

ANNOTATED MINUTES

Tuesday, May 19, 1998 - 9:30 AM
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland

BUDGET WORK SESSION

Chair Beverly Stein convened the meeting at 9:34 a.m., with Vice-Chair Sharron Kelley and Commissioner Gary Hansen present, and Commission Districts 1 and 3 positions vacant.

WS-1 Multnomah County Department of Aging and Disability Services 1998-99 Budget Overview and Highlights; Citizen Budget Advisory Committee Presentation; Issues and Opportunities; Questions and Answers.

JIM MCCONNELL, MARY SHORTALL, SHARON MILLER, DON CARLSON, CHRIS REISNER AND DICK FRENCH PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION.

The budget session was adjourned and the briefing convened at 10:25 a.m.

Tuesday, May 19, 1998 - 10:30 AM
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland

BOARD BRIEFING

B-1 Overview of Multnomah County Fiscal Year 1998-99 Revenue Projections. Presented by Mark Campbell and Dave Warren.

DAVE WARREN AND MARK CAMPBELL PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION.

The briefing was adjourned at 11:05 a.m.

Wednesday, May 20, 1998 - 9:30 AM
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland

WORK SESSION

Chair Beverly Stein convened the meeting at 9:35 a.m., with Vice-Chair Sharron Kelley and Commissioner Gary Hansen present, and Commission Districts 1 and 3 positions vacant.

WS-2 A Systems Approach to Alcohol and Drug Treatment For Offenders. Presented by Peter Ozanne with Dan Noelle, Elyse Clawson, Ginger Martin, Kevin Criswell and Norma Jaeger.

PETER OZANNE, GINGER MARTIN, NORMA JAEGER, JACQUELYN JAMIESON AND DAN NOELLE, PRESENTATION AND RESPONSE TO BOARD QUESTIONS, COMMENTS AND DISCUSSION.

There being no further business, the meeting was adjourned at 11:16 a.m.

Wednesday, May 20, 1998 - 6:00 PM
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland

BUDGET HEARING

Chair Beverly Stein convened the meeting at 6:03 p.m., with Vice-Chair Sharron Kelley and Commissioner Gary Hansen present, and Commission Districts 1 and 3 positions vacant.

PH-1 1998-99 Multnomah County Budget Overview and Opportunity for Public Testimony on the 1998-99 Multnomah County Budget with Testimony Limited to Three Minutes Per Person.

RICHARD LUCETTI TESTIMONY IN SUPPORT OF FUNDING FOR SCHOOL ATTENDANCE PROGRAM ON BEHALF OF THE HISPANIC COMMUNITY. RIC BURGER TESTIMONY IN SUPPORT OF EMERGENCY HOUSING FUNDING IN AGING AND DISABILITY SERVICES BUDGET.

PAUL KAPTUR, BYRON KELLAR AND FRED WEARN TESTIMONY IN SUPPORT OF SCHOOL FUNDING. MAXINE THOMPSON AND MARY ANNE ALLEN TESTIMONY IN SUPPORT OF SCHOOL ATTENDANCE AD HEADLICE PROGRAM FUNDING. BLAIR CRUMPACKER TESTIMONY IN SUPPORT OF SCHOOL FUNDING. BOARD COMMENTS IN APPRECIATION.

There being no further business, the meeting was adjourned at 6:30 p.m.

Thursday, May 21, 1998 - 9:30 AM
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland

REGULAR MEETING

Chair Beverly Stein convened the meeting at 9:37 a.m., with Vice-Chair Sharron Kelley and Commissioner Gary Hansen present, and Commission Districts 1 and 3 positions vacant.

CONSENT CALENDAR

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, CONSENT CALENDAR ITEMS C-1, C-2 AND C-4 THROUGH C-8 WERE UNANIMOUSLY APPROVED.

DEPARTMENT OF ENVIRONMENTAL SERVICES

C-1 ORDER Authorizing Distribution of Proceeds from the Sale of tax Foreclosed Properties for the Period July 1, 1996 through June 30, 1997

ORDER 98-58.

C-2 ORDER Authorizing Execution of Deed D981550 Upon Complete Performance of Contract 15677 with Elsie P. Flores and Billy Ray Flores

ORDER 98-59.

- C-4 ORDER Authorizing Cancellation of Land Sale Contract 15476R with Irene Haskins Upon Default of Payments and Performance of Covenants

ORDER 98-60.

- C-5 ORDER Authorizing Cancellation of Land Sale Contract 15477 with Fred Miles Upon Default of Payments and Performance of Covenants

ORDER 98-61.

- C-6 ORDER Authorizing Cancellation of Land Sale Contract 15524 with Deborah Long Upon Default of Payments and Performance of Covenants

ORDER 98-62.

- C-7 ORDER Authorizing Cancellation of Land Sale Contract 15772 with Robert H. Hunter Upon Default of Payments and Performance of Covenants

ORDER 98-63.

DEPARTMENT OF SUPPORT SERVICES

- C-8 Budget Modification DSS 11 Adding \$6,195.00 Oregon State Police, Office of Emergency Management Revenue to the Emergency Management Program Budget

DEPARTMENT OF JUVENILE AND ADULT COMMUNITY JUSTICE

- C-9 Amendment 1 to Intergovernmental Agreement 700358 with the Oregon Youth Authority to Accept Grant Funds and to Extend Provision of Services for Continuation of Gang Transition Services through June 30, 1999
- C-10 Budget Modification DCJ 17 Adding \$53,836 Casey Foundation, City of Portland and Metro Revenue to the Federal/State Budget

REGULAR AGENDA

- C-3 ORDER Authorizing Cancellation of Land Sale Contract 15244R2 with William and Dorothy Jelinek Upon Default of Payments and Performance of Covenants

**AT THE REQUEST OF THE DEPARTMENT VIA
CHAIR STEIN AND UPON MOTION OF
COMMISSIONER KELLEY, SECONDED BY
COMMISSIONER HANSEN, C-3 WAS
UNANIMOUSLY POSTPONED INDEFINITELY.**

PUBLIC COMMENT

- R-1 Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.

NO ONE WISHED TO COMMENT.

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

- R-2 Results from RESULTS: Department of Community and Family Services RESULTS Celebration and Financial Services Improvement Effort Presentation by Lorenzo Poe, Sue Larsen, Carla Gonzales, Mike Waddell, Heather Nolte, Jeanette Hankins and Chris Yager

***LOLENZO POE, SUE LARSEN, CHRIS YAGER,
JEANETTE HANKINS, HEALHTER NOLTE AND
MIKE WADDELL PRESENTATION AND
RESPONSE TO BOARD QUESTIONS, DISCUSSION
AND COMMENTS IN APPRECIATION.***

NON-DEPARTMENTAL

- R-3 Information and Request for Policy Direction on City of Gresham Proposed Property Tax Exemption for New Transit Oriented Development. Presented by Richard Ross and Jonathon Harker.

***COMMISSIONER SHARRON KELLEY, RICHARD
ROSS AND JOHNATHON HARKER
PRESENTATION AND RESPONSE TO BOARD
QUESTIONS AND DISCUSSION.***

DEPARTMENT OF SUPPORT SERVICES

- R-4 RESOLUTION Authorizing Issuance and Sale of Short-Term Promissory Notes (Tax and Revenue Anticipation Notes, Series 1998) in the Amount of \$11,000,000 for the Purpose of Meeting Current Expenses of the County for the 1998-99 Fiscal Year

COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-4. HARRY MORTON EXPLANATION AND RESPONSE TO BOARD QUESTIONS. RESOLUTION 98-64 UNANIMOUSLY APPROVED.

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-5 First Reading of an ORDINANCE Amending the Multnomah County Animal Control Code Chapter 8.10 to Provide for Certain New Definitions, and Regulations Relating to Exotic Animals, Potentially Dangerous Dogs, Dangerous Dogs, Limited Search Warrants and State Court Enforcement

ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER HANSEN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF FIRST READING. HANK MIGGINS EXPLANATION. JOHN VAN STRY TESTIMONY IN OPPOSITION TO COUNTY LEGISLATION CONCERNING EXOTIC ANIMALS. JACKIE SINNOTT GAVE HER THREE MINUTES TO JOHN. DWAYNE KAPTUR, STEVEN BELKNAP, ROBERT BABCOCK, THOMAS BUCHHOLZ, GINGER BECKEN, TERRIE KAUFMAN AND DEBBIE WALDING TESTIMONY IN OPPOSITION TO COUNTY LEGISLATION CONCERNING EXOTIC ANIMALS. MIKE KEELE AND JAN HIXSON TESTIMONY IN SUPPORT OF PROPOSED ORDINANCE. CHRISTINE CAVE, STEVEN HIGGS, ANDY TURUDIC AND DAVID NOLL TESTIMONY IN OPPOSITION TO COUNTY LEGISLATION CONCERNING EXOTIC ANIMALS. FOLLOWING BOARD DISCUSSION WITH HANK MIGGINS AND COUNTY COUNSEL MATTHEW RYAN AND UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, THE FIRST READING WAS UNANIMOUSLY CONTINUED TO JUNE 11, 1998.

There being no further business, the meeting was adjourned at 11:10 a.m.

Thursday, May 21, 1998 - 11:00 AM
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland

EXECUTIVE SESSION

Chair Beverly Stein convened the meeting at 11:21 a.m., with Vice-Chair Sharron Kelley and Commissioner Gary Hansen present, and Commission Districts 1 and 3 positions vacant.

- E-1 The Multnomah County Board of Commissioners Will Meet in Executive Session Pursuant to ORS 192.660(1)(d) for Labor Negotiator Consultation Concerning Labor Negotiations. Presented by Kenneth Upton and Darrell Murray.

EXECUTIVE SESSION HELD.

There being no further business, the meeting was adjourned at 12:21 p.m.

