities for the HOME Program.

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Linda Meng, City Attorney  
City of Portland

\_\_\_\_\_  
Agnes Sowle, County Attorney  
Multnomah County

\_\_\_\_\_  
Susan Bishoff, City Attorney  
City of Gresham



# MULTNOMAH COUNTY CONTRACT APPROVAL FORM (CAF)

Contract #: 4710000037

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

Amendment #: 0

Class I Based on Informal / Intermediate Procurement	Class II Based on Formal Procurement	Class III Intergovernmental Contract (IGA)
<input type="checkbox"/> Personal Services Contracts	<input type="checkbox"/> Personal Services Contracts	<input type="checkbox"/> Expenditure Contract <input type="checkbox"/> Revenue Contract <input type="checkbox"/> Grant Contract <input checked="" type="checkbox"/> Non-Financial Agreement
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	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"/> Revenue Contracts <input type="checkbox"/> Grant Contracts <input type="checkbox"/> Non-Expenditure Contracts	<input type="checkbox"/> INTER-DEPARTMENTAL AGREEMENT (IDA)

Department: School & Community Partnerships Div/Prog: Housing & Public Works Date: June 8, 2006  
 Originator: Carol Cade Phone: 26598 Bldg/Rm: 167/2/200  
 Contact: Sydney Bizzell Roberts Phone: 22701 Bldg/Rm: 167/2/200  
 Description of Contract This is an Agreement to participate in a consortium with the Cities of Portland and Gresham to receive funds from the U.S. Department of Housing and Urban Development (HUD) HOME Investment Partnerships Program to support local and regional affordable housing activities.

RENEWAL: ☒ PREVIOUS CONTRACT #(S): 0310556 EEO CERTIFICATION EXPIRES: \_\_\_\_\_  
 PROCUREMENT: N/A  
 EXEMPTION OR \_\_\_\_\_ ISSUE \_\_\_\_\_ EFFECTIVE \_\_\_\_\_ END \_\_\_\_\_  
 CITATION # \_\_\_\_\_ DATE: \_\_\_\_\_ DATE: \_\_\_\_\_ DATE: \_\_\_\_\_

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

Contractor	City of Portland, Bureau of Housing and Community Development			Remittance Address	
Address	421 SW 6th Avenue, Suite 1100A			(If different)	
City/State	Portland, OR			Payment Schedule / Terms	
Zip Code	97204			<input type="checkbox"/> Lump Sum \$ _____	<input type="checkbox"/> Due on Receipt
Phone	503.823.2393			<input type="checkbox"/> Monthly \$ _____	<input type="checkbox"/> Net 30
Employer ID# or SS#	93.6002236			<input type="checkbox"/> Other \$ _____	<input type="checkbox"/> Other
Contract Effective Date	July 1, 2007	Term Date	June 30, 2010	<input type="checkbox"/> Price Agreement (PA) or Requirements Funding Info:	
Amendment Effect Date		New Term Date			
Original Contract Amount	\$ 0			Original Requirements Amount	\$ 0
Total Amt of Previous Amendments	\$ 0			Requirements Amount Amendment:	\$ 0
Amount of Amendment	\$ 0			Total Amount of Requirements	\$ 0
Total Amount of Agreement	\$ 0			Total Amount of Requirements	\$ 0

## REQUIRED SIGNATURES

Department Manager Lorenzo T. Pire Jr. mls DATE 6/8/06  
 Purchasing Manager \_\_\_\_\_ DATE \_\_\_\_\_  
 County Attorney [Signature] DATE 06.29.06  
 County Chair [Signature] DATE 06.29.06  
 Sheriff \_\_\_\_\_ DATE \_\_\_\_\_  
 Contract Administration \_\_\_\_\_ DATE \_\_\_\_\_

COMMENTS: SAP Vendor # 11993

Exhibit A, Rev. 03/24/06

APPROVED: MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS

AGENDA # C-2 DATE 06.29.06  
DEBORAH L. BOGSTAD, BOARD CLERK

**PORTLAND HOME CONSORTIUM  
COOPERATION AGREEMENT**

Program Years 2007, 2008, 2009

This Agreement is entered into between the City of Portland, Oregon, the City of Gresham, Oregon, and Multnomah County, Oregon to form a Consortium for the purpose of participating in the HOME Investment Partnership Program of the U.S. Department of Housing and Urban Development.

WHEREAS, the HOME Investment Partnership Program is a Federal grant program to assist local governments with the provision of affordable housing for low and moderate income households; and

WHEREAS, the City of Portland, the City of Gresham and Multnomah County have participated in a Consortium under this program to receive funds which support affordable housing programs throughout the county since 1992; and

WHEREAS, the City of Portland, the City of Gresham and Multnomah County have jointly prepared a HUD-approved Consolidated Plan for fiscal years 2005-2010 to guide the utilization of HOME funds, and

WHEREAS, the City of Portland, the City of Gresham and Multnomah County wish to continue to participate in a HOME Program Consortium beginning July 1, 2007;

WHEREAS, the City of Portland, the City of Gresham and Multnomah County are on the same program year for CDBG, HOME, ESG, and HOPWA programs with annual start dates of July 1.

NOW, THEREFORE, the Consortium members agree as follows:

**I     DEFINITIONS**

- A. "HOME Program" means the HOME Investment Partnership Program authorized by the Title II of the Cranston-Gonzalez National Affordable Housing Act, as amended (42 USC 12701 et seq.).
- B. "Member" means a unit of local government that is a signatory to this Agreement and therefore a member of the Portland HOME Consortium.
- C. "Portland HOME Consortium" means the particular Consortium operating under the HOME Program consisting of the City of Portland, the City of Gresham and Multnomah County.

- D. "Representative Member" means the unit of local government designated by the Portland HOME Consortium to act in a representative capacity for all members for the purposes of this Agreement. The City of Portland shall serve as the Representative Member and be authorized to amend the Agreement and add new members on behalf of the entire Portland HOME Consortium. Portland will consult with existing members before making changes to this Agreement.
- E. "IDIS" means the Integrated Disbursement and Information System, HUD's on-line systems for draws and reporting for the HOME Program, or any system that HUD may implement in its place.

## **II FUNDING**

- A. HUD will determine the amount of HOME funding to be awarded to the Consortium based upon a formula that considers the eligible population within the jurisdictional boundaries of all Consortium members. Therefore, each member's participation in the Portland HOME Consortium contributes to the amount of federal funds awarded to the Consortium. Each member is entitled to plan for the expenditure of funds in an amount equal to their pro-rata share of the HOME grant award, to be determined during each fiscal year of this agreement as follows.
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- C. Each member is responsible for meeting its pro-rata share of the Consortium's obligations to the HOME Program as follows:
  - 1. Community Housing Development Organization (CHDO) Set-Aside: Each member is responsible to meet its pro-rata share of the CHDO Set-Aside obligations under 24 CFR 92.300.
  - 2. Match Obligations: To comply with Matching Contribution Requirements under 24 CFR 92.218-221, each member is responsible for ensuring that required amounts of qualified matching funds are contributed to HOME eligible projects

initiated by the member.

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1. Administrative Fund Cap and City of Portland Administration fee:
    - a. Each member is limited to budget and expend its pro-rata share of the 10% of total Consortium HOME funds for administration costs pursuant to 24 CFR 92.207. From this amount, Gresham and Multnomah County will pay to the City of Portland an administration fee in the amount of 12% of City of Portland's total administrative cost for operating the HOME Program. The administration fee shall reimburse the City of Portland for costs associated with serving as lead agency and administering the Portland HOME Consortium.
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    - c. For FY 2006-07, the City of Portland's total administrative cost for operating the HOME Program is \$292,156, and the administrative fee to be split between Multnomah County and the City of Gresham shall be \$35,059. The dollar amount of the administrative fee shall never increase by more than the lesser of the following, without the consent of all parties: 5% from the previous year or the percentage increase of the HOME grant from the previous year to the year that the fee is collected.
  2. CHDO Operating Support: Each member is limited to its pro-rata share of the 5% of total Consortium HOME funds which can be made available for CHDO operating support under 24 CFR 92.208.
- E. Each member is responsible for complying with the fund reservation, commitment and expenditure time frames under 24 CFR 92.500(d).
- F. Should any member fail to meet any of the obligations or exceed any of the limitations described above and should such failure jeopardize compliance of the Consortium as a whole, the Representative Member has final control over re-distribution of funds among members in order to insure that all grant requirements are met. The Representative Member shall consult with other members of the Consortium prior to any potential re-distribution of funds under this provision.
- G. Should funds be de-obligated by HUD for any reason, the Representative Member will calculate the impact of de-obligation on each consortium member and make appropriate adjustments to the amount allocated to each member. The reduction in funds to each

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### **III ACTIVITIES**

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### **IV ADMINISTRATION**

- A. The City of Portland is designated as the Representative Member of the Portland HOME Consortium and agrees to carry out overall responsibility, with cooperation of all members, for ensuring that the Consortium's HOME Program is carried out in compliance with the requirements of the HOME Program, including requirements for the Consolidated Plan in accordance with HUD regulations in 24 CFR Part 92 and 91, respectively.
- B. As the Representative Member, the City of Portland will incur costs in conjunction with the overall administration of the HOME Program grant. The City of Portland will identify HOME Program administration costs in its annual budget and each member will contribute to these costs in pro-rata share, subject to provisions in Section II, D. 1. above.
- C. Each member agrees to carry out program activities in conformance with 24 CFR Part 92.
- D. Each member agrees to supply to the Representative Member information and records necessary for participation, including but not limited to HOME Program Activity set up and completion information required by IDIS, to maintain records to support HOME Match, CHDO and MBE/WBE reporting, and provide reporting information required by HUD. All documents of the members relating to the HOME Investment Partnership Program are open to inspection by the Representative Member, or its designee, upon request. The Representative Member may, from time-to-time, monitor the members of the Consortium for compliance with this Agreement. The Representative Member agrees to provide reasonable technical assistance to members to promote compliance.
- E. Any member responsible for a finding which requires repayment to HUD will bear the impact of such repayment from its pro-rata share of the HOME Program funds.

### **V TERMS OF THE AGREEMENT**

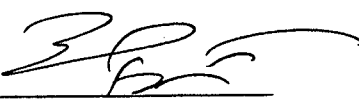
- A. This Agreement shall remain in full force and effect from the date of execution and approval by HUD for the period necessary to carry out all activities funded from the three program years 2007, 2008, 2009.
- B. Members are required to remain in the Consortium and cannot terminate this Agreement or withdraw from the Consortium during the full term of this Agreement per CPD Notice 00-05 (dated April 5, 2000).
- C. At the

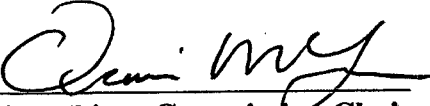
Agreed to this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

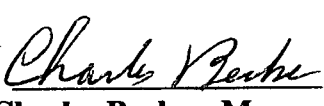
**CITY OF PORTLAND**

**MULTNOMAH COUNTY**

**CITY OF GRESHAM**

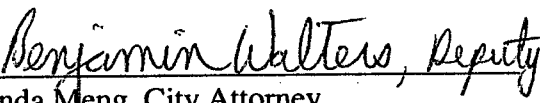
  
Tom Potter, Mayor


  
Diane Linn, Commission Chair

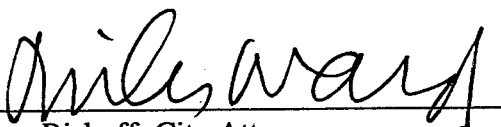
  
Charles Becker, Mayor

We hereby find that the terms and provisions of this Agreement are fully authorized under state law by ORS 190.003 et seq. And local law by Portland City Charter §2-105(a)(4), Charter of the City of Gresham, Oregon, Chapter 2 § 5, and Multnomah County Charter, Chapter 2, and that the Agreement provides full legal authority for the Consortium to undertake housing assistance activities for the HOME Program.

**APPROVED AS TO FORM:**

  
Linda Meng, City Attorney  
City of Portland

  
Agnes Sowle, County Attorney  
Multnomah County

  
Susan Bishoff, City Attorney  
City of Gresham

Multnomah County will correct the  
County Counsel signature line.

**ORDINANCE NO. 180274**

- \* Authorize Consortium Agreement between the City of Portland, the City of Gresham and Multnomah County to participate in the U.S. Department of Housing and Urban Development HOME Investment Partnership Program under Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990 as amended (42 USC 12701 et seq.) (Ordinance)

The City of Portland ordains:

**Section 1. The Council finds:**

1. Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990, as amended (42 USC 12701 et seq.) permits units of local government to form a consortium for the purpose of obtaining funding as a participating jurisdiction under the U.S. Department of Housing and Urban Development (HUD) HOME Investment Partnership Program (HOME Program) for the provision of affordable housing for low and moderate income households.
2. The City of Portland, City of Gresham and Multnomah County have participated in a Consortium under this program to receive funds that support affordable housing activities since 1992.
3. The City of Portland, City of Gresham and Multnomah County have jointly prepared a Five-Year Consolidated Plan and subsequent One-Year Action Plans to guide the utilization of HOME funds.
4. It is appropriate and in the public interest that the Mayor be authorized to enter into a new HOME Consortium Agreement with the City of Gresham and Multnomah County for the three federal fiscal years 2007-2008, 2008-2009 and 2009-2010.
5. The City of Portland, the City of Gresham and Multnomah County must each adopt and sign a Consortium Agreement for the 2006-2009 fiscal years and provide the Agreement to the local HUD field office by June 30, 2006.

**NOW, THEREFORE, the Council directs:**

**Section 1.**

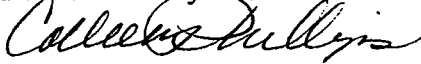
- A. The Mayor is hereby authorized to enter into a new Consortium Agreement with the City of Gresham and Multnomah County as a Consortium under the HOME Program substantially in accordance with the agreement attached as Exhibit A (attached to original ordinance only).

- B. Commissioner of Public Works is hereby authorized to provide such assurances and information to the U.S. Department of Housing and Urban Development as may be required for the orderly management of the HOME Program.

Section 2. So that this Consortium Agreement can be executed in a timely manner, the Council declares that an emergency exists, therefore, this Ordinance shall be in full force and effect from and after its passage by Council.

Passed by the Council, **JUN 28 2006**

Commissioner Erik Sten  
Andrea Matthiessen  
June 7, 2006

**GARY BLACKMER**  
Auditor of the City of Portland  
By   
Deputy





## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

### Board Clerk Use Only

Meeting Date: 06/29/06  
Agenda Item #: C-3  
Est. Start Time: 9:30 AM  
Date Submitted: 05/26/06

**BUDGET MODIFICATION:** -

**Agenda Title:** RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to TYSON L. JONES, MARTHA N. JONES, RICK BOERNER & DONNA BOERNER

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

<b>Date Requested:</b>	June 29, 2006	<b>Time Requested:</b>	Consent Item
<b>Department:</b>	Community Services	<b>Division:</b>	Tax Title
<b>Contact(s):</b>	Gary Thomas		
<b>Phone:</b>	503-988-3590	<b>Ext.</b>	22591
<b>Presenter(s):</b>	Gary Thomas		
<b>I/O Address:</b>	503/4/TT		

### General Information

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

The Tax Title Section is requesting the Board to approve the private sale of a tax foreclosed property to TYSON L. JONES & MARTHA N. JONES & RICK BOERNER & DONNA BOERNER.

**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 October 3, 1994. The strip is approximately 12' x 100' and contains approximately 1,200 square feet. It is located between a vacant lot and 7024 N Richards St. To determine the location of the parcel, the County Surveyor marked the property corners. (See Exhibit C) A letter was sent to both adjacent property owners asking if they had an interest in purchasing the subject parcel. Both adjacent owners responded by saying that they had an interest in the strip.

A Sealed Bid Auction was conducted with a minimum price of \$2,500. Both adjacent owners submitted a bid. The high bid was submitted by Jones/Boerner in the amount of \$3,011. This is who we propose to sell the property to.

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. Exhibit C is a photo that shows the location of the property corners.

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 1,200 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 D).

**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

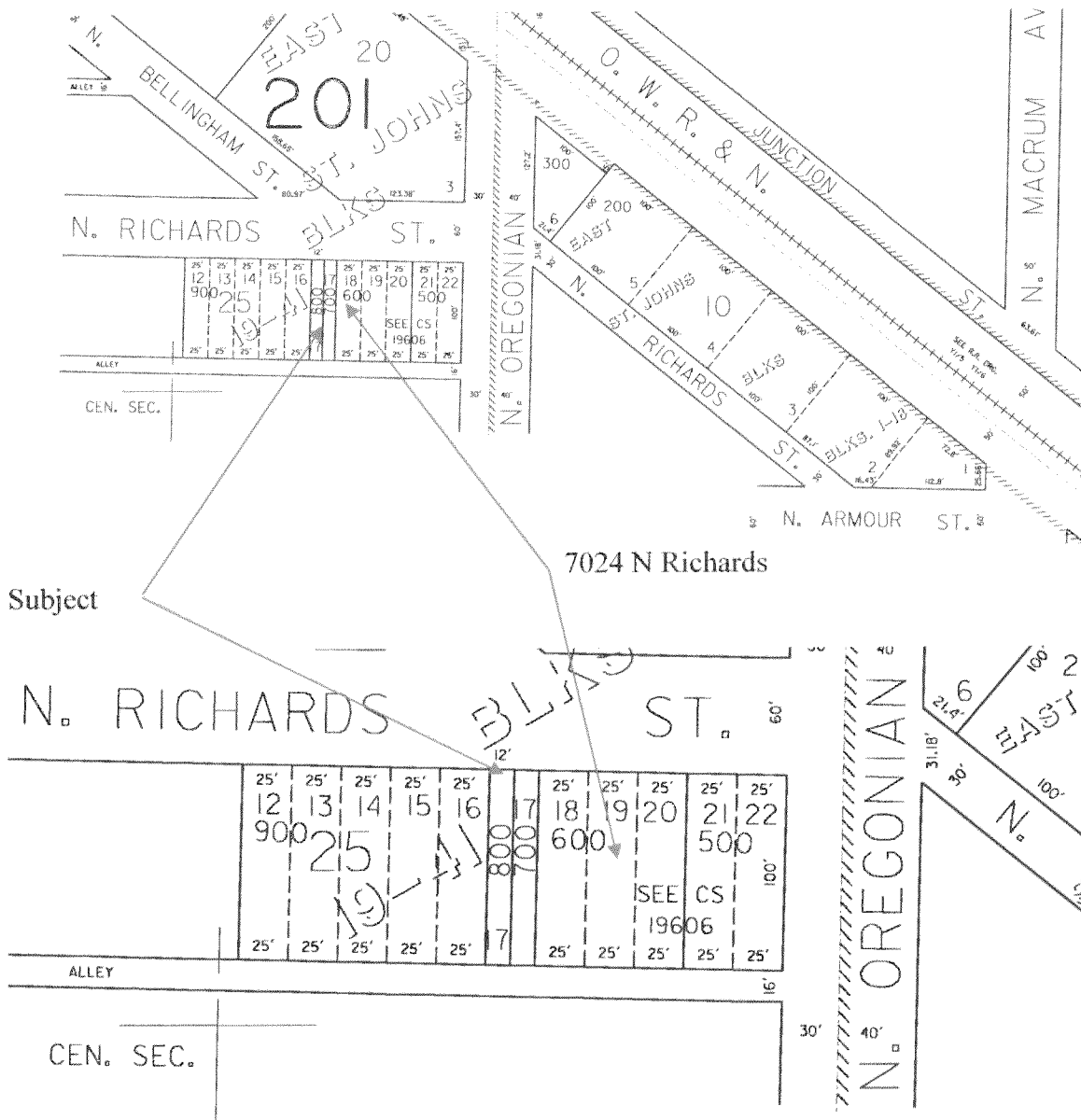


EXHIBIT B



Subject property

7024 N Richards

**EXHIBIT C**



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

**LEGAL DESCRIPTION:**

THE WEST 12 FEET OF LOT 17, BLOCK 25, EAST ST JOHNS

**ADJACENT PROPERTY ADDRESS:** 7024 N Richards ST  
**TAX ACCOUNT NUMBER:** R151277  
**GREENSPACE DESIGNATION:** No designation  
**SIZE OF PARCEL:** Approximately 1,200 square feet  
**ASSESSED VALUE:** \$3,640

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

**BACK TAXES & INTEREST:**

**TAX TITLE MAINTENANCE COST & EXPENSES:**

**RECORDING FEE:**

**SUB-TOTAL**

**MINIMUM PRICE REQUEST OF PRIVATE SALE**

	\$580.22
	1008.49
	\$26.00
	\$1614.71
	\$3,011.00

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## Required Signatures

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**Department/  
Agency Director:**



**Date:** 05/25/06

**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 Tyson L. Jones, Martha N. Jones, Rick Boerner and Donna Boerner

**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 \$3,640 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 1,200 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. A sealed bid auction was conducted and the high bid was submitted by TYSON L. JONES, MARTHA N. JONES, RICK BOERNER & DONNA BOERNER who have agreed to pay \$3,011 for the property. The Board finds this sum 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 \$3,011, the Chair on behalf of Multnomah County, is authorized to execute and deliver a Bargain and Sale deed conveying to TYSON L. JONES, MARTHA N. JONES, RICK BOERNER & DONNA BOERNER the following described real property in Multnomah County, Oregon:

THE WEST 12 FEET OF LOT 17, BLOCK 25, EAST ST JOHNS

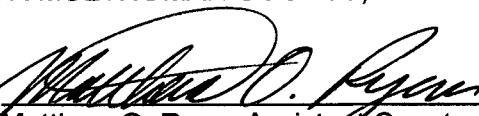
ADOPTED this 29th day of June, 2006.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Matthew O. Ryan, Assistant County Attorney



Until a change is requested, all tax statements  
Shall be sent to the following address:  
TYSON L. JONES & MARTHA N. JONES  
& RICK BOERNER & DONNA BOERNER  
3707 F STREET  
VANCOUVER WA 98663

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

**Bargain and Sale Deed D062077 for R151277**

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to TYSON L. JONES & MARTHA N. JONES & RICK BOERNER & DONNA BOERNER, Grantees, the following described real property in Multnomah County, Oregon:

THE WEST 12 FEET OF LOT 17, BLOCK 25, EAST ST JOHNS

The true consideration for this conveyance is \$3,011.

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 29th day of June 2006, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

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

STATE OF OREGON                    )  
  ) ss  
COUNTY OF MULTNOMAH        )

This Deed was acknowledged before me this 29th day of June 2006, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

\_\_\_\_\_  
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. 06-115**

Authorizing the Private Sale of a Tax Foreclosed Property to Tyson L. Jones, Martha N. Jones, Rick Boerner and Donna Boerner

**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 \$3,640 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 1,200 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. A sealed bid auction was conducted and the high bid was submitted by TYSON L. JONES, MARTHA N. JONES, RICK BOERNER & DONNA BOERNER who have agreed to pay \$3,011 for the property. The Board finds this sum to be a reasonable price for the property in conformity with ORS 275.225.

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

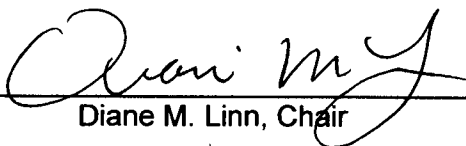
1. Upon Tax Title's receipt of the payment of \$3,011, the Chair on behalf of Multnomah County, is authorized to execute and deliver a Bargain and Sale deed conveying to TYSON L. JONES, MARTHA N. JONES, RICK BOERNER & DONNA BOERNER the following described real property in Multnomah County, Oregon:

THE WEST 12 FEET OF LOT 17, BLOCK 25, EAST ST JOHNS

ADOPTED this 29th day of June, 2006.




BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Matthew O. Ryan, Assistant County Attorney

Until a change is requested, all tax statements  
shall be sent to the following address:  
TYSON L. JONES & MARTHA N. JONES  
& RICK BOERNER & DONNA BOERNER  
3707 F STREET  
VANCOUVER WA 98663

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

**Bargain and Sale Deed D062077 for R151277**

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to TYSON L. JONES & MARTHA N. JONES & RICK BOERNER & DONNA BOERNER, Grantees, the following described real property in Multnomah County, Oregon:

THE WEST 12 FEET OF LOT 17, BLOCK 25, EAST ST JOHNS

The true consideration for this conveyance is \$3,011.

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 29th day of June 2006, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By MS/  
Matthew O. Ryan, Assistant County Attorney

STATE OF OREGON                     )  
  ) ss  
COUNTY OF MULTNOMAH         )

This Deed was acknowledged before me this 29th day of June 2006, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

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

Until a change is requested, all tax statements  
Shall be sent to the following address:  
TYSON L. JONES & MARTHA N. JONES  
& RICK BOERNER & DONNA BOERNER  
3707 F STREET  
VANCOUVER WA 98663

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

**Bargain and Sale Deed D062077 for R151277**

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to TYSON L. JONES & MARTHA N. JONES & RICK BOERNER & DONNA BOERNER, Grantees, the following described real property in Multnomah County, Oregon:

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IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 29th day of June 2006, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

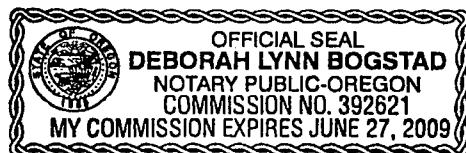
By   
Matthew O. Ryan, Assistant County Attorney

STATE OF OREGON )

COUNTY OF MULTNOMAH )

) ss

This Deed was acknowledged before me this 29th day of June 2006, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.



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

Bargain and Sale Deed D062077 for R151277



## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

### Board Clerk Use Only

Meeting Date: 06/29/06  
Agenda Item #: C-4  
Est. Start Time: 9:30 AM  
Date Submitted: 06/19/06

### BUDGET MODIFICATION:

**Agenda Title:** RESOLUTION Authorizing Private Sale of Certain Tax Foreclosed Property to Ralph N. Clinton, Trustee, Clinton Living Trust

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

<b>Date Requested:</b>	June 29, 2006	<b>Time Requested:</b>	Consent item
<b>Department:</b>	Dept. of Community Services	<b>Division:</b>	Transportation
<b>Contact(s):</b>	Robert Maestre		
<b>Phone:</b>	503-988-5001	<b>Ext.:</b>	I/O Address: 455/224
<b>Presenter(s):</b>	Robert Maestre		

### General Information

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

The County's Tax Title and Transportation Programs seek the County Board's approval of the sale of certain tax foreclosed property (Attached Exhibit A) abutting SE Butler Road in Gresham to the abutting property owners as allowed under ORS 275.225.

#### 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.

A long narrow triangular strip of land approximately 24,177 sq ft was foreclosed for back taxes in the 1990's. In 2004 Transportation sought the parcel from Tax Title believing it would be beneficial for use in widening the directly abutting SE Butler Road, at that time a county road under ORS Chapter 368. In August of 2004 a deed was authorized and recorded in error purporting to "convey" from "Multnomah County Tax Title" to "Multnomah County" the above referenced property. That erroneous deed did not alter or affect the County's already established title to the property, which the County obtained through the tax foreclosure process. Since 2004, however the right-of-way jurisdiction for Butler Road at this location was transferred to the City of Gresham. As there is no longer is any need to use the portion of property for county right-of-way purposes, nor has the City

expressed any desire to use the property for its own transportation needs, the two County programs determined to convey the property to the abutting property owners. This is also necessary because the long narrow strip could create complications with pending development of the abutting properties.

To accomplish the private sale to the abutting property owners, County staff recommends the sale be conducted under ORS 275.225. Additionally, as there are presently four separate lots of record with three separate owners (one of the owners now owns two separate parcels created through the subdivision of its property) that abut the long narrow strip of land, the County developed four new legal descriptions to describe the conveyances to be made to the property owners. Moreover, additional small portions of the long narrow strip will ultimately need to be dedicated to the City of Gresham for road purposes as the new subdivision as created new abutting streets to SE Butler Road.

The parcel under this particular proposed deed is to Ralph Clinton, Trustee, of the Clinton Living Trust.

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

The Transportation Division transferred \$100 for the entire triangular property in 2004 to the Tax Title Fund. However the price of \$1 per parcel is reasonable to avoid any further administrative or legal costs associated with this matter.

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

See discussion at No. 2 above.

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

The City of Gresham through their legal counsel has expressed support for conveying the four portions of the tax foreclosed property back to the abutting land owners. The County will have to work with the City further with respect to the proposed dedications for right-of-way needs discussed in No. 2 above.

## SE Butler Road in Gresham

[illegible]

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**Required Signatures**

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**Department/  
Agency Director:**

*Robert A Maestre*

**Date:** 06/16/06

**Budget Analyst:**

**Date:**

**Department HR:**

**Date:**

**Countywide HR:**

**Date:**



BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

Authorizing Private Sale of Certain Tax Foreclosed Property to Ralph N. Clinton, Trustee,  
Clinton Living Trust.

**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 real property taxes.
- b. The property has an assessed value of substantially less than \$5000 on the County's current tax roll.
- c. Although no written confirmation was obtained from the City of Gresham, the Tax Title Division is confident that the long, narrow shape of the property and its location make it unsuitable for construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.
- d. In consideration for this sale, Mr. Clinton has agreed to pay \$1, 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 \$1.00, the Chair on behalf of Multnomah County, is authorized to execute a quitclaim deed conveying to Schumacher the real property described in the attached Exhibit A.

ADOPTED this 29<sup>th</sup> day of June, 2006

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Matthew O. Ryan, Assistant County Attorney

Exhibit A (Resolution)

Portion of 1S1E20AD 100 Northerly of 1S3E20AD 200 (Clinton Parcel)

A tract of land in the Northeast One-Quarter of Section 20, Township 1 South Range 3 East of the Willamette Meridian, Multnomah County, Oregon and described as follows:

All that part of the Southeast One-quarter of the Northeast One-Quarter of said Section 20 lying Southerly of the centerline of S.E. Butler Road, Road No. 5018 and West of S.E. Rodlun Road, Road No. 1089 and North of the North line of the South One-Half of the Southeast One-quarter of the Northeast One-Quarter of said Section 20.

Excepting therefrom: That portion in S.E. Butler Road, Road. No. 5018

Further excepting therefrom: That portion lying Westerly of the Northerly extension of the East line of the West 20 Acres of:

Government Lot 11 and the South One-Half of the Southeast One-Quarter of the Northeast One-Quarter of said Section 20.

Until a change is requested, all tax statements  
Shall be sent to the following address:  
RALPH N. CLINTON, TRUSTEE,  
CLINTON LIVING TRUST  
2212 SE BUTLER RD  
GRESHAM OR 97080-9409

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

**QUITCLAIM DEED D062081**

Multnomah County, Grantor, releases and quitclaims to RALPH N. CLINTON, TRUSTEE, CLINTON LIVING TRUST, Grantee, all right, title and interest in the real property described in the attached Exhibit A.

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.

The true consideration for this conveyance is \$1.00.

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 29th day of June 2006, by authority of an Order of the Board of County Commissioners heretofore entered of record.

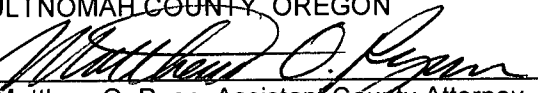
BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
MULTNOMAH COUNTY, OREGON

By   
Matthew O. Ryan, Assistant County Attorney

STATE OF OREGON       )  
                                  ) ss  
COUNTY OF MULTNOMAH)

This Deed was acknowledged before me this 29<sup>th</sup> day of June 2006, by Diane M. Linn, to me personally known as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

---

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

## **EXHIBIT A (DEED)**

### **LEGAL DESCRIPTION:**

Portion of 1S1E20AD 100 Northerly of 1S3E20AD 200 (Clinton Parcel)

A tract of land in the Northeast One-Quarter of Section 20, Township 1 South Range 3 East of the Willamette Meridian, Multnomah County, Oregon and described as follows:

All that part of the Southeast One-quarter of the Northeast One-Quarter of said Section 20 lying Southerly of the centerline of S.E. Butler Road, Road No. 5018 and West of S.E. Rodlun Road, Road No. 1089 and North of the North line of the South One-Half of the Southeast One-quarter of the Northeast One-Quarter of said Section 20.

Excepting therefrom: That portion in S.E. Butler Road, Road. No. 5018

Further excepting therefrom: That portion lying Westerly of the Northerly extension of the East line of the West 20 Acres of:

Government Lot 11 and the South One-Half of the Southeast One-Quarter of the Northeast One-Quarter of said Section 20.

**Multnomah County Deed No.: D062081**

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 06-116**

Authorizing Private Sale of Certain Tax Foreclosed Property to Ralph N. Clinton, Trustee,  
Clinton Living Trust

**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 real property taxes.
- b. The property has an assessed value of substantially less than \$5000 on the County's current tax roll.
- c. Although no written confirmation was obtained from the City of Gresham, the Tax Title Division is confident that the long, narrow shape of the property and its location make it unsuitable for construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.
- d. In consideration for this sale, Mr. Clinton has agreed to pay \$1, 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 \$1.00, the Chair on behalf of Multnomah County, is authorized to execute a quitclaim deed conveying to Schumacher the real property described in the attached Exhibit A.

ADOPTED this 29th day of June, 2006



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON


By   
Matthew O. Ryan, Assistant County Attorney

Exhibit A (Resolution)

Portion of 1S1E20AD 100 Northerly of 1S3E20AD 200 (Clinton Parcel)

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Excepting therefrom: That portion in S.E. Butler Road, Road. No. 5018

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Until a change is requested, all tax statements  
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RALPH N. CLINTON, TRUSTEE,  
CLINTON LIVING TRUST  
2212 SE BUTLER RD  
GRESHAM OR 97080-9409

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

**QUITCLAIM DEED D062081**

Multnomah County, Grantor, releases and quitclaims to RALPH N. CLINTON, TRUSTEE, CLINTON LIVING TRUST, Grantee, all right, title and interest in the real property described in the attached Exhibit A.

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The true consideration for this conveyance is \$1.00.

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 29th day of June 2006, by authority of an Order of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

2

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Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
MULTNOMAH COUNTY, OREGON

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

STATE OF OREGON       )  
                                  ) ss  
COUNTY OF MULTNOMAH)

This Deed was acknowledged before me this 29th day of June 2006, by Diane M. Linn, to me personally known as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

---

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

## **EXHIBIT A (DEED)**

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**Multnomah County Deed No.: D062081**



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CLINTON LIVING TRUST  
2212 SE BUTLER RD  
GRESHAM OR 97080-9409

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

**QUITCLAIM DEED D062081**

Multnomah County, Grantor, releases and quitclaims to RALPH N. CLINTON, TRUSTEE, CLINTON LIVING TRUST, Grantee, all right, title and interest in the real property described in the attached Exhibit A.

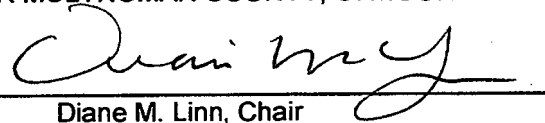
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING 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.

The true consideration for this conveyance is \$1.00.

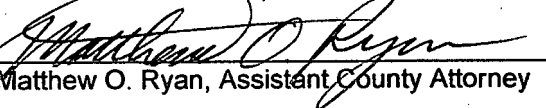
IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 29th day of June 2006, by authority of an Order of the Board of County Commissioners heretofore entered of record.



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

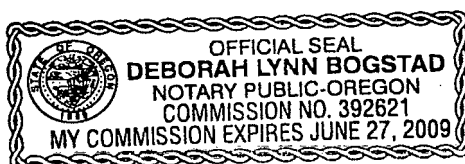
  
Diane M. Linn, Chair

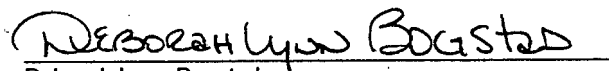
AGNES SOWLE, COUNTY ATTORNEY  
MULTNOMAH COUNTY, OREGON

By   
Matthew O. Ryan, Assistant County Attorney

STATE OF OREGON           )  
  ) ss  
COUNTY OF MULTNOMAH)

This Deed was acknowledged before me this 29th day of June 2006, by Diane M. Linn, to me personally known as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.



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

## **EXHIBIT A (DEED)**

### **LEGAL DESCRIPTION:**

Portion of 1S1E20AD 100 Northerly of 1S3E20AD 200 (Clinton Parcel)

A tract of land in the Northeast One-Quarter of Section 20, Township 1 South Range 3 East of the Willamette Meridian, Multnomah County, Oregon and described as follows:

All that part of the Southeast One-quarter of the Northeast One-Quarter of said Section 20 lying Southerly of the centerline of S.E. Butler Road, Road No. 5018 and West of S.E. Rodlun Road, Road No. 1089 and North of the North line of the South One-Half of the Southeast One-quarter of the Northeast One-Quarter of said Section 20.

Excepting therefrom: That portion in S.E. Butler Road, Road. No. 5018

Further excepting therefrom: That portion lying Westerly of the Northerly extension of the East line of the West 20 Acres of:

Government Lot 11 and the South One-Half of the Southeast One-Quarter of the Northeast One-Quarter of said Section 20.

**Multnomah County Deed No.: D062081**



## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

### Board Clerk Use Only

Meeting Date: 06/29/06  
Agenda Item #: C-5  
Est. Start Time: 9:30 AM  
Date Submitted: 06/21/06

### BUDGET MODIFICATION:

**Intergovernmental Revenue Agreement 0506112 with Clackamas County for**  
**Agenda Multnomah County's Health Officer to Provide Public Health and Medical**  
**Title: Consultation Services to Clackamas County on a Temporary Basis**

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

<b>Date Requested:</b>	June 29, 2006	<b>Time Requested:</b>	N/A
<b>Department:</b>	Health Dept.	<b>Division:</b>	
<b>Contact(s):</b>	Gary Oxman / LaRisha Baker x27499		
<b>Phone:</b>	503-988-3674	<b>Ext.</b>	22640
		<b>I/O Address:</b>	160/8
<b>Presenter(s):</b>	Gary Oxman		

### General Information

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

Approval of of revenue IGA for the term July 1, 2006 - June 30, 2007

**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.**

The purpose of this agreement is for Multnomah County's Health Officer to serve as the Health Officer of record and provide public health and medical consultant. Clackamas County is currently without a Health Officer, Multnomah County will provide this service on a temporary basis.

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

Clackamas County will pay Multnomah County \$100 per hour for services provided.

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

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

---

**Required Signatures**

---

**Department/  
Agency Director:**



**Date:** 06/20/06

**Budget Analyst:**

**Date:**

**Department HR:**

**Date:**

**Countywide HR:**

**Date:**

# MULTNOMAH COUNTY CONTRACT APPROVAL FORM (CAF)

Pre-approved Contract Boilerplate (with County Attorney signature) ☒ Attached ☐ Not Attached Contract #: 0506112  
Amendment #:

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 type="checkbox"/> Expenditure Contract
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	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 checked="" 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"/> <b>INTER-DEPARTMENTAL AGREEMENT (IDA)</b>

Department: Health Division/ Program: Regulatory Health Date: 06/20/06  
Originator: Gary Oxman Phone: x22640 Bldg/Room: 160/8  
Contact: LaRisha Baker Phone: x27499 Bldg/Room: 167/2/210

Description of Contract: The purpose of this agreement is for Multnomah County to provide on a temporary basis a Health Officer to provide public health and medical consultation services to Clackamas County

RENEWAL: ☐ PREVIOUS CONTRACT #(S) \_\_\_\_\_ EEO CERTIFICATION EXPIRES \_\_\_\_\_  
PROCUREMENT, EXEMPTION OR CITATION # \_\_\_\_\_ 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	Clackamas County Community Health Division			Remittance address (If different)	Emily Zwetzig, Office Manager
Address	2051 Kaen Road, #367				
City/State	Oregon City, OR.			Payment Schedule / Terms:	
ZIP Code	97045			<input type="checkbox"/> Lump Sum \$ _____	<input type="checkbox"/> Due on Receipt
Phone	503-742-5318			<input type="checkbox"/> Monthly \$ _____	<input type="checkbox"/> Net 30
Employer ID# or SS#				<input type="checkbox"/> Other \$ _____	<input type="checkbox"/> Other
Contract Effective Date	07/01/06	Term Date	06/30/07	<input type="checkbox"/> Price Agreement (PA) or Requirements Funding Info:	
Amendment Effect Date		New Term Date			
Original Contract Amount	\$	Original PA/Requirements Amount	\$	Requirements	
Total Amt of Previous Amendments	\$	Total Amt of Previous Amendments	\$		
Amount of Amendment	\$	Amount of Amendment	\$		
Total Amount of Agreement	\$	Total PA/Requirements Amount	\$	Requirements	

## REQUIRED SIGNATURES:

Department Manager Lillian L. Shirley DATE 06/20/06  
County Attorney Jacqueline A. Weber DATE 06/20/06  
CPCA Manager \_\_\_\_\_ DATE \_\_\_\_\_  
County Chair [Signature] DATE 06/29/06  
Sheriff \_\_\_\_\_ DATE \_\_\_\_\_  
Contract Administration \_\_\_\_\_ DATE \_\_\_\_\_

COMMENTS: \_\_\_\_\_ APPROVED : MULTNOMAH COUNTY BOARD OF COMMISSIONERS

**BAKER LaRisha R**

---

**From:** WEBER Jacquie A  
**Sent:** Tuesday, June 20, 2006 9:49 AM  
**To:** BAKER LaRisha R  
**Subject:** RE: Intergovernmental Agreement for Temporary Health Officer to Clackamas County

LaRisha, this is a 190 agreement, and it may be circulated for signature.

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

**From:** BAKER LaRisha R  
**Sent:** Monday, June 19, 2006 12:13 PM  
**To:** WEBER Jacquie A  
**Subject:** FW: Intergovernmental Agreement for Temporary Health Officer to Clackamas County  
**Importance:** High

*Hi Jacquie,*

*I made a few minor changes to the agreement. Also, this appears to be a 190 agreement, will it need to go before the board?*

*Thanks,*

*LaRisha Baker*

Contract Specialist  
Multnomah County Health Department  
Contracts Unit  
421 SW Oak St., Suite 210  
Portland, OR 97204  
(503) 988-3663 x27499  
(503) 988-4098 Fax  
[larisha.r.baker@co.multnomah.or.us](mailto:larisha.r.baker@co.multnomah.or.us)

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

**From:** OXMAN Gary L  
**Sent:** Friday, June 16, 2006 3:01 PM  
**To:** BAUCOM Deb; BAKER LaRisha R; WEBER Jacquie A  
**Cc:** 'EmilyZwe@co.clackamas.or.us'; LENNON Karolin M; HOLDEN Jill M  
**Subject:** FW: Intergovernmental Agreement for Temporary Health Officer to Clackamas County  
**Importance:** High

Hi, Everyone

Here is the IGA draft I talked with you (or left a message) about. Clackamas wants to get this on their BCC agenda in June. To do this they would ideally have a signed version by Wednesday June 21.

Can you please review and take necessary steps? I told Emily at Clackamas County that LaRisha would be lead on managing this (as of Monday).

Thanks

- Gary

Gary Oxman, MD, MPH  
Multnomah County Health Officer  
426 SW Stark Street, 8th Floor  
Portland, OR 97204  
Tel: (503) 988-3663 X22640  
Mobile: (503) 572-2243  
Gary.L.Oxman@Co.Multnomah.OR.US

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

**From:** OXMAN Gary L  
**Sent:** Friday, June 16, 2006 2:46 PM  
**To:** 'EmilyZwe@co.clackamas.or.us'  
**Subject:** RE: Intergovernmental Agreement for Temporary Health Officer to Clackamas County  
**Importance:** High

Hi, Emily

I reviewed the IGA again (full version this time).. I made some suggested changes in the preamble/purposes. I don't think it changes the essential meaning, but is a bit clearer than the previous draft. Hope these changes don't create a problem.

I have forwarded the IGA to our contracts people and Attorney for review, bearing in mind your goal of getting it signed by Wednesday 6/21.

Thanks

- Gary

Gary Oxman, MD, MPH  
Multnomah County Health Officer  
426 SW Stark Street, 8th Floor  
Portland, OR 97204  
Tel: (503) 988-3663 X22640  
Mobile: (503) 572-2243  
Gary.L.Oxman@Co.Multnomah.OR.US

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

**From:** Zwetzig, Emily [mailto:EmilyZwe@co.clackamas.or.us]  
**Sent:** Friday, June 16, 2006 2:01 PM  
**To:** OXMAN Gary L  
**Cc:** Oakley, Luellen; Forbes, Lucia; Schmelling, Terri  
**Subject:** Intergovernmental Agreement for Temporary Health Officer to Clackamas County  
**Importance:** High

Gary:

Here is the electronic version of the agreement per my voicemail earlier this afternoon.

<<Mult Cty-Health Officer.doc>>

If acceptable, please print out and have this signed first thing next week. I would appreciate it if you would fax the signature page to me at (503) 742-5301.

As I stated in my voicemail, I am not sure what your timeframe will be to get authorization on this. Please call me if you have concerns about getting this back to me by no later than Wednesday morning (6/21/06). This is our deadline for the last Board of County Commissioners meeting in June.

I look forward to talking with you about this should you have any questions or concerns. Thank you in advance for your prompt attention to this agreement.

Sincerely,

Emily M. Zwetzig

Office Manager

Clackamas County Community Health Division

(503) 742-5318

[emilyzwe@co.clackamas.or.us](mailto:emilyzwe@co.clackamas.or.us)

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**INTERGOVERNMENTAL AGREEMENT  
CONTRACT NO. 0506112**

This is an intergovernmental agreement between **Clackamas County, acting by and through its Department of Human Services, Community Health Division (CCCHD)**, and **Multnomah County (COUNTY)**, pursuant to the authority granted in ORS Chapter 190.

**I. PURPOSE:**

The purpose of this agreement is for the COUNTY Health Officer to:

- 1) Serve as the Health Officer of record for CCCHD,
- 2) Provide public health and medical consultation services to CCCHD either directly or through other qualified COUNTY public health physicians.

It is understood the services will be primarily consultation and that these services will be primarily performed offsite. It is further understood that this agreement will be in place during the period of time in which Clackamas, Washington and Multnomah counties pursue the goal of a regional health officer structure, or until an alternative approach to health officer services for CCCHD is developed.