OFFICE OF THE BOARD CLERK
FOR MULTNOMAH COUNTY, OREGON

Deborah L. Bogstad

Deborah L. Bogstad



MULTNOMAH COUNTY, OREGON

BOARD OF COMMISSIONERS

Beverly Stein, Chair

1120 SW Fifth Avenue, Suite 1515
Portland, Or 97204-1914
Phone: (503) 248-3308 FAX (503) 248-3093
Email: Mult.Chair@co.multnomah.or.us

Vacant, Commission District 1

1120 SW Fifth Avenue, Suite 1500
Portland, Or 97204-1914
Phone: (503) 248-5220 FAX (503) 248-5440
Email:

Gary Hansen, Commission Dist. 2

1120 SW Fifth Avenue, Suite 1500
Portland, Or 97204-1914
Phone: (503) 248-5219 FAX (503) 248-5440
Email: Gary.D.Hansen@co.multnomah.or.us

Vacant, Commission District 3

1120 SW Fifth Avenue, Suite 1500
Portland, Or 97204-1914
Phone: (503) 248-5217 FAX (503) 248-5262
Email:

Sharron Kelley, Commission Dist. 4

1120 SW Fifth Avenue, Suite 1500
Portland, Or 97204-1914
Phone: (503) 248-5213 FAX (503) 248-5262
Email:
Sharron.E.Kelley@co.multnomah.or.us

ANY QUESTIONS? CALL BOARD CLERK DEB BOGSTAD @ 248-3277

INDIVIDUALS WITH DISABILITIES MAY CALL THE BOARD CLERK AT 248-3277, OR MULTNOMAH COUNTY TDD PHONE 248-5040, FOR INFORMATION ON AVAILABLE SERVICES AND ACCESSIBILITY.

MAY 19, 20 & 21, 1998 BOARD MEETINGS

FASTLOOK AGENDA ITEMS OF INTEREST

2	Department of Aging and Disability Services Budget Session
2	Overview of Multnomah County 98-99 Revenue Projections
2	Work Session: A Systems Approach to Alcohol & Drug Treatment for Offenders
3	PM Public Hearing on County Budget
3	Thursday AM Regular Board Meeting
4	DCFS RESULTS Presentation
5	Gresham Proposed Property Tax Exemption for New Transit Oriented Development
5	Animal Control Code Ordinance
6	Budget Session & Hearing Schedule

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

Thursday, 9:30 AM, (LIVE) Channel 30
Friday, 10:00 PM, Channel 30
Sunday, 1:00 PM, Channel 30
Produced through Multnomah Community Television

Tuesday, May 19, 1998 - 9:30 AM
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland

BUDGET WORK SESSION

WS-1 Multnomah County Department of Aging and Disability Services
1998-99 Budget Overview and Highlights; Citizen Budget Advisory
Committee Presentation; Issues and Opportunities; Questions and
Answers. 1 HOUR REQUESTED.

Tuesday, May 19, 1998 - 10:30 AM
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland

BOARD BRIEFING

B-1 Overview of Multnomah County Fiscal Year 1998-99 Revenue
Projections. Presented by Mark Campbell and Dave Warren. 45
MINUTES REQUESTED.

Wednesday, May 20, 1998 - 9:30 AM
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland

WORK SESSION

WS-2 A Systems Approach to Alcohol and Drug Treatment For Offenders.
Presented by Peter Ozanne with Dan Noelle, Elyse Clawson, Ginger
Martin, Kevin Criswell and Norma Jaeger. 2 HOURS
REQUESTED.



Wednesday, May 20, 1998 - 6:00 PM
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland

BUDGET HEARING

- PH-1 1998-99 Multnomah County Budget Overview and Opportunity for Public Testimony on the 1998-99 Multnomah County Budget with Testimony Limited to Three Minutes Per Person.
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Thursday, May 21, 1998 - 9:30 AM
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland

REGULAR MEETING

CONSENT CALENDAR

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-1 ORDER Authorizing Distribution of Proceeds from the Sale of tax Foreclosed Properties for the Period July 1, 1996 through June 30, 1997
- C-2 ORDER Authorizing Execution of Deed D981550 Upon Complete Performance of Contract 15677 with Elsie P. Flores and Billy Ray Flores
- C-3 ORDER Authorizing Cancellation of Land Sale Contract 15244R2 with William and Dorothy Jelinek Upon Default of Payments and Performance of Covenants
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- C-7 ORDER Authorizing Cancellation of Land Sale Contract 15772 with Robert H. Hunter Upon Default of Payments and Performance of Covenants

DEPARTMENT OF SUPPORT SERVICES

- C-8 Budget Modification DSS 11 Adding \$6,195.00 Oregon State Police, Office of Emergency Management Revenue to the Emergency Management Program Budget

DEPARTMENT OF JUVENILE AND ADULT COMMUNITY JUSTICE

- C-9 Amendment 1 to Intergovernmental Agreement 700358 with the Oregon Youth Authority to Accept Grant Funds and to Extend Provision of Services for Continuation of Gang Transition Services through June 30, 1999
- C-10 Budget Modification DCJ 17 Adding \$53,836 Casey Foundation, City of Portland and Metro Revenue to the Federal/State Budget

REGULAR AGENDA

PUBLIC COMMENT

- R-1 Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

- R-2 Results from RESULTS: Department of Community and Family Services RESULTS Celebration and Financial Services Improvement Effort Presentation by Lorenzo Poe, Sue Larsen, Carla Gonzales, Mike Waddell, Heather Nolte, Jeanette Hankins and Chris Yager

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NON-DEPARTMENTAL

- R-3 Information and Request for Policy Direction on City of Gresham Proposed Property Tax Exemption for New Transit Oriented Development. Presented by Richard Ross and Jonathon Harker. 10 MINUTES REQUESTED.

DEPARTMENT OF SUPPORT SERVICES

- R-4 RESOLUTION Authorizing Issuance and Sale of Short-Term Promissory Notes (Tax and Revenue Anticipation Notes, Series 1998) in the Amount of \$11,000,000 for the Purpose of Meeting Current Expenses of the County for the 1998-99 Fiscal Year

DEPARTMENT OF ENVIRONMENTAL SERVICES

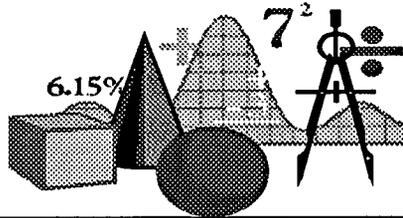
- R-5 First Reading of an ORDINANCE Amending the Multnomah County Animal Control Code Chapter 8.10 to Provide for Certain New Definitions, and Regulations Relating to Exotic Animals, Potentially Dangerous Dogs, Dangerous Dogs, Limited Search Warrants and State Court Enforcement

Thursday, May 21, 1998 - 11:00 AM
(OR IMMEDIATELY FOLLOWING REGULAR AGENDA)
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland

EXECUTIVE SESSION

- E-1 The Multnomah County Board of Commissioners Will Meet in Executive Session Pursuant to ORS 192.660(1)(d) for Labor Negotiator Consultation Concerning Labor Negotiations. Presented by Kenneth Upton and Darrell Murray. 1 HOUR REQUESTED.

1998-99 MULTNOMAH COUNTY BUDGET WORK SESSIONS AND PUBLIC HEARINGS



23-Apr	Thursday	9:30 am	PUBLIC HEARING, Executive Budget Presentation and Approval
28-Apr	Tuesday	9:30 am	Central Citizen Budget Advisory Committee Report
		9:45 am	Juvenile & Adult Community Justice
29-Apr	Wednesday	9:30 am	Sheriff
		6:00 pm	PUBLIC HEARING @Gresham Library 385 NW Miller
5-May	Tuesday	9:30 am	District Attorney
		10:30 am	Non-Departmental
6-May	Wednesday	1:30 pm	Environmental Services
		3:00 pm	Support Services
12-May	Tuesday	9:30 am	Health
		1:30 pm	Community & Family Services
14-May	Thursday	10:30 am	Library (after regular Board meeting)
19-May	Tuesday	9:30 am	Aging and Disability Services
		10:30 am	Revenue Overview
20-May	Wednesday	9:30 am	Alcohol and Drug Treatment for Offenders Work Session
		6:00 pm	PUBLIC HEARING in Courthouse Boardroom 602
26-May	Tuesday	9:30 am	PUBLIC HEARING TSCC Hearing
		10:30 am	General Work Session (potential)
		1:30 pm	General Work Session (potential)
28-May	Thursday	9:30 am	PUBLIC HEARING, Adopt Budget

Unless otherwise indicated, all budget sessions will be held in the Multnomah County Courthouse, Boardroom 602, 1021 SW Fourth Avenue, Portland.

MEETING DATE: MAY 21 1998
AGENDA NO: C-1
ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Distribution of Proceeds from the Sale of Tax Foreclosed Properties for the Period July 1, 1996 through June 30, 1997

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: May 21, 1998
AMOUNT OF TIME NEEDED: 5 minutes

DEPARTMENT: Environmental Services DIVISION: Tax Collection/Records Mgmt

CONTACT: Kathy Tuneberg TELEPHONE #: 248-5132 OR EXT: 22331
BLDG/ROOM #: 166/300

PERSON(S) MAKING PRESENTATION: Kathy Tuneberg

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Request an Order authorizing reimbursement of the Tax Title Fund for \$595,969.70 of expenditures incurred and disbursed during the period of July 1, 1996 through June 30, 1997 for the administration and maintenance of tax foreclosed properties, and a further Order establishing a reserve in the amount of \$440,973.18 and for distribution to the Taxing Districts of Multnomah County of proceeds from the sale of these properties in the amount of \$314,889.34, in accordance with ORS 311.390.

This action is required under ORS 275.275.

6/2/98 copies to Kathy Tuneberg

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

(OR)

DEPARTMENT MANAGER: K. A. Tuneberg Lawrence E. Nicholas

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

MAY 13 11 03 AM '98
MULTNOMAH COUNTY
OREGON
CLERK OF COUNTY COMMISSIONERS

BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM BRIEFING
STAFF REPORT SUPPLEMENT

TO: BOARD OF COUNTY COMMISSIONERS

FROM: Kathy Tuneberg

TODAY'S DATE: May 11, 1998

REQUESTED PLACEMENT DATE: May 21, 1998

RE: Distribution of Proceeds from the Sale of Tax Foreclosed Properties for the Period July 1, 1996 through June 30, 1997

I. Recommendation/Action Requested:

Request Order authorizing reimbursement of the Tax Title Fund and additional Order authorizing distribution of tax foreclosed property sale proceeds to Multnomah County Taxing Districts.

II. Background/Analysis:

The Board must authorize the reimbursement of these expenditures by the Tax Title Fund. The Board must also authorize the distribution of the proceeds, after deducting expenditures. Part of the proceeds from 1996/97 have been set aside to create a reserve of \$440,973 which is equal to 1997/98 expenditure budget.

There are several reasons for establishing a reserve to cover future Tax Title expenditures:

- The number of foreclosures is at an all time low, 41 properties last year, and fewer than 35 anticipated this year. About 50% of these properties are non-developable "strips" less than 2,500 square feet with very low values and little revenue potential. As the total number of foreclosures declines the percentage of "strips" increases.
- Revenue provided by contracts for property sold at auction or to former owners is diminishing as the contracts are paid off years before their due dates. This is most likely due to low interest rates, escalating property value, and high employment rate.

II Background/Analysis (cont.):

- Property sales have been delayed for substantial periods of time due to the resolution of IRS liens and/or title problems. There are approximately 30 properties for which the title has been cleared over the past two years. These properties can be sold as soon as the Board authorizes and could provide substantial revenue to the fund.
- The number of saleable properties transferred to governments and low-income housing programs has also had a financial impact on the fund.

III. Financial Impact:

With the \$440,973 reserve established, and sufficient 1997/98 revenue to cover expenditures in the current year, this distribution of \$314,889.34 should have no detrimental consequences to the Fund.

However, while the recent estimate of the current year's revenue indicates 1997/98 expenditures are adequately covered, it may be prudent to consider increasing the reserve before any further Taxing District distributions are authorized.

IV. Legal Issues:

The reimbursement of Tax Title expenditures is provided for in ORS 275.275 and 311.390. No other legal issues are known.

V. Controversial Issues:

None anticipated.

VI. Link to Current County Policies:

Maintaining adequate cash flow to cover costs keeps the Tax Title function from requiring General Fund support.

VII. Citizen Participation:

None anticipated.

VIII. Other Government Participation:

All Taxing District in the County receive a percentage of the distribution.

MULTNOMAH COUNTY
 Division of Assessment & Taxation
 Distribution of Tax Title Proceeds
 for the period
 July 1, 1996 to June 30, 1997

Revenue:

Program Reveue	\$ 1,351,832.22	
Less: Pass Through/Refunds	<u>185,586.97</u>	
Net Revenue Available for Distribution		\$ 1,166,245.25

Expenditures:

Tax Title Program Expenditures		
Personal Services	\$ 180,779.36	
Materials & Services	<u>229,603.37</u>	
Total Administration & Maintenance		\$ <u>410,382.73</u>
Subtotal		\$ 755,862.52
Less: 1997/98 Budget Reserve		<u>440,973.18</u>
Distribution to Taxing Districts		\$ <u><u>314,889.34</u></u>

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDER NO. 98-58

Authorizing Distribution of Proceeds from the Sale of Tax Foreclosed Properties for the Period July 1, 1996 through June 30, 1997

The Multnomah County Board of Commissioners Finds:

- a) Multnomah County, during the period July 1, 1996 through June 30, 1997, has made sales of tax foreclosed real properties which have produced revenues of \$1,166,245.25, and the County has incurred the sum of \$595,969.70 for administration and maintenance of these properties and that the unexpended balance is \$755,862.52
- b) Under the provision of ORS 275.275, refunding to the County's Tax Title Fund all expenditures incurred by the County in the maintenance and administration of such properties, the remaining proceeds from the sale of said properties are to be distributed to the various taxing districts in Multnomah County, Oregon

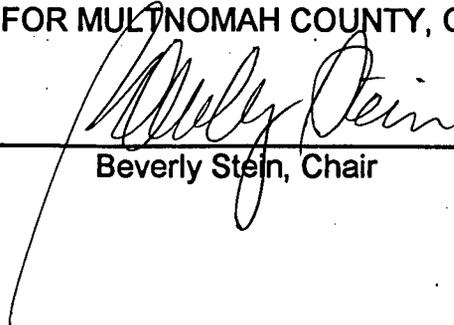
The Multnomah County Board of Commissioners Orders:

1. Expenditures in the sum of \$595,969.70 are to be disbursed to Multnomah County's Tax Title Fund
2. Part of the proceeds from 1996/97 are to be set aside to create a reserve of \$440,973.18, which is equal to 1997/98 expenditure budget
3. The balance of the proceeds, \$314,889.34, are to be distributed to the Taxing Districts of Multnomah County by the County Treasurer in accordance with the formula provided in ORS 311.390.

Approved this 21st day of May, 1998.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

Thomas Sponsler, County Counsel
For Multnomah County, Oregon

By 
Matthew O. Ryan, Assistant County Counsel

MEETING DATE: MAY 21 1998

AGENDA NO: C-2

ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Request Approval of Deed to Contract Purchasers for Completion of Contract.

BOARD BRIEFING: Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: _____

Amount of Time Needed: Consent

DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation

CONTACT: Kathy Tuneberg TELEPHONE #: 248-3590

BLDG/ROOM #: 166/300/Tax Title

PERSON(S) MAKING PRESENTATION: Kathy Tuneberg

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Request approval of Deed to ELSIE P. FLORES & BILLY RAY FLORES contract purchaser for completion of Contract #15677 (Property repurchased by former Owners).

Deed D981550 and Board Order attached.

*6/2/98 ORIGINAL DEED & COPIES
OF ALL TO VANESSA WITKA*

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
98 MAY 11 AM 10:40

SIGNATURES REQUIRED:

ELECTED OFFICIAL: K.A. Tuneberg

(OR)

DEPARTMENT MANAGER: Kenn E. Nicholas

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk at 248-3277

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Authorizing the Execution of Deed D981550
Upon Complete Performance of a Contract 15677
with ELSIE P. FLORES
AND BILLY RAY FLORES

} ORDER
98- 59

WHEREAS, on April 6, 1992, Multnomah County entered into a contract 15677, Book 2528 Page 1541 with ELSIE P. FLORES and BILLY RAY FLORES, for the sale of the real property hereinafter described; and

WHEREAS, the above contract purchasers have fully performed the terms and conditions of said contract and are now entitled to a deed conveying said property to said purchasers; now therefore

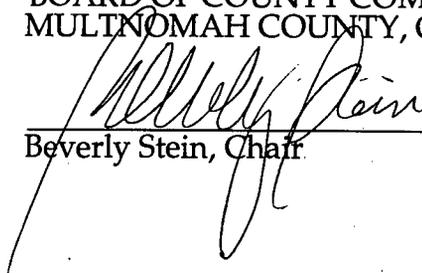
IT IS ORDERED that the Chair of the Multnomah County Board of County Commissioners execute a deed conveying to the contract purchasers the following described real property, situated in the County of Multnomah, State of Oregon:

SUB TRACT C, LOT 8, BLOCK 2 M PATTONS & SUB, a recorded subdivision in the City of Portland, County of Multnomah and State of Oregon.

Dated this 21st day of May, 1998.

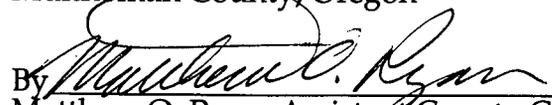


BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON



Beverly Stein, Chair

REVIEWED:
Thomas Sponsler, County Counsel
Multnomah County, Oregon

By 

Matthew O. Ryan, Assistant County Counsel

DEED D981550

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to ELSIE P. FLORES and BILLY RAY FLORES, Grantees, the following described real property, situated in the County of Multnomah, State of Oregon:

SUB TRACT C, LOT 8, BLOCK 2 M PATTONS & SUB, a recorded subdivision in the City of Portland, County of Multnomah and State of Oregon.

The true and actual consideration paid for this transfer, stated in terms of dollars is \$6,170.28.

THIS INSTRUMENT WILL 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 AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Until a change is requested, all tax statements shall be sent to the following address:

ELSIE P. FLORES
BILLY RAY FLORES
5325 N. MONTANA AVE
PORTLAND, OR 97217

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of County Commissioners this 21st day of May, 1998, by authority of an Order of the Board of County Commissioners heretofore entered of record.



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

By Beverly Stein
Beverly Stein, Chair

REVIEWED:
Thomas Sponsler, County Counsel
Multnomah County, Oregon

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

DEED APPROVED:
Kathleen A. Tuneberg, Director
Tax Collections/Records Management

By K.A. Tuneberg

After recording, return to Multnomah County Tax Title (166/300)

MEETING DATE: MAY 21 1998

AGENDA NO: C-3
ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Cancellation of Defaulted Land Sales Contract

BOARD BRIEFING: Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: _____

Amount of Time Needed: 5 minutes

DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation

CONTACT: Kathy Tuneberg TELEPHONE #: 248-3590

BLDG/ROOM #: 166/300/Tax Title

PERSON(S) MAKING PRESENTATION: Kathy Tuneberg

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Request cancellation of Land Sales Contract 15244R2 to WILLIAM & DOROTHY JELINEK.

Cancellation Order and Copy of Default Notice attached

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR
DEPARTMENT MANAGER: K.A. Tuneberg E. L. Nicholas

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk at 248-3277

98 MAY 12 AM 8:35
MULTNOMAH COUNTY
OREGON
BOARD OF
COUNTY COMMISSIONERS

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Cancelling Land Sale Contract 15244R2
with WILLIAM & DOROTHY JELINEK
upon Default of Payments and Performance
of Covenants

}
}
} ORDER TO CANCEL CONTRACT
98-

WHEREAS contract purchaser, WILLIAM & DOROTHY JELINEK, by contract dated August 9, 1995, book 95 and Page 94905, agreed to purchase from Multnomah County upon terms and conditions provided therein, the following tax foreclosed property:

LOTS 5 & 6, BLOCK 1, GRAYBROOK ADD, a recorded subdivision in the City of Portland, County of Multnomah, and State of Oregon.

WHEREAS the purchaser is now in default of the terms of contract in that purchaser

- Failed to make monthly payments of \$105.42 since August 9, 1996 for a total of \$2,319.24.
- Failed to pay delinquent taxes for tax years 95/96 & 96/97 for a total of \$2,409.51.
- Failed to pay delinquent City Liens in the amount of \$6,974.65.

WHEREAS ORS 275.220 provides that upon default, the Board may cancel the contract:

WHEREAS the County sent notice to contract purchaser and other interested parties of this cancellation consistent with ORS 93.915.

NOW, THEREFORE, it is hereby ORDERED that the subject contract be and is declared CANCELLED.

IT IS HEREBY FURTHER ORDERED that the Multnomah County Tax Collector remove the above property from taxation and cancel all unpaid taxes in accordance with the provisions of ORS 275.240.

IT IS HEREBY FURTHER ORDERED that the MULTNOMAH COUNTY SHERIFF serve a certified copy of this order and a return of service be made upon such copy of the order to:

WILLIAM & DOROTHY JELINEK, 7522 N OMAHA ST, PORTLAND OR 97217

MULTNOMAH COUNTY TAX TITLE
PO BOX 2716, PORTLAND OR 97208
421 SW 6TH AVE, RM 300, PORTLAND OR 97204
503-248-3590

July 22, 1997

WILLIAM & DOROTHY JELINEK
7522 N OMAHA ST
PORTLAND OR 97217

FINAL NOTICE OF DEFAULT AND PENDING CANCELLATION OF CONTRACT 15244R2

YOU ARE HEREBY NOTIFIED THAT YOU ARE IN DEFAULT UNDER CONTRACT #15244R2 RECORDED ON August 9, 1995, BOOK 95, PAGE 94905 BETWEEN SELLER, MULTNOMAH COUNTY AND CONTRACT PURCHASER, WILLIAM & DOROTHY JELINEK AND FOR THE PROPERTY LEGALLY DESCRIBED AS:

LOTS 5 & 6, BLOCK 1, GRAYBROOK ADD, a recorded subdivision in the City of Portland, County of Multnomah, and State of Oregon, also known as 7522 N OMAHA ST (R-33950-0050).