**II. STATEMENT OF WORK**

The parties agree as follows:

1. The term of this agreement shall be from **July 1, 2006** through **June 30, 2007**.
2. COUNTY Health Officer or other designated staff will provide the following on an "as needed" basis:
  - a. Communicable Disease consultation.
  - b. Consultation to the Clackamas County Federal Qualified Health Center (FQHC) Medical Director regarding public health protocols which will be placed under the scope of work of the Medical Director.
  - c. Consultation regarding community health assessment strategies and data collection, mapping of health data and general epidemiological supports.
  - d. Consultation specific to Emergency Preparedness.
  - e. Consultation to assist compliance with applicable Oregon statutes, rules and contractual obligations.
  - f. Consultation to the Public Health managers and administrator regarding program structure, operations and media contacts.
  - g. Consultation to community health staff and/or community medical providers regarding evaluation, monitoring and treatment of tuberculosis.

- h. Provide 24/7 support for urgent communicable disease or unexpected community emergencies requiring immediate public health intervention.

### **III. LIASON RESPONSIBILITY**

Melinda Mowery or designee will act as liaison from CCCHD and Gary Oxman, MD, MPH will act as liaison from COUNTY.

### **IV. TERMS**

CCCHD agrees to pay \$100 per hour for services provided by the COUNTY Health Officer or other designated staff. Payment will be issued on a monthly basis upon receipt of an invoice from Multnomah County detailing the individual doing the work, dates of service and the number of hours expended in support of this agreement. CCCHD will pay appropriate invoices within 15 days of receipt.

Invoice Mailing Address:

Clackamas County Community Health Division  
Business Office  
2051 Kaen Road, #367  
Oregon City, OR. 97045

### **V. TERMINATION**

This agreement may be terminated by mutual consent of both parties at any time, or by either party upon 30 days' written notice.

### **VI. INDEMNIFICATION**

Subject to the conditions and limitations of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300, Clackamas County shall indemnify, defend and hold harmless Multnomah County from and against all liability, loss and costs arising out of or resulting from the acts of Clackamas 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 30.260 through 30.300, Multnomah County shall indemnify, defend and hold harmless Clackamas County from and against all liability, loss and costs arising out of or resulting from the acts of Multnomah County, its officers, employees and agents in the performance of this agreement.

### **VII. 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.

### **VIII. ADHEREHENCE TO LAW**

Each party shall comply with all federal, state, and local laws and ordinances applicable to this agreement

#### **IX. NON-DISCRIMINATION**

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

#### **X. 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.

#### **XI. SUBCONTRACTS AND ASSIGNMENT**

Neither party will subcontract or assign any part of this agreement without the written consent of the other party.

#### **XII. DEBT LIMITATION**

This agreement is expressly subject to the debt limitation of Oregon counties set forth in Article XI, Section 10, of the Oregon Constitution, and is contingent upon funds being appropriated therefor. Any provisions herein that would conflict with law are deemed inoperative to that extent.

#### **XIII. SPECIAL REQUIREMENTS**

Clackamas County and Multnomah County agree to comply with all applicable provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), PL 104-191, 45 CFR Parts 160-164.

#### **XIV. THIS IS THE ENTIRE AGREEMENT**

This agreement consists of fourteen sections and constitutes the entire agreement between the parties. This agreement may be modified or amended only by the written agreement of the parties.

**MULTNOMAH COUNTY, Oregon**

By Lillian M. Shirley  
Lillian M. Shirley  
Title MCHD Director

Date June 20, 2006

**CLACKAMAS COUNTY COMMUNITY  
HEALTH DIVISION, Oregon**

By \_\_\_\_\_  
Gary DiCenzo  
Title DHS Director

Date \_\_\_\_\_

Reviewed:

By: Jacqueline A. Weber  
Jacqueline A. Weber, Assistant County Attorney

Date: 06/20/06

S:\Admin\CONTRACTS\Interagency\Agreements\Expires 6-07\County & Local\Mult Cty-Health Officer.doc

APPROVED : MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # C-5 DATE 06-29-06  
DEBORAH L. BOGSTAD, BOARD CLERK



## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

### Board Clerk Use Only

Meeting Date: 06/29/06  
Agenda Item #: C-6  
Est. Start Time: 9:30 AM  
Date Submitted: 06/21/06

**BUDGET MODIFICATION:** -

**Agenda Title:** Amendment 3 to Intergovernmental Revenue Agreement 0310499 with the City of Wood Village for Law Enforcement Patrols

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

<b>Date Requested:</b>	June 29, 2006	<b>Time Requested:</b>	N/A
<b>Department:</b>	Sheriff's Office	<b>Division:</b>	Enforcement
<b>Contact(s):</b>	Brad Lynch		
<b>Phone:</b>	503-988-4336	<b>Ext.</b>	84336
		<b>I/O Address:</b>	503/350
<b>Presenter(s):</b>	Consent Calendar		

### General Information

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

Approval of the amendment to government contract 0310499.

**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.**

The Sheriff's Office provides patrols within the city limits of Wood Village. Wood Village reimburses the Sheriff's Office for the cost of the patrol deputies. The amendment renews agreement 0310499 for fiscal year 2007.

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

Wood Village will pay MCSO \$291,424.58 for patrol services for fiscal year 2007. The revenue has been anticipated and is included in the 2007 budget.

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

The 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 described above.

---

**Required Signatures**

---

**Department/  
Agency Director:**



**Date:** 06/14/06

**Budget Analyst:**

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

**Department HR:**

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

**Countywide HR:**

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

# MULTNOMAH COUNTY CONTRACT APPROVAL FORM (CAF)

Contract #: 0310499

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

Amendment #: 3

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 type="checkbox"/> Expenditure Contract
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	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 checked="" 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"/> <b>INTER-DEPARTMENTAL AGREEMENT (IDA)</b>

Department: Sheriff's Office

Division/

Program: Enforcement

Date: 06/07/06

Originator: Captain Brett Elliott

Phone: 503-255-3600

Bldg/Room: 313

Contact: Brad Lynch

Phone: 503-988-4336

Bldg/Room: 503/350

Description of Contract: MCSO provides law enforcement patrol services to the city of Wood Village.

RENEWAL: ☐ PREVIOUS CONTRACT #(S) 0111023, 0010303

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 Wood Village			Remittance address	
Address	2055 NE 238 <sup>th</sup> Drive			(If different)	
City/State	Wood Village Oregon			Payment Schedule / Terms:	
ZIP Code	97060			<input type="checkbox"/> Lump Sum \$	<input type="checkbox"/> Due on Receipt
Phone	503-667-6211			<input type="checkbox"/> Monthly \$	<input type="checkbox"/> Net 30
Employer ID# or SS#				<input type="checkbox"/> Other \$	<input type="checkbox"/> Other
Contract Effective Date	07/01/03	Term Date	06/30/06	<input type="checkbox"/> Price Agreement (PA) or Requirements Funding Info:	
Amendment Effect Date	07/01/06	New Term Date	06/30/07		
Original Contract Amount	\$ 220,000.00			Original PA/Requirements Amount	\$
Total Amt of Previous Amendments	\$ 539,418.17			Total Amt of Previous Amendments	\$
Amount of Amendment	\$ 291,424.58			Amount of Amendment	\$
Total Amount of Agreement \$	\$ 1,050,842.75			Total PA/Requirements Amount	\$

## REQUIRED SIGNATURES:

Department Manager

DATE

County Attorney

DATE

PCPA Manager

DATE

County Chair

DATE

Sheriff

DATE

Contract Administration

DATE

COMMENTS:

APPROVED : MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS

**LYNCH Brad B**

---

**From:** WEBER Jacquie A [jacquie.a.weber@co.multnomah.or.us]  
**Sent:** Wednesday, June 07, 2006 11:37 AM  
**To:** LYNCH Brad B  
**Cc:** DUNAWAY Susan M  
**Subject:** RE: IGA Review - Wood Village Patrols

This amendment may be circulated for signature.

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

**From:** LYNCH Brad B  
**Sent:** Wednesday, June 07, 2006 9:14 AM  
**To:** WEBER Jacquie A  
**Cc:** DUNAWAY Susan M  
**Subject:** IGA Review - Wood Village Patrols

Good morning Jacquie. Attached are the CAF, APR, and IGA amendment for patrol services with Wood Village for FY07. I've also attached copies of the original IGA and subsequent amendments for your reference.

Thank you,

<<City of Wood Village CAF 2006-2007.doc>> <<City of Wood Village APR 2006-2007.doc>> <<Wood Village 2006-2007.pdf>> <<Wood Village\_0310499.pdf>> <<Wood Village\_0310499-1.pdf>> <<Wood Village\_0310499-2.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@mcsso.us](mailto:brad.lynch@mcsso.us)  
<http://www.co.multnomah.or.us/sheriff/>

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6/7/2006



**MULTNOMAH COUNTY**  
**INTERGOVERNMENTAL AGREEMENT AMENDMENT**  
(Amendment to Change Contract Provisions during Contract Term)

**CONTRACT NO. 0310499**

This is an amendment to Multnomah County Contract referenced above effective July 1, 2003 between Multnomah County, Oregon, hereinafter referred to as County, and the City of Wood Village, hereinafter referred to as City.

The parties agree:

1. The following changes are made to Contract No. 0310499:

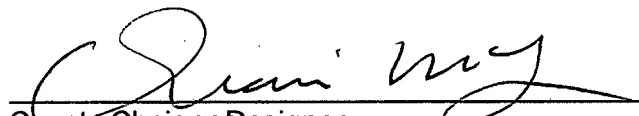
Contract 0310499 shall be extended for an additional period commencing July 1, 2006 and ending June 30, 2007.

Section 2, **City Responsibilities**, Subsection C shall be changed to read:

Upon receipt of quarterly billing, CITY agrees to compensate County for partial costs of delivering the above stated law enforcement services. The remittance for the period of July 1, 2006 until June 30, 2007 shall be \$291,424.58.

2. All other terms and conditions of the contract shall remain the same.

**MULTNOMAH COUNTY, OREGON:**

  
County Chair or Designee

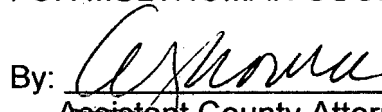
Date: JUNE 29, 2006

Approved: Bernie Givens by TM  
Department Director or Designee

Date: 06-14-06

**Reviewed:**

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY

By:  06.29.06  
Assistant County Attorney Date

APPROVED : MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # C-6 DATE 06.29.06  
DEBORAH L. BOGSTAD, BOARD CLERK

**CITY OF WOOD VILLAGE:**

Signature: 

Name: David M. Fuller  
Please Print

Title: Mayor

Date: May 23rd, 2006

Approved as to form:

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

#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: 0-29-06

SUBJECT: Legit Rail

AGENDA NUMBER OR TOPIC: \_\_\_\_\_

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

NAME: Carolyn Tomei

ADDRESS: 11907 SE 19

CITY/STATE/ZIP: Milwaukee OR 97222

PHONE: DAYS: 503-653-5180 EVES: 659-9116

EMAIL: sup.carolyntomei@state.or.us FAX: \_\_\_\_\_

SPECIFIC ISSUE: Legit Rail

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

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

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

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

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

#2

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

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

MEETING DATE: June 29, 2006

SUBJECT: Southeast Light Rail

AGENDA NUMBER OR TOPIC: \_\_\_\_\_

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

NAME: Carlotta Collette

ADDRESS: 3905 SE Johnson Creek Blvd

CITY/STATE/ZIP: Milwaukie, OR 97222

PHONE: DAYS: 503-653-5771 EVES: \_\_\_\_\_

EMAIL: carlotta.collette@comcast.net FAX: \_\_\_\_\_

SPECIFIC ISSUE: Southeast Portland to

Milwaukie Light Rail should be

WRITTEN TESTIMONY: first.

**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.



## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

### Board Clerk Use Only

Meeting Date: 06/29/06  
Agenda Item #: R-1  
Est. Start Time: 9:30 AM  
Date Submitted: 05/30/06

### BUDGET MODIFICATION:

**Agenda Title:** Update on Multnomah County Sheriff's Office Operations and Policy Issues

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

<b>Date Requested:</b>	June 29, 2006	<b>Time Requested:</b>	5-10 Minutes
<b>Department:</b>	Office of the Sheriff	<b>Division:</b>	Executive Office
<b>Contact(s):</b>	Christine Kirk		
<b>Phone:</b>	503.988.4301	<b>Ext.</b>	84301
<b>I/O Address:</b>	503/350		
<b>Presenter(s):</b>	Christine Kirk, Chief of Staff and MCSO fiscal staff		

### General Information

- What action are you requesting from the Board?**  
Informational briefing only on overtime expenditures to date – July 1, 2005 to May 31, 2006
- Please provide sufficient background information for the Board and the public to understand this issue.**  
The Sheriff has offered to provide regularly scheduled briefings on major policy issues and operational choices to the Board on a regular basis. Topics initially shall include – staffing levels, state budget reductions, law enforcement options, services in the jail, and other topics as requested. This time will also allow the Board an opportunity to ask questions and indicate areas where they would like more information.
- Explain the fiscal impact (current year and ongoing).**
- Explain any legal and/or policy issues involved.**

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

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**Required Signatures**

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**Department/  
Agency Director:**

A handwritten signature in black ink, appearing to read "Bernice Lefko". The signature is written in a cursive style with a large initial "B".

**Date:** 05/30/06

**Budget Analyst:**

**Date:**

**Department HR:**

**Date:**

**Countywide HR:**

**Date:**

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# Update on Overtime, 11 Months Into FY 05/06

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Multnomah County Sheriff's Office  
Presentation to the Board of County  
Commissioners – June 29, 2006

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# BCC Updates on OT –

- Updates occur due to Mid Year Budget Note
  - Earmarking \$710,770 for 114 Jail Beds; and
  - MCSO to decrease FY 06 Overtime (OT) by 1 million from FY 05 spending.
    - The earmarked funds were moved from contingency to MCSO's budget through Board action on June 22, 2006.
- The budget note required regular updates to the Board on OT.

---

# Regular Updates to the BCC

- Also, MCSO has been proactively engaging and offering suggestions for topics to the Board, in effort to increase discussions on MCSO policy and operational issues. MCSO has spoken to the Board 18 times in the last 9 months.
- MCSO will continue to provide updates. A list of topic ideas was presented to the Board on 9/15/05. Examples of ideas were: results of audits and inspections, eSWIS, policing discussions, overtime, and staffing levels. Since then MCSO has asked for suggestions from the Board and brought issues forward. This policy and practice will continue.



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## Current Data and Trends

- When the Midyear budget note was created MCSO was on pace to spend 6.2 million in OT. \$100,000 over FY 05 spending.
  - Past Reports Predicted in Millions:
    - January 5.7
    - February 5.5
    - May 5.3 (when including MCCDA Contract Change projection moves from 5.3 to 5.5 million)
  - Current Projected OT – 5.5 Million
-

# Hitting the Management Target - 5.1 Million

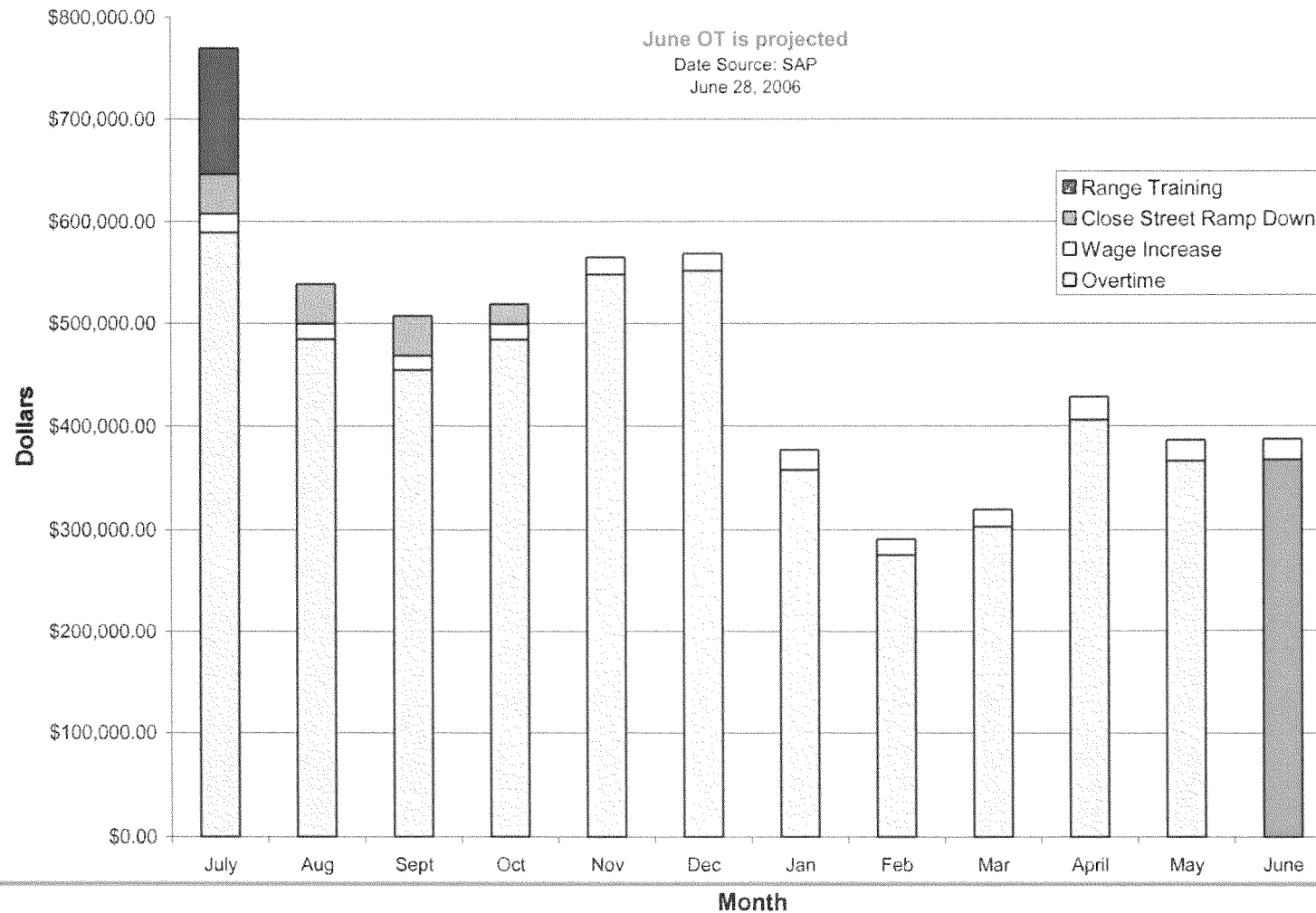
Day to Day Operational Management of Overtime	\$ 5,046,844
Restricted Range Availability – July (Lack of Range - Known Causal Factor)	\$ 122,891
FY 05/06 OT Expected OT Expenditures Based on MCSO Services and Operational Needs	\$ 5,169,735

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# Total Expected Overtime for FY 05/06

FY 05/06 OT Expected OT Expenditures Based on MCSO Services and Operational Needs	\$ 5,169,735
Overtime in Corrections from the Delay in CSS Staff Returning to Posts	\$ 135,893
Increase OT costs from Budgeted - Impact of Retroactive MCCDA Wage Increase	\$ 214,892
Total OT Expenditures, Operations and Unexpected Impacts	\$ 5,520,520

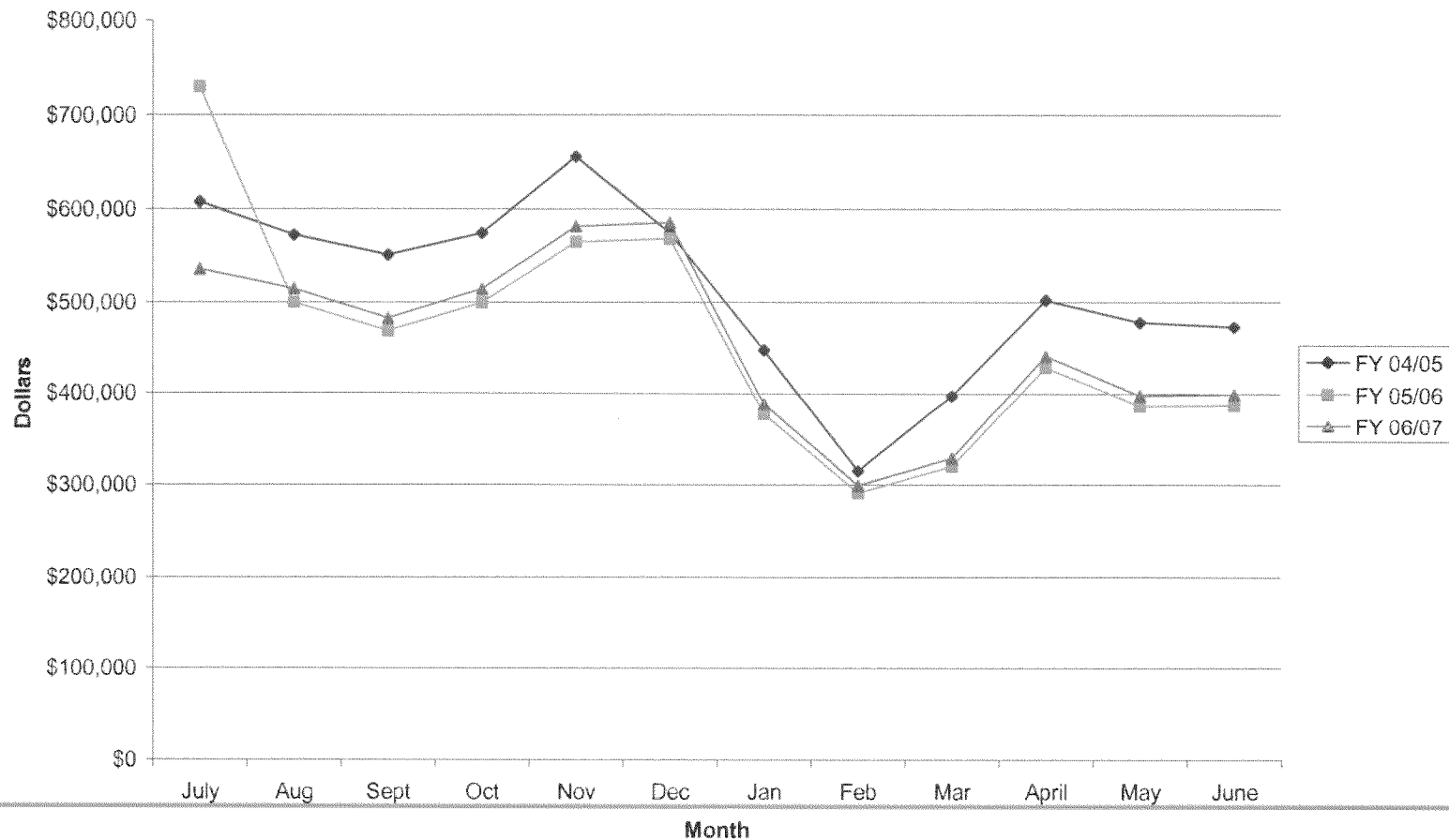
# Monthly OT Expenditures – Management Target and Unexpected OT Impacts



# Overtime FY 04/05, Expected 05/06 and Budgeted for FY 06/07

Comparing OT Spending for FY 05,06 and projected for 07

Data source: SAP  
June 28, 2006



# Causal Factors

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Update from Past Discussions

# Understanding Causal Factors – Training *(Slide from 12/13/05, emphasis added)*

- “UNET” (Uncontrolled Environment Training) June 2004
  - The Course has a 16 hour curriculum.
  - Anyone working in a specialty unit, conducting medical transports, other staff routinely in the community in uniform, must have this training.
  - Training occurred to assure those who are armed are trained and know how to communicate with BOEC. (“800 meg” radios, weapon retention, and Range 2000)
- *Training & Range Qualifications Compensated, Spring 2004*
  - *Due to Worker’s Compensation requirement that employees must be on compensated time to be covered under Worker’s Comp., all training / range qualification time is to be compensated either on-duty, overtime, or comp-time.*
- *Access to the Range Defines Use Times, not When Least Cost*

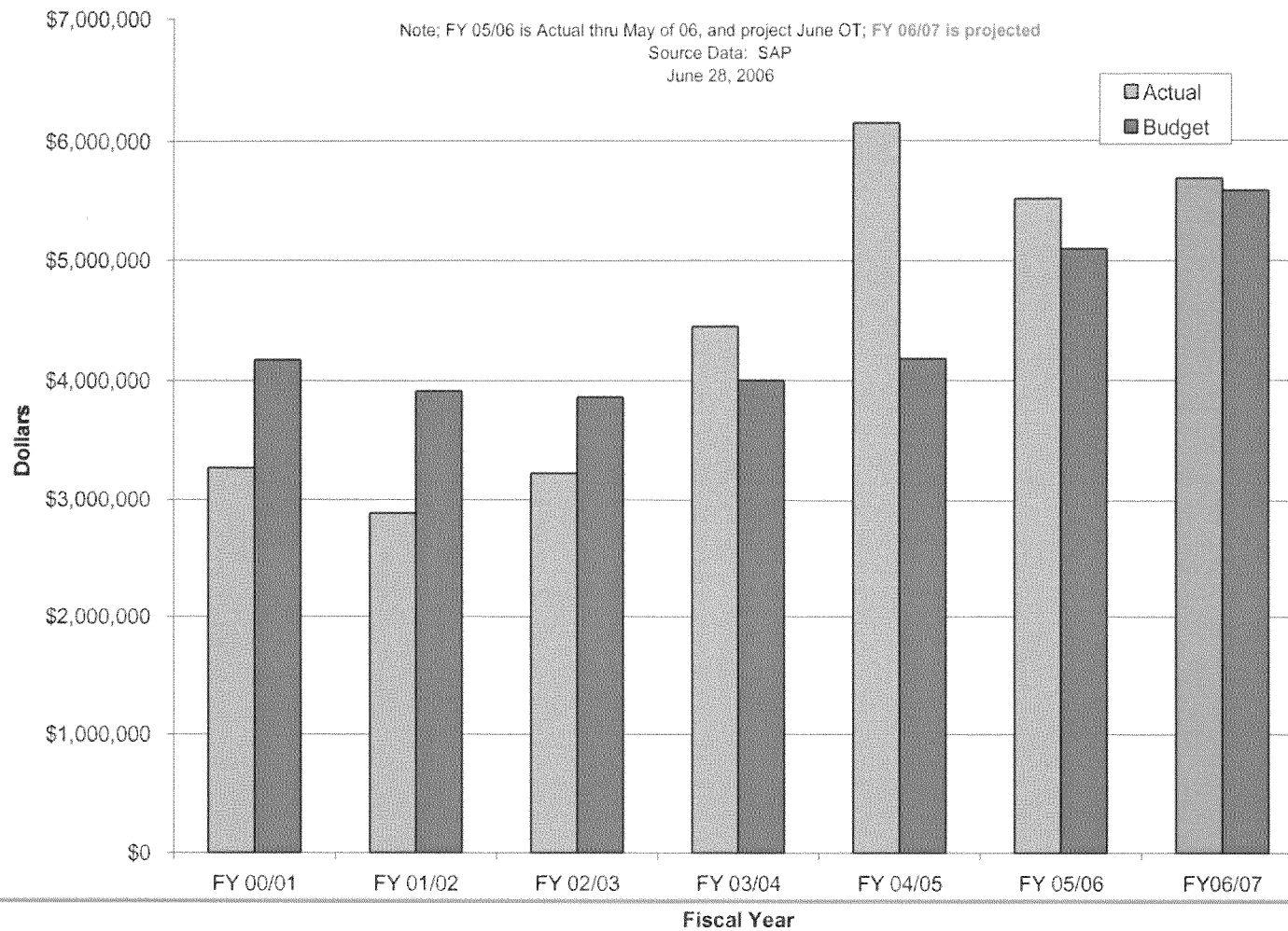
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## Causal Factor – Compensated Training & Range Qualifications and Access to a Range

- The implementation of UNET training created a limited expected impact in overall training costs to bring effected personnel to legal, industry and agency standards.
  - Management directive is for training to be planned during times that will have minimal impact to OT.
  - However, the lack of access to a range, causing the \$122,891 increased overtime expenditure in July 05, remains an issue. If a range time cannot be obtained at a time where MCSO overtime is low, the impact on overtime will be greater than budgeted.
-



# Addressing a Causal Factor – Accuracy in Budgeting



# Causal Factor –

## FMLA/OFLA Policy *(Slide from 12/13/05, emphasis added)*

	<b>FMLA/OFLA Laws</b>	<b>County Policy</b>
<b>1</b>	<b>Must have worked 1250 hours in previous 12 months.</b>	<i>County counts all paid time, not just worked time, allowing more employees to qualify each year.</i>
<b>2</b>	<b>An employee that earns comp time can't be required to use it while on FMLA/OFLA, although they may allow it to be used to stay in paid status.</b>	<i>Comp time earned can be used to pay someone on FMLA/OFLA to keep them in paid status, but can't be counted against the entitlement - gives more than 12 weeks of protected leave.</i>
<b>3</b>	<b>If an employee doesn't return from a FMLA absence, the employer can recover the cost of benefits paid out during the leave (except where a serious illness or disability prevents return).</b>	<b>The County chooses not to recover these costs, leading to people taking paid parental leave with no intention of returning upon exhaustion of FMLA/OFLA leave.</b>

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# Addressing a Causal Factor – FMLA/OFLA

- *“The County should evaluate how policies will affect a 24-hour per day 7 day per week operation like the jails when developing new or revising existing County personnel policies...”* (March 2006 Auditors Report on MCSO Personnel Costs).
- The County is working to Change FMLA Policy in areas which exceeded the law in the areas of time calculation to match the law.
- This will prevent abuses in FMLA/OFLA. However, FMLA/OFLA, and Military Leave are not factored into MCSO staffing, leaving considerable uncontrolled absences. (From 12/13/05 presentation, an impact of \$248,360 in overtime costs per month).

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# Causal Factor — *(Slide from 12/13/05)*

## Examples of Changes in Labor Agreements that Impact OT

- 2001 MCCDA negotiations:
    - County agreed to increase vacation accruals to 500 hours at 20+ years of service.
  - Last negotiated contract of MCCDA in 2004;
    - County increased comp time accruals to 80 hours at any given time; up from 40 hours before
    - This has impacted OT by increasing amount of time during the year that employees are not present.
    - This change was after the current shift relief factor was calculated.
  - COLA agreements and other salary adjustments.
-

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# Addressing a Causal Factor – Prior Labor Agreements

- *“The County should coordinate with the Sheriff and other County executives to establish long-term strategies and goals for future collective bargaining sessions.”* (March 2006 Auditors Report on MCSO Personnel Costs).
- Impact of Comp Time is being further assessed. Importance was highlighted in Auditor March 2006 report.
- County has researched on how Comp Time is represented in other labor agreements.
- Information will be useful for upcoming contract negotiations.
- MCCDA agreed to a change: disallowing sick time to be counted towards hours worked for purposes of earning overtime.
- Improved communication, between BCC and MCSO, on impact of labor negotiations including potential financial impacts

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# Moving Forward — *(Slide from 12/13/05, Auditor's recommendations added)*

- We must work to budget by Costs and Goals.
    - “. . .the Sheriff's Office should work with the Board of County Commissioners to set a performance measure target for overtime as it relates to total personnel costs or hours.” (March 2006 Auditors Report on MCSO Personnel Costs).
  - The past margin between FTE filled and vacancies allowed for flexibility and room for unexpected events or changes. The flexibility is gone.
  - The lack of margin between budgeted and filled FTE demands that we find a way to budget for uncontrolled absences and changes to FTE costs.
-

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# Moving Forward

- To decrease FY 05/06 OT all training was limited and some, such as Corrections in-service, were postponed. This training cannot be further postponed and will occur in FY 06/07. This will require increased scrutiny of overtime in other areas to balance for the increase in costs.
- The purchase of scheduling software will be in the final contract phases with County Contract Administration. This item, will allow MCSO and other County departments, to better manage time in accordance with labor rules. It is a vitally important component of MCSO's efforts to manage personnel costs.
- Continue to allocate Research staff to review OT trends and for this topic to a priority on Command Agendas.
  - *"Commit resources to reviewing and analyzing personnel cost data on a regular basis." "Review staffing, absence and workload data at an aggregate level as well as the individual staff level." (March 2006 Auditors Report on MCSO Personnel Costs).*

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# Moving Forward — *(Slide from 12/13/05, Auditor's recommendations added)*

- Hire on a more regular basis to plan for normal attrition and retirements.
- Work to find the balance of the pendulum between OT and FTE costs.
- Utilize data to better plan for OT and personnel management.
- Bring in outside assistance for shift relief factor.
  - *Prior to proposing any adjustment in staffing levels, the Sheriff's Office should evaluate current staffing levels taking into consideration recent changes and analyze staffing needs.” (March 2006 Auditors Report on MCSO Personnel Costs).*
- Continue Commitment of the Sheriff and the Command team to prioritize managing of the budget towards underspending and use of taxpayer dollars.





## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED: MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-2 DATE 6/29/06  
DEBORAH L. BOGSTAD, BOARD CLERK

### Board Clerk Use Only

Meeting Date: 06/29/06  
Agenda Item #: R-2  
Est. Start Time: 9:36 AM  
Date Submitted: 06/19/06

### BUDGET MODIFICATION: MCSO - 13

**Agenda Title:** Budget Modification MCSO-13 Appropriating \$17,412 in Oregon Department of Transportation Multi-Agency Traffic Team (MATT) Grant Funding

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

<b>Date Requested:</b>	<u>June 29, 2006</u>	<b>Time Requested:</b>	<u>5 Minutes</u>
<b>Department:</b>	<u>Sheriff's Office</u>	<b>Division:</b>	<u>Law Enforcement</u>
<b>Contact(s):</b>	<u>Wanda Yantis, Budget Manager</u>		
<b>Phone:</b>	<u>503-988-4455</u>	<b>Ext.</b>	<u>84455</u>
	<b>I/O Address:</b>		<u>503/350</u>
<b>Presenter(s):</b>	<u>Larry Aab and Wanda Yantis</u>		

### General Information

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

The Sheriff's Office is requesting approval of Budget Modification MCSO-13 to appropriate \$17,412 in Fed/State funds to our Enforcement Division budget awarded thru a grant from the ODOT MATT (Multi-Agency Traffic Team) Grant to provide overtime funding for the Sheriff's Office to participate in partnerships with other law enforcement agencies in order to conduct missions with the primary goal of reducing traffic related fatalities and crashes within Multnomah County.

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

From 1999-2003, 228 people have been killed and \$1,324 have received serious physical injuries in traffic crashes on City Streets, County Roads and State Highways in Multnomah County which puts it in the top five counties in Oregon in terms of people killed and injured. It is the intent of this grant to create multiple enforcement partnerships and high visibility focused enforcement to try to reduce these numbers.

This project will provide enhanced multi-unit/multi-jurisdictional traffic enforcement following the selective traffic enforcement concept to the Multnomah County Sheriff's Office. The Sheriff's Office will provide coordination and oversight of the partnerships and work with partnering agencies to develop at least one monthly enforcement tactical plan in addition to the current MATT effort (if any).

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

This will increase the Enforcement Division's revenue by \$17,412 in the Federal/State Fund. The funds also covers the central indirect for administration of the funds.

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

N/A

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

N/A

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## ATTACHMENT A

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### Budget Modification

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

- What revenue is being changed and why?

This is an increase of revenue of \$17,412 in the Federal/State Fund for The Sheriff's Office Enforcement Division due to the ODOT MATT grant award.

- What budgets are increased/decreased?

-The Enforcement Division will increase their Federal/State budget by \$17,412

-Increase HR Operations by \$114

- Increase Dept Indirect by \$658

-Increase Central Indirect by \$400

-Increase Insurance by \$976

- What do the changes accomplish?

This is an increase of revenue of \$17,412 in the Federal/State Fund for The Sheriff's Office Enforcement Division due to the ODOT MATT grant award.

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

No.

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

All overhead costs are covered.

- 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?

This is one-time-only revenue. When the funding is exhausted, the program ends. This is tied to program offer 60036 MCSO Safe Communities – Eastside in the FY 06 Budget.

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

FY 06

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

Our participation will end once the funding ends.

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## ATTACHMENT B

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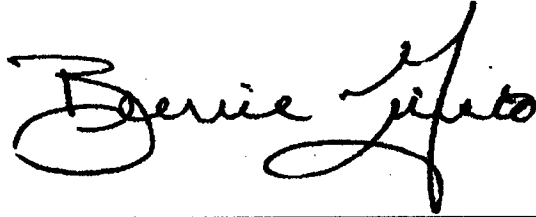
**BUDGET MODIFICATION: MCSO - 13**

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### Required Signatures


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**Department/  
Agency Director:**



**Date:** 06/19/06

**Budget Analyst:**



**Date:** 06/19/06

**Department HR:**

**Date:**

**Countywide HR:**

**Date:**

Budget Modification ID: **MCSO-13****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: 2006

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	60-50	32207				SOENF.ODOT.MATT	50180	0	(17,412)	(17,412)		IG-OP-Direct State
2	60-50	32207				SOENF.ODOT.MATT	60110	0	11,480	11,480		Overtime
3	60-50	32207				SOENF.ODOT.MATT	60130	0	3,785	3,785		Salary-Related
4	60-50	32207				SOENF.ODOT.MATT	60140	0	976	976		Insurance
5	60-50	32207				SOENF.ODOT.MATT	60350	0	400	400		Indirect - Central
6	60-50	32207				SOENF.ODOT.MATT	60355	0	658	658		Indirect - Dept
7	60-50	32207				SOENF.ODOT.MATT	60365	0	114	114		HR Ops
8									0			
9	60-00	1000			604020		50370		(658)	(658)		Inc. Dept Indirect Rev
10	60-00	1000			604020		60240		658	658		Supplies
11									0			
12	72-10	3500			705210		50316		(976)	(976)		Insurance Revenue
13	72-10	3500			705210		60330		976	976		Offsetting Expense
14									0			
15	72-80	3506			712006		50310		(114)	(114)		HR Ops Revenue
16	72-80	3506			712006		60240		114	114		Offsetting Expense
17									0			
18	19	1000			950001000		50310		(400)	(400)		Central Indirect Revenue
19	19	1000			950001000		60470		400	400		Contingency
20									0			
21									0			
22									0			
23									0			
24									0			
25									0			
26									0			
27									0			
28									0			
29									0			
										0	0	Total - Page 1
										0	0	GRAND TOTAL



# Oregon

Theodore R. Kulongoski, Governor

## Department of Transportation

Transportation Safety  
235 Union Street NE  
Salem, OR 97301-1054  
Telephone 503-986-4190  
FAX 503-986-4341

August 15, 2005

FILE CODE:

Attention: Wayne Lofton, Project Director  
Multnomah County Sheriff's Office  
12240 NE Glisan St  
Portland OR 97230

RE: Multnomah County MATT

Project Number: SC-05-35-05 MUL

Congratulations! Your FY 2005 Traffic Safety Project is approved.

Enclosed is the executed project agreement, authorizing you to proceed as of August 15, 2005.

Your Agency Claim for Reimbursement and Quarterly Highway Safety Project Report forms have been customized. Electronic files for these and other grant forms will be emailed to you.

If you have questions regarding the forms, please contact the Grants Assistant at (503) 986-4202. Your project number and name should be referenced in all correspondence to us regarding this project.

Thank you for responding to our grant program and for all the effort required to make this project a reality and a success. Efforts like this will make our highways and byways safer for all Oregonians!

Sincerely,



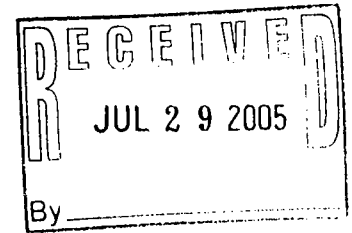
Troy E. Costales, Administrator  
Transportation Safety Division

cc: Grant File  
TSD Project Manager





**OREGON DEPARTMENT OF TRANSPORTATION**  
**Transportation Safety Division**



**GRANT PROJECT APPLICATION**

**Project No:** SC-05-35-05 MUL

**Project Name:** Multnomah County MATT

Answer each question in the boxes provided. Answer each question completely and according to the instructions in *Italics*. All fields are required. Do not attempt to paste images or Excel tables into the text fields provided.

**I. Project Description**

This project will provide enhanced multi-unit/multi-jurisdictional traffic enforcement following the selective traffic enforcement concept to the Multnomah County Sheriff's Office. The Sheriff's Office will provide coordination and oversight of the partnerships and work with partnering agencies to develop at least one monthly enforcement tactical plan in addition to the current MATT effort (if any).

**II. Problem Statement**

- A. Describe the problem(s) this project will try to impact:  
*(Describe the problem(s) you intend to impact with this grant.)*

From 1999-2003, 228 people have been killed and 1,324 have received serious physical injuries in traffic crashes on City Streets, County Roads and State Highways in Multnomah County which puts it in the top five counties in Oregon in terms of people killed and injured. It is the intent of this grant to create multiple enforcement partnerships and high visibility focused enforcement to try to reduce these numbers.

City, County and State police agencies primarily enforce traffic laws on their own roads within their jurisdictional boundaries and do not generally recognize the importance of partnerships with other agencies to enhance each agencies traffic enforcement resources and potential for providing visibility that has a lasting effect on driver behavior.

This can be accomplished by enhancing the driver's perceived risk of a citation on a given roadway with multi-unit enforcement visibility in a consistent, focused, rotating enforcement pattern on different roadways. Multi-Agency teams working in a large scale enforcement effort receive a higher level of attention by the motoring public as well as the media.

- B. Provide summary data about the problem(s):  
(Give summary data regarding the problem as it exists in your jurisdiction.)

Totals for all roads: Fatalities: 228 People / Serious Physical Injury (Injury A): 1324 People.

- C. List current activities and associated agencies already involved in solving the problem(s):  
(Include all related activities and agencies involved. If you have a current project, list the objectives of that project and progress in achieving them.)

Currently, the Multnomah County Sheriff's Office does not have a M.A.T.T. team in place. Of the top 5 counties selected, Multnomah County has at least 50% fewer traffic team members than all other counties in this group. This grant will allow this team and its' respective partner agencies to provide more focus on problem areas by funding additional enforcement through overtime enforcement using other traffic units from partner agencies.

### III. Objectives

(Describe quantifiable products or outcomes that address those problems identified in Section I that should result from the proposed activities. Normally at least three very specific objectives should be given and each should include beginning and ending date.

	Start Date	End Date	Objective
1.	8/01/05	09/30/05	Increase the number of Multi-Agency Traffic Team enforcement details. If none currently exists, develop partnerships and gain commitment and (inter-operability agreements if necessary) from city and state police agencies and officially develop a multi-agency traffic team.
2.	8/01/05	09/30/05	After partnership and commitment development, create an August 05 – September 05 mission plan based on available funding.
3.	8/01/05	09/30/05	Develop reporting forms that each agency can use to report grant overtime activities to the coordinator/project lead. This report will include types of violations cited and specify all arrests made for criminal actions during overtime hours.



4.	8/01/05	09/30/05	Work directly with primary media outlets (Paper, TV) in a combined public information and education about the societal benefits of MATT including the fatal and injury statistics and reducing crime by high visibility focused enforcement. (Agency PIO Discretion).
5.	8/01/05	09/30/05	Provide 15 minutes of video (for the entire project) that shows at least three different MATT details in progress and some of the violations observed. If possible, provide this in a windows media player format so it may be shared with other enforcement partners who may be considering a similar project.
6.	8/01/05	09/30/05	During enforcement project, work toward goal of three enforcement contacts per hour of overtime worked.
7.	8/01/05	09/30/05	N/A

#### IV. Proposed Activities

##### A. Major Activities

*(List major activities to be carried out to achieve objectives stated in Section II above. List the start and end date for each activity, and include in your description **what** will be done, **who** will do it, and **who** will be affected.)*

	<b>Start Date</b>	<b>End Date</b>	<b>Activity</b>
1.	8/01/05	09/30/05	<p>Make contact with potential partners from City, County and State police agencies in the county and encourage partnerships in the MATT Program. Determine which agency has committed to partner in this project. Provided them with TSD Program Managers phone number and have them call and TSD will assist in the grant writing process due to this time limitation.</p> <p>Multnomah County will work directly with partner agencies and bill TSD either monthly or at the conclusion of the grant overtime for reimbursement.</p>
2.	8/01/05	09/30/05	<p>Using total hours of partner agency commitment, develop a MATT mission plan for each month from August 05 through September 05 after local crash data review of high crash locations and specific behavioral issues causing these crashes.</p> <p>Provide the completed schedule and mission plan to TSD prior to starting project.</p>
3.	8/01/05	09/30/05	<p>Provide a monthly detailed after action report of all enforcement activities by violation / crime type (Citations/Warnings, Arrests etc.) for all agencies participating on the team.</p>
4.	8/01/05	09/30/05	<p>Invite media and/or provide necessary media releases on enforcement projects (at agency discretion). Provide copies to TSD with monthly post-enforcement report and invoice.</p>
5.	8/01/05	09/30/05	<p>Provide at least 15 minutes of enforcement video from three different MATT details in a Windows Media Player format for project period.</p>
6.	8/01/05	09/30/05	<p>Work toward goal of three enforcement contacts per hour of overtime worked.</p>

**Plans for sharing the project activities with others:**

This project requires Multi-Jurisdictional partnerships (within the same county) and coordinated / planned enforcement projects.

**B. Coordination**

*(List the groups and agencies with which you will be cooperating to complete the activities of the project. Explain how you will be working together. Include Letters of Commitment in Exhibit C if you will be relying on other agencies to accomplish the objectives of the project. In those projects not requiring the involvement of other agencies, a statement justifying the ability of the applicant to carry out the project independently should be included.)*

Is coordination with outside agencies or groups required? If **yes**, check here: **X**

**1) If you checked the box above, please fill in the following. Otherwise skip to item 2) below:**

Name/role of groups and agencies involved:

This project will involve multiple agencies within the same county. Partner agencies who participated will be listed in the project director's final project evaluation. It will primarily involve members of the Multnomah County Sheriff's Office, Portland Police Bureau, and Gresham Police Department.

**2) Fill this if you did not check the box above:**

Ability to complete the project independently:

--

**C. Continuation**

Plans to continue the project activities after funding ceases:

The purpose of this grant is to develop much needed partnerships across multiple jurisdictions within the same county and /or create opportunities for additional MATT projects (and add additional partners if possible) where a team is already in place. If funding is not available in the future, the intent is that these agencies will see the traffic safety and other benefits of the partnerships and continue these details on a regular basis.

**V. Evaluation Plan**

**A. Evaluation Questions**

*(You will be reporting on your objectives in your Project Evaluation. At a minimum each objective should be rephrased as an evaluation question. For example, what percentage of the public in (funded jurisdiction) wears a safety belt? What percentage increase is this? Add questions that demonstrate expected or potential impact of the project on the state or jurisdiction's traffic safety environment. Avoid yes/no evaluation questions.)*

	<b>Evaluation Question</b>
1.	From 8/01/05 through 9/30/05, how many MATT enforcement details occurred? Provide an excel spreadsheet listing roads/highways worked, total hours on each and provide a final summary of all of the enforcement results.
2.	How many agencies did you partner with? List all agencies that participate and committed to this team effort.  Do you feel that this new partnership (if applicable) will continue after the grant funds are expended? If not, why not?
3.	Which news agencies were involved in media releases and/or Public Information releases? Did any of them ride-along and video tape any MATT details? If so, provide any news footage or articles not previously provided in monthly invoice and statistics report.
4.	Did you obtain at least 15 minutes of video during enforcement projects? If yes, did you provide video in a windows media format?
5.	Overall, were you able to obtain three enforcement contacts per hour of overtime worked (subtract primary Lidar/scribe support hours when calculating this total)?
6.	What benefits did this project have to your County? Please describe any positive or negative feedback on this grant. How could it be done better / different in the future?
7.	None

**B. Data Requirements**

1. Data to be collected: The Data Table presented as Exhibit A will be submitted with required quarterly reports.
2. Data System

Describe how the data will be collected, stored, and tabulated:

Coordinating agency lead will receive reports and tabulate and submit to TSD with invoice for their overtime hours worked on a monthly basis or at the end of the two month enforcement period. TSD will combine all MATT detail statistics in an excel spreadsheet.

C. Evaluation Design

Describe how the data will be analyzed:

TSD will analyze the data and determine if these projects should be continued based on injury and fatal analysis in the selected counties and based on availability of continued funding from NHTSA.

D. Project Evaluation Preparation

A Project Evaluation Report will be submitted to TSD following the requirements given in the Agreements and Assurances, Section B, Paragraph 6.

VI. Grant Project Budget Summary

A. List of major budget items:

Overtime Enforcement for MATT projects.

B. Budget Allotment

The agency named in this document hereby applies for \$20,000 in Transportation Safety funds to be matched with \$5,000.00 in funds from source: Existing regular time efforts in traffic safety enforcement to carry out a traffic safety project described in this document.

VII. Budget and Cost Sharing

**(Complete Form 737-1003 Budget and Cost Sharing. You may attach one page to explain specific requests. If you are applying for a multiple-year grant, you must include a separate budget for each year for which you are requesting funding.)**

VIII. Exhibits

A. Exhibit A: Data Table

*(To be developed at a later date.)*

B. Exhibit B: Job Descriptions

*(Provide copy of job descriptions of all positions assigned to the project 500 hours or more paid with grant funds.)* **N/A -- NOT OVER 500 HOURS**

C. Exhibit D: Conditions of Approval

*(To be developed at a later date.)*

**IX. Agreements and Assurances**

***(READ, but do not sign until grant is approved by TSD and returned to you for signature.  
Do not attach to the grant project application.)***

**X. Approval Signatures**

I have read and understand the Agreements and Assurances stipulating the conditions under which the funds for which are being applied will be available and can be utilized. The agency named in this document is prepared to become a recipient of the funds should the grant funds be awarded.

**A. Agency Information**

Agency Name\*: Multnomah County Sheriff's Office  
Street Address: 12240 N.E. Glisan Street  
City: Portland  
State: Oregon  
Zip: 97080

**C. Project Director**

First Name: Wayne Last Name: Lofton  
Title: Sergeant Email: Wayne.lofton@mcso.us  
Phone: 503-251-2448 Fax: 503-253-2663  
Street Address: 12240 NE Glisan St.  
City: Portland  
State: OR  
Zip: 97230

Signature:  Date: 07-23-05

**D. Authorizing Official of Agency Completing Application**

First Name: Dave Last Name: Rader  
Title: Lieutenant Email: David.rader@mcso.us  
Phone: 503-251-2430 Fax: 503-251-2438  
Street Address: 12240 NE Glisan St.  
City: Portland  
State: Oregon  
Zip: 97230

Signature:  Date: 7/25/05

**\*Non-profit agencies must submit proof of exempt status under Code Sec. 501(c)(3)**

**Mail signed copies to: Oregon Dept. of Transportation  
Transportation Safety Division  
235 Union Street NE  
Salem, OR 97301-1054  
Email completed electronic copy to your TSD Program Manager.**

# ODOT GRANT BUDGET AND COST SHARING

Project No.: SC-05-35-05 MUL  
 Project Name: Multnomah County MATT  
 Agency: \_\_\_\_\_

Project Period: 10/01/04  
 (From) \_\_\_\_\_

09/30/05  
 (To) \_\_\_\_\_

(Office Use Only)

Grant Adjustment #: 0

Grant Adjust. Effective Date: 7/20/2005

Project Yr. (1-2-3, Ongoing): \_\_\_\_\_

This form should include all budget information. If additional information is required for clarity, please include on a separate page referencing appropriate budget item.

## 1. Personnel Costs\*

A. Staff assigned and estimated hours:		Rate	
Proj Dir Administration	8	@ \$ 57.75 /hr =	\$ 462.00
	0	@ \$ - /hr =	\$ -
	0	@ \$ - /hr =	\$ -
	0	@ \$ - /hr =	\$ -
	0	@ \$ - /hr =	\$ -
	0	@ \$ - /hr =	\$ -
<b>Staff Subtotal</b>			<b>\$ 462.00</b>
B.	338	@ \$ 57.75 /hr =	\$ 19,537.98
Overtime	0	@ \$ - /hr =	\$ -
<b>Overtime Subtotal</b>			<b>\$ 19,537.98</b>
C.	136	@ \$ 36.66 /hr =	\$ 5,000.06
Volunteer Time	0	@ \$ - /hr =	\$ -
<b>Volunteer Subtotal</b>			<b>\$ 5,000.06</b>

## 2. Personnel Benefits

A.	\$ -
B.	\$ -
<b>Benefits Total</b>	<b>\$ -</b>

## 3. Equipment

A.	\$ -
B.	\$ -
C.	\$ -
D.	\$ -
<b>Equipment Total</b>	<b>\$ -</b>

## 4. Materials/Printing

A. Reports:	\$ -
B. Brochures:	\$ -
C. Other:	\$ -
<b>Materials Total</b>	<b>\$ -</b>

## 5. Overhead/Indirect Costs\*\* (match only)

A.	\$ -
B.	\$ -
<b>Overhead Total</b>	<b>\$ -</b>

TSD FUNDS	MATCH	TOTAL
\$444	\$0	\$444
\$19,556	\$0	\$19,556
\$0	\$5,000	\$5,000
\$0	\$0	\$0
\$0	\$0	\$0
\$0	\$0	\$0
\$0	\$0	\$0



# ODOT GRANT BUDGET AND COST SHARING

Project Number: Multnomah County MATT

## 6. Other Project Costs

A. Travel In-State	\$ -
B. Travel Out-of-State (specify)***:	
	\$ -
C. Office Expenses (supplies, photocopy, telephone, postage)	\$ -
D. Other Costs (specify):	
1.)	\$ -
2.)	\$ -
3.)	\$ -
4.)	\$ -
5.)	\$ -
	\$ -

## 7. Consultation/Contractual Services \*\*\*

A.	\$ -
B.	\$ -
Consult Total	\$ -

## 8. Mini-Grants \*\*\*

	TSD	Match
A.	\$ -	\$ -
B.	\$ -	\$ -
C.	\$ -	\$ -
D.	\$ -	\$ -
E.	\$ -	\$ -
F.	\$ -	\$ -
G.	\$ -	\$ -
H.	\$ -	\$ -
Subtotals	\$ -	\$ -

**TOTAL**

## COST SHARING BREAKDOWN

1. TSD Funds	\$ 20,000	80%
2. Match: State		
3. Match: Local	\$ 5,000	20%
4. Match: Other (specify)		
a.)		
b.)		
c.)		
5. TOTAL COSTS	\$ 25,000	100%

TSD FUNDS	MATCH	TOTAL
\$0	\$0	\$0
\$0	\$0	\$0
\$0	\$0	\$0
\$0	\$0	\$0
\$0	\$0	\$0
\$0	\$0	\$0
\$0	\$0	\$0
\$0	\$0	\$0
\$0	\$0	\$0
\$20,000	\$5,000	\$25,000

Budget Comments:

\* Job descriptions for all positions assigned to grant for 500 hours or more must be included in Exhibit B.

\*\* Not eligible for TSD funding, but may be used as match. Use no more than 10% of item 1.A., salaries, or use actual indirect costs and provide documentation.

\*\*\* TSD approval required prior to expenditures.

## VIII. AGREEMENTS AND ASSURANCES

The following Agreements and Assurances apply to all grants funded by the Transportation Safety Division (TSD), Oregon Department of Transportation:

### A. General

1. The activity described in this grant is undertaken under the authority of Title 23, United States Code, Sections 154-164 and 402-411, and is subject to the administrative regulations established by OMB Circulars A-21, A-87, A-122, A-128, A-133, 23 CFR Chapter II, 45 CFR Part 74, 48 CFR Part 31, 49 CFR Part 18, Part 19, and the Highway Safety Grant Funding Policy for NHTSA/FHWA Field-Administered Grants.
2. Any federal funds committed shall be subject to the continuation of funds made available to TSD by the National Highway Traffic Safety Administration (NHTSA) and the Federal Highway Administration (FHWA) by statute or administrative action. Projects are funded for the federal fiscal year, which is October 1 through September 30. Typical grants are for one year but may be continued for up to two additional years. Public information and education projects are continued indefinitely.
3. The grantee shall ensure compliance with 49 CFR Part 18.42 which addresses retention and access requirements for grant-related records. The State, the federal grantor agency and the Comptroller General of the United States, or any of their authorized representatives, shall have the right of access to any books, documents, papers or other records of the grantee which are pertinent to the grant. These records must be retained for a period of five years starting on the date the grantee submits its final request for reimbursement for this grant.
4. Any obligation of grant funds extends only to those costs incurred by the grantee after "Authorization to Proceed" for the particular part of the program involving costs.
5. Grant funds shall not be used for activities previously carried out with the grantee's own resources (supplanting).
6. Income earned through services conducted through the project should be used to offset the cost of the project and be included in the Budget and Cost Summary.
7. The grantee shall ensure that all grant-related expenditures are included as a part of entity-wide audits conducted in accordance with the Single Audit Act of 1984 (31 USC 7561-7). The grantee shall provide TSD a copy of all Single Audit Reports covering the time period of the grant award as soon as they become available. Federal funds received have the following Catalog of Federal Domestic Assistance (CFDA) numbers: 20.600, State and Community Highway Safety; 20.601, Alcohol Traffic Safety and Drunk Driving Prevention Incentive Grants; 20.602, Occupant Protection Incentive Grants; 20.603, Highway Safety Data Improvements Incentive Grants; 20.604, Safety Incentive Grants for Use of Seat Belts; and, 20.605, Safety Incentive Grants to Prevent Operation of Motor Vehicles by Intoxicated Persons.
8. The grantee shall reimburse TSD within 30 days for any ineligible or unauthorized expenditures as determined by a state or federal review for which grant funds have been claimed and payment received.
9. In accordance with The Anti-Lobbying Act, 18 U.S.C. § 1913, and The Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21), 49 U.S.C. § 30105:
  - The grantee and its contractors are prohibited from the use of appropriated federal funds, directly or indirectly, to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device intended or designed to influence in any manner members of Congress, a jurisdiction, or an official of any government, to favor, adopt, or oppose, by vote or otherwise, any legislation, law, ratification, policy, or appropriation, whether before or after the introduction of any bill, measure, or resolution proposing such legislation, law, ratification, policy or appropriation.
  - Additionally, these prohibitions apply to any activity specifically designed to urge a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body.
  - The grantee and its contractors must submit disclosure documentation when non-federal funds are used to influence the decisions of federal officials on behalf of specific projects. Signing this Agreement constitutes a certification of compliance with these lobbying restrictions.
10. The grantee, its subcontractors, if any, and all employers working under this agreement are subject employers under the Oregon Workers' Compensation Law and shall comply with ORS 656-017, which requires them to provide workers' compensation coverage for all their subject workers.
11. The grantee shall make purchases of any equipment, materials, or services pursuant to this Agreement under procedures consistent with those outlined in the Oregon Department of Administrative Services Administrative Rules (Oregon Administrative Rules, Chapter 125: and Oregon State Law, ORS Chapter 279).
12. The grantee shall defend, save and hold harmless the State of Oregon, including the Oregon Transportation Commission, the Oregon Transportation Safety Committee, the Department of Transportation, the Transportation Safety Division, and their members, officers, agents, and employees from all claims, suits, or actions of whatever nature arising out of the performance of this Agreement, except for claims arising out of the negligent acts or omissions of the State of Oregon, its employees, or representatives. This provision is subject to the limitations, if applicable, set forth in Article XI, Section

10 of the Oregon Constitution and in the Oregon Tort Claims Act, ORS 30.260 to 30.300.

## **B. Project Director's Responsibilities**

The Project Director is responsible for fulfilling this Agreement and establishing and maintaining procedures that will ensure the effective administration of the project objectives. The Project Director shall:

1. Establish or use an accounting system that conforms to generally accepted accounting principles, and ensure that source documents are developed which will reliably account for the funds expended.
2. Maintain copies of job descriptions and resumes of persons hired for all project-related positions which are funded at 0.25 FTE or more.
3. Maintain records showing actual hours utilized in project-related activity by all grant-funded personnel and by all other staff personnel or volunteers whose time is used as in-kind match.
4. Complete a Quarterly Highway Safety Project Report, including a Data Table as provided in the Traffic Safety Grant Application Packet. Each report must be signed by the Project Director or the Designated Alternate, and submitted to TSD by the tenth of the month following the close of each calendar quarter for the duration of the grant period. The Designated Alternate is an individual who is given the authority to sign Quarterly Highway Safety Project Reports for the Project Director, in the event he/she is unable to sign due to circumstances beyond his/her control.
5. Submit a Claim for Reimbursement within 35 days of the end of the calendar quarter in which expenses were incurred, using the form provided by TSD as follows:
  - a. Copies of invoices and/or receipts for all specified items must be submitted to TSD upon request with the Claim for Reimbursement;
  - b. claims may be submitted monthly, and must be submitted at least quarterly; and,
  - c. claims must be signed by the Project Director or the Designated Alternate (duplicated signatures will not be accepted).
6. Prepare a Project Directors Final Evaluation Report in accordance with the Evaluation Plan described in the grant document. The report will be no more than ten pages and will include the following elements:
  - a. A summary of the project including problems addressed, objectives, major activities, and accomplishments as they relate to the objectives;
  - b. a summary of the costs of the project including amount paid by TSD, funded agency, other agencies, and private sources. The amount of volunteer time should be identified;
  - c. discussion of implementation process so that other agencies implementing similar projects can learn from your experiences; What went as

planned? What didn't work as expected? What important elements made the project successful or not as successful as expected?

- d. responses to Evaluation Questions. List each question and answer (refer to Data Table); and,
- e. completed Data Table.

The Project Director's Final Evaluation Report must be submitted within 35 days following the last day of the grant period.

## **C. Project Revision**

1. Any proposed changes in the project objectives, key project personnel, time period, budget, or mailing address must be requested in writing, and receive approval by TSD. A Grant Adjustment Form will be signed by both TSD and the grantee.
2. Any time extension in the project period must be requested at least six weeks prior to the end of the project period and approved by the federal grantor agency if the end of federal fiscal year is involved.

## **D. Non-Discrimination Assurance**

1. The grantee and its contractors will comply with Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973, as amended, the Americans with Disabilities Act (ADA) of 1990, and as implemented by 49 CFR parts 21 and 27, and with the Executive Order 11246, entitled "Equal Employment Opportunity" as amended by Executive Order 11375 and supplemented by Department of Labor regulations 41 CFR Part 60, and shall ensure that no person shall on the grounds of race, color, creed, sex, national origin or disability be excluded from participation, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity under this project.
2. The grantee and its contractors shall ensure that employment and procurement of goods and services made in connection with the project will be provided without regard to race, color, national origin or handicap.
3. The grantee and its contractors shall take all necessary affirmative steps in accordance with 49 CFR Part 23 to ensure that minority business enterprises and/or business enterprises owned and controlled by women have the maximum opportunity to compete for and to perform contracts.
4. The grantee and its contractors shall ensure that no otherwise qualified handicapped person shall, solely by reason of his/her handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity related to this grant.
5. The grantee shall ensure that any contracts and subcontracts awarded in excess of \$10,000 shall contain a provision requiring compliance with the standards set forth in paragraphs 1 through 4 of this section.

## **E. Contracts and Other Service Agreements**

1. Any contracts or other service agreements that are entered into by the grantee as part of this project shall be reviewed and approved by TSD to determine whether the work to be accomplished is consistent with the objectives of the project, and whether the provisions of paragraphs 2 through 4 of this section are considered.
2. All contracts awarded by the grantee shall include the provision that any subcontracts include all provisions stated in this section or the provision that no subcontracts shall be awarded.
3. The grantee shall ensure that each contractor adhere to applicable requirements established for the grant and that each contract include provisions for the following:
  - a. Administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate;
  - b. mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (PL 94-163);
  - c. access by the grantee, the state, the federal grantor agency, the Comptroller General of the United States, or any of their duly authorized representatives, to any books, documents, papers, and records of the contractor which are directly pertinent to that specific contract, for the purpose of making audit, examination, excerpts, and transcriptions. Grantees shall require contractors to maintain all required records for three years after grantees make final payments and all other pending matters are closed;
  - d. notice of grantor agency requirements and regulations pertaining to reporting, requirements and regulations pertaining to patent rights with respect to any discovery or invention which arises or is developed in the course of or under such contract, and requirements and regulations pertaining to copyrights and rights in data; and,
  - e. requirements given in Section A. 9-12.
4. Where applicable, contracts shall include the following provisions:
  - a. Termination for cause and for convenience by the grantee including the manner by which it will be effected and the basis for the settlement (Contracts in excess of \$10,000);
  - b. Compliance with Executive Order 11246 of September 24, 1965 entitled "Equal Employment Opportunity," as amended by Executive Order 11375 of October 13, 1967 and supplemented in Dept. of Labor regulations (41 CFR Part 60) (Contracts in excess of \$10,000);
  - c. Compliance with sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 USC 327-330) as supplemented by Dept. of Labor regulations (29 CFR Part 5) (Contracts in excess of \$2,500);

- d. Bidders, proposers, and applicants must certify that neither they nor their principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in this transaction by any federal agency or department (Contracts in excess of \$25,000).

## **F. Travel**

1. The grantee shall keep a record of all significant travel. In-state trips outside the grantee's jurisdiction should be summarized on Quarterly Highway Safety Project Reports.
2. All out-of-state travel must be pre-approved by TSD. To receive authorization, the trip must be detailed on the project budget or requested in a grant adjustment. Reports on out-of-state trips shall be summarized on Quarterly Highway Safety Program Report.
3. Reimbursement will only be authorized for travel of persons employed by the grantee in project-related activities unless prior written approval is granted by TSD.

## **G. Development of Printed or Production Materials**

1. The grantee shall provide TSD with draft copies of all materials developed using grant funds. TSD may suggest revisions and must approve production.
2. All brochures; course, workshop and conference announcements; and other materials that are developed and/or printed using grant funds shall include a statement crediting TSD and federal participation.
3. Materials produced through this project shall be provided to TSD for its use and distribution and may not be sold for profit by either the grantee or any other party.

## **H. Equipment Purchased with Grant Funds**

1. A Residual Value Agreement shall be completed and submitted to TSD if grant funds are used in whole or in part to acquire any single item equipment costing \$5,000 or more or at TSD discretion. A copy of the original vendor's invoice indicating quantity, description, manufacturer's identification number and cost of each item will be attached to the signed agreement. All equipment should be identified with a property identification number.
2. All material and equipment purchased shall be produced in the United States in accordance with Section 165 of the Surface Transportation Assistance Act of 1982 (Pub. L. 97-424; 96 Stat. 2097) unless the Secretary of Transportation has determined under Section 165 that it is appropriate to waive this agreement.
3. Material and equipment shall be used in the program or activity for which it was acquired as long as needed, whether or not the project continues to be supported by grant funds. Ownership of equipment acquired with grant funds shall be vested with the

grantee. Costs incurred for maintenance, repairs, updating, or support of such equipment shall be borne by the grantee.

3. If any material or equipment ceases to be used in project activities, the grantee agrees to promptly notify TSD. In such event, TSD may direct the grantee to transfer, return, keep, or otherwise dispose of the equipment.

#### **I. Debarment**

The grantee, in accepting this Agreement, certifies that the agency or its officials are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in this transaction by any state or federal agency or department.

#### **J. Termination**

1. TSD may terminate this Agreement for convenience in whole or in part whenever:
  - a. The requisite state and/or federal funding becomes unavailable through failure of appropriation or otherwise; or,
  - b. The requisite local funding to continue this project becomes unavailable to grantee; or,
  - c. Both parties agree that continuation of the project would not produce results commensurate with the further expenditure of funds.
2. TSD may, by written notice to grantee, terminate this Agreement for any of the following reasons:
  - a. The grantee takes any action pertaining to this Agreement without the approval of TSD and which under the provisions of this agreement would have required the approval of TSD; or,
  - b. The commencement, prosecution, or timely completion of the project by grantee is, for any reason, rendered improbable, impossible, or illegal; or,
  - c. The grantee is in default under any provision of this Agreement.

#### **K. Conditions of Project Approval**

Actions taken by the Oregon Transportation Safety Committee, if any, regarding conditions under which this project is approved are given in the Conditions of Approval. The grantee agrees to follow these conditions in implementing the project.

#### **L. Contract Provisions and Signatures**

It is understood and agreed that the grantee shall comply with all federal, state, and local laws, regulations, or ordinances applicable to this agreement and that this Agreement is contingent upon grantee complying with such requirements.

This Agreement shall be executed by those officials authorized to execute this Agreement on the grantee's behalf. In the event grantee's governing body delegates signature of the Agreement, grantee shall attach to this Agreement a copy of the motion or resolution which authorizes said officials to execute this Agreement, and shall also certify its authenticity.

## Agreements and Assurances

**Project Director:**

Wayne Lofton, Sgt.

Wayne Lofton  
Signature

08-06-05  
Date

**Designated Alternate:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Authorizing Government Official:**

David Radar, Lt.

David Radar  
Signature

8/8/05  
Date

TO BE COMPLETED BY TSD

Project No.: SC-05-35-05 MUL

Title: Multnomah County MATT

OTC approval date: August 19, 2004

Total project cost: \$25,000

TSD grant funds: \$20,000

All matching funds: \$5,000

Matching source(s): Straight Time Traffic Team

Authority to approve modifications to this agreement is delegated to the Transportation Safety Division grant manager.

[Signature]  
Manager, Transportation Safety Division  
Oregon Department of Transportation

1/14/05  
Date



## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-3 DATE 6-29-06  
DEBORAH L. BOGSTAD, BOARD CLERK

### Board Clerk Use Only

Meeting Date: 06/29/06  
Agenda Item #: R-3  
Est. Start Time: 9:38 AM  
Date Submitted: 06/19/06

### BUDGET MODIFICATION: MCSO - 14

**Agenda Title:** Budget Modification MCSO-14 Appropriating \$13,020 in Oregon State Sheriff's Association Seatbelt Grant Funding

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

Date Requested:	<u>June 29, 2006</u>	Time Requested:	<u>5 Minutes</u>
Department:	<u>Sheriff's Office</u>	Division:	<u>Law Enforcement</u>
Contact(s):	<u>Wanda Yantis, Budget Manager</u>		
Phone:	<u>503-988-4455</u>	Ext.	<u>84455</u>
	I/O Address:		<u>503/350</u>
Presenter(s):	<u>Larry Aab and Wanda Yantis</u>		

### General Information

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

The Sheriff's Office is requesting approval of Budget Modification MCSO-14 to appropriate an additional \$13,020 in Federal State funds to our Enforcement Division budget awarded thru a grant from the OSSA (Oregon State Sheriff's Association) DUII Seatbelt Grant to provide overtime funding for the Sheriff's Office to participate in traffic enforcement to increase compliance with safety belt/child restraint laws. This will increase our Seatbelt Grant funding from \$12,000 to \$25,020.

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

Six percent of all passenger vehicle occupants do not use restraints. Twenty-four percent of all child passengers under age four and sixty-five percent of booster-seat aged children (age four to six) are observed not riding in age-appropriate restraint systems. Only fifty-seven percent of all occupant fatalities in Oregon crashes during 2003 were reportedly restrained.

This grant will provide overtime funding to participate in traffic enforcement to increase compliance

with safety belt/child restraint laws. Concurrent enforcement of speed and DUII will be included. The Sheriff's Office will also participate in three ten-day "Three Flags" enforcement blitzes scheduled at approximately quarterly intervals during the year.

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

This will increase the Enforcement Division's revenue by \$13,020 in the Federal/State Fund. The funds also covers the central indirect for administration of the funds.

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

N/A

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

N/A



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## ATTACHMENT A

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### Budget Modification

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

- What revenue is being changed and why?

This is an increase of revenue of \$13,020 in the Federal/State Funding for The Sheriff's Office Enforcement Division due to the OSSA Seatbelt grant.

- What budgets are increased/decreased?

-The Enforcement Division will increase their Federal/State budget by \$13,020

-Increase HR Operations by \$85

- Increase Dept Indirect by \$492

-Increase Central Indirect by \$299

-Increase Insurance by \$730

- What do the changes accomplish?

This is an increase of revenue of \$13,020 in the Federal/State Funding for The Sheriff's Office Enforcement Division due to the OSSA Seatbelt grant.

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

No.

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

All overhead costs are covered.

- 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?

This is one-time-only revenue. When the funding is exhausted, the program ends. This is tied to program offer 60036 MCSO Safe Communities – Eastside in the FY 06 Budget.

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

FY 06

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

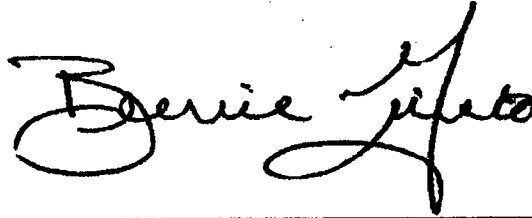
Our participation will end once the funding ends.

## ATTACHMENT B

BUDGET MODIFICATION: MCSO - 14

### Required Signatures

Department/  
Agency Director:



Date: 06/19/06

Budget Analyst:



Date: 06/19/06

Department HR:

Date:

Countywide HR:

Date:

Budget Modification ID: **MCSO-14****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: 2006

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	60-50	23205				SODUI.2	50210	(12,000)	(25,020)	(13,020)		IG-OP-Nongovt'l Prog
2	60-50	23205				SODUI.2	60110	7,910	16,495	8,585		Overtime
3	60-50	23205				SODUI.2	60130	2,679	5,509	2,830		Salary-Related
4	60-50	23205				SODUI.2	60140	691	1,421	730		Insurance
5	60-50	23205				SODUI.2	60350	75	374	299		Indirect - Central
6	60-50	23205				SODUI.2	60355	430	922	492		Indirect - Dept
7	60-50	23205				SODUI.2	60365	215	300	85		HR Ops
8									0			
9	60-00	1000			604020		50370		(492)	(492)		Inc. Dept Indirect Rev
10	60-00	1000			604020		60240		492	492		Supplies
11									0			
12	72-10	3500			705210		50316		(730)	(730)		Insurance Revenue
13	72-10	3500			705210		60330		730	730		Offsetting Expense
14									0			
15	72-80	3506			712006		50310		(85)	(85)		HR Ops Revenue
16	72-80	3506			712006		60240		85	85		Offsetting Expense
17									0			
18	19	1000			950001000		50310		(299)	(299)		Central Indirect Revenue
19	19	1000			950001000		60470		299	299		Contingency
20									0			
21									0			
22									0			
23									0			
24									0			
25									0			
26									0			
27									0			
28									0			
29									0			
										0	0	Total - Page 1
										0	0	GRAND TOTAL

**COPY**

November 17, 2005

Sheriff Bernie A. Giusto  
Multnomah County Sheriff's Office  
501 SE Hawthorne, 3rd Floor  
Portland OR 97214

Dear Sheriff Giusto,

This letter is to serve as confirmation of your agency's participation in the Seat Belt Grant for 2005-2006. Your agency has been awarded an additional \$16,000 bringing your total grant to \$32,150. The funds are to be used prior to September 30, 2006.

As a reminder, the goals and requirements of the Oregon Department of Transportation for this grant are:

- Participate in the 3-Flags workshops.
- Grant money can be spent throughout the year, but each agency must participate in the 3-Flag blitz periods for 2006.
- Complete a blitz survey prior to and following each blitz period (see attached survey forms) and attempt to increase the safety belt usage as measured by these surveys.
- Complete a *Safety Belt Enforcement Program Activity Report*. This must be completed even if there is no activity to report. It is important to note that the enforcement contacts during the blitz period must be separated out from the non-blitz period (see separation on form). Each agency must make at least 2 contacts (citations/warnings) per overtime hour worked.
- Complete a *Safety Belt Overtime Enforcement Program Billing Information sheet*. This must be completed even if there is no activity to report. Matching straight-time enforcement hours must be reported each month.
- Submit all reports to the Oregon State Sheriffs' Association by the 5<sup>th</sup> of each month.

Currently we have, Deputy Todd Brightbill as the individual coordinating this effort and responsible for completing the reporting requirements for your office. If this isn't correct, please let me know so we can communicate with the correct individual. I can be reached at 503-364-4204 or by e-mail: [arcile@oregonsheriffs.org](mailto:arcile@oregonsheriffs.org).

Sincerely,

David K. Burright  
Executive Director

By Arcile Boyes  
Project Coordinator

cc: Deputy Todd Brightbill, Deputy Jeff Cordes,

**OREGON  
SAFETY BELT OVERTIME ENFORCEMENT PROGRAM**

**2006 Schedule of Events**

**2005**

October 1 (Saturday)      **NEW GRANT YEAR STARTS**

**2006**

January 11 – 12 (Wed-Thurs)      **3FLAGS Pre-Blitz Workshop**      **(Eugene)**

February 6 – 19 (Mon-Sun)      **3FLAGS Blitz #1**      **OR, WA, BC**  
*Emphasis: Child Passenger Restraints: Car Seats, Boosters or Belts*

February 12 - 18 (Mon-Sat)      *"Child Passenger Safety Week"*      *Nationwide*

May 1 (week of)      **3FLAGS Pre-Blitz Packets Mailed to Agencies**  
**(In lieu of workshop)**

May 22 – June 4 (Mon-Sun)      **3FLAGS Blitz #2**      **OR, WA, BC**  
*"Click It or Ticket" Mobilization*  
*Emphasis: Safety Belts*      *Nationwide*

May 21 – 28 (Mon-Mon)      *"Buckle Up America Week"*      *Nationwide*

August 23 - 24 (Wed-Thurs)      **3FLAGS Pre-Blitz Workshop**      **(Bend)**

September 11 - 24 (Mon-Sun)      **3FLAGS Blitz #3**      **OR, WA, BC**  
*Emphasis: Belts, Speed & DUII*

*\*Italicized events for information only.*

**Need more info?**

Oregon Three Flags Program, [www.odot.state.or.us/transafety](http://www.odot.state.or.us/transafety)  
ACTS Oregon Child Safety Seat Resource Center, see [www.childsafetyseat.org](http://www.childsafetyseat.org)  
Operation ABC/Buckle Up America/Click It or Ticket materials, see [www.nsc.org/airbag](http://www.nsc.org/airbag) or  
[www.nhtsa.dot.gov/people/injury/airbags/seatbelts](http://www.nhtsa.dot.gov/people/injury/airbags/seatbelts)



## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

### Board Clerk Use Only

Meeting Date: 06/29/06  
Agenda Item #: R-4  
Est. Start Time: 9:40 AM  
Date Submitted: 06/21/06

**BUDGET MODIFICATION:** -

**Agenda Title:** **Pioneer of Precaution Award Presented to Multnomah County**

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

<b>Date Requested:</b>	<u>June 29, 2006</u>	<b>Time Requested:</b>	<u>5 minutes</u>
<b>Department:</b>	<u>Non-Departmental</u>	<b>Division:</b>	<u>Commissioner Maria Rojo</u>
<b>Contact(s):</b>	<u>Matthew Lashua</u>		
<b>Phone:</b>	<u>503 988 6796</u>	<b>Ext.</b>	<u>86796</u>
	<b>I/O Address:</b>	<u>503/6</u>	
<b>Presenter(s):</b>	<u>Commissioner Maria Rojo de Steffey, Molly Chidsey</u>		

### General Information

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

None – Presentation only

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

Multnomah County received a prestigious "Pioneer of Precaution" Award from the Center for Health, Environment & Justice (CHEJ), Environmental Research Foundation (ERF) and Science and Environmental Health Network (SEHN).

The award was presented at the Awards Ceremony at the First National Conference on Precaution. The *Taking Precautionary Action* conference was held June 9th to 11<sup>th</sup>, 2006 at the University of Maryland's School of Nursing in Baltimore, Maryland. Molly Chidsey was in attendance

The successful National Conference on Precaution brought together a diverse community of groups and activists in Baltimore, MD the weekend of June 10th. Participants shared a wealth of precautionary policies, effective tactics and tools, and held great strategy sessions to develop plans

for building the national movement for precaution.

Pioneer of Precaution Awards were presented to 31 national, state and community groups, and leaders of academia, industry, journalism and pioneering activists.

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

N/A

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

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

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**Required Signatures**

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**Department/  
Agency Director:**

*Maria Rios de Steffen*

**Date:** 06/21/06

**Budget Analyst:**

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

**Department HR:**

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

**Countywide HR:**

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



## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

### Board Clerk Use Only

Meeting Date: 06/29/06  
Agenda Item #: R-5  
Est. Start Time: 9:45 AM  
Date Submitted: 06/21/06

### BUDGET MODIFICATION: -

**RESOLUTION Accepting the Portland Children's Investment Fund  
Recommendation to Renew Current Investments in After-School and Mentoring  
Agenda Programs; and Offering Advice and Counsel to the City of Portland Concerning  
Title: the Recommendations**

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

Date Requested: June 27, 2006 Time Requested: 10 minutes  
Department: Non-Departmental Division: District 3  
Contact(s): Terri Naito  
Phone: 503 988-5217 Ext. x84105 I/O Address: 503/6  
Presenter(s): Commissioner Lisa Naito; Lisa Pellegrino, Program Director, Children's Investment Fund

### General Information

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

Approval of Resolution to accept ChIF recommendations and to recommend adoption to Portland City Council.

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

In 2002 the citizens of the City of Portland authorized a five-year property tax levy to fund proven children's programs within the City. The ballot language authorizing the Children's Investment Fund requires that investments be made in early childhood programs, child abuse prevention and intervention programs, and after-school and mentoring programs.

The Children's Investment Fund (CHIF) is requesting that the Multnomah County Board of Commissioners approve the decisions of the Allocation Committee to renew current investments in after-school and mentoring programs in the amounts specified in the attached spread sheet titled "After-School and Mentoring Investments."



All after-school and mentoring programs that received funding from CHIF beginning in July 2004 were eligible to apply for renewal of grant funds for two additional years (FY 2006/2007 and FY 2007/2008). A detailed Performance Assessment that includes a review of each grantee's renewal request is attached as a separate document if additional detail is required. Information describing the renewal process and findings is also attached.

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

No fiscal impact to County.

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

No legal issues involved; supports policies previously set by the Board.

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

This is a multi-jurisdictional effort that has involved community stakeholders. Attached are the guidelines for the Leverage Fund developed by the Children's Investment Fund; and the Memo of Understanding that the Foundation and the Fund intend to enter into.

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**Required Signatures**

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**Department/  
Agency Director:**



**Date:** 06/21/06

**Budget Analyst:**

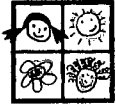
**Date:**

**Department HR:**

**Date:**

**Countywide HR:**

**Date:**



## portland children's investment fund

### **Request for County Board Approval**

The Children's Investment Fund (CHIF) is requesting that the Multnomah County Board of Commissioners approve the decisions of the Allocation Committee to renew current investments in after-school and mentoring programs in the amounts specified in the attached spread sheet titled "After-School and Mentoring Investments."

In the Fall of 2004, the Allocation Committee voted to put \$3,000,000 into a Leverage Fund to spur private investment in the program areas CHIF funds (early childhood, child abuse prevention/intervention and after-school and mentoring programs). Over the past six months, the Allocation Committee has voted to partner with a number of private organizations to invest in a variety of programs for children. CHIF is requesting County Board approval of these investment decisions as set forth in the attached spread sheet titled "Leverage Fund Investments."

### **1. Renewal of After-School and Mentoring Programs**

All after-school and mentoring programs that received funding from CHIF beginning in July 2004 were eligible to apply for renewal of grant funds for two additional years (FY 2006/2007 and FY 2007/2008). The information below describes the renewal process and findings. A detailed Performance Assessment that includes a review of each grantee's renewal request is also attached as a separate document if additional detail is required.

### **Renewal Process**

The following requirements were established for current grantees seeking renewal of funding for after-school and mentoring programs:

1. **Eligibility:** Renewal was available only for current grantees seeking funding for the same or similar activities.
2. **Contract Compliance:** Staff was charged with assessing and reporting grantees' compliance with contract terms including serving the number of children they agreed to serve, providing the program as stated in their scope of services, whether they were able to collect data on outcomes and if so, whether they met outcome targets, and complying with all other contract requirements.
3. **Site Visits:** All grantees were required to host a site visit during which staff conducted an extensive interview to assess program practices and implementation.

Staff also completed program observations for all programs except for the one-on-one mentoring programs.

4. **Financial Assessment:** CHIF retained McDonald Jacobs, the firm that conducts the annual audit of CHIF, to review a quarterly expense report for each grantee to assure that the grantee could produce supporting records for all expenses claimed. A copy of the report is attached to this memorandum for your information.

Grantees were also required to submit an audit. Audits were reviewed using the audit tool designed by McDonald Jacobs to get a sense of the financial status of the organization applying for renewal. Individual results of the tool application to audits are in the Performance Assessment for each grantee.

5. **Renewal Application:** All grantees were required to submit a renewal application that included a program description, proposed program outcomes, program budget and budget narrative and any proposed program changes. Grantees were permitted to request annual funding at the same level as their current year 2 budgets with annual increases of up to 3% (compounded annually) to cover the costs of inflation.

## **Results and Findings**

1. **Contract Compliance:** All grantees are generally complying with contract requirements and delivering the programs they agreed to deliver. Many grantees did not meet service goals in Year 1 of their contracts, primarily due to start-up issues such as hiring and training staff, and recruiting participants to new programs.
2. **Site Visit Assessment:** Staff performed site visits with all 20 grantees during January – March 2006. Site visits were approximately 2.5 to 3 hours long and included interviews with program staff, review of program files and documents, and observations of program activities. CHIF staff assessed program performance using a rubric defining best practice standards of program implementation in five areas:
  - Client Recruitment and Outreach
  - Client Intake/Enrollment
  - Client Files and Client Data
  - Program Effectiveness and Fidelity to Model
  - Program Staffing.

Based on results of site visit, program performance was rated on a scale of poor, satisfactory, or excellent for each of the five areas and programs earned an overall assessment of failing to meet, meeting or exceeding standards. Ten after-school and mentoring programs exceeded program standards in three or more of the

categories listed above, and the remaining ten programs met standards. No programs fail to meet standards.

3. **Submission of Recent Audit:** All grantees submitted audits. Audits were reviewed using the audit tool and individual results are listed under the review of each program. Most organizations are in acceptable financial health. The most common issues of concern raised by the tool were low reserves, high debt to asset ratios, and low operating reliance which measures the ability to pay expenses with program revenue. These concerns are common in the non-profit world where organizational budgets may fluctuate significantly from year to year as grants come and go and public funds are cut.
4. **Renewal Application:** All current grantees submitted renewal applications. Staff reviewed the applications and relevant information regarding the applications is included in the individual program reviews appended to this memorandum. In cases where grantees requested funding above the ceiling established in the Renewal Application, staff has recommended a funding amount that meets this requirement.

## 2. **Leverage Fund Investments**

The Allocation Committee has voted to make five leverage fund investments totaling \$2,145,000 over the last six months. The details of these investments are set forth below and on the accompanying spread sheet.

### **Partnership with Meyer Memorial Trust**

#### **Juvenile Rights Project: School Works Program**

The School Works program provides foster children and children in the juvenile justice system with educational advocacy and social service coordination services to assure that these children are enrolled in school, are regularly attending, and are receiving any special educational services they are entitled to receive with the goal of improving educational outcomes for these children. The program also works to train foster parents and others to better advocate for children, and undertakes one to two system reform projects per year (CHIF funds would be used only for direct services).

Funding from Meyer and CHIF will extend the age range of the population served from 8-15 to 6-18 so that all school aged children would be eligible to receive services. CHIF funds would fund an additional 1.6 FTE for attorneys to advocate for children, and an additional 1.0 for a social worker to assure that health, mental health and disability related needs are also met. The program is modeled on a similar Seattle program that has been positively evaluated, and has moved from private funding to public funding. Initial data on JRP's clients from 2003-2005 demonstrates that the program is successful in assuring children are enrolled and attending school, reducing disciplinary actions, improving academic achievement, reducing moves between schools, and obtaining additional services for children where necessary.

CHIF and Meyer Memorial Trust agreed to each provide grants of \$325,000 over two years to maintain and expand this program.

**Partnership with Meyer Memorial Trust**

**Library Foundation: Community Literacy Strategy**

CHIF and the Meyer Memorial Trust entered into a partnership to fund a community wide literacy strategy proposed by the Library Foundation. Meyer Memorial Trust's \$750,000 challenge grant (3 years) will fund the following:

- o The expansion of Summer Reading, with focused outreach to children at risk for low literacy.
- o The expansion of Books 2 U to additional schools and classrooms.
- o The creation of Every Family Reads, a program focused on encouraging both children and their parents to read. Each year, the program will focus on the work of a single author whose work spans a range of ages. The program will culminate with a visit from the author each year.

CHIF's matching grant of \$750,000 over three years will fund the expansion of the Raising a Reader Program into the City of Portland. The Raising a Reader program is an early literacy strategy that provides children with books to borrow on a weekly basis directly from places they visit everyday: childcare centers, Head Start classrooms and nonprofit community centers. The program also provides educational videos for parents, and mentoring for child care providers to encourage parents to read to their children. This is a national model program that has been shown to increase the time parents read with their children. All program materials (books to borrow and parent videos) are available in multiple languages.

**Partnership with United Way and Maybelle Clark MacDonald Fund**

**Peninsula Children's Center: Expansion of Early Childhood Services**

The United Way and Maybelle Clark MacDonald Fund have agreed to provide a total of \$250,000 for one year to Peninsula Children's Center to expand early childhood services to the low income families they serve. United Way's grant will be renewable for two additional years based on performance. CHIF will provide a total of \$500,000 in funding over three years (assuming ongoing matching funds) to fund this early childhood service expansion.

The program will provide Early Head Start model services to children aged 0-5 including training and coaching for teachers, mental health consultation and services, classroom support, and the Incredible Years parenting education curriculum. Case management services and health screening services would also be provided to assure referral to appropriate support services, and detection of other issues that may impact child development. Services will be delivered toward achieving the following outcomes:

- Disruptive behavior problems in childcare setting and at home are reduced;
- Parenting skills improve;
- Children meet developmental milestones;

- Families increase social supports.

The efficacy of the Early Head Start model that provides center based childcare/preschool along with supportive services for the family is amply supported by research, and CHIF has already invested heavily in this arena.

### **Partnership with the Allen Foundation**

#### **Saturday Academy Expansion**

CHIF and the Allen Foundation agreed to partner with each other to expand the Saturday Academy program to double the number of students served from 5,000 to 10,000 over six years, triple the amount of tuition assistance provided to low-income students to participate in the program, increase the minority participation of both students and instructors, and transition the administrative structure of the program from Portland State University to an independent non-profit. The Allen Foundation and a private donor will together provide a \$250,000 grant focused on organizational capacity building to assist in expanding the instructor base, organizational development, curriculum development and to complete the transition to an independent non-profit. CHIF funds will be used to bring the program to a greater number of low income and minority students.

Saturday Academy provides after-school and out of school time programming focused on in-depth exploration of science, engineering and technology skills using instructors from the professional community, and providing access to cutting edge technology. The program offers the opportunity to develop problem solving and critical thinking skills in small groups under the tutelage of a professional in the field.

The Saturday Academy curriculum has been recognized as national model program and received consistent funding from the National Science Foundation. All evaluation results are based on surveys of participants and their parents and gather data on whether students would recommend the course to a friend (96%), whether they are interested in learning more about the subject area of the class (59%), and whether graduating seniors view the program as influential in their choice of major and/or career (80%). Results on all data points have been positive over time. The evaluation plan for the grant includes a plan to track knowledge increases in addition to these variables.

### **Partnership with Gates Foundation**

#### **SMART Program**

The SMART program provides reading mentors and books to take home to children who are struggling with reading in kindergarten through third grade. CHIF agreed to partner with the Gates Foundation to fund the SMART program at 20 of the highest poverty elementary schools (where participation in the free and reduced price lunch program ranges from 72% to 95%). CHIF and Gates agreed to each provide \$320,000 over two years to fully fund the program at these 20 schools for two years. SMART is a proven mentoring program with longitudinal data showing that children who participate in SMART maintain reading gains throughout their school years.