This contract is in Default because:

- 1) Starting from August 9, 1996, no installments have been paid on Contract 15244R2. As of September 22, 1997, the amount due on the contract will be \$2,319.24. This figure includes interest and principal.
- 2) The delinquent taxes have not been paid for tax years 95/96 & 96/97 for a total of \$2,409.51. This figure includes taxes, interest, and fees through September 22, 1997.
- 3) The delinquent City liens have not been paid, a total of \$6,974.65 is owned to the City of Portland Auditor's office. You will need to call (503) 823-4090 for payoff instructions. **PROOF OF PAYMENT MUST BE PRESENTED TO OUR OFFICE (copy of receipt showing paid).**
- 4) Correct all code violations and bring structure to code.
- 5) Provide proof of homeowner's insurance as required per your contract.

TOTAL OF DEFAULT IS \$11,703.40. You have 60 days to cure this default, deadline is September 22, 1997.

IN ORDER TO CURE THE DEFAULT YOU MUST PAY ALL INSTALLMENTS DUE, INCLUDING INTEREST, ALL DELINQUENT TAXES, INCLUDING INTEREST AND FEES, AND ALL COSTS INCURRED THE COUNTY RESULTING FROM THIS DEFAULT AS DESCRIBED ABOVE. PLEASE BE ADVISED THAT THE BACK INSTALLMENTS AND TAXES MUST BE PAID CURRENT TO THE DATE OF ACTUAL PAYMENT AND ARE SUBJECT TO CONTINUING ACCUMULATION OF INTEREST OR PRINCIPAL OR BOTH. PAYMENT MUST BE MADE TO TAX TITLE, IN CERTIFIED FUNDS (NO PERSONAL OR BUSINESS CHECKS WILL BE ACCEPTED). YOU CAN MAIL TO THE PO BOX OR BRING YOUR PAYMENT IN PERSON TO THE STREET ADDRESS LISTED IN THE ABOVE LETTERHEAD.

IF THE DEFAULT IS NOT CURED BEFORE September 22, 1997, (60 days) THIS CONTRACT WILL BE CANCELED, AND EVERY RIGHT, OR INTEREST OF ANY PERSON IN THE PROPERTY WILL BE FOREITED FOREVER TO THE COUNTY.

SINCERELY,



Vanessa Witka
Senior Office Assistant
MULTNOMAH COUNTY ASSESSMENT & TAXATION

Recorded in the County of Multnomah, Oregon
C. Swick, Deputy Clerk



8.00

97110409 1:26pm 07/23/97

014 60004074 06 02
A90 1 0.00 5.00 3.00 0.00 0.00

cc: CITY OF PORTLAND, BUREAU OF BUILDINGS, 1120 SW 5TH AVE, PORTLAND OR 97204-1992
CHIEF, SPECIAL PROCEDURES FUNCTION, INTERNAL REVENUE SERVICES, PO BOX 3550, PORTLAND OR 97208
DEPARTMENT OF REVENUE, 955 CENTER ST, SALEM OR 97310

AFTER RECORDING RETURN TO 166/300/TAX TITLE

MEETING DATE: MAY 21 1998

AGENDA NO: C-4
ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Cancellation of Defaulted Land Sales Contract

BOARD BRIEFING: Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: _____

Amount of Time Needed: 5 minutes

DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation

CONTACT: Kathy Tuneberg TELEPHONE #: 248-3590

BLDG/ROOM #: 166/300/Tax Title

PERSON(S) MAKING PRESENTATION: Kathy Tuneberg

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Request cancellation of Land Sales Contract 15476R to IRENE HASKINS.

Cancellation Order and Copy of Default Notice attached

6/2/98 2 certified true copies to VANESSA WITKA

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR
DEPARTMENT MANAGER: *K A Tuneberg* *Law E. Nicholas*

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk at 248-3277

98 MAY 12 AM 8:36
MULTNOMAH COUNTY
OREGON
CLERK OF COUNTY COMMISSIONERS

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Cancelling Land Sale Contract 15476R
with IRENE HASKINS
upon Default of Payments and Performance
of Covenants

}

ORDER TO CANCEL CONTRACT
98-60

WHEREAS contract purchaser, IRENE HASKINS, by contract dated August 9, 1995, book 95 and Page 94907, agreed to purchase from Multnomah County upon terms and conditions provided therein, the following tax foreclosed property:

LOTS 9 & 10, BLOCK 9, STANLEY & PLAT 2, a recorded subdivision in the City of Portland, County of Multnomah, and State of Oregon.

WHEREAS the purchaser is now in default of the terms of contract in that purchaser

- Failed to make monthly payments of \$242.29 since March 31, 1997 for a total of \$3,876.64.
- Failed to make monthly escrow payments of \$129.00 since March 31, 1997 for a total of \$2,064.00.
- Failed to pay delinquent taxes for tax years 95/96 & 96/97 for a total of \$3,290.91.
- Failed to pay delinquent City Liens in the amount of \$5,481.51.

WHEREAS ORS 275.220 provides that upon default, the Board may cancel the contract:

WHEREAS the County sent notice to contract purchaser and other interested parties of this cancellation consistent with ORS 93.915.

NOW, THEREFORE, it is hereby ORDERED that the subject contract be and is declared CANCELLED.

IT IS HEREBY FURTHER ORDERED that the Multnomah County Tax Collector remove the above property from taxation and cancel all unpaid taxes in accordance with the provisions of ORS 275.240.

IT IS HEREBY FURTHER ORDERED that the MULTNOMAH COUNTY SHERIFF serve a certified copy of this order and a return of service be made upon such copy of the order to:

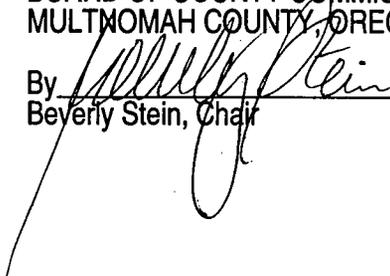
IRENE HASKINS, 1545 SE 89TH AVE, PORTLAND OR 97216

IT IS HEREBY FURTHER ORDERED that the TAX TITLE UNIT OF THE DEPARTMENT OF ENVIRONMENTAL SERVICES mail via regular mail and a certificate of mailing be made upon such copy of the order to:

IRENE HASKINS, 1545 SE 89TH AVE, PORTLAND OR 97216
CITY OF PORTLAND, AUDITOR'S OFFICE, 1200 SW 5TH RM 202, PORTLAND OR 97204
CITY OF PORTLAND, BUREAU OF BUILDINGS, PO BOX 8120, PORTLAND OR 97207-8120

Dated this 21st day of May, 1998.

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

By 
Beverly Stein, Chair



REVIEWED:

Thomas Sponsler, County Counsel
for Multnomah County, Oregon

By 
Matthew O. Ryan, Assistant County Counsel

MULTNOMAH COUNTY TAX TITLE
PO BOX 2716, PORTLAND OR 97208
421 SW 6TH AVE, RM 300, PORTLAND OR 97204
503-248-3590

May 28, 1997

IRENE HASKINS
1545 SE 89TH AVE
PORTLAND OR 97216

FINAL NOTICE OF DEFAULT AND PENDING CANCELLATION OF CONTRACT 15476R

YOU ARE HEREBY NOTIFIED THAT YOU ARE IN DEFAULT UNDER CONTRACT #15476R RECORDED ON August 9, 1995, BOOK 95, PAGE 94907 BETWEEN SELLER, MULTNOMAH COUNTY AND CONTRACT PURCHASER, IRENE HASKINS FOR THE PROPERTY LEGALLY DESCRIBED AS:

LOTS 9 & 10, BLOCK 9, STANLEY & PLAT 2, a recorded subdivision in the City of Portland, County of Multnomah, and State of Oregon, also known as 1545 SE 89TH AVE (R-79050-3580).

This contract is in Default because:

- 1) Starting from March 31, 1997, no installments have been paid on Contract 15476R. As of July 29, 1997, the amount due on the contract will be \$3,876.64. This figure includes interest and principal.
- 2) The delinquent taxes have not been paid for tax years 95/96 & 96/97 for a total of \$3,290.91. This figure includes taxes, interest, and fees through July 29, 1997.
- 3) Starting from March 31, 1997, no installments have been paid on Escrow 15476R. As of July 29, 1997, the amount due on the escrow contract will be \$2,064.00.
- 4) The delinquent City liens have not been paid, a total of \$5,481.51 is owned to the City of Portland Auditor's office. You will need to call (503) 823-4090 for payoff instructions. **PROOF OF PAYMENT MUST BE PRESENTED TO OUR OFFICE (copy of receipt showing paid).**

TOTAL OF DEFAULT IS \$14,713.06. You have 60 days to cure this default, deadline is July 29, 1997.

IN ORDER TO CURE THE DEFAULT YOU MUST PAY ALL INSTALLMENTS DUE, INCLUDING INTEREST, ALL DELINQUENT TAXES, INCLUDING INTEREST AND FEES, AND ALL COSTS INCURRED THE COUNTY RESULTING FROM THIS DEFAULT AS DESCRIBED ABOVE. PLEASE BE ADVISED THAT THE BACK INSTALLMENTS AND TAXES MUST BE PAID CURRENT TO THE DATE OF ACTUAL PAYMENT AND ARE SUBJECT TO CONTINUING ACCUMULATION OF INTEREST OR PRINCIPAL OR BOTH. PAYMENT MUST BE MADE TO TAX TITLE, IN CERTIFIED FUNDS (NO PERSONAL OR BUSINESS CHECKS WILL BE ACCEPTED). YOU CAN MAIL TO THE PO BOX OR BRING YOUR PAYMENT IN PERSON TO THE STREET ADDRESS LISTED IN THE ABOVE LETTERHEAD.

IF THE DEFAULT IS NOT CURED BEFORE July 29, 1997, (60 days) THIS CONTRACT WILL BE CANCELED, AND EVERY RIGHT, OR INTEREST OF ANY PERSON IN THE PROPERTY WILL BE FOREITED FOREVER TO THE COUNTY.