## Leverage Fund Investments

Grantee Organization and Program Description	Total Grant Amount Approved by Allocation Committee*	Proposed Annual Number Children Served**	Geographic Service Area
<b>Juvenile Rights Project:</b> Educational advocacy and social service coordination to foster children and youth involved in the juvenile justice system (2 yrs)	\$325,000	140	Citywide
<b>Library Foundation:</b> Raising a Reader early literacy program provided at childcare facilities, and Head Start classrooms, and through home visit programs (3 y	\$750,000	2,673	Citywide
<b>Peninsula Children's Center:</b> Early childhood health consultation, case management, and parenting education for low-income children and families (3 yrs)	\$500,000	275	North Portland
<b>Saturday Academy:</b> After-school science, engineering and math enrichment program with a career focus taught by professionals in the field (2 yrs)	\$250,000	435	Citywide
<b>SMART:</b> Reading mentoring program for children in kindergarten through third grades; includes free books for mentees (2 yrs)	\$320,000	880	Citywide
<b>TOTALS</b>	<b>\$2,145,000</b>		
<p>All grants are matched with at least equal amounts of private funds from the following foundations: Meyer Memorial Trust (for Juvenile Rights Project and the Library Foundation Grant); United Way and the Maybelle Clark McDonald Foundation (for the Peninsula Children's Center grant); Paul G. Allen Foundation and private donor (for the Saturday Academy grant); and the Gates Foundation (for the SMART grant).</p> <p>*All approved grant amounts are "not to exceed amounts." Final grant amounts are subject to contract negotiations.</p> <p>** Programs with number of children served listed as x / y indicate intention to serve a general population with a broad service and a smaller group of children with a more intensive service.</p>			

## After-School and Mentoring Investment Renewals

Grantee Organization and Program Description	Grant Amount Approved by Allocation Committee*	Proposed Annual Number Children Served**	Culturally Specific Program and Culturally-specific focus	Geographic Service Area
<b>Big Brothers Big Sisters of Metro Portland:</b> community-based, one-to-one mentoring program	\$340,602	162		N, NE, Outer SE
<b>The Boys and Girls Aid Society:</b> community-based, one-to-one mentoring program serving two middle schools	\$208,329	95		outer SE
<b>Boys and Girls Club:</b> after-school tutoring and recreation services and mental health counseling at Club sites	\$375,299	150 / 45		N, NE, Outer SE
<b>The Bridge Builders:</b> mentoring program for high school students; culturally focused services emphasizing college attendance	\$133,600	100	African American	citywide
<b>Campfire USA:</b> after-school academic, recreation, and service learning program at 2 elementary schools and 1 middle school	\$467,765	175		Outer SE Portland
<b>Ethos Inc.:</b> after-school music education program at five elementary schools for youth in grades 4 - 5	\$209,090	150		N and NE
<b>Friends of the Children:</b> long-term, community-based, one-to-one mentoring program for children grades K -12	\$522,725	280 - 300		
<b>IRCO:</b> after-school program, family orientation services, and parent education at 2 elementary schools and 1 middle school	\$407,545	90 / 50	Recent immigrants and refugees	SE Portland
<b>LifeWorks NW:</b> after-school programs for middle school students at four Portland public housing sites	\$337,435	120 / 24		N, NE, SE, SW
<b>Metropolitan Family Services:</b> one-to-one mentoring program serving seven elementary schools, retirees serve as mentors	\$288,498	240		N, NE, SE
<b>NAYA Family Center:</b> cultural and sports after-school program for youth in grades 4 - 8	\$221,635	115	Native American/Native Alaskan	N, NE
<b>Open Meadow:</b> after-school program for middle school students focused on successful transition to high school	\$449,543	48 / 30		N
<b>Oregon Council for Hispanic Advancement:</b> mentoring program pairing Latino high-schoolers with Latino middle schoolers	\$375,747	140	Latino	N, NE, SE
<b>Oregon Health Career Center:</b> after-school science program at 40 SUN Community Schools	\$146,363	1365		citywide
<b>Portland Impact:</b> school and community-based, one-to-one mentoring program at eight elementary schools	\$215,020	120		NE and SE
<b>Portland Opportunities Industrialization Center:</b> after-school program focused on academics at Ockley Green Middle School	\$226,600	40		N
<b>Portland Public Schools:</b> SUN Community School program serving 3 middle schools	\$564,543	675		SW, NE and SE
<b>Self Enhancement, Inc.:</b> after-school academic and enrichment services for youth grades 4 - 8	\$678,260	150	African American	N, NE Portland
<b>Tears of Joy Theatre:</b> arts-based, after-school program at two elementary schools and one middle school	\$103,000	225 - 275		N, NE Portland
<b>Trillium Family Services:</b> family-to-child mentoring program for children grades K - 3	\$103,000	60		N, NE, SE
<b>TOTALS</b>	<b>\$6,374,599</b>	<b>4500</b>		

\* All approved grant amounts are "not to exceed amounts." Final grant amounts are subject to contract negotiations.

\*\* Programs with number of children served listed as x / y indicate intention to serve a general population with a broad service and a smaller group of children with a more intensive service.



BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

Accepting The Portland Children's Investment Fund Recommendation To Renew Current Investments In After-School And Mentoring Programs; And Offering Advice And Counsel To The City Of Portland Concerning The Recommendations.

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

- a. In 2002 the citizens of the City of Portland authorized a five-year property tax levy to fund proven children's programs within the City.
- b. The City of Portland and Multnomah County entered into an Intergovernmental Agreement to make certain that the funds received from the Levy are allocated in a manner complementary with a coordinated and comprehensive plan, and to ensure accountability and equity throughout the system. As part of the agreement, the City of Portland created the Children's Investment Fund Allocation Committee to provide citizen oversight of the Levy.
- c. Furthermore, the Board of County Commissioners, through its expertise and experience in children's policy and administration, provides the City Council with advice and counsel. In the past the Board has made recommendations regarding allocations for early childhood care and education, for abused and neglected children and for after school and mentoring programs. The Board is now making recommendations to renew current investments in after-school and mentoring programs.

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

1. The Board accepts the attached recommendation and request from the Portland Children's Investment Fund for After School and Mentoring Program Investments.
2. Furthermore, the Board forwards the recommendation, with its own recommendation for adoption, to the Portland City Council for its consideration.

ADOPTED this 29th day of June, 2006.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

REVIEWED:  
AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_

Agnes Sowle, County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 06-117**

Accepting the Portland Children's Investment Fund Recommendation to Renew Current Investments in After-School and Mentoring Programs; and Offering Advice and Counsel to the City of Portland Concerning the Recommendations

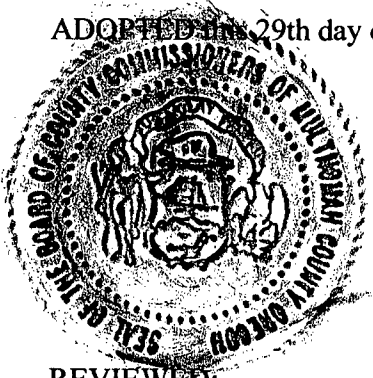
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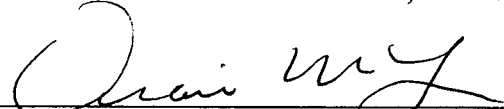
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ADOPTED this 29th day of June, 2006.

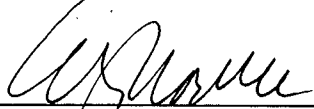


BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
\_\_\_\_\_  
Agnes Sowle, County Attorney

## **After School and Mentoring Program Investments** **Performance Assessments and Renewal Requests by Program**

### **1. Big Brothers Big Sisters: Community Based Mentoring Program**

**Contract Amount:** \$300,000

**Contract Goals:**

***Services:***

- Serve 137 children in year 1 and 162 children in Year 2 with an average of 12 hours per month of mentoring services for one year.

***Outcomes:***

- 70% of mentees will demonstrate improved school attendance or attendance rates of 85 % of school days during the school year.
- 75% of mentees will demonstrate improved classroom behavior as reported on the Program Outcome Evaluation.
- 90% of mentees will demonstrate academic achievement either through improved grades, improved results on yearly assessments, meeting grade level standards in reading and math, or meeting state benchmarks in reading and math.

**Contract Performance:**

- ***Service Numbers:*** Served 130 children in Year 1 and at end of Q2 had 130 children in service. On track to meet service goal in Year 2.
- ***Outcome Goals:*** Data on outcome goals was not made available in terms of outcome targets i.e. the percentage of participants that achieved improvement or a certain status.
- ***Contract Spending:*** Spent 100% in Year 1, and 74% as of Q3 Y2; on track; on track to spend out.

**Site Visit Assessment:** Exceeds most program standards; new database should help grantee aggregate additional information currently in individual files.

**Financial Assessment:**

- Expense reporting spot check: Passed.
- Organizational Audit: Indicators of financial health fall within the parameters set by the audit tool.

**Renewal Request:**

- Proposes to keep service level the same as contracted for Y2 of current contract, 162 children annually;
- Proposes to offer same services to children but to increase training available to mentors to improve retention rate;
- \$340,602 over 2 years.

**Staff Recommendation:** Renew as requested.

## 2. **Boys and Girls Aid Society: Committed Partners for Youth Mentoring Program**

**Contract Amount:** \$200,000

### **Contract Goals:**

#### ***Services:***

- Serve 72 children annually with 6 hours per month of one-on-one, team and group mentoring services.

#### ***Outcomes:***

- 80% of mentees will demonstrate improved school attendance
- 80% of mentees will demonstrate decreased behavior referrals
- 80% of mentees will demonstrate academic achievement either through improved grades, improved results on yearly assessments, meeting grade level standards in reading and math, or meeting state benchmarks in reading and math.

### **Contract Performance:**

- ***Service Numbers:*** Served 56 children in Year 1 and at end of Q2 had 59 children in service. Changed mentor recruitment and training protocols after Year 1 to increase the number of children. Also increased recruitment of high risk mentees with parents involved in the criminal justice system. On track to meet service goal in Year 2.
- ***Outcome Goals:*** Made reasonable progress toward goals. At end of Year 1: 35% improved attendance; 66% attended at least 90% of school days; 75% had no behavior referrals; 33% decreased behavior referrals over the course of the school year; 71% showed significant gains in annual reading testing; 61% showed significant gains in annual math testing.
- ***Contract Spending:*** Spent 85% of funds in Year 1; has spent 74% as of Q3 Y2; are on track to spend out contract in Year 2.

**Site Visit Assessment:** Excellent; exceeds program standards in most categories.

### **Financial Assessment:**

- Expense reporting spot check: Passed.
- Organizational Audit: Indicators of financial health fall within the parameters set by the audit tool.

### **Renewal Request:**

- Proposes to increase the number served to 95 children annually with same staff and same service level to each child;
- \$208,329 over 2 years.

**Staff Recommendation:** Renew as requested.

### 3. **Boys and Girls Clubs: Youth and Family Services After-School Program**

**Contract Amount:** \$360,000

**Contract Goals:**

***Services:***

- Serve 150 children annually with after-school program services made available 5 days per week for 5 hours per day (average participation is 2 days per week for each child).
- Provide 45 children and their families with counseling services through a subcontract with Trillium Family Services.
- 150 young people identified as high risk will be recruited into BGCP's programs over a one-year period. At least 60% of these youth will maintain their participation in the program during school year.
- 25% of participating youth will take part in a skill-building program (SMART Moves, SMART Girls,)

***Outcomes:***

- 75% of participating youth will have no criminal referrals after three months of program participation for at least one year.
- 50% of participating youth will have an increase in developmental assets as measured by survey instruments developed by Boys & Girls Clubs of America.
- 50% of the children recruited into the program will demonstrate academic achievement by improving academic performance either through improved grades, improved results on yearly assessments, meeting grade level standards, or meeting state benchmarks.

**Contract Performance:**

- ***Service Numbers:*** Served 124 children in Year 1 with after-school club services; as of Q2 Y2, serving 61 children with after-school club services. No staff at one club until late October and at a different club until December 2005 substantially decreased program attendance for first half of Year 2.

Trillium served 12 children/families with counseling services in Year 1; provided informal services for children during club hours and for BGC staff in Year 1.

Amended contract for Year 2 for Trillium to provide informal services during club hours to 30 children annually and formal counseling to 15 children/families annually. After Q2 of Y2, Trillium has provided informal services to 8 children and counseling to 5 children.

Overall, Year 2 numbers are down, primarily due to staff turnover. Y1 performance was close to contract goal.

- **Outcome Goals:** Most outcome goals met after Year 1. At end of Y1, more than 60% of children who entered the program maintained average participation of 2 days per week; 51% participated in a skill building program; no data on criminal referrals; more than 50% of participants increased developmental assets overall; 53% improved grades over the school year.
- **Contract Spending:** Spent 93% in Y1; have spent 65% as of Q2 Y2; staff vacancies in Y2 will likely push down spending for Y2.

**Site Visit Assessment:** Exceeds most program standards. Improvements in aggregating information to determine highest source of referrals and most successful methods of outreach, and in staff exit process would take program to next level.

**Financial Assessment:**

- Expense reporting spot check: Passed
- Organizational Audit: Indicators of financial health fall within the parameters set by the audit tool.

**Renewal Request:**

- No changes to level of service, number served or type of service proposed from current contract.
- \$375,299 over two years.

**Staff Recommendation:**

- Authorize renewal up to requested amount but discuss whether subcontract with Trillium should be renewed at same level given relatively low usage by children and whether these funds should be redirected toward salary increases for line staff to decrease staff turnover.

#### 4. **Bridge Builders Mentoring Program**

**Contract Amount:** \$113,000

**Contract Goals:**

***Services:*** Serve a total of 120 male and female high school youth with group mentoring services designed to prepare and assist students in continuing their education beyond high school. CHIF funds enabled creation of a girls program; previously delivered services only to boys.

***Outcomes:***

- 80% of mentees will demonstrate improved school attendance or attendance rates of 80% of school days during the school year
- 50% of mentees will demonstrate decreased behavior referrals or fewer than 3 referrals during the school year.
- 50% of mentees will demonstrate academic achievement either through improved grades, improved results on yearly assessments, meeting grade level standards in reading and math, or meeting state benchmarks in reading and math.
- 90% of mentees who are seniors in high school will take a college entrance examination.
- 90% of mentees will enroll in a post-secondary educational institution.

**Contract Performance:**

- ***Service Numbers:*** Served 100 children in Year 1; currently serving 89 children; 74% of service goal
- ***Outcome Goals:*** Most outcome goals met. 98% of participants attended school at least 80% of school days; 87% had fewer than 3 behavior referrals; academic data from PPS was available for too few students to generalize performance results; 100% of seniors graduated from high school and was accepted to at least one post-secondary school; 83% of juniors took the SAT.
- ***Contract Spending:*** Spent 72% of funds in Y1; as of end of Q3 have spent 68% of funds; on track to spend out.

**Site Visit Assessment:** Meets program standards to the extent applicable. Grantee retains no paid staff to run the program; all functions are performed by volunteers. To improve program quality, grantee would need at least part time paid staff to better coordinate volunteers, maintain adequate records at a central location, and reach its service potential. Note: all program observation was for boys program; if grant is renewed, a review of the girls program which has been in operation only since receipt of CHIF funds will be conducted.

**Financial Assessment:**

- Expense reporting spot check: Passed.
- Organizational Audit: No audit provided.

**Renewal Request:**

- Grantee proposes to serve fewer children annually (100 as opposed to 120 in its current contract). Given that grantee actually served 100 children the first year and is currently serving 85 children, this reduction is aligned with what appears to be their actual capacity.
- Grantee requested \$133,600 over 2 years. The maximum grantee is eligible to apply for is \$118,136. Most of the additional funds requested would provide higher stipends to the volunteers who deliver the program.
- **Staff Recommendation\*:** Authorize renewal up to the maximum renewal amount (\$118,136) but require that grantee retain some paid administrative staff whose duties would include some type of centralized record keeping, supervising grant reporting etc. Require independent financial review as part of contract renewal.

\*Allocation Committee voted to make an exception to the 3% rule and fund this grant at the level requested and require that grantee allocate funds for administration of the grant.



## 5. **Camp Fire USA: Campfire PALS After-School Program**

**Contract Amount:** \$435,621

### **Contract Goals:**

***Services:*** Serve 150 youth at three schools with 4 day per week after school program that includes academic enrichment, service learning, sports and recreation.

#### ***Outcomes:***

- 90% of Camp Fire PALS youth will participate in community service as measured by a volunteer sign-in sheet.
- 90% of Camp Fire PALS youth will develop one to two personal/academic goals and, with support from Camp Fire PALS staff, 70% of those youth will have met their goal(s) by the end of the school year.
- 50% of Camp Fire PALS youth will report a positive change in their social and academic self-esteem as measured by a pre- and post-survey of participants.
- 50% of Camp Fire PALS youth will increase their rate of homework completion as measured by a pre- and post-survey of classroom teachers.

### **Contract Performance:**

- ***Service Numbers:*** Served 113 children in Year 1 with after-school program services; as of Q2 Y2, serving 92 children. Close to meeting service goal in Y1; on track to meet service goal in Y2. Is modifying middle school curriculum to improve recruitment and attendance at this level.
- ***Outcome Goals:*** 100% participated in community service project; 100% developed personal goals but no data collected on how many met goals they set; 70% demonstrated increase in developmental assets related to social self esteem; no data on academic self esteem; no data on homework completion.
- ***Contract Spending:*** Spent 91% in Y1; have spent 75% as of Y2 Q3; on track to spend out.

**Site Visit Assessment:** Exceeds most program standards. Improvements in aggregating information to determine highest source of referrals and most successful methods of outreach would take program to next level.

### **Financial Assessment:**

- Expense reporting spot check: Passed.
- Organizational Audit: Indicators of financial health fall within the parameters set by the audit tool with the exception of a negative operations margin which looks at overall profitability (expected range for non-profits is -6% to 0% so a negative score is below a -6%).

**Renewal Request:**

- Proposes to deliver the same level of service to 175 children annually (increase of 25 children per year) through partnership with MFS at one elementary school. (Note: nothing in budget indicates financial partnership nor counts any additional staff into Campfire budget; follow up with staff re: how this p-ship will work such that it will allow them to serve more children). Will also launch adventure curriculum for middle school program to improve recruitment and attendance at this level.
- \$467,765 over two years.

**Staff Recommendation:**

- Renew at funding level requested. Given lack of data on outcome measures specified in contract, work with grantee to set program outcome goals and baselines, and define measurement tools that will assure outcomes can be reported.

## 6. **Ethos After-School Music Program**

**Contract Amount:** \$200,000

### **Contract Goals:**

***Services:*** Provide after-school music program services to 150 children annually.

#### ***Outcomes:***

- 80% of the children receiving after-school music instruction will demonstrate improved school attendance or attendance rates of 95% of school days during the school year.
- 80% of the children receiving after-school music instruction will demonstrate decreased behavior referrals or fewer than 3 referrals during the school year.
- 80% of the children receiving after-school music instruction will demonstrate academic achievement either through improved grades, improved results on yearly assessments, meeting grade level standards in reading and math, or meeting state benchmarks in reading and math.

### **Contract Performance:**

- ***Service Numbers:*** Served 212 children in Y1; currently serving 154 as of Y2 Q2. Met service goals.
- ***Outcome Goals:*** 59% attended school 95% of days; 88% received fewer than 3 behavior referrals during school year; 84% met grade level standards in reading; 78% met grade level standards in math. Met or nearly met all outcome goals.
- ***Contract Spending:*** Spent 100% in Y1; has spent 69% as of Y2 Q3.

**Site Visit Assessment:** Meets program standards. To exceed program standards, program will need to formalize and regularize more of its policies and procedures, and develop the ability to track and analyze more data on program delivery.

### **Financial Assessment:**

- Expense reporting spot check: Passed.
- Organizational Audit: Indicators of financial health fall within the parameters set by the audit tool with the exception of no operating reserve.

### **Renewal Request:**

- Proposes to deliver same level of service to same number of children annually (150).
- \$209,090 over two years.

**Staff Recommendation:** Renew as requested.

## 7. **Friends of the Children Mentoring Program**

**Contract Amount:** \$500,000

**Contract Goals:**

*Services:* Serve 280-300 children annually including at least 20 kindergartners.

*Outcomes:*

- 65% of mentees will demonstrate improved school attendance or attendance rates of 80% of school days during the school year.
- 65% of mentees will demonstrate decreased behavior referrals or fewer than 10 referrals during the school year.
- 50% of mentees will demonstrate academic achievement either through improved grades, improved results on yearly assessments, meeting grade level standards in reading and math, or meeting state benchmarks in reading and math.

**Contract Performance:**

- *Service Numbers:* Served 299 in Y1; is currently serving 255 as of Y2 Q2. Served at least 20 kindergartners each year. Met service goal.
- *Outcome Goals:* 93% attended school at least 80% of school days; 97% received fewer than 10 behavior referrals during the school year; 59% met standards in reading; 50% met standards in math. Met all outcome goals.
- *Contract Spending:* Spent 100% in Y1; spent 75% as of Y2 Q3. On track to spend out.

**Site Visit Assessment:** Exceeds nearly all program standards.

**Financial Assessment:**

- Expense reporting spot check: Passed.
- Organizational Audit: Indicators of financial health fall within the parameters set by the audit tool with the exception of low operating reserves.

**Renewal Request:**

- Proposes same level of service.
- \$522,725 over two years

**Staff Recommendation:** Renew as requested.

## 8. IRCO ASPIRE After School Program

**Contract Amount:** \$542,384

### **Contract Goals:**

***Services:*** Home visits for 250; after-school activities for 125; after-summer school activities for 120; monthly activity groups for 3 schools; adult education for 120 parents

### ***Outcomes:***

- 80% of program participants will demonstrate developmental asset increases as measured in pre and post surveys.
- 70% of program participants will demonstrate English language development skill gain measured through performance tests in Portland Public School ESL classes.
- 75% of the program participants will demonstrate improved school attendance, lessened behavior referrals or improved grades.
- 50% of the program participants who fail to meet state benchmarks at intake will demonstrate improvements on the next state test.
- 90% of parents will participate in adult education, groups or school activities.
- 30 parents will be recruited, trained, and placed as volunteers in after-school activities.

### **Contract Performance:**

- ***Service Numbers: Y1:*** Served 94 children with after-school activities; served 154 parents with a combination of home visits, adult education, family nights and volunteer recruitment and development. No monthly activity groups; district cancelled summer school programs so no after-summer school activities. Failed to meet Y1 service goals due to several factors primarily related to difficulty in hiring and retaining bilingual and bicultural staff to deliver program.

Amended contract at end of Y1 to require the following:

- Social adaptation workshops for 80 families per year;
- Case management for 80 children per year;
- Family support and adult education for 45 adults per year;
- After-school activities for 75 children per year;
- Recruit 30 parent volunteers per year

**Y2 Service Numbers:** At midpoint of Y2 of contract, grantee had provided the following services:

- Provided 17 social adaptation workshops;
- Case management for 94 youth;
- Family support and education for 36;
- After school activities for 59;

- Recruited 14 volunteers, and averaged 200+ phone outreach contacts, and 30 home visits over last half year.

Generally on track to meet revised service goals with exception of social adaptation groups.

- **Outcome Goals:** After Y1: No data on developmental asset gains; no data on ESL skill gain; no data on attendance improvement; no data on decreased behavior referrals; no data on improved grades; no data on meeting state academic standards; 81% of parents participated in adult education, or other family activities; 22 volunteers were recruited to work in various aspects of the program but no parents.
- **Contract Spending:** Spent 50% in Y1; spent 53% as of Q3 Y2.

**Site Visit Assessment:** Meets program standards.

**Financial Assessment:**

- Expense reporting spot check: Passed.
- Organizational Audit: Indicators of financial health fall within the parameters set by the audit tool.

**Renewal Request:**

- Proposes to increase number of youth receiving case management services to 90 annually (up from 80) and that at least 81 of these youth will also participate in after-school activities. Proposes to serve 50 parents in 5 family support workshops per year aimed at engaging parents in their children's education. Proposes to recruit 30 volunteers to assist in program delivery. Service intensity is the same as Y2.
- \$543,393 over two years.

**Staff Recommendation:** Authorize renewal up to \$407,545 (25% less than requested) on the grounds that grantee has consistently overestimated its expenses and will leave a substantial portion of its first grant unspent. Discuss staffing levels with grantee, particularly volunteer coordinator position since the position costs as much as it generates in in-kind support. Work with grantee to address issues raised by reconfiguration of the schools it is currently serving into K-8 to assure that program can adapt and continue to serve the same number of children with case management and after-school activities.

9. **Lifeworks NW: After-School Program at Low Income Housing Developments**

**Contract Amount:** \$316,795

**Contract Goals:**

*Services:* Provide after-school program services two days per week at 5 sites for 100 children; provide case management services for 20-25 high need children.

*Outcomes:*

- 50% of the middle school children receiving after-school services will also participate in community service projects.
- 75% of the children receiving intensive after school services will demonstrate decreased behavior referrals as compared with a baseline assessment.
- 75% of the children receiving intensive after-school services will demonstrate academic achievement either through improved grades, improved results on yearly assessments, meeting grade level standards in reading and math, or meeting state benchmarks in reading and math.

**Contract Performance:**

- *Service Numbers:* Served 178 with after-school program services and 24 with intensive services in Y1; is currently serving 128 children with after-school program services and 22 with intensive services. Exceeded service goals.
- *Outcome Goals: Outcome data is for 24 children who received intensive services, not for drop-in services:* 79% improved overall academic performance; 13% stayed the same; 8% decreased. 83% decreased behavioral concerns; 8% stayed the same and 8% increased behavioral concerns.
- *Contract Spending:* Spent 90% of funds in Y1; has spent 69% at end of Y2 Q3; on track to spend out.

**Site Visit Assessment:** Meets program standards. Grantee does not track any outcomes other than participation on the bulk of the children it serves because they participate on a drop-in basis. Outcomes are tracked only for case managed kids; grantee would need to aggregate more information that is currently collected for individual clients, and would need to do more assessment and outcome tracking on drop-in participants to exceed most program standards.

**Financial Assessment:**

- Expense reporting spot check: Passed.
- Organizational Audit: Indicators of financial health fall within the parameters set by the audit tool with the exception of low reserves.

**Renewal Request:**

- Proposes to increase level of service for drop-in services from 100 children annually to 120 children annually; number of children receiving intensive services is the same (24 annually); proposes to change curriculum used in after-school program in consultation with CHIF.
- \$337,435 over 2 years.

**Staff Recommendation:** Renew as requested but require that all participants be tracked for outcomes, not just core youth.



## 10. **Metropolitan Family Services: Experience Corp Mentoring Program**

**Contract Amount:** \$256,217

### **Contract Goals:**

*Services:* Provide school-based mentoring services for 105 children in Y1 and 165 children in Y2.

- 75% of mentees will demonstrate decreased behavior referrals.
- 85% of mentees will demonstrate academic achievement either through improved grades, improved results on yearly assessments, meeting grade level standards in reading and math, or meeting state benchmarks in reading and math.

### **Contract Performance:**

- *Service Numbers:* Served 195 in Y1; currently serving 127 after Q2 of Y2; are currently at 77% of service goal for year. Exceeded goal in Y1; at 77% of goal after Q2 Y2.
- *Outcome Goals:* From teacher surveys: 73% of students improved reading performance and increased by advancing at least one grade level; 74% of students improved classroom behavior and 79% of students improved peer interactions based on mentor and teacher assessments. No usable data from PPS on reducing referrals and academic achievement because number of participants tracked for these outcomes was too small.
- *Contract Spending:* Spent 67% in Y1; have spent 65% as of Q3 Y2; are likely to come close to spending out.

**Site Visit Assessment:** Exceeds most program standards. Areas for improvement are aggregating information on outreach to and recruitment of mentors and getting parental consent for participation in this school day program.

### **Financial Assessment:**

- Expense reporting spot check: Passed.
- Organizational Audit: Indicators of financial health fall within the parameters set by the audit tool.

### **Renewal Request:**

- Proposes to serve 240 children annually including an additional school site for service delivery (Davis Elementary). This service goal is a substantial increase over the service numbers projected in the contract but are in accordance with actual service levels over the contract period.
- \$288,498 over two years.

**Staff Recommendation:** Renew as requested; assure that a significant number of participants are analyzed for outcomes by PPS so outcome data can be used.

## 11. **Native American Youth Association: After-School Cultural Arts and Sports Program**

**Contract Amount:** \$220,000

### **Contract Goals:**

***Services:*** Y1: provide arts and/or sports programming for 200 Native American children. Y2: amended contract to change service goal to 115 children per year.

### ***Outcomes:***

- 50% of program participants will demonstrate improved school attendance or attendance rates of 80% of school days.
- 40% of program participants will demonstrate decreased behavior referrals or fewer referrals than the previous school year.
- 50% of program participants will demonstrate academic achievement either through improved grades, improved results on yearly assessments, meeting grade level standards in reading and math, or meeting state benchmarks in reading and math.

### **Contract Performance:**

- ***Service Numbers:*** Served 159 in Y1 (although most did not participate regularly and were exited at the end of the year); are currently serving 68 children as of end of Q2 (60% of service goal).
- ***Outcome Goals:*** 95% of participants attended school at least 80% of the time; no usable data on decreased behavior referrals and on academic improvement because the number of participants for whom 2 years of data was available was too small. Exceeded attendance goal; no usable data on other outcome goals.
- ***Contract Spending:*** Spent 84% of funds in Y1; as of Y2 Q3 spent 64% of funds, will likely come close to spending out.

**Site Visit Assessment:** Exceeds some program standards and meets all others.

### **Financial Assessment:**

- Expense reporting spot check: Passed.
- Organizational Audit: Indicators of financial health fall within the parameters set by the audit tool with exception of low reserves.

### **Renewal Request:**

- Proposes to offer the same services to the same number of children.
- \$221,635 over two years.

**Staff Recommendation:** Authorize renewal up to requested amount but exclude expenses for evaluation of developmental asset outcomes; methodology used for evaluation after Y1 did not provide evidence of progress on asset outcomes.

## 12. Open Meadow: Step Up After-School Program

**Contract Amount:** \$430,000

### **Contract Goals:**

***Services:*** Provide after-school academic support and arts enrichment for 40-48 middle school aged children at Open Meadow Alternative school and Portsmouth middle school; provide culturally specific family engagement services to 26-30 African immigrant and Latino families with children enrolled in Roosevelt cluster schools.

### ***Outcomes:***

- 75% of the children receiving program services will attend 75% of the school days during the school year.
- 65% of the children receiving program services will demonstrate decreased behavior referrals.
- 90% of the children attending the program 90% of the time will stay enrolled in school, attain a 4 point gain in RIT math and reading using statewide assessment tests, and receive passing grades in reading and math classes after the first semester of participation in services.
- 70% of the children attending the program 70% - 90% of the time will stay enrolled in school, attain a 4 point gain in RIT math and reading using statewide assessment tests, and receive passing grades in reading and math classes after the first semester of participation in services.

### **Contract Performance:**

- ***Service Numbers:*** Served 94 children in Y1 and are currently serving 56 as of Q2 Y2; served 22 families with culturally specific services in Y1; are currently serving 5 families as of Q2 Y2. Exceeded service goal for children in both years; nearly met goal for families in Y1 but significantly below target for families for Y2.
- ***Outcome Goals:*** 91% of participants attended at least 80% of school days; no usable data on decline in behavior referrals; 61% of participants achieved at least a 4 point RIT score gain in reading; and 44% of participants achieved at least a 4 point score gain in math. Breaking participants down by level of participation did not yield a group large enough to generalize outcome data so data is reported for participants as a whole.
- ***Contract Spending:*** Spent 100% in Y1; has spent 60% as of Q3 Y2; on track to spend out.

**Site Visit Assessment:** Exceeds most program standards.

### **Financial Assessment:**

- Expense reporting spot check: Passed; grantee noted billing error and explained that deduction would be made in next billing to account for over-billing.

- Organizational Audit: Indicators of financial health fall within the parameters set by the audit tool.

**Renewal Request:**

- Proposes to offer the same service to the same number of middle school aged children, but will provide services at the Portsmouth building and George building in addition to Open Meadow Alternative. This is due to the planned move to K-8 schools in this cluster.
- \$449,543 over two years.

**Staff Recommendation:** Renew after-school program; leave open for discussion the renewal of a subcontract for family outreach due to low service in Y2 and the fact that this service is not necessarily provided to families of the children participating in the after-school program. Grantee has not really demonstrated why these services are needed and since the children of the families who are reached through home visits are not participating in the after-school program, there is no accountability for any outcomes for the service. This service is not tied to the delivery of the after-school program. In addition, work with grantee on budgeting and staffing specifics to assure that grantee can provide full service model in two PPS buildings and assure that schools are still supportive of the program as they reconfigure.

13. **Oregon Council for Hispanic Advancement: OLI Mentoring Program**

**Contract Amount:** \$364,594

**Contract Goals:**

*Services:* Provide peer mentoring services to 140 middle school students and family involvement services to 70 of their parents annually.

*Outcomes:*

- 85% of mentees will demonstrate improved school attendance or attendance rates of 90% of school days during the school year
- 75% of mentees will demonstrate decreased behavior referrals or fewer than 4 referrals during the school year.
- 85% of mentees will demonstrate academic achievement either through improved grades, improved results on yearly assessments, meeting grade level standards in reading and math, or meeting state benchmarks in reading and math.

**Contract Performance:**

- *Service Numbers:* Served 147 middle schoolers and 58 of their parents in Y1; currently serving 151 children and 71 of their parents as of Q2 Y2; exceeded service targets.
- *Outcome Goals:* 86% attended school at least 90% of the time. 86% of participants received fewer than 4 referrals. 54% of participants received at least a "C" grade in math; 62% received at least a "C" in reading.
- *Contract Spending:* Spent 78% of funds in Y1; spent 69% as of Y2Q3.

**Site Visit Assessment:** Exceeds most program standards; meets remaining program standards.

**Financial Assessment:**

- Expense reporting spot check: One exception noted on payroll documentation for one staff person during transition of accounting staff; supporting records were located and auditors noted that new payroll service tracks staff time electronically.
- Organizational Audit: Scored low on operating reliance which measures the ability to pay expenses from program revenues, and a high debt to net assets ratio; other indicators are within parameters of audit tool.

**Renewal Request:**

- Proposes to offer the same level of service but will include the high school mentors (in addition to the middle school mentees) as part of the population "served" by the program because the grantee spends significant resources locating, training and supporting the mentors to act as mentees. Grantee also proposes to consolidate service locations from 10 to 8 schools and will arrange transportation for affected students, further

consolidation may be necessary as the schools in which grantee operates move to a K-8 model.

- \$375,747 over 2 years.

**Staff Recommendation:** Renew at requested financial level and work with grantee to resolve how middle school aged students who will begin attending K-8 school can be reached and served effectively with proposed staffing model.

**14. Oregon Health Career Center: AKA Science After-School Program**

**Contract Amount:** \$140,000

**Contract Goals:**

*Services:* Provide after-school science program to 1,455 youth in Y1, and 1,365 youth in Y2.

*Outcomes:*

- 75% of the children receiving after-school science instruction will demonstrate improved school attendance or attendance rates of 95% of school days during the school year.
- 50% of the children receiving after-school science instruction will demonstrate decreased behavior referrals or fewer than 2 referrals during the school year.
- 75% of the children receiving after-school science instruction will demonstrate academic achievement by improving academic performance in science either through improved grades, improved results on yearly assessments, meeting grade level standards in science, or meeting state benchmarks in science.

**Contract Performance:**

- *Service Numbers:* Served 673 unduplicated children in Y1; 846 duplicated kids (i.e. these are children who took more than one after-school science class during the school year); at 846 they made 58% of Y1 service goal. Served 411 unduplicated children as of Y2 Q2. If they enroll as many students during the winter and spring sessions of the program during the first half of 2006, they will be at 90% of their Y2 goal (using a duplicated count).
- *Outcome Goals:* Met or nearly met all outcome goals: 64% of participants attended school 95% of school days; 93% of participants had fewer than 2 behavior referrals; 71% of participants met state standards in science for the school year.
- *Contract Spending:* Spent 94% in Y1; has spent 72% as of Y2 Q3; on track to spend out.

**Site Visit Assessment:** Meets all program standards and exceeds some.

**Financial Assessment:**

- Expense reporting spot check: Passed.
- Organizational Audit: Low operating reserves, low on liquidity, and high on debt to assets ratio; independent auditors defined grantee as low risk however.

**Renewal Request:**

- Proposes to serve 1,365 children per year (current level of service for Y2 of contract). No changes to service proposed.
- \$146,363 over two years.

**Staff Recommendation:** Renew as requested with monitoring to assure that they are making significant progress toward the service goal.



## **15. Portland Impact: Mentoring to Achieve Potential (MAP)**

**Contract Amount:** \$205,672

### **Contract Goals:**

*Services:* Provide one-on-one mentoring services to 100 elementary school children in Year 1, and 123 children in Year 2.

#### ***Outcomes:***

- 80% of mentees will demonstrate attendance rates at or above 80%.
- 70% of mentees will demonstrate decreased behavior referrals.
- 70% of mentees will demonstrate academic achievement either through improved grades, improved results on yearly assessments, meeting grade level standards in reading and math, or meeting state benchmarks in reading and math.

### **Contract Performance:**

- *Service Numbers:* Served 71 children in Year 1 (71% of goal); currently serving 64 children as of Y2 Q2 (52% of goal).
- *Outcome Goals:* 96% attended school at least 80% of the school days; no data available to measure decreases in behavior referrals; the number of participants for which academic information could be retrieved was too small to generalize any conclusions. The children for whom data was available (12) either improved or maintained standardized test scores. Data on non-contract outcomes showed that for children who participated at least 6 mos: 76% showed improved self confidence; 72% showed improved interactions with peers; 66% showed increased participation in class and motivation to learn; and 59% showed improved behavior and attentiveness.
- *Contract Spending:* Spent 82% of funds in Y1; have spent 71% of funds as of Y2 Q3; will likely come close to spending out in Y2.

**Site Visit Assessment:** Meets all program standards and exceeds some.

### **Financial Assessment:**

- Expense reporting spot check: Passed.
- Organizational Audit: Indicators of financial health fall within the parameters set by the audit tool.

### **Renewal Request:**

- Grantee anticipates serving 60 children currently receiving services during a given academic year, and recruiting 60 new children for service in a given academic year, bringing the annual total to 120. No other changes to program are proposed.
- \$215,020 over two years.

**Staff Recommendation:** Renew for \$214,279 (maximum allowable based on Y2 budget), but discuss whether it's likely that they will be able to serve the number of children they project given that they have not met service targets during the first contract period.

**16. Portland Opportunities Industrialization Center After-School Tutoring Program**

**Contract Amount:** \$218,680

**Contract Goals:**

***Services:*** Provides after-school tutoring services to 40 students at Ockley Green Middle School.

***Outcomes:***

- 80 % of program participants will demonstrate improved school attendance or attendance rates of 80% of school days.
- 80% of program participants will demonstrate decreased behavior referrals or fewer than 5 referrals during the school year. .
- 80% of program participants will demonstrate improved academic achievement by increasing RIT scores by 2-4 points in reading and 2-4 points in math each semester.

**Contract Performance:**

- ***Service Numbers:*** Year 1 intakes were 110 children, with 40 children regularly attending tutoring services. Grantee is currently serving 50 children; met contractual service targets.
- ***Outcome Goals:*** No data on outcome targets: on average, participants increased RIT scores in reading by 4.88 points, and RIT scores in math by 3.89 points.
- ***Contract Spending:*** Spent 74% of Y1 budget; has spent 55% as of Q3 Y2.

**Site Visit Assessment:** Meets all program standards and exceeds some.

**Financial Assessment:**

- Expense reporting spot check: Passed.
- Organizational Audit: Scored low on reserves, high debt to net assets ration and a negative operating margin.

**Renewal Request:**

- Proposing to offer the same services to the same number of children.
- \$226,600 over two years.

**Staff Recommendation:** Renew at requested financial level even though Y2 spending percentage is low because Y2 budget included carry-over from Y1 and proposed budget for renewal is close to actual likely spending during second year of existing contract.

## 17. **Portland Public Schools: SUN Schools Expansion**

**Contract Amount:** \$540,000

**Contract Goals:**

***Services:*** Provide extended day services (before and after-school programs) to 675 children annually at Fernwood, Jackson and Sellwood middle schools; agreed that 50% of those served would be below state academic benchmarks.

***Outcomes:***

- **PARTICIPATION:** 40% of the program participants will demonstrate improved school attendance from one school year to the next as measured by a decrease in total number of days absent during the school year.
- **BEHAVIOR:** 20% of program participants will demonstrate decreased behavior referrals from one school year to the next as measured by total number of behavior referrals during the school year.
- **ACHIEVEMENT:** 25% of program participants will demonstrate improved grades in math and 25% will demonstrate improved grades in English/language arts/reading between first and second semester grading periods.

**Contract Performance:**

- ***Service Numbers:*** Served 616 in Y1 (91% of goal); currently serving 390 as of Q2 Y2; on track to meet service goal in Y2. Has not met goal of 50% of children served being below academic benchmarks mostly because there are not enough children in these three schools who fail to meet academic benchmarks. On average, 15% of the students at the 3 schools served are below academic benchmarks. During Y1, approximately 15% of the children served by grantee were below benchmark. Grantee agreed to extensively outreach at schools to recruit children not meeting academic benchmarks into the program. As of 2/6/06, approximately 21% of children served were below benchmark. Grantee has made progress but it is unlikely that it would ever reach the 50% goal.
- ***Outcome Goals:*** Met achievement and attendance goals: 35% of participants improved school attendance from one school year to the next; the data on behavior referrals was not adequate to measure a decrease in referrals from one year to the next; 11% of participants improved grades from the beginning of the school year to the end; 58% of participants made RIT score gains in reading of 4 points or more; and 41% of participants made RIT score gains in math of 4 points or more.
- ***Contract Spending:*** Spent 84% in Y1; have spent 65% as of Y2 Q2.

**Site Visit Assessment:** Exceeds most program standards and meet all other standards.

**Financial Assessment:**

- Expense reporting spot check: Passed

- Organizational Audit: Indicators of financial health fall within the parameters set by the audit tool.

**Renewal Request:**

- Proposes to offer the same level of service to the same number of children at the same schools. Proposes that 50% of children served will be designated as “at-risk” for academic failure (as opposed to failing to meet state standards) which is defined as children who meet one or more of the following criteria: not meeting state or district academic standards, performing below grade level; having chronic attendance problems, English language learner, homeless, in foster care and/or referred by school staff.
- \$564,543 over two years.

**Staff Recommendation:** Renew as requested but discuss the likely number of children who will fit the “at-risk” definition at the schools served to determine whether 50% is an appropriate service target. Given that CHIF funds were used to start new SUN programs at these schools, and that 2 of the schools currently served are likely to be affected by the PPS re-configuration, staff thinks it is prudent for PPS to continue to administer this grant for another 2 years. However, should CHIF consider funding these SUN programs beyond the next two years, staff recommends that we contract directly with the providers who manage the sites.

## 18. Self Enhancement Inc. After-School Program

**Contract Amount:** \$671,730

**Contract Goals:**

***Services:*** Provide after-school program services and parent engagement services to 150 primarily African-American children annually.

***Outcomes:***

- 75% of the program participants will demonstrate improved school attendance or attendance rates of 90% of school days.
- 70% of the program participants will either have no behavioral referrals or will improve their behavior as measured by fewer referrals per quarter or an increase in positive teacher comments.
- 60% of the program participants will demonstrate academic achievement either through improved grades, improved results on yearly assessments, meeting grade level standards in reading and math, or meeting state benchmarks in reading and math.

**Contract Performance:**

- ***Service Numbers:*** Served 180 children in Y1; currently serving 188 children; exceeded service goal.
- ***Outcome Goals:*** 83% of participants attended 80% of school days; 69% had no behavior referrals; of those who had 1 or more behavior referrals, 23% decreased their referrals over the course of the school year; 91% met state standards in reading and 65% met state standards in math. Met all outcome goals.
- ***Contract Spending:*** Spent 80% of funds in Y1; has spent 68% of funds as of Q3 Y2; on track to spend out this year.

**Site Visit Assessment:** Exceeds most program standards.

**Financial Assessment:**

- Expense reporting spot check: Passed.
- Organizational Audit: Indicators of financial health fall within the parameters set by the audit tool.

**Renewal Request:**

- Proposes to serve the same number of children in its after-school program and will enhance its program with a new offering of advanced art classes for those participants who are interested.
- \$702,260 over two years.

**Staff Recommendation:** Renew at \$678,260; \$24,000 reduction in transportation budget because in Y1 they only spent 38% of their \$88,800 transportation budget, and based on spending trends in Y2 are likely to spend only

75% of their \$68,500 transportation budget. Renewal application calls for transportation budget of \$65,000; reduce this line item to \$53,000 annually.

## 19. Tears of Joy: Higher Stages After-School Arts Program

**Contract Amount:** \$100,000

**Contract Goals:**

*Services:* Serve 280 children in five schools annually with the Higher Stages after-school arts program; offer 45 classes annually.

*Outcomes:*

- 75% of the program participants will demonstrate improved school attendance or attendance rates of 90% of school days.
- 70% of the program participants will either have no behavioral referrals or will improve their behavior as measured by fewer referrals per quarter or an increase in positive teacher comments.
- 60% of the program participants will demonstrate academic achievement either through improved grades, improved results on yearly assessments, meeting grade level standards in reading and math, or meeting state benchmarks in reading and math.

**Contract Performance:**

- *Service Numbers:* Served 261 children in Y1 (93% of goal); are currently serving 102 as of Q2 Y2; on track to meet service goal in Y2.
- *Outcome Goals:* Grantee was not able to collect any usable data on contract outcomes.
- *Contract Spending:* Spent 100% in Y1; has spent 75% as of Q3 Y2; on track to spend out.

**Site Visit Assessment:** Meets program standards.

**Financial Assessment:**

- Expense reporting spot check: Billing pro-rata quarterly shares, but auditors confirmed that quarterly expenses exceed bills to CHIF.
- Organizational Audit: High debt to assets ratio and low reserves but making significant progress on debt.

**Renewal Request:**

- Proposes serve 225-275 children annually at 5 newly configured K-8 schools in the Jefferson cluster (Beach, King, Vernon, Faubion and Ockley Green). Proposes to discontinue service at Tubman which is slated to become an all-girls school, and to add Faubion which is slated to become a K-8. Classes will be reconfigured to serve the relevant populations at each school.
- \$103,000 over two years.

**Staff Recommendation:** Renew as requested.



## 20. Trillium Family Services: Family of Friends Mentoring Program

**Contract Amount:** \$100,000

**Contract Goals:**

***Services:*** Facilitate families mentoring 30 at-risk children in Y1, and 60 children in Y2. Families volunteer to be mentors and receive training to do so.

***Outcomes:***

- 97% of mentees will demonstrate improved school attendance or attendance rates of 80 % of school days during the school year.
- 95% of mentees will demonstrate decreased behavior referrals or fewer than 3 referrals during the school year.
- 80% of mentees will demonstrate academic achievement either through improved grades, improved results on yearly assessments, meeting grade level standards in reading and math, or meeting state benchmarks in reading and math.
- 85 % of mentees will demonstrate increased positive self-concept.
- 97% of mentees will experience positive relationships with their mentor families.
- 90% of mentees will maintain or improve social functioning.
- 100% of mentees will participate in at least one civic service activity.
- 75% of mentees' relationships with his or her family will be maintained or improved.

**Contract Performance:**

- ***Service Numbers:*** Served 13 children in Y1; are currently serving 16 children in Y2 as of Q3; substantially overestimated the number of children the program could serve.
- ***Outcome Goals:*** 80% of mentees improved homework completion and 60% of mentees improved school attendance according to parents (i.e. based on parent surveys); PPS could not release data on school attendance, behavior and academics because the number served is too few. Depending on the total number served in Y2, it's possible that data may be available in future years.
- ***Contract Spending:*** Spent 100% in Y1; has spent 77% as of Y2 Q2; on track to spend out.

**Site Visit Assessment:** Meets program standards.

**Financial Assessment:**

- Expense reporting spot check: Passed.
- Organizational Audit: Low score in operating reliance which measures ability to pay total expenses from program revenues; and low current ratio which measures liquidity and ability to meet obligations as they come due.

**Renewal Request:**

- Proposes to serve 60 children per year with same services.
- \$103,000 over 2 years<sup>1</sup>

**Staff Recommendation:** Renew at \$103,000 for but work with grantee to set a reasonable service goal; based on past performance it is unlikely that they will serve 60 children per year.

Grantee proposes to measure the same outcomes, however was not able to report on these outcomes after Year 1. Pare down outcomes to be measured and consider alternative methods for measuring outcomes if numbers served remain too small for program to be included in PPS analysis.

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<sup>1</sup> This amount is slightly higher than the amount grantee actually requested because grantee calculated the amount it was eligible to receive through renewal incorrectly.



## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

### Board Clerk Use Only

Meeting Date: 06/29/06  
Agenda Item #: R-6  
Est. Start Time: 9:55 AM  
Date Submitted: 06/22/06

### BUDGET MODIFICATION:

**RESOLUTION Adopting the Eastside Transit Project Locally Preferred  
Agenda Alternative, Located within the Portland Central City and Endorsing the  
Title: Eastside Transit Project Work Program Considerations**

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

<b>Date Requested:</b>	June 29, 2006	<b>Time Requested:</b>	15 Minutes
<b>Department:</b>	Non-Departmental	<b>Division:</b>	N/A
<b>Contact(s):</b>	Ed Abrahamson		
<b>Phone:</b>	503-988-5050	<b>Ext.</b>	29620
<b>I/O Address:</b>	455		
<b>Presenter(s):</b>	Ed Abrahamson, DCS-Land Use & Transportation; and Ross Roberts, Metro		

### General Information

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

Resolution adopting the Eastside Transit Alternative Analysis Locally Preferred Alternative, located within the Portland City Center.

#### 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.

The Locally Preferred Alternative (LPA) recommendation for transit improvements for the Eastside Transit Project in Portland's Central City. These recommendations are based on information documented in the "Eastside Transit Alternatives Analysis Evaluation Report" (Metro, May, 2006) and from public input received during the public comment period and in the hearing held May 10, 2006 before the Eastside Project Advisory Committee.

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

There is no fiscal impact in the current year. In future years there will be a need to secure funds to undertake capital improvements on the Broadway Bridge to accommodate the Streetcar.

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

There are no legal or policy issues.

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

The Locally Preferred Alternative has been adopted by the Metro Council, the Portland City Council, TriMet, and the Portland Development Commission. There has been substantial citizen input throughout the Alternatives Analysis process, including the Eastside Project Advisory Committee.

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**Required Signatures**

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**Department/  
Agency Director:**

*Maria Rocio de Steffen*

**Date:** 06/20/06

**Budget Analyst:**

**Date:**

**Department HR:**

**Date:**

**Countywide HR:**

**Date:**

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

Adopting The Eastside Transit Project Locally Preferred Alternative, Located Within The Portland Central City And Endorsing The Eastside Transit Project Work Program Considerations

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

- a. In 1988, the City of Portland adopted the *Central City Plan*, which identified the need and desire for an inner city transit loop, specifically citing the location for such transit loop on the Eastside as "...possibly on Grand Avenue."
- b. In 1995, the City of Portland adopted the *Central City Transportation Management Plan* (CCTMP) to implement the Central City Plan to improve transit circulation and distribution throughout the Central City districts. The Plan stated the need to: "Identify a strategy for developing the Central City streetcar system and integrating it with other transit services."
- c. In 1997, the Portland City Council approved a locally funded streetcar that was opened for service on the west side of the Central City in 2001.
- d. On June 25, 2003, the Portland City Council adopted an *Eastside Streetcar Alignment Study* that recommended the locally funded streetcar be extended to the Eastside with Federal Transit Administration (FTA) assistance.
- e. The Metro Council approved Resolution No. 03-3380A (For the Purpose of Adopting the 2004 Regional Transportation Plan to Meet Federal Planning Requirements) that includes in the Financially Constrained System projects 1106 and 1107, "Portland Streetcar – Eastside," constructing a streetcar to the Lloyd and Central Eastside districts.
- f. TriMet's five-year *Transit Improvement Plan* adopted by the TriMet Board of Directors on June 22, 2005, includes expanding high capacity transit service, specifically including streetcar as a priority.
- g. The recent SAFETEA-LU reauthorization adopted in 2005 includes the Federal Transit Administration's (FTA) Small Starts program for transit projects less than \$250 million with a maximum of \$75 million federal share that could possibly provide a source of federal support for Eastside transit improvements.

- h. On April 28, 2005, the Metro Council approved Resolution No. 05-3541, For the Purpose of Approving the FY 2006 Unified Planning Work Program, and this work plan included, on pages 41 and 42, the preparation of the Eastside Transit Alternatives Analysis.
- i. In 2005, an Eastside Transit Alternative Analysis, consistent with FTA requirements, was initiated to assess the feasibility of a transit circulator for the whole Central City including the Eastside districts.
- j. In May 2006, Metro published the *Eastside Transit Alternatives Analysis Evaluation Report* for the purpose of evaluating potential transit modes, alignments and terminus locations.
- k. Public comments were received on the *Eastside Transit Alternatives Analysis Evaluation Report* and compiled in the *Eastside Transit Alternatives Analysis Draft Public Comment Summary* published June 2006.
- l. On May 31, 2006, the Eastside Project Management Group (PMG) recommended a Locally Preferred Alternative (LPA) including the *Eastside Transit Project Work Program Considerations* which generally includes a streetcar loop connecting downtown to the Lloyd and Central Eastside districts via the Broadway Bridge and the Weidler/Broadway and MLK/Grand couplets.
- m. On June 1, 2006, the Eastside Project Advisory Committee (EPAC) recommended an LPA consistent with the PMG and made minor amendments or revisions.
- n. On June 5, 2006, the Eastside Project Steering Committee recommended an LPA consistent with the PMG and EPAC and made minor amendments or revisions.
- o. The Portland Development Commission (PDC), the City of Portland Planning Commission, the Portland City Council, TriMet Board of Directors, and the Portland Streetcar Inc. Board recommended an LPA including the *Eastside Transit Project Work Program Considerations* which generally includes a streetcar loop connecting downtown to the Lloyd and Central Eastside districts via the Broadway Bridge and the Weidler/Broadway and MLK/Grand couplets.
- p. The Metro Council has considered the LPA recommendations including the *Eastside Transit Project Work Program Considerations*, and Metro Council concludes the reasons included in the LPA recommended by the Steering Committee dated June 5, 2006, for selecting this project are compelling.

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

1. The Board adopts the Eastside Transit Project Locally Preferred Alternative in the attached Exhibit A, the *Eastside Transit Alternatives Analysis Locally Preferred Alternative Recommendation*, that includes a streetcar loop connecting downtown Portland to the Lloyd and Central Eastside districts via the Broadway Bridge and the Weidler/Broadway and MLK/Grand couplets as shown in the attached Exhibit B.
2. The Board endorses the *Eastside Transit Project Work Program Considerations*, attached as Exhibit C.

ADOPTED this 29<sup>th</sup> day of June, 2006.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

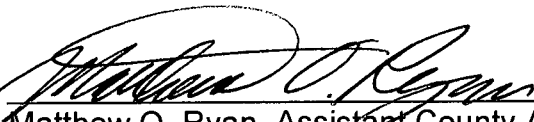
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Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By

  
Matthew O. Ryan, Assistant County Attorney



**LLOYD B.I.D., Inc.**  
**Business Improvement District**  
700 NE Multnomah ♦ Suite 340  
Portland, Oregon 97232-2135  
(503) 236-6441 ♦ fax (503) 236-6164

June 15, 2006

David Bragdon  
Presiding Officer  
Metro  
600 NE Multnomah  
Portland, OR 97232

**RE: Support for Metro's *Eastside Transit Alternatives Analysis: Locally Preferred Alternative Recommendation***

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Dear David:

The Boards of Directors for Lloyd District Transportation Management Association (LDTMA) and the Lloyd Business Improvement District (LBID) write this letter regarding Metro's recently published *Eastside Transit Alternatives Analysis: Locally Preferred Alternative Recommendation*. We would like forward our strong support for the eastside streetcar and the recommendations contained within the Metro analysis.

Our organizations represent a broad base of businesses and property owners located in the Lloyd District. The LBID represents over 100 property owners who joined together in 1999 to form a business improvement district. The LBID funds public safety, transportation, planning and advocacy programs for the Lloyd District and provided \$50,000 towards the initial funding of this important project. The LDTMA represents 85 businesses in the Lloyd District that employ nearly 10,000 of the Lloyd District's 20,000 employees. Two neighborhood associations are also represented on the LDTMA Board of Directors, the Lloyd District Community Association (LDCA) and the Irvington Community Association (ICA).

Our two organizations have worked closely with Metro, the City of Portland and TriMet in numerous efforts to improve the economic vitality and livability of the area. Since 1997, LDTMA members have transitioned overall commute trips to the Lloyd District from 76% of all trips to the district being made by car to just 46% of trips by car in 2005. That's a reduction of over 1,400 cars from the peak hour commute each day. In the area of transit alone, we have increased overall mode share from 21% in 1997 to 43% today. Last year, the 85 member businesses of the TMA invested over \$1 million in transit, bike and pedestrian programs for the district. In short, we have been working diligently to establish the foundation of programs, infrastructure and support necessary to make streetcar a model for success on the eastside of the Willamette River.

We fully concur with the findings in the *Eastside Transit Alternatives Analysis*. Streetcar will result in higher ridership and transit mode split for the Lloyd District and Central Eastside, particularly as it relates to service arriving from the south. Currently, about 32% of all employees working in the Lloyd District live in south/southeast Portland. A well-timed connection between buses traversing to downtown (east to west) to streetcar moving south



to north on MLK/Grand will link currently underserved commuters on the eastside to their jobs here in the Lloyd District and the Central Eastside Industrial District. Unlike streetcar downtown, an eastside streetcar can have significant positive impacts on commuter mode splits as well as its circulator benefits for non-peak travel.

The streetcar will also provide significant economic development benefits for the eastside of the river, giving support and synergy to the Burnside Bridgehead Project, the Oregon Convention Center and Hotel, Lloyd Crossing, the OCC Blocks Plan and the Rose Quarter Plan, to name a few. Each of these projects represent key elements of City and regionally adopted plans for growth and development for the eastside of the river. For the Lloyd District alone, the streetcar can serve as a key mode of access to accommodate 20,000 net new jobs and 4,000 new residential housing units.

Finally, the members of the LTMA and LBID have worked with the Eastside Streetcar Steering and Citizen Advisory Committees to support the formation of a Local Improvement District (LID) to help provide additional funding for eastside streetcar. We accomplished the preliminary commitment phase of the LID process in record time, highlighting the fact that there is outstanding neighborhood support in place for this project.

Again, we recommend and urge Metro, Multnomah County, the City of Portland, TriMet and JPACT to approve this project and help make Eastside Streetcar a reality. The recommendations and findings in the *Eastside Transit Alternatives Analysis* have our full support and endorsement.

Yours truly,

[Signed copy sent to David Bragdon, Metro President]  
Rick Williams  
Executive Director

Cc: Rex Burkholder, Metro Council  
Brian Newman, Metro Council  
Carl Hosticka, Metro Council  
Robert Liberty, Metro Council  
Rod Park, Metro Council  
Susan McLain, Metro Council  
Tom Potter, Mayor  
Sam Adams, Portland City Council  
Dan Saltzman, Portland City Council  
Eric Sten, Portland City Council  
Diane Linn, Multnomah County Commissioner  
Maria Rojo de Steffey, Multnomah County Commissioner  
Serena Cruz Walsh, Multnomah County Commissioner  
Lisa Naito, Multnomah County Commissioner  
Lonnie Roberts, Multnomah County Commissioner  
Fred Hansen, General Manager, TriMet  
George Passadore, TriMet Board of Directors  
Dave Bolender, TriMet Board of Directors  
Tiffany Sweitzer, TriMet Board of Directors  
Sue Van Brocklin, TriMet Board of Directors  
George Richardson, TriMet Board of Directors  
Bernie Giusto, TriMet Board of Directors  
Robert Williams, TriMet Board of Directors



# **Eastside Transit Alternatives Analysis**

Locally Preferred Alternative Presentation  
June 29, 2006



## Today's Resolution

- Endorses Steering Committee Recommendation for the Locally Preferred Alternative
- Will be forwarded to JPACT (7/13) and the Metro Council (7/20) along with resolutions from:
  - Portland Streetcar Inc. (6/7)
  - TriMet (6/28)



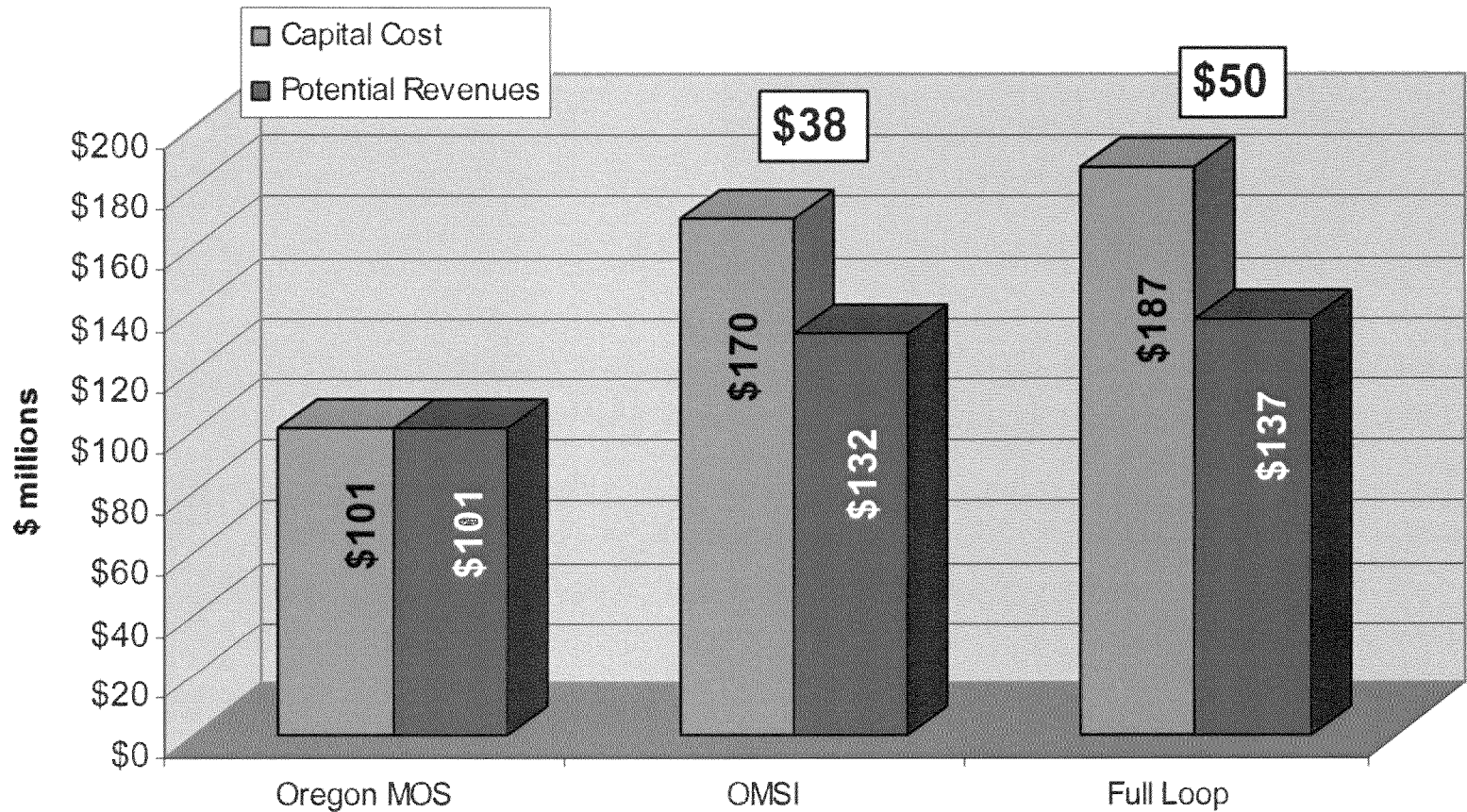
Locally Preferred  
Alternative  
Recommendation

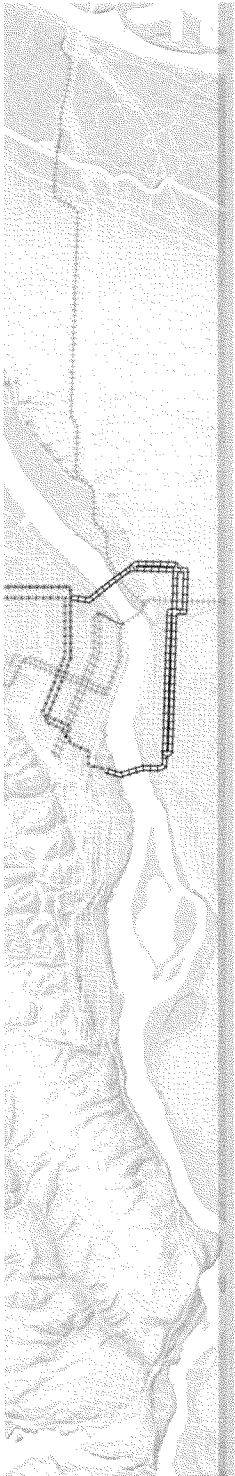


## Locally Preferred Alternative Recommendation

- Mode:** **Streetcar, Full Loop** Alternative
- Alignment:** **MLK/Grand Couplet** in Central Eastside south of I-84
- Terminus:** **OMSI** interim terminus until Willamette River crossing completed  
**Oregon Street** first construction segment

# Capital Costs, Revenue Sources and Funding Gap





# Rationale for LPA Recommendation and Work Program Considerations



## **Mode: Streetcar**

- Higher ridership than bus by up to 30%
- Leverages private development as shown by experience with existing line, documented in Hovee Report
- Higher level of community support





## **Alternative:** Full Loop Streetcar

- Ultimate goal of project to complete loop
- Best meets purpose and need, transit circulation function
- Highest ridership
- Most cost-effective by all three measures developed
- Ability to leverage highest levels of development
- Best meets City policies



## **Interim Terminus: OMSI**

- Milwaukie LRT Project and Caruthers Bridge (2014) will determine when loop can be completed
- OMSI would allow connection to Caruthers Bridge or an existing bridge if new bridge not available
- Current \$37 million funding gap to be addressed by increased revenues and new revenue sources and/or through capital cost reductions



## **First Construction Segment:** Oregon Street

- \$60 million FTA Small Starts funding required
- All other MOSs require maximum FTA participation of \$75 million
- City of Portland must meet certain conditions in order for project to extend south of Oregon Street to OMSI

A vertical strip on the left side of the slide shows a topographic map of a river valley. A specific area within the valley is outlined with a dashed line, indicating the project location.

## **Alignment – MLK/Grand Couplet**

- Two-way Grand traffic diversion impacts and \$17 million additional capital cost outweigh other benefits
- Couplet has highest community support
- Best ability to leverage LID funds
- Better supports existing City policy including CCTMP, street classification

A vertical strip on the left side of the slide shows a topographic map of a river valley. The river flows from the top towards the bottom. A specific area on the left bank of the river is outlined with a dashed line, possibly indicating a site of interest or a specific project area. The map uses contour lines to show the elevation of the surrounding terrain.

## MLK/Grand Couplet Concerns

- Quality of pedestrian environment
- Connectivity with bus lines at bridgeheads
- Commitment of resources and funding gap



## Conditions to Extend to OMSI

- Progress towards a signed development agreement between PDC and Burnside Bridgehead project
- Identification of additional private and public redevelopment opportunities and projects
- Amend the Central Eastside Urban Renewal District to facilitate development objectives within the District
- Develop a MLK/Grand Transportation Management Plan

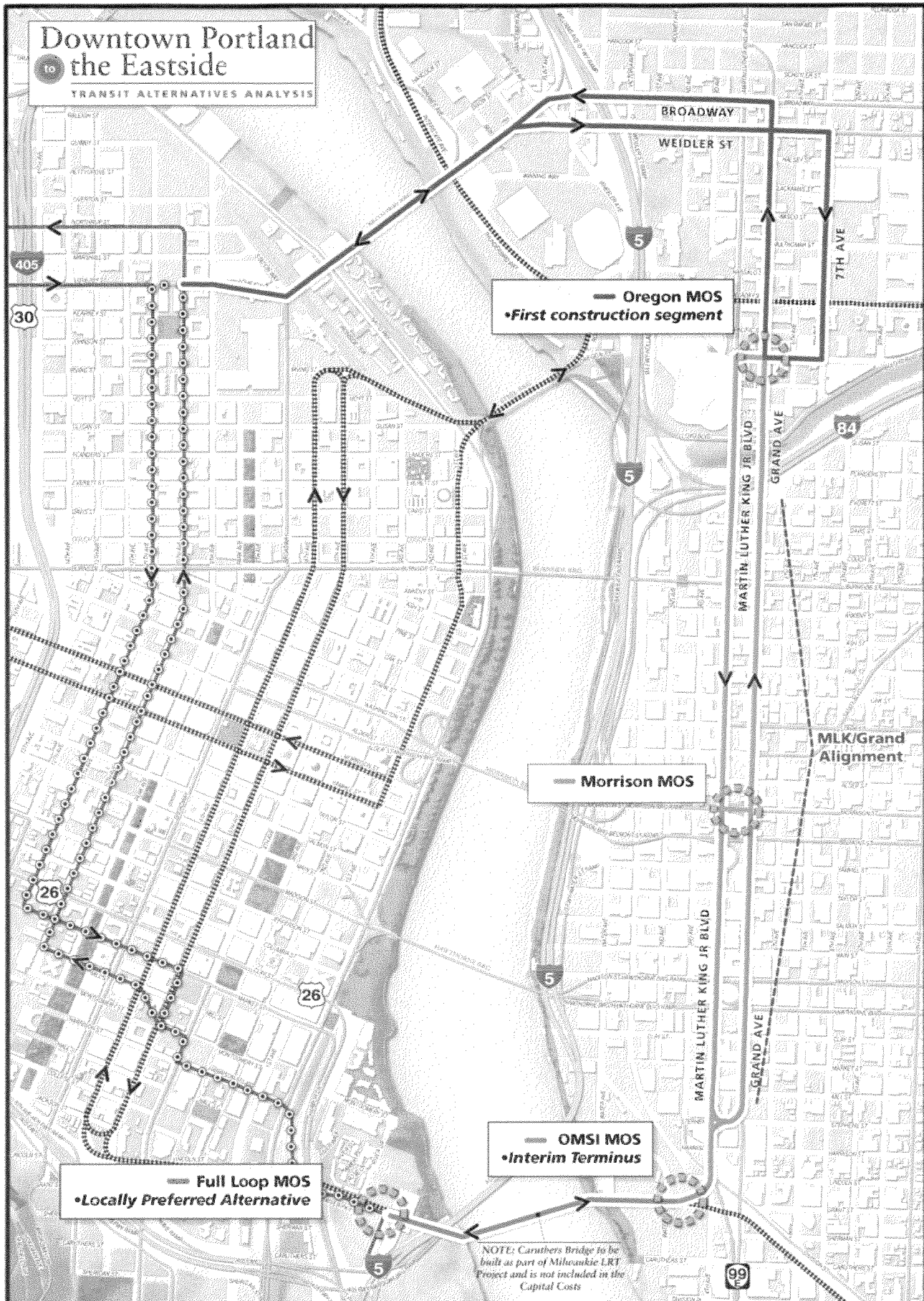


# Work Program Considerations

1. Coordination with Ongoing Planning Efforts
2. Preparation of Alternative User Benefit Measures
3. Refinement of Capital Costs and Funding Plan
4. Definition of Operating and Maintenance Revenue Sources
5. Traffic and Streetcar Operations
6. Refinement of Streetcar Alignment and Capital Cost Reduction
7. Evaluate Emergency Shared Light Rail and Streetcar Operations Between Rose Quarter and the Caruthers Bridge

# Downtown Portland to the Eastside

TRANSIT ALTERNATIVES ANALYSIS



## Eastside Transit Alternatives Analysis

Locally Preferred Alternative

Figure 1

### Minimum Operable Segment (MOS)

- Oregon
- Morrison
- OMSI
- Full loop

- • Proposed Transit on Existing Alignment
- MOS transition

### Light Rail

- Light Rail Alignments

### Streetcar

- Existing Streetcar

0 0.1 0.2 Miles





BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 06-118**

Adopting the Eastside Transit Project Locally Preferred Alternative, Located within the Portland Central City and Endorsing the Eastside Transit Project Work Program Considerations

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

- a. In 1988, the City of Portland adopted the *Central City Plan*, which identified the need and desire for an inner city transit loop, specifically citing the location for such transit loop on the Eastside as "...possibly on Grand Avenue."
- b. In 1995, the City of Portland adopted the *Central City Transportation Management Plan* (CCTMP) to implement the Central City Plan to improve transit circulation and distribution throughout the Central City districts. The Plan stated the need to: "Identify a strategy for developing the Central City streetcar system and integrating it with other transit services."
- c. In 1997, the Portland City Council approved a locally funded streetcar that was opened for service on the west side of the Central City in 2001.
- d. On June 25, 2003, the Portland City Council adopted an *Eastside Streetcar Alignment Study* that recommended the locally funded streetcar be extended to the Eastside with Federal Transit Administration (FTA) assistance.
- e. The Metro Council approved Resolution No. 03-3380A (For the Purpose of Adopting the 2004 Regional Transportation Plan to Meet Federal Planning Requirements) that includes in the Financially Constrained System projects 1106 and 1107, "Portland Streetcar – Eastside," constructing a streetcar to the Lloyd and Central Eastside districts.
- f. TriMet's five-year *Transit Improvement Plan* adopted by the TriMet Board of Directors on June 22, 2005, includes expanding high capacity transit service, specifically including streetcar as a priority.
- g. The recent SAFETEA-LU reauthorization adopted in 2005 includes the Federal Transit Administration's (FTA) Small Starts program for transit projects less than \$250 million with a maximum of \$75 million federal share that could possibly provide a source of federal support for Eastside transit improvements.

- h. On April 28, 2005, the Metro Council approved Resolution No. 05-3541, For the Purpose of Approving the FY 2006 Unified Planning Work Program, and this work plan included, on pages 41 and 42, the preparation of the Eastside Transit Alternatives Analysis.
- i. In 2005, an Eastside Transit Alternative Analysis, consistent with FTA requirements, was initiated to assess the feasibility of a transit circulator for the whole Central City including the Eastside districts.
- j. In May 2006, Metro published the *Eastside Transit Alternatives Analysis Evaluation Report* for the purpose of evaluating potential transit modes, alignments and terminus locations.
- k. Public comments were received on the *Eastside Transit Alternatives Analysis Evaluation Report* and compiled in the *Eastside Transit Alternatives Analysis Draft Public Comment Summary* published June 2006.
- l. On May 31, 2006, the Eastside Project Management Group (PMG) recommended a Locally Preferred Alternative (LPA) including the *Eastside Transit Project Work Program Considerations* which generally includes a streetcar loop connecting downtown to the Lloyd and Central Eastside districts via the Broadway Bridge and the Weidler/Broadway and MLK/Grand couplets.
- m. On June 1, 2006, the Eastside Project Advisory Committee (EPAC) recommended an LPA consistent with the PMG and made minor amendments or revisions.
- n. On June 5, 2006, the Eastside Project Steering Committee recommended an LPA consistent with the PMG and EPAC and made minor amendments or revisions.
- o. The Portland Development Commission (PDC), the City of Portland Planning Commission, the Portland City Council, TriMet Board of Directors, and the Portland Streetcar Inc. Board recommended an LPA including the *Eastside Transit Project Work Program Considerations* which generally includes a streetcar loop connecting downtown to the Lloyd and Central Eastside districts via the Broadway Bridge and the Weidler/Broadway and MLK/Grand couplets.
- p. The Metro Council has considered the LPA recommendations including the *Eastside Transit Project Work Program Considerations*, and Metro Council concludes the reasons included in the LPA recommended by the Steering Committee dated June 5, 2006, for selecting this project are compelling.

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

1. The Board adopts the Eastside Transit Project Locally Preferred Alternative in the attached Exhibit A, the *Eastside Transit Alternatives Analysis Locally Preferred Alternative Recommendation*, that includes a streetcar loop connecting downtown Portland to the Lloyd and Central Eastside districts via the Broadway Bridge and the Weidler/Broadway and MLK/Grand couplets as shown in the attached Exhibit B.
2. The Board endorses the *Eastside Transit Project Work Program Considerations*, attached as Exhibit C.

ADOPTED this 29th day of June, 2006.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Diane M. Linn, Chair



REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Matthew O. Ryan, Assistant County Attorney

# Eastside Transit Alternatives Analysis

## Locally Preferred Alternative Recommendation

Adopted by the Steering Committee  
June 5, 2006



**METRO**

Printed on 30% recycled post-consumer paper.

## I. Overview

This document presents the Locally Preferred Alternative (LPA) recommendation for transit improvements for the Eastside transit project in Portland's Central City. These recommendations are based on information documented in the *Eastside Transit Alternatives Analysis Evaluation Report* (Metro, May 2006) and from public input received during the public comment period and in the hearing held May 10, 2006 before the Eastside Project Advisory Committee (EPAC).

The LPA decision consists of three distinct decisions on project implementation and phasing. The **mode decision** chooses between streetcar, and the no-build bus network. The **terminus decision** addresses whether the project can be completed in one phase or in construction segments defined by three minimum operable segments (MOS). The streetcar alternative includes two potential alignments through the Central Eastside, the MLK/Grand Couplet and the two-way Grand design option and the **alignment decision** will choose between them.

## II. Eastside Transit Project Locally Preferred Alternative

### A. Transit Mode - Streetcar

Streetcar is the preferred transit mode for the Eastside project as defined by the **Full Loop Streetcar Alternative**. This alternative best meets the project's purpose and need and goals and objectives as outlined in the *Eastside Transit Alternatives Analysis Evaluation Report (Evaluation Report)*. The project also garners significant public support as shown by the public comment received.

The **streetcar mode** is preferred because:

- The streetcar mode results in approximately 30% higher ridership than an equivalent level of bus service operating in the same Central City mixed-traffic environment, indicating an inherent preference, or modal bias for streetcar
- A streetcar line would leverage higher levels of economic development and would provide better opportunities for land use that fosters compact urban form, reduced vehicle miles traveled and higher transit mode split than bus transit alone could provide, as shown by the experience of the existing Portland Streetcar
- A streetcar line has garnered strong community support, and the support of adjacent property owners, as evidenced by support for the current streetcar line through participation in local improvement districts, and through the stated intent of property owners along the Eastside line to participate in such a district.

The **Full Loop Streetcar Alternative** performs better than the no-build or MOS options in several key areas:

- Highest streetcar ridership and highest ridership per mile of operation
- Most cost-effective project by all three measures evaluated – annualized capital and operating cost and capital cost per new streetcar rider, federal capital cost per new streetcar rider and operating cost per new streetcar rider

- Best implements land use and economic plans and policies for the Central City
- Provides best potential for economic development given the geographic extent of the line
- Provides the greatest travel time improvements due to a new Willamette River crossing
- Provides potential for the highest level of local funding through a local improvement district and possible amendment of urban renewal areas
- Best meets the transit circulator function outlined in the Purpose and Need for the project.

## **B. Terminus**

### **1. Interim Project Terminus – OMSI MOS**

The **Full Loop Streetcar Alternative** is the project's ultimate objective. However construction of the project will need to occur in shorter segments to respond to the anticipated availability of federal and local funds and the timing of the Milwaukie Light Rail Project and construction of the new Caruthers Bridge across the Willamette River.. The **OMSI MOS** is the logical interim terminus for the full project until such time that the proposed Caruthers Bridge or other Willamette River streetcar crossing is viable. Current estimates for completion of the Milwaukie Light Rail Project put completion at 2014. The OMSI MOS would have a capital funding gap between project costs and anticipated revenues of \$37 million. It is recommended that major component costs and funding be reviewed seeking to reduce the overall cost and to identify additional revenue sources for the construction to OMSI as soon as possible.

### **2. First Construction Segment – Oregon Street MOS**

The **Oregon Street MOS** is recommended as the first construction segment for the project for the following reasons:

- The Oregon Street MOS would require \$60 million in FTA Small Starts funding, less than the statutory maximum of \$75 million for a single project. All other MOS options and the Full Loop Alternative would require the maximum level of FTA participation.
- The City of Portland needs to complete key analyses regarding the alignment south of Oregon Street. The Oregon Street MOS is the only MOS that could be advanced expeditiously independent of additional analyses for the MLK/Grand couplet in the Central Eastside.

### **C. Alignment – MLK/Grand Couplet**

The preferred alignment through the Central Eastside is the **MLK/Grand couplet**, contingent on the conditions set forth in section D below, for the following reasons:

- The MLK/Grand couplet alignment enjoys a higher level of community and business support than the two-way Grand Alignment.
- The MLK/Grand couplet alignment better supports existing city policy in the Portland Comprehensive Plan, Transportation System Plan and Central City Transportation Management Plan
- The two-way Grand alignment would result in greater local and neighborhood traffic impacts, would require major improvements on SE 7<sup>th</sup> Avenue including transitions to and from Grand Avenue, and would add \$17 million to the cost of the Morrison or OMSI MOS options or the Full Loop Alternative.
- The added cost of the two-way Grand alignment would strain finite local and federal funding sources and could delay the ultimate completion of the project.
- The MLK/Grand couplet would allow for a wider Local Improvement District and could enhance the ability to acquire local funding for the project.

Although MLK/Grand is the preferred alignment, the Steering Committee has raised some concerns regarding the MLK/Grand Couplet alignment and construction of the project through the Central Eastside including:

- Quality of the pedestrian environment, particularly on MLK Blvd, and its effect on the ultimate success of the project
- Connectivity with east-west bus routes at the bridgeheads, particularly from MLK Blvd
- Commitment of urban renewal funding, parking meter revenue and other sources to solidify local funding to construct the alignment south of Oregon Street.

### **D. Conditions for Extending the Project to OMSI**

Extension of the project south of Oregon Street is therefore, contingent on the City of Portland addressing the following Steering Committee concerns regarding the Central Eastside alignment:

- Progress towards a signed development agreement between the Portland Development Commission and the developer of the Burnside Bridgehead project
- Development of an MLK/Grand Transportation Management Plan that will:
  - Improve pedestrian access to the streetcar
  - Improve pedestrian safety and increase pedestrian crossing opportunities at streetcar stops, with special attention paid to the needs of the elderly and handicapped and connections to the bridgeheads
  - Provide for efficient streetcar operations through evaluation of transit priority measures that could include capital improvements such as curb extensions and operational improvements such as signal timing and spacing, or other measures

- Provide for efficient vehicle and freight movements through coordinated signalization, or any other operational improvements that will address the issues
- Identification of additional private and public redevelopment opportunities and projects along the corridor in addition to the proposed Burnside Bridgehead project
- Amending the Central Eastside Urban Renewal District to facilitate development objectives within the District
- Development of a parking management plan that includes a plan for raising revenues to help fund streetcar operations

When the project Steering Committee determines that the conditions have been met, project sponsors will seek to immediately extend the project to the OMSI MOS. If that is not possible for financial reasons, the shorter Morrison Street MOS should be considered as an interim terminus. The overall short-term goal is to proceed with the project to the OMSI MOS until such time that the Caruthers Bridge or other Willamette River streetcar crossing is available.

If the preceding conditions are not met or are not met satisfactorily, the Steering Committee will evaluate other alignments and measures, which will meet these conditions.



Exhibit B

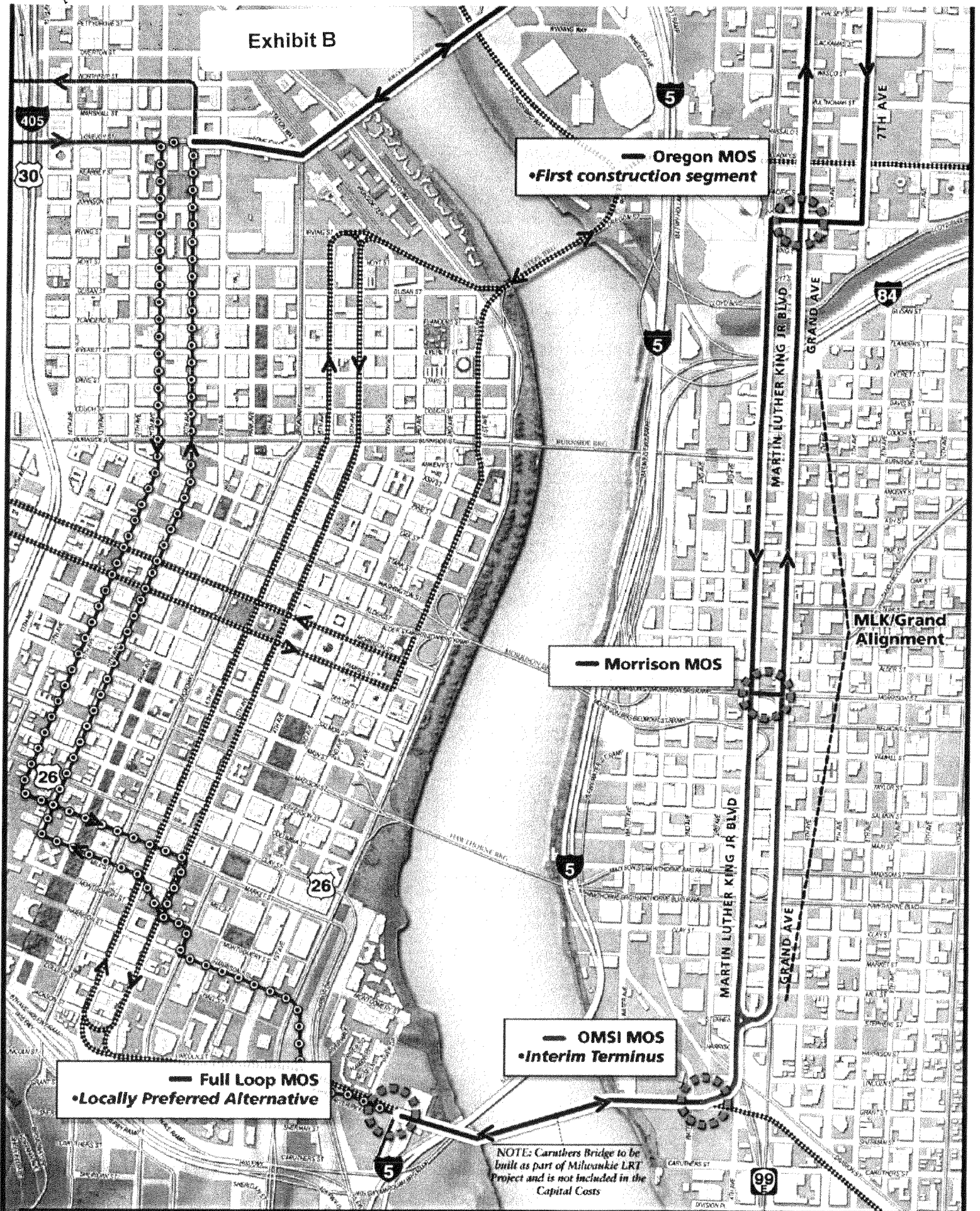


EXHIBIT C

# Eastside Transit Project

## Work Program Considerations

Adopted by the Steering Committee  
June 5, 2006



**METRO**

## **Overview**

These future work program elements and the issues they address are defined here because the Steering Committee wants to ensure continuity as the project moves beyond the Alternatives Analysis and Conceptual Design phases of project development. The following outlines issues and work program elements that have emerged from the Eastside Transit Alternatives Analysis process. Specific requirements to report back to the Steering Committee are noted below. The Steering Committee anticipates that this issues list will change as current issues are addressed and as new issues are identified.

### **1. Coordination with Ongoing Planning Efforts**

Project staff will need to coordinate with other planning efforts that may be taking place along the project alignment and in the surrounding area. The City of Portland will be undertaking an update to the Central City Plan and Central City Transportation Management Plan. As part of this planning, the City may re-examine the land use and zoning along the Streetcar alignment to increase development potential and employment density.

Proposed Action: City of Portland staff should brief the Steering Committee if and when changes are proposed that could affect the streetcar project.

### **2. Preparation of Alternative User Benefit Measures**

Project staff should develop a rationale related to streetcar's effect on redevelopment and the "trip not taken" for consideration by the FTA. This work needs to strengthen the project's justification and should be focused on affecting the Transportation System User Benefit (TSUB) number.

Proposed Action: The Steering Committee should be briefed on the progress of developing this measure prior to submittal of an application to enter the Project Development phase of FTA's Small Starts program.

### **3. Refinement of Capital Costs and Funding Plan**

The City of Portland should finalize the capital funding plan with a focused review of the capital cost estimate related to a likely schedule for FTA approvals (risk assessment.) This capital cost should include costs inherent in the fleet management plan and finance plan. The capital funding plan should also identify the funding sources for the "by others" pedestrian and transportation improvements included in the Conceptual Design for the Alternatives Analysis.

Proposed Action: A capital cost review and draft funding plan should be submitted to the Steering Committee for review prior to submittal of an application to enter the Project Development phase of FTA's Small Starts program, and should be completed prior to the end of Project Development.

### **4. Definition of Operating and Maintenance Revenue Sources**

The Steering Committee acknowledges TriMet's constrained operating revenue situation for the first years of project operation, given the demands of opening both the Portland Mall/I-205 Light Rail Project and the Wilsonville to Beaverton Commuter Rail line.

These are in addition to increasing service for fixed route bus lines, the LIFT and other dial-a-ride services as well as other fixed-guideway projects under consideration by the region such as Milwaukie Light Rail, Columbia River Crossing and Lake Oswego streetcar. Prior to applying for construction approval and funding, both the full capital costs and a 20-year operating plan will need to be finalized. This plan may need to identify new funding sources that reflect that the project is as much about development as it is about transportation. The goal of the funding plan should be to provide for streetcar operations in a manner that allows TriMet to implement its adopted five year service plan, fund operations of the South Corridor Phase II Milwaukie Light Rail Project, and meet other regional transit needs.

Proposed Action: The Steering Committee requests that it be briefed by Portland Streetcar, Inc and the City of Portland prior to submittal of an application to enter Small Starts Project Development, regarding the status of the capital, operations and maintenance funding plan. Prior to applying for construction funding, the Steering Committee also requests that it be briefed by the City of Portland on capital, operating and maintenance funding plans and briefed by TriMet regarding any potential service cuts or reallocations that might be required to share in the operating costs of the Eastside Project. , The operations funding plan should be finalized prior to the end of Project Development. Any concerns raised at the Steering Committee would need to be resolved prior to applying for Small Starts funding.

#### **5. Traffic and Streetcar Operations**

The Alternatives Analysis identified a number of key intersections that may need additional operational improvements to maintain streetcar reliability. The City of Portland will analyze the traffic and transit operational considerations described in Chapter 4 of the *Eastside Transit Alternatives Analysis Evaluation Report* including cost, potential impacts and speed improvements and their effect on streetcar reliability. In particular, northbound Grand Ave. is already congested between NE Oregon and NE Broadway. At a minimum, such congestion requires a detailed plan for mitigation if streetcar is expected to operate northbound on Grand Ave. without further deteriorating auto movement or compromising streetcar's ability to maintain its schedule.

Proposed Action: A proposed plan for capital and operational improvements to maintain the reliability of streetcar operations should be prepared prior to submittal of an application to enter the Project Development phase of FTA's Small Starts program and should be completed prior to the end of Project Development.

#### **6. Refinement of Streetcar Alignment and Capital Cost Reduction**

Recognizing that capital cost reductions may be necessary in order to advance the project to the OMSI interim terminus, the City of Portland should investigate modifying the proposed Streetcar Conceptual Design (*URS, April 2006*). Specifically, streetcar operations on the left side of Grand Avenue and on the right side of NE Broadway and Weidler streets should be evaluated for their potential to save construction costs associated with utility relocation. Traffic impacts of this alignment modification should

also be assessed. In addition, cost reductions should be pursued for proposed modifications to the Broadway Bridge.