SINCERELY,



STEPHEN KELLY
FORECLOSED PROPERTY COORDINATOR
MULTNOMAH COUNTY ASSESSMENT & TAXATION

Recorded in the County of Multnomah, Oregon
C. Swick, Deputy Clerk

 13.00

97079752 09:17am 05/29/97

014 20009085 02 13
F97 1 5.00 5.00 3.00 0.00 0.00

310/Tax Title

MEETING DATE: MAY 21 1998

AGENDA NO: C-5

ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Cancellation of Defaulted Land Sales Contract

BOARD BRIEFING: Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: _____

Amount of Time Needed: 5 minutes

DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation

CONTACT: Kathy Tuneberg TELEPHONE #: 248-3590
BLDG/ROOM #: 166/300/Tax Title

PERSON(S) MAKING PRESENTATION: Kathy Tuneberg

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Request cancellation of Land Sales Contract 15477 to FRED MILES.

Cancellation Order and Copy of Default Notice attached

6/2/98 2 certified true copies to VANESSA WITKA

98 MAY 11 AM 10:40
MULTNOMAH COUNTY
OREGON
BOARD OF
LAND COMMISSIONERS

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR
DEPARTMENT MANAGER: K.A. Tuneberg Walter E. Nicholas

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk at 248-3277

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Cancelling Land Sale Contract 15477 with
FRED MILES upon Default of Payments and
Performance of Covenants

} ORDER TO CANCEL CONTRACT
98- 61

WHEREAS contract purchaser, FRED MILES, by contract dated November 6, 1989, book 2251 and Page 483, agreed to purchase from Multnomah County upon terms and conditions provided therein, the following tax foreclosed property:

AS DESCRIBED IN ATTACHED EXHIBIT "A"

WHEREAS the purchaser is now in default of the terms of contract in that purchaser

Failed to make monthly payments of \$111.56 since April 24, 1995 for a total of \$3,346.80
Failed to pay delinquent taxes for tax years 94/95, 95/96, & 96/97 for a total of \$800.47
Failed to pay delinquent City Liens in the amount of \$3,100.63.

WHEREAS ORS 275.220 provides that upon default, the Board may cancel the contract:

WHEREAS the County sent notice to contract purchaser and other interested parties of this cancellation consistent with ORS 93.915.

NOW, THEREFORE, it is hereby ORDERED that the subject contract be and is declared CANCELLED.

IT IS HEREBY FURTHER ORDERED that the Multnomah County Tax Collector remove the above property from taxation and cancel all unpaid taxes in accordance with the provisions of ORS 275.240.

IT IS HEREBY FURTHER ORDERED that the MULTNOMAH COUNTY SHERIFF serve a certified copy of this order and a return of service be made upon such copy of the order to:

FRED MILES, 4725 NE PRESCOTT, PORTLAND OR 97218

Dated this 21st day of May, 1998.



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

By Beverly Stein
Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel
for Multnomah County, Oregon

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

EXHIBIT A

All that portion of the following described tract in the John Switzeler DLC in Section 3, Township 1 North, Range 1 East, Willamette Meridian, lying Northerly of North Vancouver Way, in Multnomah County, Oregon:

A tract in Section 3, Township 1 North, Range 1 East of the Willamette Meridian in the County of Multnomah and State of Oregon, described as beginning at the Northeast corner of that 1 acre tract conveyed to Edwin H. Carvell by the Warren Parcking Co and recorded September 9, 1938 in Deed Book 465 at Page 232; thence North 39°34' West 360.1 feet to the point of beginning of property to be described:

Commencing at the point so located; thence along a curve to the right whose long chord bears North 15°12' West 322.6 feet and whose radius is 391 feet, the distance along the curve being 331.7 feet; thence South 68°55' West 200 feet, more or less to the East line of the Portland Electric Power Co's right of way; thence South 21°05' East along the East line of said right of way 492.7 feet; thence North 23°02' East 239.2 feet, more of less to the point of beginning.

1N1E03DD 1400
TL 1400 OF SEC 3 1N 1E
(R-94103-2190)

MULTNOMAH COUNTY TAX TITLE
PO BOX 2716, PORTLAND OR 97208
421 SW 6TH AVE, RM 300, PORTLAND OR 97204
503-248-3590

May 28, 1997

FRED MILES
4725 NE PRESCOTT
PORTLAND OR 97218

FINAL NOTICE OF DEFAULT AND PENDING CANCELLATION OF CONTRACT 15477

YOU ARE HEREBY NOTIFIED THAT YOU ARE IN DEFAULT UNDER CONTRACT #15477 RECORDED ON November 6, 1989, BOOK 2251, PAGE 483 BETWEEN SELLER, MULTNOMAH COUNTY AND CONTRACT PURCHASER, FRED MILES FOR THE PROPERTY LEGALLY DESCRIBED AS:

AS DESCRIBED IN ATTACHED EXHIBIT "A", also known as VACANT LOT (R-94103-2190).

This contract is in Default because:

- 1) Starting from April 24, 1995, no installments have been paid on Contract 15477. As of September 26, 1997, the amount due on the contract will be \$3,346.80. This figure includes interest and principal.
- 2) The delinquent taxes have not been paid for tax years 94/95, 95/96, & 96/97 for a total of \$800.47. This figure includes taxes, interest, and fees through September 26, 1997.
- 3) The delinquent City liens have not been paid, a total of \$3,100.63 is owed to the City of Portland Auditor's office. You will need to call (503) 823-4090 for payoff instructions. **PROOF OF PAYMENT MUST BE PRESENTED TO OUR OFFICE (copy of receipt showing paid).**

TOTAL OF DEFAULT IS \$7,247.90. You have 120 days to cure this default, deadline is September 26, 1997.

IN ORDER TO CURE THE DEFAULT YOU MUST PAY ALL INSTALLMENTS DUE, INCLUDING INTEREST, ALL DELINQUENT TAXES, INCLUDING INTEREST AND FEES, AND ALL COSTS INCURRED THE COUNTY RESULTING FROM THIS DEFAULT AS DESCRIBED ABOVE. PLEASE BE ADVISED THAT THE BACK INSTALLMENTS AND TAXES MUST BE PAID CURRENT TO THE DATE OF ACTUAL PAYMENT AND ARE SUBJECT TO CONTINUING ACCUMULATION OF INTEREST OR PRINCIPAL OR BOTH. PAYMENT MUST BE MADE TO TAX TITLE, IN CERTIFIED FUNDS (NO PERSONAL OR BUSINESS CHECKS WILL BE ACCEPTED). YOU CAN MAIL TO THE PO BOX OR BRING YOUR PAYMENT IN PERSON TO THE STREET ADDRESS LISTED IN THE ABOVE LETTERHEAD.

IF THE DEFAULT IS NOT CURED BEFORE September 26, 1997, (120 days) THIS CONTRACT WILL BE CANCELED, AND EVERY RIGHT, OR INTEREST OF ANY PERSON IN THE PROPERTY WILL BE FOREITED FOREVER TO THE COUNTY.

SINCERELY,



STEPHEN KELLY
FORECLOSED PROPERTY COORDINATOR
MULTNOMAH COUNTY ASSESSMENT & TAXATION

Recorded in the County of Multnomah, Oregon
C. Swick, Deputy Clerk



18.00

97079750 09:17am 05/29/97

014 20009085 02 13
F97 2 5.00 10.00 3.00 0.00 0.00

EXHIBIT A

All that portion of the following described tract in the John Switzeler DLC in Section 3, Township 1 North, Range 1 East, Willamette Meridian, lying Northerly of North Vancouver Way, in Multnomah County, Oregon:

A tract in Section 3, Township 1 North, Range 1 East of the Willamette Meridian in the County of Multnomah and State of Oregon, described as beginning at the Northeast corner of that 1 acre tract conveyed to Edwin H. Carvell by the Warren Parking Co and recorded September 9, 1938 in Deed Book 465 at Page 232; thence North 39°34' West 360.1 feet to the point of beginning of property to be described:

Commencing at the point so located; thence along a curve to the right whose long chord bears North 15°12' West 322.6 feet and whose radius is 391 feet, the distance along the curve being 331.7 feet; thence South 68°55' West 200 feet, more or less to the East line of the Portland Electric Power Co's right of way; thence South 21°05' East along the East line of said right of way 492.7 feet; thence North 23°02' East 239.2 feet, more or less to the point of beginning.

1N1E03DD 1400
TL 1400 OF SEC 3 1N 1E
(R-94103-2190)

MEETING DATE: MAY 21 1998

AGENDA NO: C-6
ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Cancellation of Defaulted Land Sales Contract

BOARD BRIEFING: Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: _____

Amount of Time Needed: 5 minutes

DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation

CONTACT: Kathy Tuneberg TELEPHONE #: 248-3590

BLDG/ROOM #: 166/300/Tax Title

PERSON(S) MAKING PRESENTATION: Kathy Tuneberg

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Request cancellation of Land Sales Contract 15524 to DEBORAH LONG.

Cancellation Order and Copy of Default Notice attached

6/2/98 2 certified true copies to VANESSA WITKA

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
98 MAY 11 AM 10:40

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR
DEPARTMENT MANAGER: *K.A. Tuneberg* _____

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk at 248-3277

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Cancelling Land Sale Contract 15524
with DEBORAH LONG
upon Default of Payments and Performance
of Covenants

} ORDER TO CANCEL CONTRACT
98- 62

WHEREAS contract purchaser, DEBORAH LONG, by contract dated March 28, 1990, book 2287 and Page 2380, agreed to purchase from Multnomah County upon terms and conditions provided therein, the following tax foreclosed property:

SEE ATTACHED EXHIBIT "A" also known as 4734 SE 59th Ave.

WHEREAS the purchaser is now in default of the terms of contract in that purchaser

Failed to make monthly payments of \$216.04 since November 20, 1991 for a total of \$15,986.96.
Failed to pay delinquent taxes for tax years 94/95, 95/96, & 96/97 for a total of \$3,038.11.
Failed to pay delinquent City Liens in the amount of \$462.64.

WHEREAS ORS 275.220 provides that upon default, the Board may cancel the contract:

WHEREAS the County sent notice to contract purchaser and other interested parties of this cancellation consistent with ORS 93.915.

NOW, THEREFORE, it is hereby ORDERED that the subject contract be and is declared CANCELLED.

IT IS HEREBY FURTHER ORDERED that the Multnomah County Tax Collector remove the above property from taxation and cancel all unpaid taxes in accordance with the provisions of ORS 275.240.