Proposed Action: An evaluation of potential alignment modifications and a proposed plan to evaluate and implement capital cost reductions should be prepared prior to submittal of an application to enter the Project Development phase of FTA's Small Starts program. This information will be critical to inform any Steering Group action to advance the project to the OMSI interim terminus.

**7. Evaluate Emergency Shared Light Rail and Streetcar Operations Between Rose Quarter and the Caruthers Bridge**

The Steering Committee requests that TriMet and the City of Portland evaluate the potential for shared light rail and streetcar operations between the Caruthers Bridge and Rose Quarter in the event of an emergency that closes the Steel Bridge. The ability to use a new Willamette River streetcar crossing and the Central Eastside streetcar alignment for all light rail lines builds an important safeguard in the event of an emergency situation. The Steering Committee requests that this evaluation be conducted prior to applying for FTA Small Starts funding.

Proposed Action: Prior to entering Small Starts Project Development, the Steering Committee will review the feasibility of including provisions for joint emergency operations with light rail in the project scope. TriMet and the City of Portland should evaluate the feasibility of shared light rail operations. This evaluation should inform the design standards to be used in Project Development and identify any special design and operational considerations for joint operation of streetcar and light rail.



## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

### Board Clerk Use Only

Meeting Date: 06/29/06  
Agenda Item #: R-7  
Est. Start Time: 10:10 AM  
Date Submitted: 06/22/06

### BUDGET MODIFICATION:

**Agenda Title:** Public Hearing and Consideration of a RESOLUTION Approving the 2008-11 Transportation Enhancement Program Project List

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

<b>Date Requested:</b>	June 29, 2006	<b>Time Requested:</b>	5 minutes
<b>Department:</b>	Non-Departmental	<b>Division:</b>	N/A
<b>Contact(s):</b>	Ed Abrahamson		
<b>Phone:</b>	503-988-5050	<b>Ext.</b>	29620
<b>Presenter(s):</b>	Ed Abrahamson	<b>I/O Address:</b>	455

### General Information

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

Resolution supporting funding applications from the Transportation Enhancement Program, 2008-11. At their June 5, 2006 meeting, the East Multnomah County Transportation Committee recommended submitting funding applications for three East Multnomah County projects.

#### 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.

The Transportation Enhancement program provides federal highway funds for projects that strengthen the cultural, aesthetic, or environmental value of our transportation system. The funds are available for 12 "transportation enhancement activities" specifically identified in the Transportation Equity Act for the 21st Century (TEA-21). These activities fall into four main groups: 1) Pedestrian and Bicycle Projects, 2) Historic Preservation related to surface transportation, 3) Landscaping and Scenic Beautification, and 4) Environmental Mitigation (highway runoff and wildlife protection only). The intent of the program is to fund special or additional activities not normally required on a highway or transportation project. So far, Oregon has funded more than 150 projects for a total of \$63 million.

The following list includes the three projects recommended by EMCTC including two sponsored by Multnomah County and one sponsored by the City of Gresham.

**Multnomah County:**

- 1) Blue Lake Railroad Bike/Ped Undercrossing--\$250,000 TE, \$280,000 total. Fairview is co-sponsor
- 2) Beaver Creek Pedestrian Trail--\$400,000 TE, \$1.2 million total. Troutdale is co-sponsor.

**City of Gresham:**

- 1) Fairview Trail Bike/Ped Overpass at US 26--\$800,000 TE, \$1,100,000 total.

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

Funds are for fiscal years 2009-11 and will not have a fiscal impact until then, requiring a local match.

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

There are no legal issues. Seeking funds to complete these projects will add to a safe and balanced transportation system in the County.

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

The projects that the County is responsible for have been presented to citizens through open houses and meetings. The County has worked closely with Fairview, Gresham, Troutdale, and Wood Village to gain their support for this list of projects. EMCTC recommended this list at their June 5, 2006 meeting.

---

**Required Signatures**

---

**Department/  
Agency Director:**

*Maria Rojo de Steffen*

**Date:** 06/20/06

**Budget Analyst:**

**Date:**

**Department HR:**

**Date:**

**Countywide HR:**

**Date:**

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

Approving the 2008-11 Transportation Enhancement Program Project List

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

- a. The Oregon Department of Transportation (ODOT) administers the Transportation Enhancement program, which provides federal highway funds for projects that strengthen the cultural, aesthetic or environmental value of our transportation system.
- b. ODOT anticipates allocating \$6.5 million of Transportation Enhancement discretionary funds.
- c. The following 2008-11 Transportation Enhancement Program Project List identifies projects recommended by the East Multnomah County Transportation Committee for funding. Two of the projects were sponsored by Multnomah County and one was sponsored by the City of Gresham.

Project	Total Cost	Federal Funds	Match
Beaver Creek at Stark St. Ped Trail	\$1.16m	\$0.40	\$0.76
Blue Lake RR Under-crossing Bike/Ped	\$0.28m	\$0.25	\$0.03
Fairview Trail Bike/Ped Overpass	\$1.10m	\$0.80	\$0.30
<b>Total</b>	<b>\$2.54m</b>	<b>\$1.45</b>	<b>\$1.09</b>

- d. The County will be responsible for \$0.79 million in matching funds for the Beaver Creek and Blue Lake projects.
- e. The City of Gresham will be responsible for \$0.30 million in matching funds for the Fairview Trail project.

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

1. The Board approves of the 2008-11 Transportation Enhancement Program Project List recommended by the East Multnomah County Transportation Committee.


ADOPTED this 29th day of June, 2006.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

REVIEWED:  
AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By

  
Matthew O. Ryan, Assistant County Attorney



**BOGSTAD Deborah L**

---

**From:** KINOSHITA Carol  
**Sent:** Tuesday, June 27, 2006 9:34 AM  
**To:** BOGSTAD Deborah L  
**Cc:** ABRAHAMSON Ed; RYAN Matthew O; MARTINEZ David  
**Subject:** FW: R-7, TE Grants

Hi Deb!  
Here's the revised final; I'll deliver hardcopy shortly.

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

**From:** ABRAHAMSON Ed  
**Sent:** Monday, June 26, 2006 3:33 PM  
**To:** MARTINEZ David  
**Cc:** RYAN Matthew O; BOGSTAD Deborah L  
**Subject:** R-7, TE Grants

David—

As I explained at the BCC Staff Meeting, we are dropping one of the County sponsored projects as the costs are coming in too high. Therefore we need to amend the resolution as we submitted. I've attached a draft of the resolution (track changes) that reflects the needed amendment. We are dropping the Beaver creek culvert project. And, the cost of the Blue Lake RR project was changed to reflect revised cost estimates. Please feel free to contact me if you have any questions.

Thanx  
ed

6/29/2006

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

Approving the 2008-11 Transportation Enhancement Program Project List

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

- a. The Oregon Department of Transportation (ODOT) administers the Transportation Enhancement program, which provides federal highway funds for projects that strengthen the cultural, aesthetic or environmental value of our transportation system.
- b. ODOT anticipates allocating \$6.5 million of Transportation Enhancement discretionary funds.
- c. The following 2008-11 Transportation Enhancement Program Project List identifies projects recommended by the East Multnomah County Transportation Committee for funding. One of the projects was sponsored by Multnomah County and one was sponsored by the City of Gresham.

<u>Project</u>	<u>Total Cost</u>	<u>Federal Funds</u>	<u>Match</u>
Blue Lake RR Under-crossing Bike/Ped	\$0.39m	\$0.34	\$0.05
Fairview Trail Bike/Ped Overpass	\$1.10m	\$0.80	\$0.30
<b>Total</b>	<b>\$1.49m</b>	<b>\$1.14</b>	<b>\$0.35</b>

- d. The County will be responsible for \$0.05 million in matching funds for the Blue Lake project.
- e. The City of Gresham will be responsible for \$0.30 million in matching funds for the Fairview Trail project.

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

1. The Board approves of the 2008-11 Transportation Enhancement Program Project List recommended by the East Multnomah County Transportation Committee.

ADOPTED this 29th day of June, 2006.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Matthew O. Ryan, Assistant County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 06-119**

Approving the 2008-11 Transportation Enhancement Program Project List

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

- a. The Oregon Department of Transportation (ODOT) administers the Transportation Enhancement program, which provides federal highway funds for projects that strengthen the cultural, aesthetic or environmental value of our transportation system.
- b. ODOT anticipates allocating \$6.5 million of Transportation Enhancement discretionary funds.
- c. The following 2008-11 Transportation Enhancement Program Project List identifies projects recommended by the East Multnomah County Transportation Committee for funding. One of the projects was sponsored by Multnomah County and one was sponsored by the City of Gresham.

<u>Project</u>	<u>Total Cost</u>	<u>Federal Funds</u>	<u>Match</u>
Blue Lake RR Under-crossing Bike/Ped	\$0.39m	\$0.34	\$0.05
Fairview Trail Bike/Ped Overpass	\$1.10m	\$0.80	\$0.30
<b>Total</b>	<b>\$1.49m</b>	<b>\$1.14</b>	<b>\$0.35</b>

- d. The County will be responsible for \$0.05 million in matching funds for the Blue Lake project.
- e. The City of Gresham will be responsible for \$0.30 million in matching funds for the Fairview Trail project.

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

1. The Board approves of the 2008-11 Transportation Enhancement Program Project List recommended by the East Multnomah County Transportation Committee.

ADOPTED this 29th day of June, 2006.



REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Matthew O. Ryan, Assistant County Attorney

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Diane M. Linn, Chair



## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

### Board Clerk Use Only

Meeting Date: 06/29/06  
Agenda Item #: R-8  
Est. Start Time: 10:15 AM  
Date Submitted: 06/22/06

### BUDGET MODIFICATION:

**Agenda Title:** Public Hearing and Consideration of a RESOLUTION Approving the 2008-11 Metropolitan Transportation Improvement Project List

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

<b>Date Requested:</b>	June 29, 2006	<b>Time Requested:</b>	5 minutes
<b>Department:</b>	Non-Departmental	<b>Division:</b>	N/A
<b>Contact(s):</b>	Ed Abrahamson		
<b>Phone:</b>	503-988-5050	<b>Ext.</b>	29620
<b>I/O Address:</b>	455		
<b>Presenter(s):</b>	Ed Abrahamson		

### General Information

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

Resolution supporting funding applications from the Metropolitan Transportation Improvement Program, 2008-11. At their June 5, 2006 meeting, the East Multnomah County Transportation Committee recommended submitting funding applications for six East Multnomah County projects. In addition to the six East Multnomah County projects, there is one Multnomah County project in the City of Portland that we are also seeking support for.

#### 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.

By federal regulations, Metro is the designated agency to distribute federal transportation funds to jurisdictions in the Portland metropolitan area. The region is anticipating \$45 million for fiscal years 2009-10 from the Surface Transportation Fund Program and Congestion Management/Air Quality funds.

The following list includes the six projects recommended by EMCTC including three sponsored by Multnomah County, three sponsored by the City of Gresham, and one Willamette River Bridge project sponsored by Multnomah County:

Multnomah County:

- 1) Wood Village Blvd.-\$643,000 MTIP, \$1,143,000 total
- 2) 223<sup>rd</sup> Ave. Railroad Over-crossing-\$1 million MTIP, \$7.2 million total
- 3) Morrison Bridge Re-Deck-\$2 million MTIP, \$12 million total

City of Gresham:

- 1) Ped to MAX-\$890,000 MTIP, \$990,000 total
- 2) Burnside Blvd.-\$1.5 million MTIP, \$4 million total
- 3) 190<sup>th</sup> Ave.-\$3.9 million MTIP, \$4.6 million total

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

Funds are for fiscal years 2009-10 and will not have a fiscal impact until then, requiring a local match.

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

There are no legal issues. Seeking funds to complete these projects will add to a safe and balanced transportation system in the County.

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

The projects that the County is responsible for have been presented to citizens through open houses and meetings. The County has worked closely with Fairview, Gresham, Troutdale, and Wood Village to gain their support for this list of projects. EMCTC recommended this list at their June 5, 2006 meeting.

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**Required Signatures**

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Department/  
Agency Director:

*Maria Rojo de Steffen*

Date: 06/20/06

Budget Analyst:

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

Department HR:

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

Countywide HR:

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

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

Approving The 2008-11 Metropolitan Transportation Improvement Project List

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

- a. Metro administers the 2008-11 Metropolitan Transportation Improvement Project (MTIP).
- b. For the MTIP, Metro prepares a Project List which identifies transportation projects and programs that will receive regional flexible funds.
- c. Metro anticipates allocating \$45.4 million of Surface Transportation Program and Congestion Management/Air Quality funds.
- d. The policy objective for the Transportation Priorities 2008-11 program is to leverage economic development in priority 2040 land-use areas.
- e. Metro assigned targets for the maximum amount of project costs that could be submitted for funding consideration.
- f. The East County target is \$8 million.
- g. The East Multnomah County Transportation Committee recommends the following projects be included on the East County Project List:

<u>Project</u>	<u>Total Cost</u>	<u>Federal Funds</u>	<u>Match</u>
Wood Village Blvd: Arata-Halsey:	\$1.43 m	\$0.64	\$0.50
223 <sup>rd</sup> Ave. RR Over-crossing:	\$7.25m	\$1.00	\$5.26
Ped to Max Improvements:	\$0.99 m	\$0.89	\$0.10
Burnside Boulevard:	\$4.03m	\$1.50	\$2.50
<u>190<sup>th</sup> Avenue:</u>	<u>\$4.64m</u>	<u>\$3.96</u>	<u>\$1.48</u>
Total	\$18.34 m	\$7.99	\$9.84

- h. Of the items set forth in the Project List for Recital "g", the County will be responsible for \$5.76 million in matching funds for the first two projects.
- i. The City of Gresham will be responsible for \$4.09 million in matching funds for the last three projects on the list.
- j. Willamette River Bridge projects are included with the City of Portland's target of \$36 million.
- k. The County will submit a Willamette River project for \$2 million on the Morrison Bridge Rehabilitation.

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

1. The Board approves the 2008-11 Metropolitan Transportation Improvement Project List recommended by the East Multnomah County Transportation Committee.
2. The Board approves submission of a funding application for the Morrison Bridge.

ADOPTED this 29th day of June, 2006.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

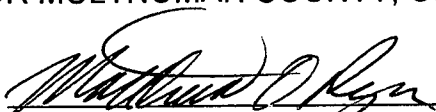
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Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By

  
Matthew O. Ryan, Assistant County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 06-120**

Approving the 2008-11 Metropolitan Transportation Improvement Project List

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

- a. Metro administers the 2008-11 Metropolitan Transportation Improvement Project (MTIP).
- b. For the MTIP, Metro prepares a Project List which identifies transportation projects and programs that will receive regional flexible funds.
- c. Metro anticipates allocating \$45.4 million of Surface Transportation Program and Congestion Management/Air Quality funds.
- d. The policy objective for the Transportation Priorities 2008-11 program is to leverage economic development in priority 2040 land-use areas.
- e. Metro assigned targets for the maximum amount of project costs that could be submitted for funding consideration.
- f. The East County target is \$8 million.
- g. The East Multnomah County Transportation Committee recommends the following projects be included on the East County Project List:

<b><u>Project</u></b>	<b><u>Total Cost</u></b>	<b><u>Federal Funds</u></b>	<b><u>Match</u></b>
Wood Village Blvd: Arata-Halsey:	\$1.43 m	\$0.64	\$0.50
223 <sup>rd</sup> Ave. RR Over-crossing:	\$7.25m	\$1.00	\$5.26
Ped to Max Improvements:	\$0.99 m	\$0.89	\$0.10
Burnside Boulevard:	\$4.03m	\$1.50	\$2.50
<u>190<sup>th</sup> Avenue:</u>	<u>\$4.64m</u>	<u>\$3.96</u>	<u>\$1.48</u>
Total	\$18.34 m	\$7.99	\$9.84

- h. Of the items set forth in the Project List for Recital "g", the County will be responsible for \$5.76 million in matching funds for the first two projects.
- i. The City of Gresham will be responsible for \$4.09 million in matching funds for the last three projects on the list.
- j. Willamette River Bridge projects are included with the City of Portland's target of \$36 million.



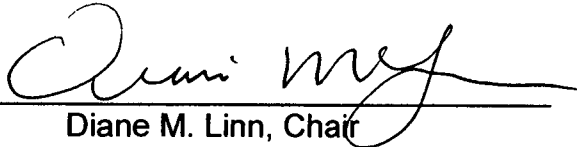
- k. The County will submit a Willamette River project for \$2 million on the Morrison Bridge Rehabilitation.

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

1. The Board approves the 2008-11 Metropolitan Transportation Improvement Project List recommended by the East Multnomah County Transportation Committee.
2. The Board approves submission of a funding application for the Morrison Bridge.

ADOPTED this 29th day of June, 2006.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Diane M. Linn, Chair



REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Matthew O. Ryan, Assistant County Attorney



## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

### Board Clerk Use Only

Meeting Date: 06/29/06  
Agenda Item #: R-9  
Est. Start Time: 10:20 AM  
Date Submitted: 06/21/06

### BUDGET MODIFICATION:

**Agenda Title:** RESOLUTION Directing the Facilities and Property Management Division to Sell the Morrison Bridgehead Property Through a Market Sale

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

<b>Date Requested:</b>	June 29, 2006	<b>Time Requested:</b>	5 minutes
<b>Department:</b>	Non-Departmental	<b>Division:</b>	County Management
<b>Contact(s):</b>	Pam Krecklow		
<b>Phone:</b>	503-988-4382	<b>Ext.:</b>	84382
<b>I/O Address:</b>	274		
<b>Presenter(s):</b>	Doug Butler, Pam Krecklow		

### General Information

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

Approval of resolution to sell the surplus Morrison Bridgehead Property through a market sale

#### 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.

Resolution #04-167 declared the Morrison Bridgehead Property surplus in November of 2004. The resolution directed Facilities to negotiate with the Portland Development Commission (PDC) for the sale of the property. As a result to those negotiations, PDC earmarked \$9 million in the Downtown Waterfront Urban Renewal budget and began due diligence for the potential acquisition of the property.

Subsequent changes in leadership at the City of Portland and PDC have led to a request that the County pursue a private market sale with PDC's support rather than a direct sale to PDC. FPM believes that there is good market interest in the property and that a private sale is both feasible and potentially more expeditious than a direct sale to PDC.

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

All net proceeds from the sale of the property shall be deposited in the County's General Reserve Fund and earmarked for use toward a downtown courthouse site.

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

The sale of the Morrison Bridgehead Property provides the means with which to obtain a site in Downtown Portland for a new courthouse. It is the first and pivotal step toward solving the larger Courthouse solution. The transaction supports the County's Consolidation and Disposition Strategy and Facilities Strategic Plan.

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

The property sale will be processed in accordance with County policy. The issue has been before the Board at public meetings no less than 2 times in resolutions #04-167 and #06-033. It was debated in a public forum during the decision process on expansion of the Downtown Waterfront Urban Renewal Area which included public meetings of the County Board, City Council, Portland Development Commission, the Planning Commission, Neighborhood, Business and Community groups.

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**Required Signatures**

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**Department/  
Agency Director:**



**Date:** 06/21/06

**Budget Analyst:**

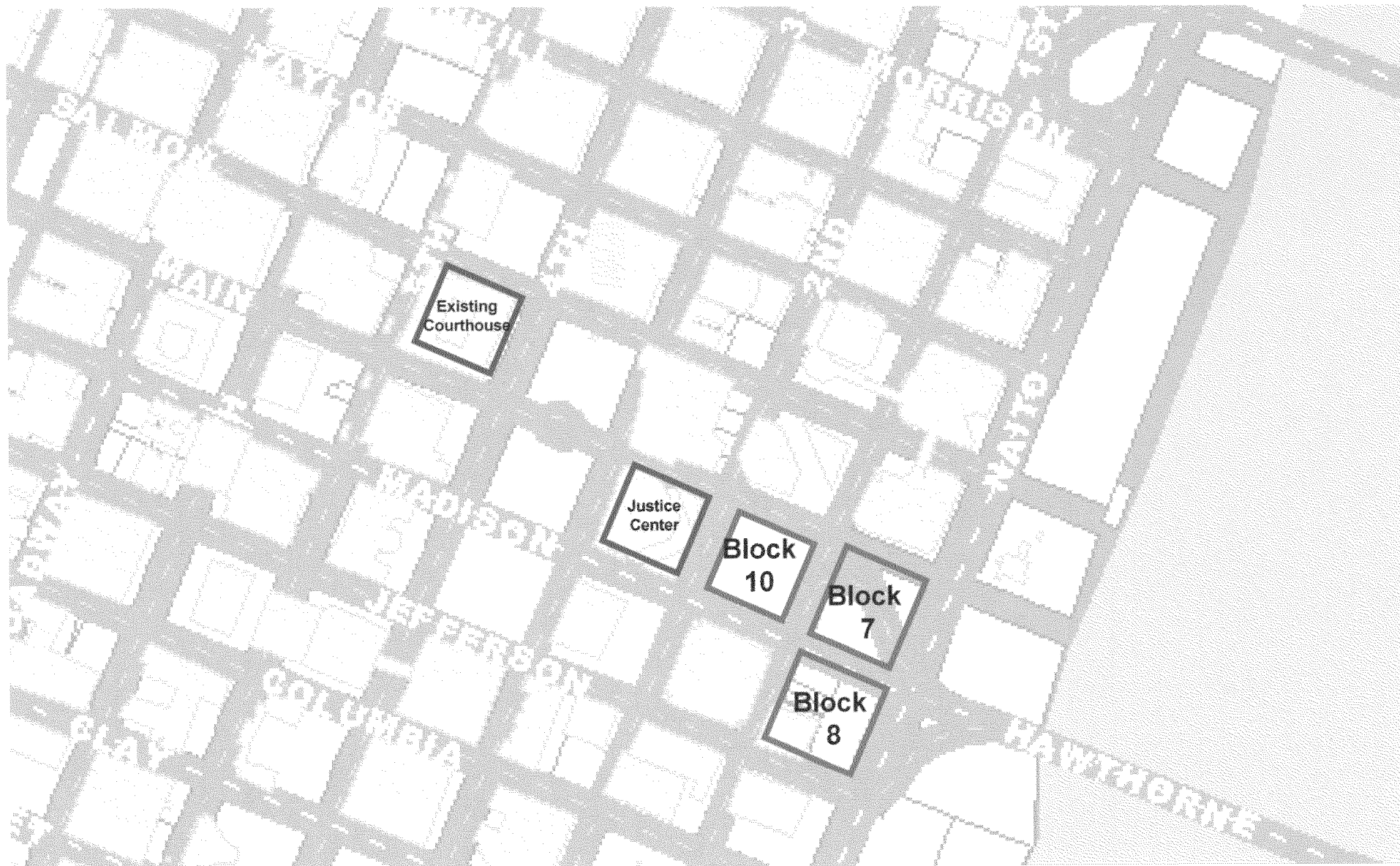
**Date:**

**Department HR:**

**Date:**

**Countywide HR:**

**Date:**



## Courthouse Siting Potential

Block 10 = Two Main Place  
Block 8 = South Bridgehead  
Block 7 = North Bridgehead

Multnomah County  
Facilities & Property Management  
6/15/06

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

Directing the Facilities and Property Management Division to Sell the Morrison Bridgehead Property Through a Market Sale.

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

- a. Resolution 04-167, adopted by the Board of County Commissioners on November 18, 2004, declared the Morrison Bridgehead property ("the property") surplus, directed the Facilities and Property Management Division (FPM) to negotiate with the Portland Development Commission (PDC) for the sale of the property, and directed that the proceeds from the sale be deposited in the County's General Reserve Fund and earmarked for use toward a downtown courthouse.
- b. As a result of negotiations with PDC, PDC earmarked \$9 million in the Downtown Waterfront Urban Renewal budget for purchase of the property and began due diligence.
- c. PDC now requests that the County pursue a private market sale with PDC's support instead of a sale to PDC.
- d. FPM believes that there is good market interest in the property and that a private sale is feasible and in the best interests of the County.
- e. Questions regarding the replacement of or mitigation for the motor pool and parking that are currently on the property will be addressed when the timing and conditions for the sale of the property are known.

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

1. The Facilities and Property Management Division is directed to offer the property for sale. Any sale of the property shall be subject to Board approval.
2. Facilities and Property Management shall brief the Board regularly on sale progress.

3. All net proceeds from the sale of the property shall be deposited in the County's General Reserve Fund and earmarked for use toward a downtown courthouse site.

ADOPTED this 29th day of June, 2006.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

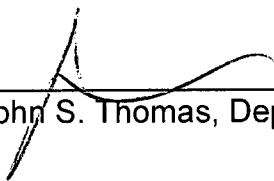
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Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By



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John S. Thomas, Deputy County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 06-121**

Directing the Facilities and Property Management Division to Sell the Morrison Bridgehead Property Through a Market Sale

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

- a. Resolution 04-167, adopted by the Board of County Commissioners on November 18, 2004, declared the Morrison Bridgehead property ("the property") surplus, directed the Facilities and Property Management Division (FPM) to negotiate with the Portland Development Commission (PDC) for the sale of the property, and directed that the proceeds from the sale be deposited in the County's General Reserve Fund and earmarked for use toward a downtown courthouse.
- b. As a result of negotiations with PDC, PDC earmarked \$9 million in the Downtown Waterfront Urban Renewal budget for purchase of the property and began due diligence.
- c. PDC now requests that the County pursue a private market sale with PDC's support instead of a sale to PDC.
- d. FPM believes that there is good market interest in the property and that a private sale is feasible and in the best interests of the County.
- e. Questions regarding the replacement of or mitigation for the motor pool and parking that are currently on the property will be addressed when the timing and conditions for the sale of the property are known.

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

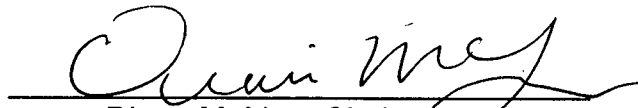
1. The Facilities and Property Management Division is directed to offer the property for sale. Any sale of the property shall be subject to Board approval.
2. Facilities and Property Management shall brief the Board regularly on sale progress.

3. All net proceeds from the sale of the property shall be deposited in the County's General Reserve Fund and earmarked for use toward a downtown courthouse site.

ADOPTED this 29th day of June, 2006.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON



  
Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
John S. Thomas, Deputy County Attorney





## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

### Board Clerk Use Only

Meeting Date: 06/29/06  
Agenda Item #: R-10  
Est. Start Time: 10:25 AM  
Date Submitted: 06/02/06

**BUDGET MODIFICATION:** -

**Public Hearing to Consider and Possibly Act Upon a Measure 37 Claim Filed by Jean O'Mara Seeking a Waiver of Land Use Rules that Allow Her to Establish One Dwelling and Accessory Structures on Each Lot and to Replace the Existing Dwelling on Tax Lot 1600**

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

**Date Requested:** June 29th, 2006 **Time Requested:** 30 minutes  
**Department:** Community Services **Division:** Land Use and Transportation  
**Contact(s):** Adam Barber, Derrick Tokos  
**Phone:** 503-988-3043 **Ext.** 22599 **I/O Address:** 4551116  
**Presenter(s):** Adam Barber, Sandy Duffy

### General Information

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

Action requested is to provide a public hearing and render a decision on this Measure 37 claim. The two properties involved are undeveloped Tax Lot 1700 (T2N, R1W, Sec 16B) and developed Tax Lot 1600, otherwise known as 13829 NW Charlton Road.

This Agenda Placement Request contains summary information related to the claim. A staff report and exhibits related to the claim are attached which provide more detailed information. The staff report contains the analysis conducted by land use planning staff. The exhibits to the staff report contain information supporting that analysis including an appraisal supplied by the applicant, a map, an aerial photo, and ownership information.

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

The claimant has requested either \$200,000 in monetary compensation to be paid or the right to establish a single family dwelling and an unspecified number of accessory structures on each property as well as the right to replace the existing dwelling on Tax Lot 1600. The zoning of both lots was F-2 Agricultural in 1968 when the claimant purchased the properties. These regulations would have allowed the claimant to establish one dwelling and accessory structures on each lot and would have allowed the ability to replace the existing dwelling on Tax Lot 1600.

Some of the challenged regulations have restricted the use of the properties. For example, the current Exclusive Farm Use regulations aggregate the two lots together for development purposes disqualifying Tax Lot 1700 for a dwelling because Tax Lot 1600 already contains a dwelling and an aggregated Lot of Record can only contain one primary farm dwelling. The current \$80,000 farm income requirements for establishing a dwelling on Exclusive Farm Use land also restricts the use of Tax Lot 1700 because it does not appear large enough to be able to produce enough farm related income to meet this threshold. The current regulations also could potentially prevent the claimant from replacing the existing home on Tax Lot 1600, under certain circumstances, which restricts the use of that property.

When the claimant purchased the properties in 1968, the F-2 zoning code listed structures accessory to primary uses on properties as an allowed use in the F-2 zoning district (MCC 3.113) as is still the case today within the current Exclusive Farm Use zoning regulations (MCC 34.2620(B) & (P)). Because accessory structure regulations were in place when the properties were acquired, the request to establish accessory structures through this Measure 37 process is not valid because no restriction in use has occurred with respect to accessory structures.

Within the staff report, staff has grouped the challenged regulations into the following four categories to identify which specific regulations have restricted the use of the properties.

- Category 1** – Regulations that have restricted the use of the property for the claimant
- Category 2** – Regulations that would be premature to find that they restrict the use
- Category 3** – Regulations exempt from Measure 37
- Category 4** – Unrelated regulations

Ms. O'Mara has established that land use regulations enacted after she purchased the property in 1968 have prevented her from building a home on Tax Lot 1700 and potentially from replacing the existing dwelling on Tax Lot 1600. To allow Ms. O'Mara to accomplish these development goals, the Board would need to grant the request to not apply the Category 1 regulations outlined in this report.

Claimant's request to not apply the Category 2 regulations outlined in this report should be denied because the request is premature. Claimant's request to not apply the Category 3 regulations should be denied because the regulations concern public health and safety. Claimant's request to not apply the Category 4 regulations should be denied because they have no bearing on development of the property.

If the Board of Commissioner's chooses to not apply the Category 1 regulations, Land Use Planning would recommend that the Board of Commissioners address the following in the Board Order:

1. Include a statement that any waiver or modification of the county land use regulations does not constitute a waiver or modification of corresponding state laws, or administrative rules.
2. Action by the Board of Commissioners to not apply regulations does not authorize immediate

construction of the dwellings. Rules that still apply require that land use and building permits be approved by the County before development can proceed.

3. Include a statement that the right to transfer any Measure 37 rights is only transferable as provided by law.

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

The claimants assert a reduction in value of \$200,000; however, this dollar figure is not supported by an appraisal prepared in accordance with the County ordinance. If the Board decides to pay compensation, the claimants will need to submit a detailed appraisal for the properties to determine the exact amount of compensation due.

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

Policy and legal issues are outlined in a staff report from Land Use Planning dated May 30, 2006. The County Attorney has advised that any property rights obtained by relief from land use regulations are not transferable under Ballot Measure 37, consistent with the DOJ opinion of February 2005.

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

Deliberation and any action on this item will be done following a public hearing at which interested citizens will have an opportunity to testify and provide written comment in accordance with the Board of Commissioners rules of procedure for the hearing. Public notice of the claim was mailed to all property owners within 750 feet of the subject property. This notice provided a 14 day opportunity to comment period.

The State of Oregon issued a Measure 37 decision on this development request on September 30<sup>th</sup>, 2005. The State recommended that the identified state laws be waived for the claimants. A copy of that decision is provided as an Exhibit to the staff report.

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**Required Signatures**

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**Department/  
Agency Director:**



**Date:** 06/02/06

**Budget Analyst:**

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

**Department HR:**

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

**Countywide HR:**

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



**LAND USE & TRANSPORTATION  
PLANNING PROGRAM**

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

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## Staff Analysis of a Measure 37 Claim

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

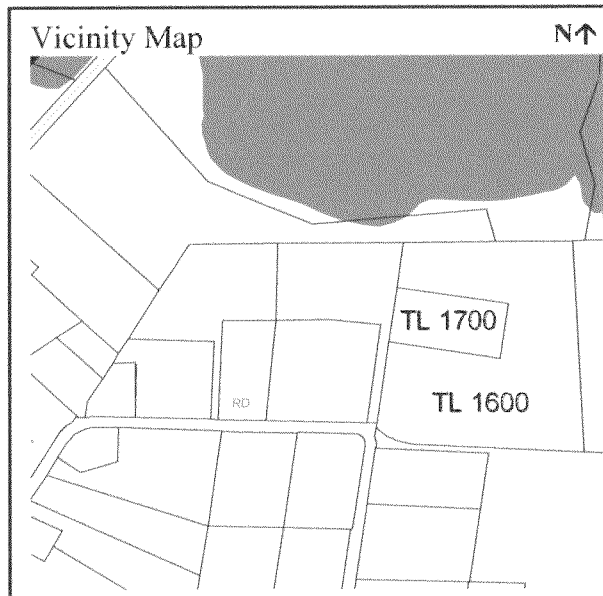
Hearing Date, Time, & Place:

**June 29<sup>th</sup>, 2006 at 9:30 am** or soon thereafter, in the Commissioners' Board Room of the Multnomah Building, located at 501 SE Hawthorne, Portland, Oregon.

**Case File:** T1-05-056

**Claimant:** Jean O'Mara, Owner

**Location:** Tax Lots 1600 (13829 NW Charlton Road) & 1700, Section 16B, Township 2 North, Range 1 West, W.M.



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**Claim:** Demand to either pay \$200,000 in monetary compensation or not apply County land use regulations to allow the claimant to establish one single family dwelling and accessory structures on each lot.

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

**Site Size:** TL 1600 - 10.48 acres  
TL 1700 - 2.00 acres

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### Approach to Deciding the Claim:

Jean O'Mara acquired the subject properties on October 29<sup>th</sup>, 1968 and has shown that the challenged regulations enacted after she acquired the properties prevent her from establishing a dwelling on vacant Tax Lot 1700 and could potentially prevent her from replacing the existing dwelling on Tax Lot 1600.

The claimants data on comparable sales in the area is adequate to show that some of the challenged regulations have reduced the property values meaning the Board must either: 1). Provide monetary compensation equal to the value reduction or 2). Set aside the Category 1 regulations that have been identified in this report as having restricted the use and reduced the value of the properties. Additional appraisal information must be submitted by the claimant if the Board elects to grant monetary compensation in order to verify the exact dollar amount of value reduction.

## CLAIM SUMMARY AND PROPERTY DESCRIPTION

This claim involves two contiguous properties, both owned by the claimant Jean O'Mara. The subject properties are zoned Exclusive Farm Use and are located on the southwestern side of Sauvie Island, about  $\frac{3}{4}$  of a mile northeast of the Reeder Road/Sauvie Island Road intersection. The larger of the two properties is Tax Lot 1600 which is 10.48 acres. Tax Lot 1600 is primarily devoted to farm uses with a mobile home established in the southwest corner next to NW Charlton Road. The address of this property is 13829 NW Charlton Road. The smaller 2.00 acre property (Tax Lot 1700) is entirely devoted to farm use and contains no structures and has no address. Maps illustrating the vicinity and property configurations are presented as Exhibit B4. A zoning map of the area is presented as Exhibit B5.

The claimant has requested either \$200,000 in monetary compensation to be paid or the right to establish a single family dwelling and an unspecified number of accessory structures on each property. The claimant has also requested that the current replacement dwelling regulations be waived for Ms. O'Mara with respect to the existing dwelling on Tax Lot 1600.

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

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

**Yes. The materials submitted by the claimant constitute a complete written demand for compensation as required by Multnomah County Code 27.520.**

This Measure 37 claim was submitted on August 23<sup>rd</sup>, 2005. Staff reviewed the application and determined critical information was missing as required by **Multnomah County Code 27.520**. Staff prepared a letter listing the outstanding information required to complete the claim and mailed that letter to the claimant on September 13<sup>th</sup>, 2005. On September 27<sup>th</sup> 2005, the claimant submitted all the required information and the claim was deemed complete in accordance with the procedures outlined in **Multnomah County Code 27.530**.

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

**Yes. The claimant first held interest in the identified properties on October 29<sup>th</sup> of 1968 (Book 657, Page 86 (TL 1700) and Page 87 (TL 1600)). The challenged Category 1 regulations were adopted after this date.**

A list of the challenged regulations is presented as Exhibit A6 to this report. The zoning of both lots was F-2 Agricultural in 1968 when the claimant acquired the properties. A copy of the F-2 regulations in effect in 1968 is presented as Exhibit B1. The zoning did not change from F-2 to RL-C until December 5<sup>th</sup> of 1975. The zoning of the properties changed again on October 6<sup>th</sup>, 1977 to Exclusive Farm Use-38 and again on August 14<sup>th</sup>, 1980 to Exclusive Farm Use zoning which has been applied to date to both lots. The Category 1 regulations outlined later in this report first came into effect over different periods, although all came into effect after the claimant purchased the properties.

3. *Have the challenged regulations restricted the use of the properties for the claimant?*

**Yes. Some of the challenged regulations have restricted the use of the properties. For example, the current Exclusive Farm Use regulations aggregate the two lots together for development purposes disqualifying Tax Lot 1700 for a dwelling. Disqualification occurs because Tax Lot 1600 already contains a dwelling and an aggregated Lot of Record can only contain one primary farm dwelling. The current \$80,000 farm income requirements for establishing a dwelling on Exclusive Farm Use land also restricts the use of Tax Lot 1700 because it is likely not large enough to be able to produce enough farm related income to meet this threshold. The current regulations also could potentially prevent the claimant from replacing the existing home on Tax Lot 1600 under certain circumstances which restricts the use of that property.**

The claimant has requested the right to establish a dwelling and accessory structures on each lot and to guarantee the right to replace the existing dwelling on Tax Lot 1600. The regulations in place in 1968 when the claimant purchased the properties allowed structures accessory to primary uses on properties in the F-2 zoning district (**MCC 3.113**) as is still the case within the current Exclusive Farm Use zoning regulations (**MCC 34.2620(B) & (P)**). Because accessory structure regulations were in place when the properties were acquired, the request to establish accessory structures through this Measure 37 process is not valid because no restriction in use has occurred with respect to accessory structures. In addition, it is not clear why this claim involves accessory structures since the current regulations would not prohibit the claimant from establishing an accessory structure use on either property.

Evaluating the rest of the claim related to dwellings is a bit more complicated because the rules governing dwellings in the Exclusive Farm use zone are more involved than those for accessory structures and because both properties have different development levels (one property contains a home and one is vacant). An analysis of these issues is presented below.

The claimant has submitted a list of challenged regulations which is presented as Exhibit A6 and summarized below into the following major code sections. Staff has grouped the challenged regulations into the following 'like type' sections that will be evaluated, section by section, within this report in an effort to determine which groups of regulations have restricted the use of the properties.

- Multnomah County Code (**MCC**): **34.0000 et seq.** (General Provisions)
- **MCC 34.0055 et seq.** (Planning Authority)
- **MCC 34.0510 et seq.** (Administration and Enforcement)
- **MCC 34.0600 et seq.** (Planning Director)
- **MCC 34.0910 et seq.** (Interpretations, Violations and Enforcement)
- **MCC 34.2600 et seq.** (Exclusive Farm Use)
- **MCC 34.4500 et seq.** (Significant Environmental Concern)
- **MCC 37.0510 et seq.** (Administration and Procedures)
- **MCC 37.0900 et seq.** (Violations, Enforcement and Fines)

In addition, in determining which regulations have restricted the use of the properties Staff also needed to identify which regulations would be premature to make this finding, which regulations are exempt from the Measure 37 process and which are simply unrelated to the Measure 37 process. Staff will use the following four major categories of regulations for this analysis.

- Category 1** – Regulations that have restricted the use of the properties for the claimant
- Category 2** – Regulations that would be premature to find that they restrict the use
- Category 3** – Regulations exempt from Measure 37
- Category 4** – Unrelated regulations

An evaluation of the critical regulations, using these four categories is presented following the category list below.

### **Category 1 - Regulations that have restricted the use of the properties for the claimant**

- ***MCC 34.2675(A) – EFU Lot of Record Aggregation Requirements***

The Current Exclusive Farm Use Lot of Record aggregation regulations require that contiguous properties less than 19-acres be aggregated together for residential development requests if the contiguous properties were under common ownership on February 20<sup>th</sup> of 1990. According to deed records, both properties involved in this claim were under common ownership on this date and are less than 19-acres together. As a result of the Exclusive Farm Use Lot of Record aggregation Requirements, the claimant's two properties are considered aggregated together into one for development purposes and can not be viewed as separate lots for a new residential development review under the current regulations.

Lot of Record aggregation requirements were first applied to the properties in 1975, seven years after acquisition, with the adoption of the RL-C zoning code. These regulations prevent the establishment of a primary farm related dwelling on undeveloped Tax Lot 1700 because Tax Lot 1600 currently contains a home and the two are considered aggregated into one Lot of Record not eligible for another home. In summary, Staff finds these regulations prohibit approval of a primary dwelling on undeveloped Tax Lot 1700 and therefore restrict the use of that lot.

- ***MCC 34.2610 – Definition of Tract***

A 'Tract' is defined by **MCC 34.2610** as one or more contiguous lots or parcels in the same ownership. The tract definition should be waived if the Lot of Record aggregation requirements are waived in order to separate contiguous lots 1700 and 1600 for a new development request. Under current regulations, both tax lots are considered to not only be one Lot of Record but also one Tract.

- ***MCC 34.2625(D)(1) – Farm Income Test for Establishing a Farm Dwelling on High Value Farmland Soils***

These regulations require proof of a certain level of farm income related to the property in order to establish a new primary farm dwelling on vacant land (i.e. Tax Lot 1700). The threshold for properties consisting of high value soils is \$80,000 gross annual income from the sale of farm products grown on a subject tract in the last two years, or for three of the last five years.

Although Tax Lot 1700 consists of high value Burlington fine sandy loam soils (Unit 6C)<sup>1</sup>, it is only 2.00 acres in size and is unlikely to be able to produce enough agricultural yield to meet the \$ 80,000 farm income test. This is supported by findings within a county land use decision approved in 2001

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<sup>1</sup> (1983) Soil Survey of Multnomah County, United States Department of Agriculture & Soil Conservation Service.

(Case PRE 0-7). This decision found that a gross annual income of approximately \$20,000/acre/year is a reasonable high end estimate for nursery stock grown in Multnomah County.

According to statistics published jointly by the Oregon Agricultural Statistics Service and Oregon State University Extension Service in 2001, the 1999 gross sales in Multnomah County averaged only \$11,079 per acre for nursery and greenhouse operations. Of Oregon's top 40 commodities for 2000, greenhouse and nursery products ranked number one in dollar value and were estimated to have constituted over half of the total sales of from products in the county. This provides a reasonable high end farm related income projection for an acre of farm land<sup>2</sup>. This \$11,079 estimate provides further support that the 2.00 acre subject property is most likely too small to meet the \$80,000 farm income regulation required to establish a primary farm dwelling. In fact, the average farm size in Multnomah County is 48-acres<sup>3</sup> making the 2.00 acre subject property quite small in comparison.

In conclusion, Staff finds this farm income regulation prohibits establishment of a single family dwelling on Tax Lot 1700.

- *MCC 34.2625(D)(1)(b) – Requirement that only one dwelling be located on land zoned EFU owned by the farm or ranch operator.*

This regulation prevents the claimant from establishing a dwelling on vacant Tax Lot 1700, as requested, because she owns both Exclusive Farm Use zoned lots, one of which already contains a dwelling.

- *MCC 34.2620(L) – Requirement that the dwelling to be replaced must first meet certain criteria to qualify for replacement.*

Current EFU rules require evidence that a dwelling was lawfully established and is currently habitable in order for it to be replaced (MCC 34.2620(L)). This requirement did not exist when the claimant purchased Tax Lot 1600 in 1968. If the current dwelling on Tax Lot 1600 could not meet these rules, for example, then the claimant would not be able to replace the structure with a new dwelling in the future. Staff finds that the Exclusive Farm Use replacement dwelling regulations have restricted the use of Tax Lot 1600 by potentially preventing the claimant from having the ability to replace the dwelling on this lot.

## **Category 2 – Regulations that would be premature to find that they restrict the use**

- *MCC 34.2660(C) – Minimum Yard Dimensions and Maximum Structure Height*

This section of the code establishes minimum required setback distances between new buildings and property lines and provides maximum structural heights allowed in the zoning district. Staff has no way to determine if these regulations restrict the desired use at this time because a development plan illustrating the specific location and design of the proposed residential development was not provided with the claim. These regulations would be evaluated for a specific development at the time of land use planning plan signoff prior to those plans being released to the building department for review. Staff finds that it would be premature to waive these regulations at this time.

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<sup>2</sup> (2001) Oregon Agricultural Statistics and Oregon State University Extension Service, Oregon Agriculture: Facts and Figures.

<sup>3</sup> (2002) USDA census data.



### **Category 3 – Regulations exempt from Measure 37 because they relate to health and safety or federal law**

- *MCC 34.2690 – Access*

This standard requires any lot in the district to either abut a street or have access deemed safe and convenient for pedestrians and for passenger and emergency vehicles. These standards relate to public safety which is exempt from the Measure 37 claims process.

### **Category 4 – Unrelated regulations**

All other regulations listed in Exhibit A6 not specifically called out in the Category 1-3 lists above appear to be unrelated to either this claim or to the Measure 37 process. The claimant has not explained how these regulations have restricted the use of the properties for the claimant or how these specific provisions have reduced the real market value of the properties. The reasoning for the Category 4 designation is addressed below, using the groups of identified regulation types.

- *Multnomah County Code (MCC): 34.0000 et seq. (General Provisions)*

The general provisions primarily provide definitions of terms referenced throughout the zoning ordinance and designate which maps are to be used as the official zoning maps. This section of the county's ordinance appears unrelated to a Measure 37 claim.

- *MCC 34.0055 et seq. (Planning Authority)*

These provisions indicate the Board of County Commissioners recognizes the benefits of land use planning and indicates a standard found unconstitutional should not invalidate the entire subsection of regulations. These standards do not appear to directly relate to this claim.