IT IS HEREBY FURTHER ORDERED that the MULTNOMAH COUNTY SHERIFF serve a certified copy of this order and a return of service be made upon such copy of the order to:

DEBORAH LONG, 14842 S GLEN OAK RD, OREGON CITY OR 97045

IT IS HEREBY FURTHER ORDERED that the TAX TITLE UNIT OF THE DEPARTMENT OF ENVIRONMENTAL SERVICES mail via regular mail and a certificate of mailing be made upon such copy of the order to:

DEBORAH LONG, 14842 S GLEN OAK RD, OREGON CITY OR 97045

Dated this 21st day of May, 1998.



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

By Beverly Stein
Beverly Stein, Chair

REVIEWED
Thomas Sponster, County Counsel
for Multnomah County, Oregon

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

R-99218-0550

A tract of land located in the Northeast one-quarter of Section 18, Township 1 South, Range 2 East of the Willamette Meridian, Multnomah County, State of Oregon, described as follows:

Beginning at a point which is 607 feet South and 767.35 feet West of the Northeast corner of said Section 18; thence East 110 feet; thence South 40 feet; thence West 110 feet; thence North 40 feet to the point of beginning.

MULTNOMAH COUNTY TAX TITLE
PO BOX 2716, PORTLAND OR 97208
421 SW 6TH AVE, RM 300, PORTLAND OR 97204
503-248-3590

May 20, 1997

DEBORAH LONG
14842 S GLEN OAK RD
OREGON CITY OR 97045

FINAL NOTICE OF DEFAULT AND PENDING CANCELLATION OF CONTRACT 15524

YOU ARE HEREBY NOTIFIED THAT YOU ARE IN DEFAULT UNDER CONTRACT #15524 RECORDED ON March 28, 1990, BOOK 2287, PAGE 2380 BETWEEN SELLER, MULTNOMAH COUNTY AND CONTRACT PURCHASER, DEBORAH LONG FOR THE PROPERTY LEGALLY DESCRIBED AS:

SEE ATTACHED EXHIBIT "A", a recorded subdivision in the City of Portland, County of Multnomah, and State of Oregon, also known as 4734 SE 59TH AVE (R-99218-0550).

This contract is in Default because:

- 1) Starting from November 20, 1991, no installments have been paid on Contract 15524. As of July 21, 1997, the amount due on the contract will be \$15,986.96. This figure includes interest and principal.
- 2) The delinquent taxes have not been paid for tax years 94/95, 95/96, & 96/97 for a total of \$3,038.11. This figure includes taxes, interest, and fees through July 21, 1997.
- 3) The delinquent City liens have not been paid, a total of \$462.64 is owned to the City of Portland Auditor's office. You will need to call (503) 823-4090 for payoff instructions. **PROOF OF PAYMENT MUST BE PRESENTED TO OUR OFFICE (copy of receipt showing paid).**

TOTAL OF DEFAULT IS \$19,487.71. You have 60 days to cure this default, deadline is July 21, 1997.

IN ORDER TO CURE THE DEFAULT YOU MUST PAY ALL INSTALLMENTS DUE, INCLUDING INTEREST, ALL DELINQUENT TAXES, INCLUDING INTEREST AND FEES, AND ALL COSTS INCURRED THE COUNTY RESULTING FROM THIS DEFAULT AS DESCRIBED ABOVE. PLEASE BE ADVISED THAT THE BACK INSTALLMENTS AND TAXES MUST BE PAID CURRENT TO THE DATE OF ACTUAL PAYMENT AND ARE SUBJECT TO CONTINUING ACCUMULATION OF INTEREST OR PRINCIPAL OR BOTH. PAYMENT MUST BE MADE TO TAX TITLE, IN CERTIFIED FUNDS (NO PERSONAL OR BUSINESS CHECKS WILL BE ACCEPTED). YOU CAN MAIL TO THE PO BOX OR BRING YOUR PAYMENT IN PERSON TO THE STREET ADDRESS LISTED IN THE ABOVE LETTERHEAD.

IF THE DEFAULT IS NOT CURED BEFORE July 21, 1997, (60 days) THIS CONTRACT WILL BE CANCELED, AND EVERY RIGHT, OR INTEREST OF ANY PERSON IN THE PROPERTY WILL BE FOREITED FOREVER TO THE COUNTY.

SINCERELY,



STEPHEN KELLY
FORECLOSED PROPERTY COORDINATOR
MULTNOMAH COUNTY ASSESSMENT & TAXATION

Recorded in the County of Multnomah, Oregon
C. Swick, Deputy Clerk



13.00

97077186 08:28am 05/23/97

014 60003570 06 02
A90 2 0.00 10.00 3.00 0.00 0.00

R-99218-0550

A tract of land located in the Northeast one-quarter of Section 18, Township 1 South, Range 2 East of the Willamette Meridian, Multnomah County, State of Oregon, described as follows:

Beginning at a point which is 607 feet South and 767.35 feet West of the Northeast corner of said Section 18; thence East 110 feet; thence South 40 feet; thence West 110 feet; thence North 40 feet to the point of beginning.

MEETING DATE: MAY 21 1998

AGENDA NO: C-7
ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Cancellation of Defaulted Land Sales Contract

BOARD BRIEFING: Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: _____

Amount of Time Needed: 5 minutes

DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation

CONTACT: Kathy Tuneberg TELEPHONE #: 248-3590

BLDG/ROOM #: 166/300/Tax Title

PERSON(S) MAKING PRESENTATION: Kathy Tuneberg

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Request cancellation of Land Sales Contract 15772 to ROBERT H. HUNTER.

Cancellation Order and Copy of Default Notice attached

*6/2/98 2 certified true copies to
VANESSA WITKA*

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

^{OR}
DEPARTMENT MANAGER: *K A Tuneberg* _____ *Leah C. Nicholas* _____

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk at 248-3277

98 MAY 12 AM 8:06
MULTI-MEDIA CENTER
OREGON
BOARD OF
COUNTY COMMISSIONERS

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Cancelling Land Sale Contract 15772
with ROBERT H. HUNTER
upon Default of Payments and Performance
of Covenants

} ORDER TO CANCEL CONTRACT
98- 63

WHEREAS contract purchaser, ROBERT H. HUNTER, by contract dated December 6, 1995, book 95 and Page 151455, agreed to purchase from Multnomah County upon terms and conditions provided therein, the following tax foreclosed property:

EXC 2 70' - E 1/2 OF LOT 1, BLOCK 13, KILLINGSWORTH GARDENS, a recorded subdivision in the City of Portland, County of Multnomah, and State of Oregon.

WHEREAS the purchaser is now in default of the terms of contract in that purchaser

- Failed to make monthly payments of \$219.22 since July 1, 1996 for a total of \$5,480.50.
- Failed to make monthly escrow payments of \$60.00 since July 1, 1996 for a total of \$1,500.00.
- Failed to pay delinquent taxes for tax years 95/96 & 96/97 for a total of \$1,341.24.
- Failed to pay delinquent City Liens in the amount of \$1,078.91.

WHEREAS ORS 275.220 provides that upon default, the Board may cancel the contract:

WHEREAS the County sent notice to contract purchaser and other interested parties of this cancellation consistent with ORS 93.915.

NOW, THEREFORE, it is hereby ORDERED that the subject contract be and is declared CANCELLED.

IT IS HEREBY FURTHER ORDERED that the Multnomah County Tax Collector remove the above property from taxation and cancel all unpaid taxes in accordance with the provisions of ORS 275.240.

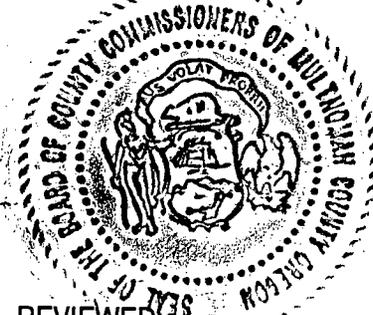
IT IS HEREBY FURTHER ORDERED that the MULTNOMAH COUNTY SHERIFF serve a certified copy of this order and a return of service be made upon such copy of the order to:

ROBERT H. HUNTER, 5220 NE AINSWORTH ST, PORTLAND OR 97218

IT IS HEREBY FURTHER ORDERED that the TAX TITLE UNIT OF THE DEPARTMENT OF ENVIRONMENTAL SERVICES mail via regular mail and a certificate of mailing be made upon such copy of the order to:

ROBERT H. HUNTER, 5220 NE AINSWORTH ST, PORTLAND OR 97218
CITY OF PORTLAND AUDITOR'S OFFICE, 1220 SW 5TH AVE, PORTLAND OR 97204

Dated this 21st day of May, 1998.



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

By Beverly Stein
Beverly Stein, Chair

REVIEWED
Thomas Sponsler, County Counsel
for Multnomah County, Oregon

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

BUDGET MODIFICATION NO. DSS #11

(For Clerk's Use) Meeting Date MAY 21 1998

Agenda No. C-8

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR May 21, 1998
(Date)

DEPARTMENT Support Services DIVISION Emergency Management

CONTACT Mike Gilsdorf TELEPHONE 618-2526

*NAME (s) OF PERSON MAKING PRESENTATION TO BOARD Mike Gilsdorf

SUGGESTED AGENDA TITLE (to assist in preparing a description for the printed agenda)

Budget Modification requesting authorization to recognize \$6,195.00 in additional revenues received received.

(Estimated Time Needed on the Agenda)

2. DESCRIPTION OF MODIFICATION (Explain the changes this Bud Mod makes. What budget does it increase? What do the changes accomplish? Where does the money come from? What budget is reduced? Attach additional information if you need more space.)

[] PERSONNEL CHANGES ARE SHOWN IN DETAIL ON THE ATTACHED SHEET

The budget modification increases revenue funds to the Emergency Management Program. The funding is received from the Oregon State Police, Office of Emergency Management.

3. REVENUE IMPACT (Explain revenues being changed and the reason for the change)

Revenues will be increased by \$6,195.00 due to end of year SLA funds received.