- *MCC 34.0510 et seq. (Administration and Enforcement)*

These standards provide direction on which uses qualify for temporary permits and when a certificate of occupancy should be required. These standards appear unrelated to the claim.

- *MCC 34.0600 et seq. (Planning Director)*

This section of the code outlines the duties of the Planning Director which is irrelevant to the claim made.

- *MCC 34.0910 et seq. (Interpretations, Violations and Enforcement)*

This section of the code provides the enforcement procedures and fines for zoning violations. It does not determine which types of uses are allowed in a particular zoning district and therefore is unrelated to this claim.

- *MCC 34.2600 et seq. (Exclusive Farm Use)*

Other than the Exclusive Farm Use standards discussed in the other Categories above, these standards do not apply to this claim because they do not prohibit the claimant from accomplishing the development goals outlined in the claim.

- *MCC 34.4500 et seq. (Significant Environmental Concern)*

No part of either property involved in this claim is mapped within a Significant Environmental Concern overlay zone. These standards do not apply to the property involved in this claim.

- *MCC 37.0510 et seq. (Administration and Procedures)*
- *MCC 37.0900 et seq. (Violations, Enforcement and Fines)*

These procedures do not effect whether or not a use is allowed but provides the procedures by which Multnomah County reviews and decides upon applications for land use permits within unincorporated areas of Multnomah County outside of the National Scenic Area (**MCC 37.0510 & 37.0520**).

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

**Yes, the Category 1 regulations have reduced the fair market values of the properties involved in this claim.**

The claimant submitted an appraisal used to support a previous Measure 37 claim on a nearby property located  $\frac{3}{4}$  of a mile to the northwest. This appraisal does not involve either of the two properties involved in this claim. A copy of the appraisal is presented as Exhibit A3. Estimated values for hypothetically buildable properties in the vicinity were presented as comparable data within this appraisal. All properties used as comparables are located on Sauvie Island.

The County's Measure 37 ordinance allows a claimant to submit alternative data to justify whether a reduction in value has occurred if the claim involves regulation waiver for the establishment of a single family dwelling, and if the claimed reduction in value is less than 1 million dollars (**MCC 29.520(A)(10)(a) & (b)**). A claim for compensation can not be granted solely on alternative data (**MCC 29.520(A)(10)(b)**). Since the applicant only submitted alternative data, the Board can not grant monetary compensation as offered as one option by the claimant until additional appraisal information is submitted confirming the exact amount of value reduction.

The data below were compiled by staff from Multnomah County Assessment Records (Exhibit B2) and from the alternative data submitted by the claimant (Exhibit B3).

ADDRESS	SIZE (ACRES)	Developed?	Taxable Assessed Value (2004)	Special Farm Tax Deferral?	Real Market Value	Appraised Value as Developable
N. of 15100 NW Burlington Ct.	6.78	No	\$11,670	Yes	\$14,040	\$275,000
E. of 25710 NW Reeder Road	1.92	No	\$202,670	No	\$337,000	\$275,000
15620 Gillihan Road	6.34	Yes	\$239,350	Yes	\$243,750	\$274,000
17414 Lucy Reeder Road	3.00	Yes	\$260,000	No	\$293,000	\$285,000
<b>Subject Properties:</b>						
<b>TL 1700</b>	<b>2.00</b>	<b>No</b>	<b>\$3,400</b>	<b>Yes</b>	<b>\$4,140</b>	<b>No Data</b>
<b>TL 1600</b>	<b>10.48</b>	<b>Yes</b>	<b>\$38,490</b>	<b>Yes</b>	<b>\$41,810</b>	<b>No Data</b>

The table above outlines approximated values for a range of developed and undeveloped properties of varying sizes on Sauvie Island. The comparable data suggest that in general, the appraised value of a developed property exceeds the assessed value of an undeveloped property of comparable size. An assessment of the value for each lot as hypothetically buildable and unbuildable has been submitted by Bob Alcantara, Multnomah County Senior Appraisal Supervisor (Exhibit B6). Mr. Alcantara's assessment confirms both lots would likely have higher estimated values if considered buildable. Mr. Alcantara also comments, "*The estimated values as buildable are relevant only if the claimant develops the property. The estimated values as unbuildable would be in the event that the properties ownership was transferred.*" It is clear from this statement that Mr. Alcantara has accounted for the effects of land sale to a third party in his analysis.

It should be clearly noted that the alternative data submitted by the claimant assumes the ability to develop the lots is transferable by sale which contradicts the Attorney General's opinion on transferability. Also, the alternative data looks only at the current market value of the property and comparable properties. It does not look at the impact of the regulations at the time they were imposed. The land use regulations challenged in this claim have constrained the supply of developable properties in this area, the result of which most likely impact land values of the remaining developable properties in a positive manner<sup>4</sup>. That impact on the value is not considered in the alternative data submitted.

In conclusion, the Category 1 regulations have prevented the claimant from establishing a primary farm dwelling on undeveloped Lot 1700 and from potentially replacing the existing dwelling on Tax Lot 1600. Staff finds the Category 1 regulations have reduced the fair market value of the lots involved in this claim.

5. *Have those regulations that reduce the fair market value of the property been enforced?*

**The analysis in this report establishes that the plain language of the Exclusive Farm Use zoning code restricts the use of the properties. The identified restrictive regulations are listed as Category 1 regulations within this report. The Category 1 regulations are not discretionary and it is clear at this time that these regulations restrict the use of the property.**

**Claims based on regulations that contain discretionary criteria for approval of development on a property may only be filed after Multnomah County has enforced its regulations through approval or denial of a land use application. Such an approval or denial is necessary to establish whether a particular land use regulation "restricts the use" of a property (MCC 29.515(B)). The Category 2 regulations outlined in this report are discretionary and have been found to be premature to find a restriction in use at this time. The claimants would need to submit a development application, and be denied, for Staff to find that the Category 2 regulations have restricted the use of the properties.**

### **Public Comment**

**After a claim for compensation is declared complete pursuant to MCC 29.520(B), the Director shall mail notice of the claim to the claimant, other owners of record of the property, and all owners of property within 750 feet of the subject property. Additional mail notice shall be sent to any public entities with land use regulatory authority over the property and other organizations or persons as the Director may designate (MCC 29.530(A)).**

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<sup>4</sup> (2006) Jaeger, W., The effects of Land-Use Regulations on Property Values, Environmental Law (VOL 36) Pages 105 – 130.

Pursuant to the provisions of **MCC 29.530**, a 14-day Opportunity to Comment packet was mailed on August 10<sup>th</sup>, 2005. A written comment was submitted by Alison Winter (Multnomah County Transportation Planning Specialist) which is attached as Exhibit B3. Ms. Winter indicated on-site and off-site improvements and permits for access or construction within the County right-of-way may be required prior to the issuance of a building permit for new construction. The specifics of potential improvements required of the claimant are detailed within the letter (Exhibit B3). These improvements may come into play at such time that the claimant approaches the County with a specific development plan.

Bob Alcantara, Multnomah County Appraiser, submitted comments on April 4<sup>th</sup>, 2006 (Exhibit B6). Mr. Alcantara provided assessed values for both parcels, suggesting the value of the lots would be higher if marketed as buildable. Mr. Alcantara indicates that *"The estimated values as buildable are relevant only if the claimant develops the property. The estimated values as unbuildable would be in the event that the properties ownership was transferred."*

### **Conclusion**

Considering the above, Staff finds that Ms. O'Mara has established that land use regulations enacted after she purchased the property in 1953 have prevented her from building a home on Tax Lot 1700 and potentially from replacing the existing dwelling on Tax Lot 1600. To allow Ms. O'Mara to accomplish these development goals, the Board would need to grant the request to not apply the Category 1 regulations outlined in this report.

Claimant's request to not apply the Category 2 regulations outlined in this report should be denied because the request is premature. Claimants request to not apply the Category 3 regulations should be denied because the regulations concern public health and safety. Claimants request to not apply the Category 4 regulations should be denied because they have no bearing on development of the property.

If the Board of Commissioner's chooses to not apply the Category 1 regulations, Land Use Planning would recommend that the Board of Commissioners address the following in the Board Order:

1. Include a statement that any waiver or modification of the county land use regulations does not constitute a waiver or modification of corresponding state laws, or administrative rules.
2. Action by the Board of Commissioners to not apply regulations does not authorize immediate construction of the dwellings. Rules that still apply require that land use and building permits be approved by the County before development can proceed.
3. Include a statement that the right to transfer any Measure 37 rights is only transferable as provided by law.

Issued by:

By:   
Adam Barber, Planner

For: Karen Schilling, Planning Director

Date: May 30, 2006

## **Exhibits**

Copies of the exhibits, referenced herein, are in the case record that is on file at the Land Use and Transportation Planning Office.

### **Applicant Exhibits**

- A1. Measure 37 claim form and letter of authorization for the applicant to represent claimant (submitted August 23, 2005)
- A2. Applicant's narrative (submitted August 23, 2006)
- A3. Property appraisal for a different property in the area (added to case file by Staff, at applicant's request on September 27<sup>th</sup>, 2005)
- A4. Title report for Tax Lot 1600 (submitted August 23, 2005)
- A5. Title report for Tax Lot 1700 (submitted August 23, 2005)
- A6. List of challenged regulations (submitted August 23, 2005)

### **Staff Exhibits**

- B1. F-2 zoning regulations in effect on date of acquisition
- B2. County Assessment and Taxation records
- B3. Comments from Alison Winter, Multnomah County Transportation Planning Specialist.
- B4. Vicinity and property maps
- B5. Zoning Map
- B6. Comments submitted by Bob Alcantara, Senior Appraisal Supervisor (submitted April 4, 2006)
- B7. Attorney General's Opinion on Measure 37 rights and Transferability issued February 28, 2005

## Script for JEAN O'MARA Measure 37 Hearing

### INTRODUCTION:

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

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

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

### DISCLOSURES:

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

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

*or if the Chair has disclosures to make*

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

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

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

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

## **Script for JEAN O'MARA Measure 37 Hearing**

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

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

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

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

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

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

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

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

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

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

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

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

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

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

ORDER TO NOT APPLY LAND USE REGULATIONS TO TAX LOTS 1600 & 1700 ON NW CHARLTON ROAD UNDER BALLOT MEASURE 37

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

a. **Party:** Jean O'Mara is the Ballot Measure 37 Claimant who filed a demand for compensation to Multnomah County on August 23, 2005.

b. **Subject Real Property:** This claim relates to real property located on NW Charlton Road, Multnomah County, Portland, Oregon more specifically described as:

(2N1W16B01600) Tax Lot 1600 - Section 16B, Township 2 North, Range 1 West, Willamette Meridian

(2N1W16B01700) Tax Lot 1700 - Section 16B, Township 2 North, Range 1 West, Willamette Meridian

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

The materials submitted by the claimant constitute a complete written demand for compensation as required by Multnomah County Code 27.520.

This Measure 37 claim was submitted on August 23<sup>rd</sup>, 2005. Staff reviewed the application and determined critical information was missing as required by Multnomah County Code 27.520. Staff prepared a letter listing the outstanding information required to complete the claim and mailed that letter to the claimant on September 13<sup>th</sup>, 2005. On September 27<sup>th</sup> 2005, the claimant submitted all the required information and the claim was deemed complete in accordance with the procedures outlined in Multnomah County Code 27.530.

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

The claimant first held interest in the identified properties on October 29<sup>th</sup> of 1968 (Book 657, Page 86 (TL 1700) and Page 87 (TL 1600)). The challenged Category 1 regulations were adopted after this date.

A list of the challenged regulations is set out in Exhibit A6 to the Planning staff report which is incorporated herein by reference. The zoning of both lots was F-2 Agricultural in 1968 when the claimant acquired the properties. A copy of the F-2 regulations in effect in 1968 is included as Exhibit B1 in the Planning staff report. The zoning did not change from F-2 to RL-C until December 5<sup>th</sup> of 1975. The zoning of the properties changed again on October 6<sup>th</sup>, 1977 to Exclusive Farm Use-38 and again on August 14<sup>th</sup>, 1980 to Exclusive Farm Use zoning which has



been applied to date to both lots. The Category 1 regulations, set out below, first came into effect over different periods, although all came into effect after the claimant purchased the properties.

The Board finds that Claimant became the owner of her property prior to the County enacting land use regulations which Claimant asserts restricts the establishment of a dwelling on vacant Tax Lot 1700 and could potentially prevent her from replacing the existing dwelling on Tax Lot 1600.

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

Some of the challenged regulations have restricted the use of the properties. The current Exclusive Farm Use regulations require aggregation of the two lots together for development purposes disqualifying Tax Lot 1700 for a dwelling. Disqualification occurs because Tax Lot 1600 already contains a dwelling and an aggregated Lot of Record can only contain one primary farm dwelling. The current \$80,000 farm income requirements for establishing a dwelling on Exclusive Farm Use land also restricts the use of Tax Lot 1700 because it is likely not large enough to be able to produce enough farm related income to meet this threshold. The current regulations also could potentially prevent the claimant from replacing the existing home on Tax Lot 1600 under certain circumstances which restricts the use of that property.

The claimant has requested the right to establish a dwelling and accessory structures on each lot and to guarantee the right to replace the existing dwelling on Tax Lot 1600. The regulations in place in 1968 when the claimant purchased the properties allowed structures accessory to primary uses on properties in the F-2 zoning district (MCC 3.113) as is still the case within the current Exclusive Farm Use zoning regulations (MCC 34.2620(B) & (P)). Because accessory structure regulations were in place when the properties were acquired, the request to establish accessory structures through this Measure 37 process is not valid because no restriction in use has occurred with respect to accessory structures.

In addition, in determining which regulations have restricted the use of the properties the Staff also needed to identify which regulations would be premature to make the use restriction finding, which regulations are exempt from the Measure 37 process and which are simply unrelated to the Measure 37 process. Staff used the following four major categories of regulations for this analysis.

**Category 1** – Regulations that have restricted the use of the properties for the claimant

**Category 2** – Regulations that would be premature to find that they restrict the use

**Category 3** – Regulations exempt from Measure 37

**Category 4** – Unrelated regulations

This Order only addresses the Category 1 Regulations. The Board agrees with the staff's analysis in its staff report dated May 30, 2006, relative to the Category 2, 3 and 4 regulations, which is incorporated herein by reference.

### **Category 1 - Regulations that have restricted the use of the properties for the claimant**

The Board finds that the following current zoning code provisions restrict the use of the property by limiting Claimant's ability to establish a house on Tax Lot 1700 and could potentially prevent her from replacing the existing dwelling on Tax Lot 1600.

- ***MCC 34.2675(A) – EFU Lot of Record Aggregation Requirements***

The Current Exclusive Farm Use Lot of Record aggregation regulations require that contiguous properties less than 19-acres be aggregated together for residential development requests if the contiguous properties were under common ownership on February 20<sup>th</sup> of 1990. According to deed records, both properties involved in this claim were under common ownership on this date and are less than 19-acres together. As a result of the Exclusive Farm Use Lot of Record aggregation requirements, the claimant's two properties are considered aggregated together into one for development purposes and can not be viewed as separate lots for a new residential development review under the current regulations.

Lot of Record aggregation requirements were first applied to the properties in 1975, seven years after acquisition, with the adoption of the RL-C zoning code. These regulations prevent the establishment of a primary farm related dwelling on undeveloped Tax Lot 1700 because Tax Lot 1600 currently contains a home and the two are considered aggregated into one Lot of Record not eligible for another home. In summary, the Board finds these regulations prohibit approval of a primary dwelling on undeveloped Tax Lot 1700 and therefore restrict the use of that lot.

- ***MCC 34.2610 – Definition of Tract***

A 'Tract' is defined by MCC 34.2610 as one or more contiguous lots or parcels in the same ownership. The tract definition should be waived if the Lot of Record aggregation requirements are waived in order to separate contiguous lots 1700 and 1600 for a new development request. Under current regulations, both tax lots are considered to not only be one Lot of Record but also one Tract.

- ***MCC 34.2625(D)(1) – Farm Income Test for Establishing a Farm Dwelling on High Value Farmland Soils***

These regulations require proof of a certain level of farm income related to the property in order to establish a new primary farm dwelling on vacant land (i.e. Tax Lot 1700). The threshold for properties consisting of high value soils is \$80,000 gross annual income from the sale of farm products grown on a subject tract in the last two years, or for three of the last five years.

As shown in the Planning staff report, incorporated herein by reference, although Tax Lot 1700 consists of high value Burlington fine sandy loam soils (Unit 6C), it is only 2.00 acres in size and is unlikely to be able to produce enough agricultural yield to meet the \$ 80,000 farm income test. This is supported by findings within a county land use decision approved in 2001 (Case PRE 0-7). This decision found that a gross annual income of approximately \$20,000/acre/year is a reasonable high end estimate for nursery stock grown in Multnomah County.

Evidence in the record shows statistics published jointly by the Oregon Agricultural Statistics Service and Oregon State University Extension Service in 2001, the 1999 gross sales in Multnomah County averaged only \$11,079 per acre for nursery and greenhouse operations. Additionally, Oregon's top 40 commodities for 2000, greenhouse and nursery products ranked number one in dollar value and were estimated to have constituted over half of the total sales of from products in the county. This provides a reasonable high end farm related income projection for an acre of farm land. This \$11,079 estimate provides further support that the 2.00 acre subject property is most likely too small to meet the \$80,000 farm income regulation required to establish a primary farm dwelling. The Planning staff report, incorporated herein by reference, provides evidence that the average farm size in Multnomah County is 48-acres making the 2.00 acre subject property quite small in comparison.

In conclusion, the Board finds this farm income regulation prohibits establishment of a single family dwelling on Tax Lot 1700.

- *MCC 34.2625(D)(1)(b) – Requirement that only one dwelling be located on land zoned EFU owned by the farm or ranch operator.*

This regulation prevents the claimant from establishing a dwelling on vacant Tax Lot 1700, as requested, because she owns both Exclusive Farm Use zoned lots, one of which already contains a dwelling.

- *MCC 34.2620(L) – Requirement that the dwelling to be replaced must first meet certain criteria to qualify for replacement.*

Current EFU rules require evidence that a dwelling was lawfully established and is currently habitable in order for it to be replaced (MCC 34.2620(L)). This requirement did not exist when the claimant purchased Tax Lot 1600 in 1968. If the current dwelling on Tax Lot 1600 could not meet these rules, for example, then the claimant would not be able to replace the structure with a new dwelling in the future. The Board finds that the Exclusive Farm Use replacement dwelling regulations have restricted the use of Tax Lot 1600 by potentially preventing the claimant from having the ability to replace the dwelling on this lot.

**f. County Code Restrictions Reduce Fair Market Value:**

The Category 1 regulations have reduced the fair market values of the properties involved in this claim.

The claimant submitted an appraisal used to support a previous Measure 37 claim on a nearby property located  $\frac{3}{4}$  of a mile to the northwest. This appraisal does not involve either of the two properties involved in this claim. A copy of the appraisal is presented as Exhibit A3 in the Planning staff report, incorporated herein by reference. Estimated values for hypothetically buildable properties in the vicinity were presented as comparable data within this appraisal. All properties used as comparables are located on Sauvie Island.

The County's Measure 37 ordinance allows a claimant to submit alternative data to justify whether a reduction in value has occurred if the claim involves regulation waiver for the establishment of a single family dwelling, and if the claimed reduction in value is less than 1 million dollars (MCC 29.520(A)(10)(a) & (b)). A claim for compensation can not be granted solely on alternative data (MCC 29.520(A)(10)(b)). Since the applicant only submitted alternative data, the Board can not grant monetary compensation as offered as one option by the claimant until additional appraisal information is submitted confirming the exact amount of value reduction.

In addition to claimant's data, staff from Multnomah County Assessment Records compiled data relating to the subject properties as set out in Exhibits B2 and B3 in the Planning staff report.

The Planning staff analyzed the combined data and created a table, found in its staff report, which outlines approximated values for a range of developed and undeveloped properties of varying sizes on Sauvie Island. The comparable data suggest that in general, the appraised value of a developed property exceeds the assessed value of an undeveloped property of comparable size. An assessment of the value for each lot as hypothetically buildable and unbuildable has been submitted by Bob Alcantara, Multnomah County Senior Appraisal Supervisor and is attached to the Planning staff report as Exhibit B6. Mr. Alcantara's assessment confirms both lots would likely have higher estimated values if considered buildable. Mr. Alcantara also comments, *"The estimated values as buildable are relevant only if the claimant develops the property. The estimated values as unbuildable would be in the event that the properties ownership was transferred."* It is clear from this statement that Mr. Alcantara has accounted for the effects of land sale to a third party in his analysis.

The alternative data submitted by the claimant assumes the ability to develop the lots is transferable by sale which contradicts the Oregon Attorney General's opinion on transferability. Also, the alternative data looks only at the current market value of the property and comparable properties. It does not look at the impact of the regulations at the time they were imposed. The land use regulations challenged in this claim have constrained the supply of developable properties in this area, the result of which most likely impact land values of the remaining developable properties in a positive manner. That impact on the value is not considered in the alternative data submitted.

In conclusion, the Category 1 regulations have prevented the claimant from establishing a primary farm dwelling on undeveloped Lot 1700 and from potentially replacing the existing dwelling on Tax Lot 1600. The Board finds the Category 1 regulations have reduced the fair market value of the lots involved in this claim.

**g. Enforcement of County Code Restrictions:**

The analysis in this report establishes that the plain language of the Exclusive Farm Use zoning code restricts the use of the properties. The identified restrictive regulations are listed as Category 1 regulations within this report. The Category 1 regulations are not discretionary and it

is clear at this time that these regulations restrict the use of the property. On their face these Category 1 regulations have been enforced.

Claims based on regulations that contain discretionary criteria for approval of development on a property may only be filed after Multnomah County has enforced its regulations through approval or denial of a land use application. Such an approval or denial is necessary to establish whether a particular land use regulation "restricts the use" of a property (MCC 29.515(B)). The Category 2 regulations outlined in this report are discretionary and have been found to be premature to find a restriction in use at this time. The claimants would need to submit a development application, and be denied, for the Board to find that the Category 2 regulations have restricted the use of the properties

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

- (1) Claimant made a demand for compensation under the requirements set forth in Ballot Measure 37 by describing the use being sought, by identifying the regulations that prohibit the use, and by submitting evidence that land use regulations have reduced the value of the property;
- (2) Claimant provided evidence to prove that she acquired the property in 1968, before the adoption of regulations challenged in the claim;
- (3) There is evidence in the record to show that land use regulations now in place on the property could restrict claimant's use of real property, specifically the ability to construct a dwelling on the subject Tax Lot 1700 and could potentially prevent her from replacing the existing dwelling on Tax Lot 1600, which are both zoned as EFU land under the land use regulations of Multnomah County;
- (4) The valuation data submitted by Claimant, along with the data provided by Multnomah County Assessment & Taxation, is evidence that the land use restrictions now in place on the property have the effect of reducing the fair market value of the property;
- (5) The land use regulations that reduce the fair market value of the property have been enforced in that the plain language of the EFU use restrictions; and
- (6) The Board elects not to pay the compensation demanded by Claimant.

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

- 1. Claimant Jean O'Mara's request is granted and the land use regulations restricting the use of her property will not be applied in order to allow a primary dwelling to be established on Tax Lot 1700 and replacing the existing dwelling on Tax Lot 1600. Regulations which will not be applied are listed below:**

- MCC 34.2675(A) – EFU Lot of Record Aggregation Requirements which require that contiguous properties less than 19-acres be aggregated together for residential development in certain circumstances.
- MCC 34.2610 – Definition of Tract which also limits development.
- MCC 34.2625(D)(1) – Farm Income Test for Establishing a Farm Dwelling on High Value Farmland Soils which require proof of a certain level of farm income related to the property which is a prerequisite to establish a new primary farm dwelling
- MCC 34.2625(D)(1)(b) – Requirement that only one dwelling be located on land zoned EFU owned by the farm or ranch operator.
- MCC 34.2620(L) – Requirement that the dwelling to be replaced must first meet certain criteria to qualify for replacement.

## 2. Conditions of Approval:

(a) This Board Order allows certain County code provisions not to be applied by the County to Claimant Jean O'Mara's properties as set out in section 1 above. This does not constitute a waiver or modification of corresponding state laws, or administrative rules. Before any building permits may be issued, an authorization from the state must be secured.

(b) Action by the Board, to not apply certain land use regulations of the county to Claimant Jean O'Mara's property, does not authorize immediate construction of the primary dwelling. Rules that still apply require that land use and building permits be approved by the County before development can proceed.

(c) Any right obtained by claimant through the Board's grant of a waiver of County land use regulations is transferable only to the extent allowed by law.

ADOPTED this 29th day of June, 2006.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By Sandra Duffy  
Sandra Duffy, Assistant County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**ORDER NO. 06-122**

Order to not Apply Land Use Regulations to Tax Lots 1600 & 1700 on NW Charlton Road Under Ballot Measure 37

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

a. **Party:** Jean O'Mara is the Ballot Measure 37 Claimant who filed a demand for compensation to Multnomah County on August 23, 2005.

b. **Subject Real Property:** This claim relates to real property located on NW Charlton Road, Multnomah County, Portland, Oregon more specifically described as:

(2N1W16B01600) Tax Lot 1600 - Section 16B, Township 2 North, Range 1 West, Willamette Meridian

(2N1W16B01700) Tax Lot 1700 - Section 16B, Township 2 North, Range 1 West, Willamette Meridian

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

The materials submitted by the claimant constitute a complete written demand for compensation as required by Multnomah County Code 27.520.

This Measure 37 claim was submitted on August 23<sup>rd</sup>, 2005. Staff reviewed the application and determined critical information was missing as required by Multnomah County Code 27.520. Staff prepared a letter listing the outstanding information required to complete the claim and mailed that letter to the claimant on September 13<sup>th</sup>, 2005. On September 27<sup>th</sup> 2005, the claimant submitted all the required information and the claim was deemed complete in accordance with the procedures outlined in Multnomah County Code 27.530.

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

The claimant first held interest in the identified properties on October 29<sup>th</sup> of 1968 (Book 657, Page 86 (TL 1700) and Page 87 (TL 1600)). The challenged Category 1 regulations were adopted after this date.

A list of the challenged regulations is set out in Exhibit A6 to the Planning staff report which is incorporated herein by reference. The zoning of both lots was F-2 Agricultural in 1968 when the claimant acquired the properties. A copy of the F-2 regulations in effect in 1968 is included as Exhibit B1 in the Planning staff report. The zoning did not change from F-2 to RL-C until December 5<sup>th</sup> of 1975. The zoning of the properties changed again on October 6<sup>th</sup>, 1977 to Exclusive Farm Use-38 and again on August 14<sup>th</sup>, 1980 to Exclusive Farm Use zoning which has been applied to date to both lots. The Category 1 regulations, set out below, first came into

effect over different periods, although all came into effect after the claimant purchased the properties.

The Board finds that Claimant became the owner of her property prior to the County enacting land use regulations which Claimant asserts restricts the establishment of a dwelling on vacant Tax Lot 1700 and could potentially prevent her from replacing the existing dwelling on Tax Lot 1600.

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

Some of the challenged regulations have restricted the use of the properties. The current Exclusive Farm Use regulations require aggregation of the two lots together for development purposes disqualifying Tax Lot 1700 for a dwelling. Disqualification occurs because Tax Lot 1600 already contains a dwelling and an aggregated Lot of Record can only contain one primary farm dwelling. The current \$80,000 farm income requirements for establishing a dwelling on Exclusive Farm Use land also restricts the use of Tax Lot 1700 because it is likely not large enough to be able to produce enough farm related income to meet this threshold. The current regulations also could potentially prevent the claimant from replacing the existing home on Tax Lot 1600 under certain circumstances which restricts the use of that property.

The claimant has requested the right to establish a dwelling and accessory structures on each lot and to guarantee the right to replace the existing dwelling on Tax Lot 1600. The regulations in place in 1968 when the claimant purchased the properties allowed structures accessory to primary uses on properties in the F-2 zoning district (MCC 3.113) as is still the case within the current Exclusive Farm Use zoning regulations (MCC 34.2620(B) & (P)). Because accessory structure regulations were in place when the properties were acquired, the request to establish accessory structures through this Measure 37 process is not valid because no restriction in use has occurred with respect to accessory structures.

In addition, in determining which regulations have restricted the use of the properties the Staff also needed to identify which regulations would be premature to make the use restriction finding, which regulations are exempt from the Measure 37 process and which are simply unrelated to the Measure 37 process. Staff used the following four major categories of regulations for this analysis.

**Category 1** – Regulations that have restricted the use of the properties for the claimant

**Category 2** – Regulations that would be premature to find that they restrict the use

**Category 3** – Regulations exempt from Measure 37

**Category 4** – Unrelated regulations

This Order only addresses the Category 1 Regulations. The Board agrees with the staff's analysis in its staff report dated May 30, 2006, relative to the Category 2, 3 and 4 regulations, which is incorporated herein by reference.

**Category 1 - Regulations that have restricted the use of the properties for the claimant**



The Board finds that the following current zoning code provisions restrict the use of the property by limiting Claimant's ability to establish a house on Tax Lot 1700 and could potentially prevent her from replacing the existing dwelling on Tax Lot 1600.

- ***MCC 34.2675(A) – EFU Lot of Record Aggregation Requirements***

The Current Exclusive Farm Use Lot of Record aggregation regulations require that contiguous properties less than 19-acres be aggregated together for residential development requests if the contiguous properties were under common ownership on February 20<sup>th</sup> of 1990. According to deed records, both properties involved in this claim were under common ownership on this date and are less than 19-acres together. As a result of the Exclusive Farm Use Lot of Record aggregation requirements, the claimant's two properties are considered aggregated together into one for development purposes and can not be viewed as separate lots for a new residential development review under the current regulations.

Lot of Record aggregation requirements were first applied to the properties in 1975, seven years after acquisition, with the adoption of the RL-C zoning code. These regulations prevent the establishment of a primary farm related dwelling on undeveloped Tax Lot 1700 because Tax Lot 1600 currently contains a home and the two are considered aggregated into one Lot of Record not eligible for another home. In summary, the Board finds these regulations prohibit approval of a primary dwelling on undeveloped Tax Lot 1700 and therefore restrict the use of that lot.

- ***MCC 34.2610 – Definition of Tract***

A 'Tract' is defined by MCC 34.2610 as one or more contiguous lots or parcels in the same ownership. The tract definition should be waived if the Lot of Record aggregation requirements are waived in order to separate contiguous lots 1700 and 1600 for a new development request. Under current regulations, both tax lots are considered to not only be one Lot of Record but also one Tract.

- ***MCC 34.2625(D)(1) – Farm Income Test for Establishing a Farm Dwelling on High Value Farmland Soils***

These regulations require proof of a certain level of farm income related to the property in order to establish a new primary farm dwelling on vacant land (i.e. Tax Lot 1700). The threshold for properties consisting of high value soils is \$80,000 gross annual income from the sale of farm products grown on a subject tract in the last two years, or for three of the last five years.

As shown in the Planning staff report, incorporated herein by reference, although Tax Lot 1700 consists of high value Burlington fine sandy loam soils (Unit 6C), it is only 2.00 acres in size and is unlikely to be able to produce enough agricultural yield to meet the \$ 80,000 farm income test. This is supported by findings within a county land use decision approved in 2001 (Case PRE 0-7). This decision found that a gross annual income of approximately \$20,000/acre/year is a reasonable high end estimate for nursery stock grown in Multnomah County.

Evidence in the record shows statistics published jointly by the Oregon Agricultural Statistics Service and Oregon State University Extension Service in 2001, the 1999 gross sales in Multnomah County averaged only \$11,079 per acre for nursery and greenhouse operations. Additionally, Oregon's top 40 commodities for 2000, greenhouse and nursery products ranked number one in dollar value and were estimated to have constituted over half of the total sales of from products in the county. This provides a reasonable high end farm related income projection for an acre of farm land. This \$11,079 estimate provides further support that the 2.00 acre subject property is most likely too small to meet the \$80,000 farm income regulation required to establish a primary farm dwelling. The Planning staff report, incorporated herein by reference, provides evidence that the average farm size in Multnomah County is 48-acres making the 2.00 acre subject property quite small in comparison.

In conclusion, the Board finds this farm income regulation prohibits establishment of a single family dwelling on Tax Lot 1700.

- *MCC 34.2625(D)(1)(b) – Requirement that only one dwelling be located on land zoned EFU owned by the farm or ranch operator.*

This regulation prevents the claimant from establishing a dwelling on vacant Tax Lot 1700, as requested, because she owns both Exclusive Farm Use zoned lots, one of which already contains a dwelling.

- *MCC 34.2620(L) – Requirement that the dwelling to be replaced must first meet certain criteria to qualify for replacement.*

Current EFU rules require evidence that a dwelling was lawfully established and is currently habitable in order for it to be replaced (MCC 34.2620(L)). This requirement did not exist when the claimant purchased Tax Lot 1600 in 1968. If the current dwelling on Tax Lot 1600 could not meet these rules, for example, then the claimant would not be able to replace the structure with a new dwelling in the future. The Board finds that the Exclusive Farm Use replacement dwelling regulations have restricted the use of Tax Lot 1600 by potentially preventing the claimant from having the ability to replace the dwelling on this lot.

**f. County Code Restrictions Reduce Fair Market Value:**

The Category 1 regulations have reduced the fair market values of the properties involved in this claim.

The claimant submitted an appraisal used to support a previous Measure 37 claim on a nearby property located  $\frac{3}{4}$  of a mile to the northwest. This appraisal does not involve either of the two properties involved in this claim. A copy of the appraisal is presented as Exhibit A3 in the Planning staff report, incorporated herein by reference. Estimated values for hypothetically buildable properties in the vicinity were presented as comparable data within this appraisal. All properties used as comparables are located on Sauvie Island.

The County's Measure 37 ordinance allows a claimant to submit alternative data to justify whether a reduction in value has occurred if the claim involves regulation waiver for the

establishment of a single family dwelling, and if the claimed reduction in value is less than 1 million dollars (MCC 29.520(A)(10)(a) & (b)). A claim for compensation can not be granted solely on alternative data (MCC 29.520(A)(10)(b)). Since the applicant only submitted alternative data, the Board can not grant monetary compensation as offered as one option by the claimant until additional appraisal information is submitted confirming the exact amount of value reduction.

In addition to claimant's data, staff from Multnomah County Assessment Records compiled data relating to the subject properties as set out in Exhibits B2 and B3 in the Planning staff report.

The Planning staff analyzed the combined data and created a table, found in its staff report, which outlines approximated values for a range of developed and undeveloped properties of varying sizes on Sauvie Island. The comparable data suggest that in general, the appraised value of a developed property exceeds the assessed value of an undeveloped property of comparable size. An assessment of the value for each lot as hypothetically buildable and unbuildable has been submitted by Bob Alcantara, Multnomah County Senior Appraisal Supervisor and is attached to the Planning staff report as Exhibit B6. Mr. Alcantara's assessment confirms both lots would likely have higher estimated values if considered buildable. Mr. Alcantara also comments, *"The estimated values as buildable are relevant only if the claimant develops the property. The estimated values as unbuildable would be in the event that the properties ownership was transferred."* It is clear from this statement that Mr. Alcantara has accounted for the effects of land sale to a third party in his analysis.

The alternative data submitted by the claimant assumes the ability to develop the lots is transferable by sale which contradicts the Oregon Attorney General's opinion on transferability. Also, the alternative data looks only at the current market value of the property and comparable properties. It does not look at the impact of the regulations at the time they were imposed. The land use regulations challenged in this claim have constrained the supply of developable properties in this area, the result of which most likely impact land values of the remaining developable properties in a positive manner. That impact on the value is not considered in the alternative data submitted.

In conclusion, the Category 1 regulations have prevented the claimant from establishing a primary farm dwelling on undeveloped Lot 1700 and from potentially replacing the existing dwelling on Tax Lot 1600. The Board finds the Category 1 regulations have reduced the fair market value of the lots involved in this claim.

**g. Enforcement of County Code Restrictions:**

The analysis in this report establishes that the plain language of the Exclusive Farm Use zoning code restricts the use of the properties. The identified restrictive regulations are listed as Category 1 regulations within this report. The Category 1 regulations are not discretionary and it is clear at this time that these regulations restrict the use of the property. On their face these Category 1 regulations have been enforced.

Claims based on regulations that contain discretionary criteria for approval of development on a property may only be filed after Multnomah County has enforced its regulations through approval or denial of a land use application. Such an approval or denial is necessary to establish whether a particular land use regulation “restricts the use” of a property (MCC 29.515(B)). The Category 2 regulations outlined in this report are discretionary and have been found to be premature to find a restriction in use at this time. The claimants would need to submit a development application, and be denied, for the Board to find that the Category 2 regulations have restricted the use of the properties

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

- (1) Claimant made a demand for compensation under the requirements set forth in Ballot Measure 37 by describing the use being sought, by identifying the regulations that prohibit the use, and by submitting evidence that land use regulations have reduced the value of the property;
- (2) Claimant provided evidence to prove that she acquired the property in 1968, before the adoption of regulations challenged in the claim;
- (3) There is evidence in the record to show that land use regulations now in place on the property could restrict claimant’s use of real property, specifically the ability to construct a dwelling on the subject Tax Lot 1700 and could potentially prevent her from replacing the existing dwelling on Tax Lot 1600, which are both zoned as EFU land under the land use regulations of Multnomah County;
- (4) The valuation data submitted by Claimant, along with the data provided by Multnomah County Assessment & Taxation, is evidence that the land use restrictions now in place on the property have the effect of reducing the fair market value of the property;
- (5) The land use regulations that reduce the fair market value of the property have been enforced in that the plain language of the EFU use restrictions; and
- (6) The Board elects not to pay the compensation demanded by Claimant.

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

**1. Claimant Jean O’Mara’s request is granted and the land use regulations restricting the use of her property will not be applied in order to allow a primary dwelling to be established on Tax Lot 1700 and replacing the existing dwelling on Tax Lot 1600. Regulations which will not be applied are listed below:**

- MCC 34.2675(A) – EFU Lot of Record Aggregation Requirements which require that contiguous properties less than 19-acres be aggregated together for residential development in certain circumstances.

- MCC 34.2610 – Definition of Tract which also limits development.
- MCC 34.2625(D)(1) – Farm Income Test for Establishing a Farm Dwelling on High Value Farmland Soils which require proof of a certain level of farm income related to the property which is a prerequisite to establish a new primary farm dwelling
- MCC 34.2625(D)(1)(b) – Requirement that only one dwelling be located on land zoned EFU owned by the farm or ranch operator.
- MCC 34.2620(L) – Requirement that the dwelling to be replaced must first meet certain criteria to qualify for replacement.

## 2. Conditions of Approval:

(a) This Board Order allows certain County code provisions not to be applied by the County to Claimant Jean O'Mara's properties as set out in section 1 above. This does not constitute a waiver or modification of corresponding state laws, or administrative rules. Before any building permits may be issued, an authorization from the state must be secured.

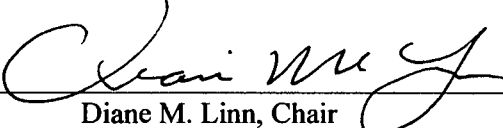
(b) Action by the Board, to not apply certain land use regulations of the county to Claimant Jean O'Mara's property, does not authorize immediate construction of the primary dwelling. Rules that still apply require that land use and building permits be approved by the County before development can proceed.

(c) Any right obtained by claimant through the Board's grant of a waiver of County land use regulations is transferable only to the extent allowed by law.

ADOPTED this 29th day of June, 2006.



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Sandra Duffy, Assistant County Attorney



## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

### Board Clerk Use Only

Meeting Date:	06/29/06
Agenda Item #:	R-11
Est. Start Time:	10:50 AM
Date Submitted:	06/05/06

### BUDGET MODIFICATION:

Agenda Title:	Public Hearing to Consider a Measure 37 Claim Filed by Jack Stafford for the Right to Construct One Dwelling on Each of the Six Subdivision Lots Located at 4046 SE 302nd Avenue
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*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.*

Date Requested:	June 29, 2006	Time Requested:	30 mintues
Department:	Community Services	Division:	Land Use & Transportation
Contact(s):	Tammy Boren-King, Sandra Duffy		
Phone:	503-988-3043	Ext.	24562
	I/O Address:		455/116
Presenter(s):	Tammy Boren-King, Sandra Duffy		

### General Information

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

Action requested is to provide a public hearing and render a decision on a Measure 37 claim involving property at 4046 SE 302<sup>nd</sup> Ave. including Section Line Road Fruit Tracts Subdivision lots 6, 11, 12, the rear ½ of lot 5, and the north ½ of lots 7 and 10. Land Use Planning has outlined an approach to deciding this claim in a staff report dated June 5, 2006.

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

Jack Stafford submitted a complete claim to the County on September 12, 2005. It shows the claimant acquired the subject property on July 14, 1979. Mr. Stafford has established that land use regulations enacted after he acquired the property have prevented him from building a home on each of the six subdivision lots. The claimant's alternative data is adequate to show that the challenged regulations have reduced the property's value. Consequently, the Board must either:

- Pay compensation equal to the reduction in fair market value of the property attributed to the

challenged regulations; or.

b. Not apply the challenged regulations to allow Mr. Stafford to construct one dwelling on each of the six subdivision lots. The challenged regulations for which a waiver is sought are listed in the attached staff report.

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

The claimants assert a reduction in value of roughly \$2,202,904; however, this dollar figure is not supported by an appraisal prepared in accordance with the County ordinance. If the Board decided to pay compensation, the claimants will need to submit a more detailed appraisal for the lots to determine the amount of compensation due.

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

Policy and legal issues are outlined in a staff report from Land Use Planning dated June 5, 2006. The County Attorney has advised that any property rights obtained by relief from land use regulations are not transferable under Ballot Measure 37, consistent with the DOJ opinion of February 2005.

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

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

Public notice of the claim was mailed to all property owners within 750 feet of the subject property. This notice provided a 14 day opportunity to comment period. Three written comments were received. One was a letter of support, one was a letter of opposition, and one was a letter from County transportation staff regarding the development of new access points to the public rights-of-way surrounding the property.

The State of Oregon must also render a decision regarding whether they will pay compensation or choose not to apply the applicable state-wide land use planning regulations. The property owner has made a separate application to the State of Oregon.

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**Required Signatures**

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Department/  
Agency Director:

*Robert A Maestre*

Date: 06/05/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:



**LAND USE & TRANSPORTATION  
PLANNING PROGRAM**

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

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## Staff Analysis of Measure 37 Claim

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

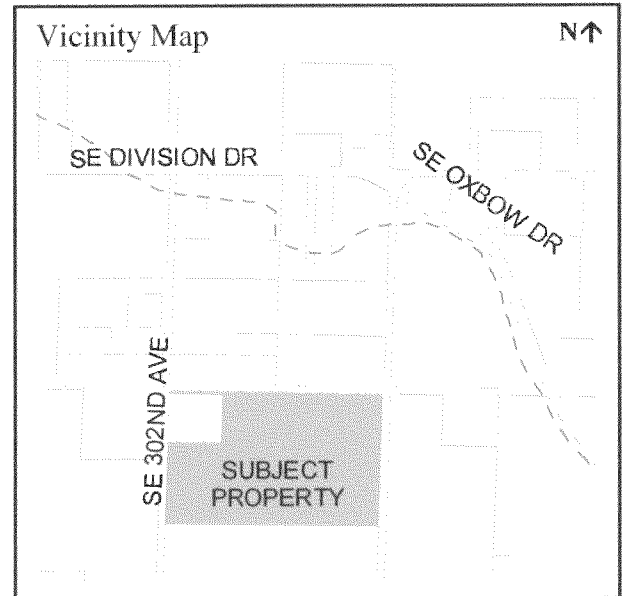
Hearing Date, Time, & Place:

**June 29, 2006 at 9:30 am or soon thereafter**, in the Commissioners' Board Room of the Multnomah Building, located at 501 SE Hawthorne, Portland, Oregon.

**Case File:** T1-05-030

**Claimant:** Jack Stafford  
4046 SE 302<sup>nd</sup> Ave.  
Troutdale, OR 97060

**Location:** 4046 SE 302<sup>nd</sup> Ave.  
TL 300 and 100, T1S, R4E, W.M.,  
Section 08CC (Section Line Road Fruit Tract Subdivision lots 6, 11, and 12, and half of lots 5, 7, and 10)



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**Claim:** Compensation in the amount of \$2,202,904 or the right to construct a single family dwelling on each of six subdivision lots

**Zoning:** Exclusive Farm Use (EFU), Significant Environmental Concern for wildlife habitat.

**Site Size:** Lot 6- 5 acres      Rear ½ of lot 5- aprox. 2.5 acres  
Lot 11- 5 acres      North ½ of lot 7- aprox. 2.5 acres  
Lot 12- 5 acres      North ½ of lot 10- aprox. 2.5 acres

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### Approach to Deciding the Claim:

Jack Stafford (claimant) acquired the subject properties on July 14, 1979. Mr. Stafford has established that the challenged regulations enacted after he purchased the property have prevented him from building a home on each of six subdivision lots. Two subdivision lots currently contain dwellings, though it is unclear what replacement rights these dwellings have under the current regulations. The six lots involved with the claim are Section Line Road Fruit Tracts Lots 6, 11, 12, rear ½ of lot 5, the north ½ of lot 7 and the north ½ of lot 10. The claimant's data on comparable sales is adequate to show that some of the challenged regulations have reduced the property's value. Consequently, the Board must either:

- a. Pay compensation equal to the reduction in fair market value of the property attributed to the



- challenged regulations which restrict claimant's use of his properties; or.
- b. Not apply the challenged regulations which restrict his use to allow Mr. Stafford to construct one dwelling on each of the six properties.

The claimant's data is inadequate as evidence to establish value, so additional appraisal work would be needed if compensation is the desired course of action.

## Staff Analysis

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

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

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

On June 8, 2005, Frank Walker, the claimant's representative, submitted an incomplete Measure 37 claim including copies of regulations which the claimant asserts reduce his property value. This claim was made complete on September 12, 2005, when Frank Walker submitted extensive data regarding the value of comparable sales (Exhibit S1), a copy of the Order of Discharge of the estate of Floyd Stafford (Exhibit A2), and a chain of title with copies of the referenced deeds (Exhibits A3 and A4, respectively). These materials constitute a complete written demand for compensation complying with the County's requirements (MCC 27.520). These records indicate the claimant is in fact the owner of the lots involved in this Measure 37 claim.