4. CONTINGENCY STATUS (to be completed by Finance/budget)

Contingency before this modification (as of _____) \$ _____

(Specify Fund) (Date)

After this modification \$ _____

Originated by <i>Mike Gilsdorf</i>	Date <i>5/7/98</i>	Department Manager <i>Vickie J. Gabe</i>	Date <i>5/7/98</i>
Budget Analyst <i>J. Mark Campbell</i>	Date <i>5-11-98</i>	Personnel Analyst	Date
Board Approval <i>ROBERT C. BOUSTON</i>		<i>MAY 21, 1998</i>	

BOARD OF
 COUNTY COMMISSIONERS
 MULTNOMAH COUNTY
 OREGON
 MAY 12 PM 4:27

DSS #11

EXPENDITURE

TRANSACTION EB {} GM {} TRANSACTION DATE _____ ACCOUNTING PERIOD _____ BUDGET FY 1998

Document Number	Action	Fund	Agency	Organization	Activity	Reporting Category	Object	Current Amount	Revised Amount	Change Increase (Decrease)	Sub-Total	Description
		156	070	7301			7300	3,772.00	5,390.00	+1,618.00		Motor Pool
		156	070	7301			7350	1,741.00	3,918.00	+2,177.00		Electronics
		156	070	7301			6310	3,115.00	3,615.00	+ 500.00		Training
		156	070	7301			8400	0	5,500.00	+5,500.00		Equipment
		156	070	7301			6230	7,000.00	3,400.00	-3,600.00		Supplies
TOTAL EXPENDITURE CHANGE										+6,195.00		

REVENUE

TRANSACTION EB {} GM {} TRANSACTION DATE _____ ACCOUNTING PERIOD _____ BUDGET FY 1998

Document Number	Action	Fund	Agency	Organization	Activity	Reporting Category	Revenue Source	Current Amount	Revised Amount	Change Increase (Decrease)	Sub-Total	Description
		156	070	7301			2074			+6,195.00		SLA End of year reimbursement
TOTAL REVENUE CHANGE										+6,195.00		TOTAL REVENUE CHANGE

BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM BRIEFING
STAFF REPORT SUPPLEMENT

TO: BOARD OF COUNTY COMMISSIONERS
FROM: MIKE GILSDORF
MULTNOMAH COUNTY EMERGENCY MANAGEMENT

TODAY'S DATE: April 29, 1998

REQUESTED PLACEMENT DATE: May 21, 1998

RE: Office of Emergency Management request for budget modification approval.

I. Recommendation/Action Requested:

Approve budget modification for the Office of Emergency Management to recognize \$6,195.00 in additional revenues received from Oregon State Police, OEM for end of year SLA funds.

II. Background/Analysis:

The FY-98 budget for the Emergency Management Program was prepared based on \$57,000 projected revenue. Revenues will be increased \$6,195.00 due to end of year reimbursement received from the Oregon Emergency Management Office.

III. Financial Impact:

This budget modification will increase revenue funds to the Emergency Management program.

IV. Legal Issues:

None.

V. Controversial Issues:

None.

VI. Link to Current County Policies:

This request is consistent with County budgeting policy for FY 1997- 1998.

VII. Citizen Participation:

None.

VIII. Other Government Participation:

None.

MEETING DATE: MAY 21 1998

AGENDA NO: C-9

9:30

(Above Space for Board Clerk's Use Only)

AGENDA PLACEMENT FORM

SUBJECT: Intergovernmental Agreement (IGA) between the Department of Juvenile and Adult Community Justice and the Oregon Youth Authority for the continuation of Gang Transition Services.

BOARD BRIEFING

DATE REQUESTED: _____

REQUESTED BY: _____

AMOUNT OF TIME NEEDED: _____

REGULAR MEETING:

DATE REQUESTED: 5/21/98

AMOUNT OF TIME REQUESTED: N/A

DEPARTMENT: Juvenile and Adult Community Justice

DIVISION: Juvenile

CONTACT: Jerry Martin

TELEPHONE #: x22222

BLDG/ROOM#: 311/RMS

PERSON(S) MAKING PRESENTATION: Consent Calendar

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Amendment to Revenue IGA #700358 between the Department of Juvenile and Adult Community Justice and the Oregon Youth Authority to accept grant funds and to extend provision of services through June 30, 1999, for the continuation of Gang Transition Services.

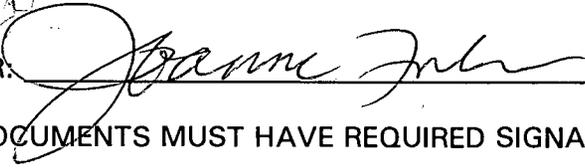
6/2/98 ORIGINALS TO JERRY MARTIN

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: _____



ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk 248-3277

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
98 MAY 13 AM 10:24

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS

FROM: Elyse Clawson, Director
Department of Community Justice

DATE: April 10, 1998

SUBJECT: Approval of a Revenue Intergovernmental Agreement between the Oregon Youth Authority and the Department of Juvenile and Adult Community Justice to continue Gang Transition Services.

- I. RECOMMENDATION/ACTION REQUESTED: The Department of Juvenile and Adult Community Justice recommends the Board's approval of an Intergovernmental Revenue Agreement #700358 Amendment #1 with the State of Oregon to provide funding for the continuation of Gang Transition Services in 1998-99.
- II. BACKGROUND/ANALYSIS: This Agreement reflects the continuation of grant funds from the Oregon Youth Authority to Multnomah County for FY 1998/99. The County agrees to provide services directed to decrease youth gang-related incidents and gang membership in the Portland area.

Funding is used to provide services in three areas:

1. The Gang Resource Intervention Team (GRIT) administered by Juvenile Justice Services provides programs to improve on-street monitoring, close supervision of gang youth on probation and provides a 12-week course to assist the gang youth to develop better community skills, a sense of responsibility, anger management and value clarification.
2. The Assessment, Intervention, and Transition Program (AITP) operates a 30-day secure assessment and transition program in the Juvenile Justice Complex for youth at risk of violent crimes.
3. Community-based services for youth at risk of commitment to the OYA Youth Correctional Facility or returning to the community are provided through contracts with community providers.

- III. FINANCIAL IMPACT: This IGA provides \$1,435,529 in revenue for FY 1998/99, which represents a 3% increase over last year's revenue. The 1998/99 Proposed Budget included revenues equal to the amount received in 1997/98. A technical amendment will be presented at the time of budget adoption to increase the 1998/99 Budget by the additional 3% provided.

IV. LEGAL ISSUES: N/A

V. CONTROVERSIAL ISSUES: N/A

VI. LINK TO CURRENT COUNTY POLICIES: This Agreement addresses public safety issues as well as meeting gang involved/affected youths' needs through community and internally based programs.

VII. CITIZEN PARTICIPATION: N/A

VIII. OTHER GOVERNMENT PARTICIPATION: This Agreement is with the Oregon Youth Authority.

MULTNOMAH COUNTY CONTRACT APPROVAL FORM

(See Administrative Procedures CON-1)

Renewal

Contract # 700358

Prior-Approved Contract Boilerplate: Attached: Not Attached

Amendment # 1

<p style="text-align: center;">CLASS I</p> <p><input type="checkbox"/> Professional Services under \$50,000</p> <p><input type="checkbox"/> Intergovernmental Agreement under \$50,000</p>	<p style="text-align: center;">CLASS II</p> <p><input type="checkbox"/> Professional Services over \$50,000 (RFP, Exemption)</p> <p><input type="checkbox"/> PCRB Contract</p> <p><input type="checkbox"/> Maintenance Agreement</p> <p><input type="checkbox"/> Licensing Agreement</p> <p><input type="checkbox"/> Construction</p> <p><input type="checkbox"/> Grant</p> <p><input checked="" type="checkbox"/> Revenue</p>	<p style="text-align: center;">CLASS III</p> <p><input checked="" type="checkbox"/> Intergovernmental Agreement over \$50,000</p> <p style="text-align: center;">APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS</p> <p>AGENDA # <u>C-9</u> DATE <u>5/21/98</u></p> <p style="text-align: center;">DEB BOGSTAD</p> <p style="text-align: center;">BOARD CLERK</p>
---	---	--

Department: Juvenile & Adult Community Justice Division: RMS Date: 4/10/98

Contract Originator: Bill Morris Phone: 248-3532 Bldg/Room: 311

Administrative Contact: Jerry Martin Phone: 248-3460 x22222 Bldg/Room: 311/RMS

Description of Contract: This Revenue IGA Amendment (OYA CapMan) allows DJACJ to continue to provide services to gang involved/affected youth through the Gang Resource Intervention Team (GRIT), and Assessment, Intervention and Transition Program (AITP)..

RFP/BID #: _____ Date of RFP/BID: _____ Exemption Expiration Date: _____

ORS/AR #: _____ (Check all boxes that apply) Contractor is MBE WBE QRF N/A None

Original Contract No. _____ (ONLY FOR ORIGINAL RENEWALS)

<p>Contractor Name: <u>Oregon Youth Authority</u></p> <p>Mailing Address: <u>500 Summer St. NE</u> <u>Salem, OR 97310-1017</u></p> <p>Phone: <u>(503) 373-3542</u></p> <p>Employer ID# or SS#: _____</p> <p>Effective Date: <u>July 1, 1998</u></p> <p>Termination Date: <u>June 30, 1999</u></p> <p>Original Contract Amount: \$ <u>1,393,717</u></p> <p>Total Amount of Previous Amendments: \$ <u>-0-</u></p> <p>Amount of Amendment: \$ <u>1,435,529</u></p> <p>Total Amount of Agreement \$ <u>2,829,246</u></p>	<p>Remittance Address (if different) _____</p> <p>Payment Schedule Terms</p> <p><input type="checkbox"/> Lump Sum \$ _____ <input type="checkbox"/> Due on Receipt</p> <p><input checked="" type="checkbox"/> Monthly \$ <u>235,770.47</u> <input type="checkbox"/> Net 30</p> <p><input type="checkbox"/> Other \$ _____ <input type="checkbox"/> Other</p> <p><input type="checkbox"/> Requirements contract - Requisition Required</p> <p><input type="checkbox"/> Requirements Not to Exceed \$ _____</p> <p>Encumber: Yes <input type="checkbox"/> No <input type="checkbox"/></p>
---	---

REQUIRED SIGNATURES:

Department Manager: *[Signature]* Date: 5/7/98

Purchasing Manager: _____ Date: _____
(Class II Contracts Only)

County Counsel: *[Signature]* Date: 5/13/98

County Chair/Sheriff: *[Signature]* Date: May 21, 1998

Contract Administration: _____ Date: _____
(Class I, Class II Contracts Only)

VENDOR CODE				VENDOR NAME				TOTAL AMOUNT: \$			
LINE NO.	FUND	AGENCY	ORGANIZATION	SUB ORG	ACTIVITY	OBJECT/REV SRC	SUB OBJ	REPT CATEG	LGFS DESCRIP	AMOUNT	INC DEC
<i>ME</i> 01	156	022	2720			2319		GRIT	OYA CapMgmt	\$247,432	
<i>ME</i> 02	156	022	2740			2319		GRIT	OYA CapMgmt	\$1,188,097	
03											