The data on comparable sales in combination with the narrative submitted by the applicant's representative is adequate to determine that there has been a loss in value due to the application of particular land use regulations. This evidence by itself is not adequate to determine the exact amount of value reduction.

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

**Yes. The Claimant acquired an interest in the property when his father passed away. A Certificate of Death (Exhibit A6) and a court Order of Discharge of Estate of Floyd Stafford (Exhibit A2) shows that date to be 7-14-1979. This precedes the date the County adopted the regulations challenged in the claim.**

The zoning of the six lots was Multiple Use Agriculture-20 (MUA-20) on July 14, 1979 when the claimant acquired the properties. A copy of the zoning map in effect on July 14, 1979 is included as Exhibit S2. A copy of the Multiple Use Agriculture-20 regulations in effect in 1979 is presented as Exhibit S3. The zoning did not change from Multiple Use Agriculture-20 to Exclusive Farm Use until August 14, 1980. The Exclusive Farm Use regulations were amended on April 5, 1997 and again on May 16, 2002.

The Significant Environmental Concern for Habitat regulations challenged by the claimant first came into effect on January 1, 2003.

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

**The applicant owns six lots two of which currently contain a house (Section Line Road Fruit Tracts lot 6 and the rear ½ of lot 5). Some of the challenged regulations have prevented the establishment of a dwelling on four of the six lots (Section Line Road Fruit Tracts Lots 11, 12, the north ½ of lot 7 and the north ½ of lot 10.) A discussion on which regulations have restricted the use of the properties is presented below.**

County maps indicate the north ½ of lots 7 and 10 as well as lot 6 of are zoned Exclusive Farm Use.

County maps indicate lot 11 is zoned Exclusive Farm Use with a Significant Environmental Concern overlay for wildlife habitat over the majority of the lot.

County maps indicate lot 12 is zoned Exclusive Farm Use with a Significant Environmental Concern overlay for wildlife habitat over the entire lot and a Hillside Development overlay on a small portion of the lot.

County maps indicate the rear ½ of lot 5 is zoned Exclusive Farm Use with a Significant Environmental Concern overlay for wildlife habitat over a small portion of the lot and a Hillside Development overlay on a small portion of the lot. The Hillside Development Overlay has not been challenged.

A copy of the current zoning map is included as Exhibit S4.

For the purposes of evaluating this claim, staff has organized the challenged regulations into categories and presents these categories separately below. In order for regulations to be eligible for waiver under Measure 37, they have to both restrict the use of a property and reduce the value of that property. The challenged regulations have been grouped into the following categories:

Category 1 – Regulations that restrict the use of the property and reduce the value of the property

Category 2 – Regulations that have not been shown to restrict the use of the property

Category 3- Regulations that are not applicable to the subject claim.

**Category 1 - Regulations that restrict the use of the property and have reduced the value of the property.**

- *MCC 36.2675(A)- Lot of Record provisions which require the aggregation of vacant properties under 19 acres in size if under common ownership on February 20, 1990.*
- *MCC 36.2625(D)- Establishes criteria for approval of a dwelling if part of a farm operation that has made \$80,000 of farm income in the last two years or three of the last five years. Establishes numerous other restrictions on the establishment of a primary dwelling.*
- *MCC 36.2630(J) and (K)- Establish criteria for approval of a single family dwelling as a Heritage Tract Dwelling on high value farm land through the conditional use permit process.*

The County's Lot of Record provisions above require contiguous properties in the same ownership on February 20, 1990 to be at least 19-acres in size and be lawfully established if they are to be considered separate lots of record eligible for development. Because all of the subject lots are smaller than 19-acres in size, they would be considered aggregated into one Lot of Record for development purposes. The Lot of Record provisions listed above restrict the use of all six of the properties involved in this claim.

Adjacent properties under the same ownership in 1990 are viewed together as one Lot of Record in the EFU zone (MCC 36.2675). This means that any land use application must look at all six lots together as one piece of property. There are provisions for obtaining a farm-related second dwelling on the Lot of Record, but all of these provisions require the second dwelling to be contained on the parcel that currently has a house.

If the aggregation provisions are waived, then the County may look at the six lots separately. In the EFU zone, there are two ways to qualify for a dwelling- as a farm dwelling and as a Heritage Tract dwelling on high-value farm land. The claimant has not challenged MCC 36.2630(J) and (K), which regulates the establishment of a Heritage Tract dwelling on high value farm land. However, County staff has identified these regulations as being among the regulations which restrict the owner's ability to establish a single family dwelling on the parcel. The Heritage Tract regulations require that an applicant not already have a dwelling on any contiguous property and demonstrate that the property cannot be managed for farm use (MCC 36.2630(J)) or that the property is less than 20 acres, not composed of class 1 or 2 soils, and meets additional requirements related to development on surrounding parcels. (MCC 36.2360(K)). Since the claimant already has two dwellings, the properties are ineligible for additional dwellings under MCC 36.2630(J) and MCC 36.2360(K). The claimant has challenged MCC 36.2625(D), which regulates the establishment of primary farm dwellings. In order to establish a primary farm-related dwelling on a vacant parcel, the claimant must prove he has made \$80,000 in farm income for two years in a row or three of the last five years from farming the vacant parcel. This requires the investment of at least two years of time and a substantial amount of money to start and run a farm operation capable of producing \$80,000 in income. The claimant can not demonstrate \$80,000 a year in farm income from each of the five vacant subject properties and, as such, they cannot be approved for a farm-related dwelling.

A new dwelling on a vacant parcel is not allowed outright under any of the provisions in the EFU portion of the County's code. (MCC 36.2600-36.2690) A dwelling was allowed outright on a lot in the MUA-20 zone at the time the claimant acquired the property.

The dwelling provisions listed above restricts the use of four of the vacant properties involved in this claim- lots 7, 10, 11, and 12.

- *MCC 36.2620(L)- Allows the alteration, restoration, or replacement of an existing lawfully established, currently habitable dwelling.*

This provision allows the repair or replacement of any lawfully established, currently habitable dwelling on an EFU property. Currently the rear ½ of lot 5 and lot 6 contain dwellings. The dwelling on lot 6 was constructed in 1921, predating any zoning or land use regulation in Multnomah County. This dwelling is assumed to be lawfully established but may no longer be habitable, in which case it cannot be replaced with another dwelling on the site. The dwelling on the rear ½ of lot 5 is a manufactured home installed in 1978 for which County Staff has found no record of permits. This dwelling may not be lawfully established and may not be able to be replaced. The establishment of a dwelling on each lot was allowed by the MUA-20 zoning in effect on the date the claimant acquired the property. The MUA-20 zone did not contain any provisions requiring proof that the new dwelling is replacing an existing lawfully established, currently habitable dwelling. The provision listed above restricts the use of the two properties involved in this claim which contain dwellings (rear ½ of lot 5 and lot 6) because it may prevent replacement of the homes on these lots.

### **Category 2 – Regulations that have not been shown to restrict the use of the property.**

- *MCC 36.4560(A)(1)- Significant Environmental Concern for Wildlife Habitat Development Standard- “Where a parcel contains any non-forested ‘cleared’ areas, development shall only occur in these areas, except as necessary to provide access and to meet minimum clearance standards for fire safety.”*
- *MCC 36.4560(A)(2)- Significant Environmental Concern for Wildlife Habitat Development Standard- “Development shall occur within 200 feet of a public road capable of providing reasonable practical access to the developable portion of the site.”*
- *MCC 36.4560(A)(3)- Significant Environmental Concern for Wildlife Habitat Development Standard- “The access road/driveway and service corridor serving the development shall not exceed 500 feet in length.”*

The SEC-h overlay was applied after the claimant became the owner of the property. This environmental overlay does not regulate whether or not a dwelling is allowed on each lot. MCC 36.4515(A) specifically stated that all use permitted under the provisions of the underlying zoning district are permitted on lands designated SEC. The SEC rules do not prevent uses, but do regulate the manner in which those uses can be developed. At the time of the claimant’s acquisition of the property, there were no provisions in the code similar to the above cited SEC development limitations. The provisions listed above may restrict how development occurs on lots 11, 12 and the rear ½ of lot 5 beyond the level of restriction in place when the properties were acquired. SEC rules contain discretionary criteria. Pursuant to MCC 27.515(B), a Measure 37 claim based on regulations that contain discretionary criteria for approval of a development on a property may only be filed after Multnomah County has enforced its regulations through approval or denial of a land use application. Such an approval or denial is necessary to establish whether a particular land use regulation restricts the use of a property. No such application has been filed, approved, or denied under the Significant Environmental Concern for Habitat standards. As such, staff cannot state that the regulations have resulted in a restriction. The claimants’ assertions that the SEC overlays restrict the use of their property are premature.

### **Category 3 – Regulations that are not applicable to the subject claim**

- *MCC 36.2610(E)- Definition of “High Value Farm Land”*
- *MCC 36.2620(N)- Allows the maintenance, enhancement and expansion of existing schools.*
- *MCC 36.2620(O)- EFU Zone Allowed Uses- Allows maintenance, enhancement and expansion of existing churches and cemeteries in conjunction with churches.*
- *MCC 36.2620(Y)- EFU Zone Allowed Uses- Allows on-site filming activities for up to 45 days in any one calendar year.*
- *MCC 36.2625(F)- EFU Zone Review Uses- Establishes a method to allow a dwelling on land that is not high-value farm land if no dwelling already exists on the Lot of Record.*
- *MCC 36.2630(J)- EFU Zone Review Uses- Establishes criteria for approval of signs.*

The subject claim is for the establishment of a single family dwelling on each of six lots. The applicant has challenged the above listed regulations but provided no evidence that the above listed regulations restrict the use of any of the six properties involved in this claim for single family dwellings.

- *MCC 36.2625(G)- EFU Zone Review Uses- Establishes criteria for approval of facilities used for the breeding, kenneling and training of greyhounds for racing.*

The applicant has challenged the above regulation as the MUA-20 zone in effect at the time the property was acquired allowed the establishment of commercial dog kennels as a conditional use. This provision did not restrict the dog kennels to greyhounds for racing, but allowed the kenneling of any breed of dogs. The subject claim is for the waiver of land use regulations to allow the construction of one house on each of six lots. The claimant has not established that the above regulations have restricted his ability to establish a single family dwelling on any of the subject properties.

- *MCC 36.2625(C)- EFU Zone Review Uses- Establishes criteria for approval of a farm help dwelling for a relative on real property used for farm use.*
- *MCC 36.2625(E)- EFU Zone Review Uses- Establishes criteria for approval of accessory farm dwellings that are not intended for use by relatives. This requires the demonstration of \$80,000 of farm income in each of the last two years or three of the last five years on high value farm land.*

The MUA-20 zone in effect at the time the property was acquired required review of the establishment of a second dwelling for farm purposes. They were allowed upon a showing that the dwelling was needed to carry out a farm or forest use. The MUA-20 zone did not contain any provisions restricting that dwelling to use by a family member. The subject claim is for the waiver of land use regulations to allow the construction of one house on each of six lots. The claimant has not established that the above regulations have restricted his ability to establish a single family dwelling on any of the subject properties.

4. *Have the restrictions reduced the fair market value of the property?*

**Yes. The alternative data support the claim that the Category 1 regulations have reduced the value of the property.**

The zoning of all six lots was Multiple Use Agriculture-20 when the claimant acquired the properties as previously discussed. This zone district allowed "*Residential use consisting of a single-family dwelling constructed on a lot...*" (MCC 3.133.1)

The applicant has not submitted an appraisal stating the current value of the property without the right to build a home. Instead, the applicant has submitted a statement which values the properties at a total of \$124,700. This is equivalent to \$5,786.54 per acre. It is worth noting that the land value as reported by the Multnomah County Assessment office is \$50,810.00, which is equivalent to \$2,357.77 per acre. Copies of the current assessment data are included as Exhibit S6.

The applicant has also submitted data on the recent sale of properties between 2 and 7 acres in size in Multnomah County. This data was submitted in a raw format with no analysis. Staff has organized the data. As part of this organization, staff removed the entries that included no parcel size and entries for vacant land that were shown as either farm, forest, or unknown land uses. This was done to remove any potential lots which may not be buildable. The resulting data set contains 39 comparables. The data on these comparables includes sale price, lot size, and land value. Staff has calculated the value per acre. The average land value per acre of the 39 comparables submitted by the applicant is \$27,860 per acre. A copy of the data as organized by staff is included as Exhibit S1.

While this information is not sufficient to establish a dollar amount for compensation, it is adequate to establish that property which is eligible for the construction of a dwelling is valued more highly than property which is not eligible for the construction of a dwelling. Additionally, Bob Alcantara, Senior Appraisal Supervisor, has submitted an analysis of the value of each lot with and without a building right. This memo shows that each lot is less valuable without the right to build a house (Exhibit S10).<sup>1</sup>

5. *Have those regulations that reduce the fair market value of the property been enforced?*

**Yes. The plain language of the Exclusive Farm Use (EFU) zoning district prohibits the construction of a primary dwelling on four of the six lots and replacement of the dwellings on the two developed lots.**

Land use regulations enacted after the date the owner acquires the property must be enforced for the measure to be operative. The Exclusive Farm Use (EFU) zoning rules effectively prohibit the construction of a primary dwelling on the subject lots, reducing the value of the property. The Exclusive Farm Use (EFU) rules also restrict the alteration, repair, or replacement of the existing dwellings on the property. The Exclusive Farm Use (EFU) zoning rules aggregate all six subject lots into one Lot of Record, which does not allow any of the lots to be sold separately or a house to be developed on any of the four vacant lots. The EFU zoning rules effectively prohibit the transfer of each lot separately, reducing the value of all six lots. On their face these regulations have been enforced.

### **Public Comment**

**After a claim for compensation is declared complete pursuant to MCC 27.520(B), the Director shall mail notice of the claim to the claimant, other owners of record of the property, and all owners of property within 750 feet of the subject property. Additional mail notice shall be sent to any public entities with land use regulatory authority over the property and other organizations or persons as the Director may designate (MCC 27.530(A)).**

Pursuant to the provisions of MCC 27.530, a 14-day Opportunity to Comment packet was mailed on March 6, 2006. Three written comments were submitted. The first came from Alison Winter, Multnomah County Transportation Planning Specialist and is attached as Exhibit S7. Ms. Winter indicated that several issues may exist with developing new driveways and or access point in the public rights-of-way surrounding the subject lots. The majority of the rights-of-way surrounding the subject lots are not currently developed. The second letter of comment was received from Bud Egger as is included as Exhibit S8. Mr. Egger expressed his desire that no additional houses be allowed in an effort to maintain the rural setting. The third letter of comment was received from Darrold Belcher and is included as Exhibit S9. Mr. Belcher's letter stated that there is strong public support for Measure 37 and that, in his opinion, the claimant should be able to develop his property as he desires.

### **Conclusion**

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<sup>1</sup> The alternative data submitted assumes the ability to develop the lots is transferable by sale which contradicts the Attorney General's opinion on transferability. Also, the alternative data looks only at the current market value of the property and comparable properties. It does not look at the impact of the regulations at the time they were imposed. The land use regulations challenged in this claim have constrained the supply of developable properties in this area, the result of which may impact land values of the remaining developable properties in a positive manner [(2006) Jaeger, W., The effects of Land-Use Regulations on Property Values, Environmental Law (VOL 36) Pages 105-130]. That impact on the value is not considered in the analysis.

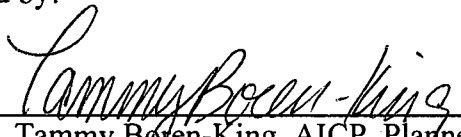
Considering the above findings, Mr. Stafford has established that land use regulations enacted after he acquired lots 6, 11, and 12, the rear ½ of lot 5 and the north ½ of lots 7 and 10 of Section Line Road Fruit Tracts have prevented him from building a home on each of the lots or replacing the existing homes on lot 6 and the rear ½ of lot 5. To allow Mr. Stafford to construct a home on each lot, the Board would need to grant the request to not apply the MCC 36.2675(A) to all six lots, to not apply MCC 36.2625(D), MCC 36.2630(J), and MCC 36.2630(K) to lots 11, 12, and the north ½ of lots 7 and 10 and to not apply MCC 36.2620(L) to the rear ½ of lot 5 and lot 6.

The comparable sales data provided by the applicant establishes that MCC 36.2675(A) and MCC 36.2625(D) have reduced the fair market value of the identified properties.

If the Board of Commissioners chooses to not apply the regulations listed, Land Use Planning would recommend that the Board of Commissioners address the following in the Board Order:

1. Include a statement that any waiver or modification of the County land use regulations does not constitute a waiver or modification of corresponding state laws, or administrative rules. Before any building permits may be issued, an authorization from the state must be secured.
2. Action by the Board of Commissioners to not apply regulations does not authorize immediate construction of the dwellings. Rules that still apply require that land use and building permits be approved by the County before development can proceed. The Road Rules continue to apply to any construction in the public right-of-way. Right-of-way permits are still required before any construction can proceed in the public right-of-way.
3. Include a statement that any right obtained by a claimant through the Board's grant of a waiver of County land use regulations is transferable only to the extent allowed by law.

Issued by:

  
\_\_\_\_\_  
Tammy Boren-King, AICP, Planner

For: Karen Schilling- Planning Director

Date: June 5, 2006

### **Exhibits**

Copies of the exhibits, referenced herein, are included in the case record that is on file at the Land Use and Transportation Planning Office.

### **Applicant Exhibits**

- A1. Certificate of Death of Floyd Stafford
- A2. Order of Discharge of the Estate of Floyd Stafford
- A3. Lot Book Service from Title Company
- A4. Deeds showing chain of title

Staff Exhibits

- S1. Organized data on comparable sales. Data was submitted by the applicant in a raw format.
- S2. Zoning map in effect July 14, 1979
- S4. Current zoning map
- S5. Summary of Challenged Regulations compiled from applicant's multiple submittals
- S6. Current Assessment and Taxation Data showing current appraised land value
- S7. Letter of Comment from Alison Winter, Multnomah County Transportation Planning Specialist
- S8. Letter of Comment from Bud Egger
- S9. Letter of Comment from Darrold Belcher
- S10. Memo regarding valuation of properties from Bob Alcantara, Senior Appraisal Supervisor
- S11. 2004 Air Photo of property.



## Script for JACK STAFFORD Measure 37 Hearing

### INTRODUCTION:

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

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

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

### DISCLOSURES:

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

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

*or if the Chair has disclosures to make*

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

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

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

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

## **Script for JACK STAFFORD Measure 37 Hearing**

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

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

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

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

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

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

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

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

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

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

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

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

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

ORDER TO NOT APPLY LAND USE REGULATIONS TO 4046 SE 302<sup>nd</sup> Ave. UNDER  
BALLOT MEASURE 37

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

- a. **Party:** Jack Stafford is the Ballot Measure 37 Claimant who filed a demand for compensation to Multnomah County on June 8, 2005.
- b. **Subject Real Property:** This claim relates to six lots of real property commonly known as 4046 SE 302<sup>nd</sup> Ave., Multnomah County, Portland, Oregon more specifically described as:

TL 300 and 100, T1S, R4E, W.M.,  
Section 08CC (Section Line Road Fruit Tract Subdivision lots 6, 11 and 12, and  
half of lots 5, 7 and 10).

- c. **Adequacy of Demand for Compensation (Complete Application):** On June 8, 2005, Frank Walker, the claimant's representative, submitted an incomplete Measure 37 claim including copies of regulations which the claimant asserts reduce his property value. This claim was made complete on September 12, 2005, when Frank Walker submitted extensive data regarding the value of comparable sales (Exhibit S1), a copy of the Order of Discharge of the estate of Floyd Stafford (Exhibit A2), and a chain of title with copies of the referenced deeds (Exhibits A3 and A4, respectively). These materials constitute a complete written demand for compensation complying with the County's requirements (MCC 27.520). These records indicate the claimant is in fact the owner of the lots involved in this Measure 37 claim.

The data on comparable sales in combination with the narrative submitted by the applicant's representative is adequate to determine that there has been a loss in value due to the application of particular land use regulations. This evidence by itself is not adequate to determine the exact amount of value reduction.

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

Claimant acquired the subject properties on July 14, 1979. The zoning of the six lots was Multiple Use Agriculture-20 (MUA-20) on that date. A copy of the relevant zoning maps and county codes in effect on July 14, 1979 are included in the Planning staff report and incorporated herein by reference. The zoning did not change from Multiple Use Agriculture-20 to Exclusive Farm Use until August 14, 1980. The Exclusive Farm Use regulations were amended on April 5, 1997 and again on May 16, 2002.

The Significant Environmental Concern for Habitat regulations challenged by the claimant first came into effect on January 1, 2003.

The Board finds that Claimant became the owner of his property prior to the County enacting land use regulations which Claimant asserts restricts the number of dwellings on his property.

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

In order for regulations to be eligible for waiver under Measure 37, they have to both restrict the use of a property and reduce the value of that property. For purposes of this section, the challenged regulations have been analyzed for use restrictions and grouped into the following categories:

In addition, in determining which regulations have restricted the use of the properties the Staff also needed to identify which regulations would be premature to make the use restriction finding, which regulations are exempt from the Measure 37 process and which are simply unrelated to the Measure 37 process. Staff used the following three major categories of regulations for this analysis.

**Category 1** – Regulations that have restricted the use of the properties for the claimant

**Category 2** – Regulations that would be premature to find that they restrict the use

**Category 3** – Regulations exempt from Measure 37

This Order only addresses the Category 1 Regulations. The Board agrees with the staff's analysis in its staff report dated June 5, 2006, relative to the Category 2 and 3 regulations, which is incorporated herein by reference.

**Category 1 - Regulations that restrict the use of the property and have reduced the value of the property.**

- *MCC 36.2675(A)- Lot of Record provisions which require the aggregation of vacant properties under 19 acres in size if under common ownership on February 20, 1990.*
- *MCC 36.2625(D)- Establishes criteria for approval of a dwelling if part of a farm operation that has made \$80,000 of farm income in the last two years or three of the last five years. Establishes numerous other restrictions on the establishment of a primary dwelling.*
- *MCC 36.2630(J) and (K)- Establish criteria for approval of a single family dwelling as a Heritage Tract Dwelling on high value farm land through the conditional use permit process.*

The County's Lot of Record provisions above require contiguous properties in the same ownership on February 20, 1990 to be at least 19-acres in size and be lawfully established if they are to be considered separate lots of record eligible for development. Because all of the subject lots are smaller than 19-acres in size, they would be considered aggregated into one Lot of Record for development purposes. The Lot of Record provisions restrict the use of all six of the properties involved in this claim.

Adjacent properties under the same ownership in 1990 are viewed together as one Lot of Record in the EFU zone (MCC 36.2675). This means that any land use application must look at all six lots together as one piece of property. There are provisions for obtaining a farm-related second dwelling on the Lot of Record, but all of these provisions require the second dwelling to be contained on the parcel that currently has a house.

If the aggregation provisions are waived, then the County may look at the six lots separately. In the EFU zone, there are two ways to qualify for a dwelling- as a farm dwelling and as a Heritage Tract dwelling on high-value farm land. The claimant has not challenged MCC 36.2630(J) and (K), which regulates the establishment of a Heritage Tract dwelling on high value farm land. However, County staff has identified these regulations as being among the regulations which restrict the owner's ability to establish a single family dwelling on the parcel. The Heritage Tract regulations require that an applicant not already have a dwelling on any contiguous property and demonstrate that the property cannot be managed for farm use (MCC 36.2630(J)) or that the property is less than 20 acres, not composed of class 1 or 2 soils, and meets additional requirements related to development on surrounding parcels. (MCC 36.2360(K)). Since the claimant already has two dwellings, the properties are ineligible for additional dwellings under MCC 36.2630(J) and MCC 36.2360(K). The claimant has challenged MCC 36.2625(D), which regulates the establishment of primary farm dwellings. In order to establish a primary farm-related dwelling on a vacant parcel, the claimant must prove he has made \$80,000 in farm income for two years in a row or three of the last five years from farming the vacant parcel. This requires the investment of at least two years of time and a substantial amount of money to start and run a farm operation capable of producing \$80,000 in income. The claimant can not demonstrate \$80,000 a year in farm income from each of the four vacant subject properties and, as such, they cannot be approved for a farm-related dwelling.

A new dwelling on a vacant parcel is not allowed outright under any of the provisions in the EFU portion of the County's code. (MCC 36.2600-36.2690) A dwelling was allowed outright on a lot in the MUA-20 zone at the time the claimant acquired the property.

The dwelling provisions listed above restricts the use of four of the vacant properties involved in this claim- lots 7, 10, 11, and 12.

- *MCC 36.2620(L)- Allows the alteration, restoration, or replacement of an existing lawfully established, currently habitable dwelling.*

This provision allows the repair or replacement of any lawfully established, currently habitable dwelling on an EFU property. Currently the rear ½ of lot 5 and lot 6 contain dwellings. The dwelling on lot 6 was constructed in 1921, predating any zoning or land use regulation in Multnomah County. This dwelling is assumed to be lawfully established but may no longer be habitable, in which case it cannot be replaced with another dwelling on the site. The dwelling on the rear ½ of lot 5 is a manufactured home installed in 1978 for which County Staff has found no record of permits. This dwelling may not be lawfully established and may not be able to be replaced. The establishment of a dwelling on each lot was allowed by the MUA-20 zoning in effect on the date the claimant acquired the property. The MUA-

20 zone did not contain any provisions requiring proof that the new dwelling is replacing an existing lawfully established, currently habitable dwelling. The Board finds that the provision listed above restricts the use of the two properties involved in this claim which contain dwellings (rear ½ of lot 5 and lot 6) because it may prevent replacement of the homes on these lots.

**f. County Code Restrictions Reduce Fair Market Value:**

The zoning of all six lots was Multiple Use Agriculture-20 when the claimant acquired the properties as previously discussed. This zone district allowed "*Residential use consisting of a single-family dwelling constructed on a lot...*" (MCC 3.133.1)

The applicant has not submitted an appraisal stating the current value of the property without the right to build a home. Instead, the applicant has submitted a statement which values the properties at a total of \$124,700. This is equivalent to \$5,786.54 per acre. It is worth noting that the land value as reported by the Multnomah County Assessment office is \$50,810.00, which is equivalent to \$2,357.77 per acre. Copies of the current assessment data are included as Exhibit S6.

The applicant has also submitted data on the recent sale of properties between 2 and 7 acres in size in Multnomah County. This data was submitted in a raw format with no analysis. Staff has organized the data. As part of this organization, staff removed the entries that included no parcel size and entries for vacant land that were shown as either farm, forest, or unknown land uses. This was done to remove any potential lots which may not be buildable. The resulting data set contains 39 comparables. The data on these comparables includes sale price, lot size, and land value. Staff has calculated the value per acre. The average land value per acre of the 39 comparables submitted by the applicant is \$27,860 per acre. A copy of the data as organized by staff is included in the Planning staff report, incorporated by reference herein.

While this information is not sufficient to establish a dollar amount for compensation, it is adequate to establish that property which is eligible for the construction of a dwelling is valued more highly than property which is not eligible for the construction of a dwelling. Additionally, Bob Alcantara, Senior Appraisal Supervisor, has submitted an analysis of the value of each lot with and without a building right. This memo, attached as Exhibit S10 to the Planning staff report, incorporated by reference herein, shows that each lot is less valuable without the right to build a house.

Regulations that unequivocally prohibit the construction of a home have reduced the fair market value of the subject property. Given the limited amount of information, it is not possible to state a specific dollar amount of the reduction in value of this property.

**g. Enforcement of County Code Restrictions:**

The plain language of the Exclusive Farm Use (EFU) zoning district prohibits the construction of a primary dwelling on four of the six lots and replacement of the dwellings on the two developed lots.

Land use regulations enacted after the date the owner acquires the property must be enforced for the measure to be operative. The Exclusive Farm Use (EFU) zoning rules effectively prohibit the construction of a primary dwelling on the subject lots, reducing the value of the property. The Exclusive Farm Use (EFU) rules also restrict the alteration, repair, or replacement of the existing dwellings on the property. The Exclusive Farm Use (EFU) zoning rules aggregate all six subject lots into one Lot of Record, which does not allow any of the lots to be sold separately or a house to be developed on any of the four vacant lots. The EFU zoning rules effectively prohibit the transfer of each lot separately, reducing the value of all six lots. On their face these regulations have been enforced.

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

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

(2) Claimant provided evidence to prove that he acquired the property in 1979, before the adoption of regulations challenged in the claim;

(3) There is evidence in the record to show that land use regulations now in place on the property restrict the use of real property, specifically the ability to construct a primary dwelling on four of the six lots and replacement of the dwellings on the two developed lots which are zoned as EFU land under the land use regulations of Multnomah County;

(4) The fair market data submitted by Claimant, as organized and analyzed by the Planning staff, is evidence that the land use restrictions now in place on the property have the effect of reducing the fair market value of the property;

(5) The land use regulations that reduce the fair market value of the property have been enforced in the plain language of the EFU use restrictions;

(6) The Board elects not to pay the compensation demanded by Claimant.

**i. Public Comment**

MCC 27.530(A) requires that, after a claim for compensation is declared complete pursuant to MCC 27.520(B), the Director shall mail notice of the claim to the claimant, other owners of record of the property, and all owners of property within 750 feet of the subject property. Additional mail notice shall be sent to any public entities with land use regulatory authority over the property and other organizations or persons as the Director may designate.

Pursuant to the provisions of MCC 27.530, a 14-day Opportunity to Comment packet was mailed on March 6, 2006. Three written comments were submitted. The first came from Alison Winter, Multnomah County Transportation Planning Specialist and is attached to the Planning staff report as Exhibit S7, and incorporated herein by reference. Ms. Winter indicated that several

issues may exist with developing new driveways and or access point in the public rights-of-way surrounding the subject lots. The majority of the rights-of-way surrounding the subject lots are not currently developed. The second letter of comment was received from Bud Egger as is included as Exhibit S8 of the Planning staff report. Mr. Egger expressed his desire that no additional houses be allowed in an effort to maintain the rural setting. The third letter of comment was received from Darrold Belcher and is included as Exhibit S9. Mr. Belcher's letter stated that there is strong public support for Measure 37 and that, in his opinion, the claimant should be able to develop his property as he desires.

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

**1. Claimant, Jack Stafford's, request is granted and the land use regulations restricting the use of his property will not be applied in order to allow him to build a home on each of the lots or replacing the existing homes on lot 6 and the rear ½ of lot 5. Regulations which will not be applied are listed below:**

- MCC 36.2675(A) – Lot of Record provisions which require the aggregation of vacant properties under 19 acres in size if under common ownership on February 20, 1990.
- MCC 36.2625(D) – Establishes criteria for approval of a dwelling if part of a farm operation that has made \$80,000 of farm income in the last two years or three of the last five years. Establishes numerous other restrictions on the establishment of a primary dwelling
- MCC 36.2630(J) and (K) – Establish criteria for approval of a single family dwelling as a Heritage Tract Dwelling on high value farm land through the conditional use permit process
- MCC 26.2620(L) – allows the alteration, restoration, or replacement of an existing lawfully established, currently habitable dwelling.

#### **2. Conditions of Approval:**

(a) This Board Order allows certain County code provisions not to be applied by the County to Claimant, Jack Stafford's, property as set out in section 1 above. This does not constitute a waiver or modification of corresponding state laws, or administrative rules. Before any building permits may be issued, an authorization from the state must be secured.

(b) Action by the Board, to not apply certain land use regulations of the county to Claimant, Jack Stafford's, property, does not authorize immediate construction of the primary dwelling. Rules that still apply require that land use and building permits be approved by the County before development can proceed.



(c) Any right obtained by a claimant through the Board's grant of a waiver of County land use regulations is transferable only to the extent allowed by law.

ADOPTED this 29th day of June, 2006.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By Sandra Duffy  
Sandra Duffy, Assistant County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**ORDER NO. 06-123**

Order to Not Apply Land Use Regulations to 4046 Se 302nd Avenue Under Ballot Measure 37

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

- a. **Party:** Jack Stafford is the Ballot Measure 37 Claimant who filed a demand for compensation to Multnomah County on June 8, 2005.
- b. **Subject Real Property:** This claim relates to six lots of real property commonly known as 4046 SE 302<sup>nd</sup> Ave., Multnomah County, Portland, Oregon more specifically described as:

TL 300 and 100, T1S, R4E, W.M.,  
Section 08CC (Section Line Road Fruit Tract Subdivision lots 6, 11 and 12, and half of lots 5, 7 and 10).

- c. **Adequacy of Demand for Compensation (Complete Application):** On June 8, 2005, Frank Walker, the claimant's representative, submitted an incomplete Measure 37 claim including copies of regulations which the claimant asserts reduce his property value. This claim was made complete on September 12, 2005, when Frank Walker submitted extensive data regarding the value of comparable sales (Exhibit S1), a copy of the Order of Discharge of the estate of Floyd Stafford (Exhibit A2), and a chain of title with copies of the referenced deeds (Exhibits A3 and A4, respectively). These materials constitute a complete written demand for compensation complying with the County's requirements (MCC 27.520). These records indicate the claimant is in fact the owner of the lots involved in this Measure 37 claim.

The data on comparable sales in combination with the narrative submitted by the applicant's representative is adequate to determine that there has been a loss in value due to the application of particular land use regulations. This evidence by itself is not adequate to determine the exact amount of value reduction.

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

Claimant acquired the subject properties on July 14, 1979. The zoning of the six lots was Multiple Use Agriculture-20 (MUA-20) on that date. A copy of the relevant zoning maps and county codes in effect on July 14, 1979 are included in the Planning staff report and incorporated herein by reference. The zoning did not change from Multiple Use Agriculture-20 to Exclusive Farm Use until August 14, 1980. The Exclusive Farm Use regulations were amended on April 5, 1997 and again on May 16, 2002.

The Significant Environmental Concern for Habitat regulations challenged by the claimant first came into effect on January 1, 2003.

The Board finds that Claimant became the owner of his property prior to the County enacting land use regulations which Claimant asserts restricts the number of dwellings on his property.

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

In order for regulations to be eligible for waiver under Measure 37, they have to both restrict the use of a property and reduce the value of that property. For purposes of this section, the challenged regulations have been analyzed for use restrictions and grouped into the following categories:

In addition, in determining which regulations have restricted the use of the properties the Staff also needed to identify which regulations would be premature to make the use restriction finding, which regulations are exempt from the Measure 37 process and which are simply unrelated to the Measure 37 process. Staff used the following three major categories of regulations for this analysis.

**Category 1** – Regulations that have restricted the use of the properties for the claimant

**Category 2** – Regulations that would be premature to find that they restrict the use

**Category 3** – Regulations exempt from Measure 37

This Order only addresses the Category 1 Regulations. The Board agrees with the staff's analysis in its staff report dated June 5, 2006, relative to the Category 2 and 3 regulations, which is incorporated herein by reference.

**Category 1 - Regulations that restrict the use of the property and have reduced the value of the property.**

- *MCC 36.2675(A)- Lot of Record provisions which require the aggregation of vacant properties under 19 acres in size if under common ownership on February 20, 1990.*
- *MCC 36.2625(D)- Establishes criteria for approval of a dwelling if part of a farm operation that has made \$80,000 of farm income in the last two years or three of the last five years. Establishes numerous other restrictions on the establishment of a primary dwelling.*
- *MCC 36.2630(J) and (K)- Establish criteria for approval of a single family dwelling as a Heritage Tract Dwelling on high value farm land through the conditional use permit process.*

The County's Lot of Record provisions above require contiguous properties in the same ownership on February 20, 1990 to be at least 19-acres in size and be lawfully established if they are to be considered separate lots of record eligible for development. Because all of the subject lots are smaller than 19-acres in size, they would be considered aggregated into one Lot of Record for development purposes. The Lot of Record provisions restrict the use of all six of the properties involved in this claim.

Adjacent properties under the same ownership in 1990 are viewed together as one Lot of Record in the EFU zone (MCC 36.2675). This means that any land use application must

look at all six lots together as one piece of property. There are provisions for obtaining a farm-related second dwelling on the Lot of Record, but all of these provisions require the second dwelling to be contained on the parcel that currently has a house.

If the aggregation provisions are waived, then the County may look at the six lots separately. In the EFU zone, there are two ways to qualify for a dwelling- as a farm dwelling and as a Heritage Tract dwelling on high-value farm land. The claimant has not challenged MCC 36.2630(J) and (K), which regulates the establishment of a Heritage Tract dwelling on high value farm land. However, County staff has identified these regulations as being among the regulations which restrict the owner's ability to establish a single family dwelling on the parcel. The Heritage Tract regulations require that an applicant not already have a dwelling on any contiguous property and demonstrate that the property cannot be managed for farm use (MCC 36.2630(J)) or that the property is less than 20 acres, not composed of class 1 or 2 soils, and meets additional requirements related to development on surrounding parcels. (MCC 36.2360(K)). Since the claimant already has two dwellings, the properties are ineligible for additional dwellings under MCC 36.2630(J) and MCC 36.2360(K). The claimant has challenged MCC 36.2625(D), which regulates the establishment of primary farm dwellings. In order to establish a primary farm-related dwelling on a vacant parcel, the claimant must prove he has made \$80,000 in farm income for two years in a row or three of the last five years from farming the vacant parcel. This requires the investment of at least two years of time and a substantial amount of money to start and run a farm operation capable of producing \$80,000 in income. The claimant can not demonstrate \$80,000 a year in farm income from each of the four vacant subject properties and, as such, they cannot be approved for a farm-related dwelling.

A new dwelling on a vacant parcel is not allowed outright under any of the provisions in the EFU portion of the County's code. (MCC 36.2600-36.2690) A dwelling was allowed outright on a lot in the MUA-20 zone at the time the claimant acquired the property.

The dwelling provisions listed above restricts the use of four of the vacant properties involved in this claim- lots 7, 10, 11, and 12.

- *MCC 36.2620(L)- Allows the alteration, restoration, or replacement of an existing lawfully established, currently habitable dwelling.*

This provision allows the repair or replacement of any lawfully established, currently habitable dwelling on an EFU property. Currently the rear ½ of lot 5 and lot 6 contain dwellings. The dwelling on lot 6 was constructed in 1921, predating any zoning or land use regulation in Multnomah County. This dwelling is assumed to be lawfully established but may no longer be habitable, in which case it cannot be replaced with another dwelling on the site. The dwelling on the rear ½ of lot 5 is a manufactured home installed in 1978 for which County Staff has found no record of permits. This dwelling may not be lawfully established and may not be able to be replaced. The establishment of a dwelling on each lot was allowed by the MUA-20 zoning in effect on the date the claimant acquired the property. The MUA-20 zone did not contain any provisions requiring proof that the new dwelling is replacing an existing lawfully established, currently habitable dwelling. The Board finds that the

provision listed above restricts the use of the two properties involved in this claim which contain dwellings (rear ½ of lot 5 and lot 6) because it may prevent replacement of the homes on these lots.

**f. County Code Restrictions Reduce Fair Market Value:**

The zoning of all six lots was Multiple Use Agriculture-20 when the claimant acquired the properties as previously discussed. This zone district allowed "*Residential use consisting of a single-family dwelling constructed on a lot...*" (MCC 3.133.1)

The applicant has not submitted an appraisal stating the current value of the property without the right to build a home. Instead, the applicant has submitted a statement which values the properties at a total of \$124,700. This is equivalent to \$5,786.54 per acre. It is worth noting that the land value as reported by the Multnomah County Assessment office is \$50,810.00, which is equivalent to \$2,357.77 per acre. Copies of the current assessment data are included as Exhibit S6.

The applicant has also submitted data on the recent sale of properties between 2 and 7 acres in size in Multnomah County. This data was submitted in a raw format with no analysis. Staff has organized the data. As part of this organization, staff removed the entries that included no parcel size and entries for vacant land that were shown as either farm, forest, or unknown land uses. This was done to remove any potential lots which may not be buildable. The resulting data set contains 39 comparables. The data on these comparables includes sale price, lot size, and land value. Staff has calculated the value per acre. The average land value per acre of the 39 comparables submitted by the applicant is \$27,860 per acre. A copy of the data as organized by staff is included in the Planning staff report, incorporated by reference herein.

While this information is not sufficient to establish a dollar amount for compensation, it is adequate to establish that property which is eligible for the construction of a dwelling is valued more highly than property which is not eligible for the construction of a dwelling. Additionally, Bob Alcantara, Senior Appraisal Supervisor, has submitted an analysis of the value of each lot with and without a building right. This memo, attached as Exhibit S10 to the Planning staff report, incorporated by reference herein, shows that each lot is less valuable without the right to build a house.

Regulations that unequivocally prohibit the construction of a home have reduced the fair market value of the subject property. Given the limited amount of information, it is not possible to state a specific dollar amount of the reduction in value of this property.

**g. Enforcement of County Code Restrictions:**

The plain language of the Exclusive Farm Use (EFU) zoning district prohibits the construction of a primary dwelling on four of the six lots and replacement of the dwellings on the two developed lots.

Land use regulations enacted after the date the owner acquires the property must be enforced for the measure to be operative. The Exclusive Farm Use (EFU) zoning rules effectively prohibit

the construction of a primary dwelling on the subject lots, reducing the value of the property. The Exclusive Farm Use (EFU) rules also restrict the alteration, repair, or replacement of the existing dwellings on the property. The Exclusive Farm Use (EFU) zoning rules aggregate all six subject lots into one Lot of Record, which does not allow any of the lots to be sold separately or a house to be developed on any of the four vacant lots. The EFU zoning rules effectively prohibit the transfer of each lot separately, reducing the value of all six lots. On their face these regulations have been enforced.

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

- (1) Claimant made a demand for compensation under the requirements set forth in Ballot Measure 37 by describing the use being sought, by identifying the regulations that prohibit the use, and by submitting evidence that land use regulations have reduced the value of the property;
- (2) Claimant provided evidence to prove that he acquired the property in 1979, before the adoption of regulations challenged in the claim;
- (3) There is evidence in the record to show that land use regulations now in place on the property restrict the use of real property, specifically the ability to construct a primary dwelling on four of the six lots and replacement of the dwellings on the two developed lots which are zoned as EFU land under the land use regulations of Multnomah County;
- (4) The fair market data submitted by Claimant, as organized and analyzed by the Planning staff, is evidence that the land use restrictions now in place on the property have the effect of reducing the fair market value of the property;
- (5) The land use regulations that reduce the fair market value of the property have been enforced in the plain language of the EFU use restrictions;
- (6) The Board elects not to pay the compensation demanded by Claimant.

**i. Public Comment**

MCC 27.530(A) requires that, after a claim for compensation is declared complete pursuant to MCC 27.520(B), the Director shall mail notice of the claim to the claimant, other owners of record of the property, and all owners of property within 750 feet of the subject property. Additional mail notice shall be sent to any public entities with land use regulatory authority over the property and other organizations or persons as the Director may designate.

Pursuant to the provisions of MCC 27.530, a 14-day Opportunity to Comment packet was mailed on March 6, 2006. Three written comments were submitted. The first came from Alison Winter, Multnomah County Transportation Planning Specialist and is attached to the Planning staff report as Exhibit S7, and incorporated herein by reference. Ms. Winter indicated that several issues may exist with developing new driveways and or access point in the public rights-of-way surrounding the subject lots. The majority of the rights-of-way surrounding the subject lots are

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

**1. Claimant, Jack Stafford's, request is granted and the land use regulations restricting the use of his property will not be applied in order to allow him to build a home on each of the lots or replacing the existing homes on lot 6 and the rear ½ of lot 5. Regulations which will not be applied are listed below:**

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- MCC 26.2620(L) – allows the alteration, restoration, or replacement of an existing lawfully established, currently habitable dwelling.

**2. Conditions of Approval:**

(a) This Board Order allows certain County code provisions not to be applied by the County to Claimant, Jack Stafford's, property as set out in section 1 above. This does not constitute a waiver or modification of corresponding state laws, or administrative rules. Before any building permits may be issued, an authorization from the state must be secured.

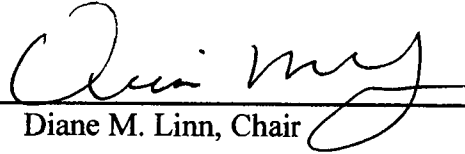
(b) Action by the Board, to not apply certain land use regulations of the county to Claimant, Jack Stafford's, property, does not authorize immediate construction of the primary dwelling. Rules that still apply require that land use and building permits be approved by the County before development can proceed.

(c) Any right obtained by a claimant through the Board's grant of a waiver of County land use regulations is transferable only to the extent allowed by law.

ADOPTED this 29th day of June, 2006.

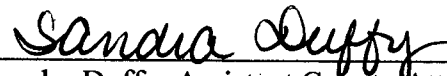


BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Sandra Duffy, Assistant County Attorney





## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

### Board Clerk Use Only

Meeting Date: 06/29/06  
Agenda Item #: E-1  
Est. Start Time: 11:15 AM  
Date Submitted: 06/22/06

### BUDGET MODIFICATION: -

**Agenda Title:** Executive Session Pursuant to ORS 192.660(2)(h)

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

<b>Date Requested:</b>	June 29, 2006	<b>Time Requested:</b>	15-30 mins
<b>Department:</b>	Non-Departmental	<b>Division:</b>	County Attorney
<b>Contact(s):</b>	Agnes Sowle		
<b>Phone:</b>	503 988-3138	<b>Ext.</b>	83138
<b>I/O Address:</b>	503/500		
<b>Presenter(s):</b>	Agnes Sowle and Invited Others		

### General Information

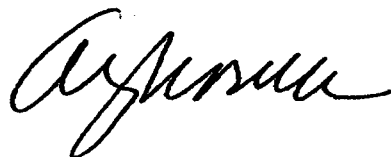
1. What action are you requesting from the Board?  
No Final Decision will be made in the Executive Session.
2. Please provide sufficient background information for the Board and the public to understand this issue.  
Only Representatives of the News Media and Designated Staff are allowed to Attend.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

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**Required Signatures**

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**Department/  
Agency Director:**



**Date:** 06/29/06

**Budget Analyst:**

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

**Department HR:**

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

**Countywide HR:**

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