DISTRIBUTION: Original Signatures - Contract Administration, Initiator, Finance



**FIRST AMENDMENT
STATE OF OREGON INTER-GOVERNMENTAL AGREEMENT
(Gang Services)**

State of Oregon
Oregon Youth Authority

Contract Log #: 7-9072a

Provider #: K18404

This FIRST AMENDMENT TO INTER-GOVERNMENTAL AGREEMENT (this "Amendment") is made by and between the STATE OF OREGON, acting by and through its **OREGON YOUTH AUTHORITY** ("Department"), and **Multnomah County Board of Commissioners** ("Contractor"). For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. The original Agreement by and between Department and Contractor, dated July 1, 1997, contract number 7-9072, as amended from time to time in accordance with its terms (the "Agreement"), is hereby amended (changes indicated by underlining) as follows:

a. Amend the Agreement document page 1, Section 3, entitled "Consideration" to change the amount not to exceed from \$1,393,717.00 to a new amount not to exceed of \$2,829,246.00.

b. Amend the Agreement document entitled Exhibit A, Section 2, entitled "Consideration" to amend item 2.1 only, to read as follows:

2.1 As consideration for the services provided by the Contractor under this Contract during the period beginning July 1, 1997 and ending June 30, 1999 the Department, subject to the provision of ORS 293.462 (payment of overdue account charges) and the terms and conditions of this Contract, will pay to the Contractor by check(s) an amount not to exceed \$2,829,245.51 to be paid as follows:

a. During the period from July 1, 1997 and ending June 30, 1998 an amount not to exceed \$396,702.00 paid at the rate of \$33,058.50 per month for the operation of the special staff and activities known as the "GRIT" Team to increase the County Juvenile Justice Division and law enforcement abilities to implement gang intervention strategies per Section 1.2a of this Exhibit A.

b. During the period from July 1, 1997 and ending June 30, 1998 an amount not to exceed \$270,157.00 paid at the rate of \$22,513.08 per month for the operation of the Assessment, Intervention and Transition Program (AITP), a 30-day secure residential treatment facility serving and ADP of 18 gang youth during the term of this Agreement in order to prevent their commitment to the State Youth Correctional Facility per Section 1.2b of this Exhibit A. This payment is for maintenance and supervision only. The treatment services will be billed through the County Mental Health Program.

c. During the period from July 1, 1997 and ending June 30, 1998 an amount not to exceed \$726,858.00 paid at the rate of \$60,571.50 per month for Residential Services, gang youth specific services, and other gang youth services per Sections 1.2c. and d. of this Exhibit A.

d. During the period from July 1, 1998 and ending June 30, 1999 an amount not to exceed \$408,603.00 paid at the rate of \$34,050.26 per month for the operation of the special staff and activities known as the "GRIT" Team to increase the County Juvenile Justice Division and law enforcement abilities to implement gang intervention strategies per Section 1.2a of this Exhibit A.

e. During the period from July 1, 1998 and ending June 30, 1999 an amount not to exceed \$278,262.00 paid at the rate of \$23,188.48 per month for the operation of the Assessment, Intervention and Transition Program (AITP), a 30-day secure residential treatment facility serving and ADP of 18 gang youth during the term of this Agreement in order to prevent their commitment to the State Youth Correctional Facility per Section 1.2b of this Exhibit A. This payment is for maintenance and supervision only. The treatment services will be billed through the County Mental Health Program.

f. During the period from July 1, 1998 and ending June 30, 1999 an amount not to exceed \$748,664.00 paid at the rate of \$62,388.65 per month for Residential Services, gang youth specific services, and other gang youth services per Sections 1.2c. and d. of this Exhibit A.

2. Department's performance hereunder is conditioned upon County's compliance with the provisions of ORS 279.312, 279.314, 279.316, 279.320, and 279.555, as amended from time to time, which are hereby incorporated by this reference.

3. Except as expressly amended by this Amendment, all terms and conditions of the Agreement remain unamended and in full force and effect.

4. By signature below, Contractor certifies that the representations, warranties, and certifications in the Contractor are true and effective as of the effective date of this Amendment and with the same effect as though made at the time of this Amendment, and the individual signing on behalf of Contractor certifies under penalty of perjury that (i) s/he is authorized to act on behalf of Contractor, (ii) s/he has knowledge regarding payment of taxes by Contractor, and (iii) to the best of her/his knowledge, Contractor is not in violation of any Oregon tax laws, including, without limitation, state inheritance tax, gift tax, personal income tax, withholding tax, corporation income and excise taxes, amusement device tax, timber taxes, cigarette tax, other tobacco tax, 9-1-1 emergency communications tax, the homeowners and renters property tax relief program, and local taxes administered by the Department of Revenue (Multnomah County Business Income Tax, Lane Transit District Tax, Tri-Metropolitan Transit District Employer Payroll Tax, and Tri-Metropolitan Transit District Self-Employment Tax).

5. This Amendment is effective the date on which this Amendment is fully executed by the parties and fully approved as required by applicable statutes and rules.

CONTRACTOR:

Approved by **Department of Administrative Services:**

By: *Joanne J...* Date: 5/7/98

By: N/A Date: _____
Personal Services Contracts Section

Title: Director, Juvenile and Adult Community Justice

Other Required Signature:

Mailing Address: 1401 NE 68th Avenue
Portland, OR 97213
Facsimile: (503) 248-3218

By: N/A Date: _____
Authorized Signature

DEPARTMENT: STATE OF OREGON, acting by and through its Oregon Youth Authority

Approved as to Legal Sufficiency by the **Attorney General's Office:** (Required if total amount owing under the Contract, as amended, exceeds \$75,000)

By: _____ Date: _____
Manager of Budget and Contracts

By: N/A Date: _____
Assistant Attorney General

Mailing Address: 530 Center St. NE, Suite 200
Salem, Oregon 97301-3740
Facsimile: (503) 373-7921

Reviewed by **OYA Contracts Officer:**

By: *Eva Himmister* Date: 3/6/98

THOMAS SPONSLER, COUNTY COUNSEL
for Multnomah County, Oregon

Jacqueline Weber
Jacqueline Weber,
Assistant County Counsel

Date: 5/13/98

Beverly Stein
BEVERLY STEIN, CHAIR
Board of County Commissioners

Date: May 21, 1998

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-9 DATE 5/21/98
DEB BOGSTAD
BOARD CLERK

[For Clerk's Use] Meeting Date **MAY 21 1998**

Agenda # C-10

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR:

DEPARTMENT: Community Justice
CONTACT: Meganne Steele

DIVISION: JJ Mgmt, Counseling/Court Services
TELEPHONE: 248-3961

*NAME[S] OF PERSON MAKING PRESENTATION TO BOARD: Fuller/Morris

SUGGESTED AGENDA TITLE [To assist in preparing a description for the printed agenda]

The Department of Community Justice Budget Modification # DCJ 17 Adds \$53,836 Revenue To The Federal/State Budget

ESTIMATED TIME NEEDED ON THE AGENDA: N/A

2. **DESCRIPTION OF MODIFICATION** [Explain the changes this Bud Mod makes. What budget does it increase? What do the changes accomplish? Where does the money come from? What budget is increased or reduced? Attach additional information if you need more space].
Personnel changes are shown in detail on the attached. No

This budget modification adds Casey, City and Metro revenue to the budget. The \$27,515 Casey revenue increases contracted services by \$27,324 and Indirect Cost by \$191. The \$7,573 City of Portland Project Payback revenue increases contracted services by \$7,520 and Indirect Cost by \$53. The \$18,748 Metro revenue increases contracted services by \$18,618 and Indirect Cost by \$130.

The total \$374 Indirect Cost increases general fund Contingency.

3. **REVENUE IMPACT** [Explain revenues being changed and the reason for the change]

- Increases Rev Code 6801 by \$27,515.
- Increases Rev Code 2767 by \$7,573.
- Increases Rev code 2780 by \$18,748.
- Increases general fund Contingency by \$374 Indirect Cost support.

98 MAY 11 AM 10:40
 CLERK OF
 COUNTY COMMISSIONERS
 MULTNOMAH COUNTY
 OREGON

4. **CONTINGENCY STATUS** [to be completed by Finance/Budget]

Contingency before this modification [as of _____ \$ _____
[Specify Fund] [Date]

After this modification \$ _____ for Meganne Steele

Cheryl H. Eshmy 5/1/98 M. Dianne Smith for Meganne Steele 5/9/98
 [Originated By] [Date] [Department Manager] [Date]

[Signature] 5/11/98 _____
 [Finance/Budget] [Date] [Employee Relations] [Date]

Wendy H. Coates 5/21/98
 [Board Approval] [Date]



MULTNOMAH COUNTY OREGON

DEPARTMENT OF JUVENILE AND ADULT COMMUNITY JUSTICE
JUVENILE COMMUNITY JUSTICE
1401 N.E. 68TH
PORTLAND, OREGON 97213
(503) 248-3460
TDD 248-3561

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR OF THE BOARD
DAN SALTZMAN • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
TANYA COLLIER • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS

FROM: Meganne Steele 
Department of Community Justice

DATE: May 21, 1998

RE: REQUEST FOR DCJ #17 BUDGET MODIFICATION APPROVAL

- I. RECOMMENDATION/ACTION REQUESTED: Approve budget modification DCJ #17 for the Multnomah County Department of Community Justice to add \$53,836 Revenue to the Department's Federal/State program.
- II. BACKGROUND/ANALYSIS: This modification adds \$27,515 Casey Foundation revenue, \$7,573 City of Portland Revenue, and \$18,748 Metro revenue to the budget. Each of these revenues increases contracted services and covers its own Indirect Cost. The Casey revenue shifts dollars, budgeted in the new year, to current year in order to cover Defense Trail Assistant contracted services. The City and Metro revenues represent carryover funding from FY96-97 and increase the youth stipends in the Payback program's restitution services.
- III. FINANCIAL IMPACT: Any City and Metro revenue remaining at year end will be carried forward to the new year's Project Payback program. A technical amendment, adding additional Casey Foundation money to FY98-99, will reflect the net change of dollars shifted to FY97-98.
- IV. LEGAL ISSUES: N/A
- V. CONTROVERSIAL ISSUES: N/A
- VI. LINK TO CURRENT COUNTY POLICIES: N/A
- VII. CITIZEN PARTICIPATION: N/A
- VIII. OTHER GOVERNMENT PARTICIPATION: This funding represents state support to individual services needed by adjudicated youth who are in danger of further behavioral issues.

MEETING DATE: MAY 21 1998
AGENDA #: R-2
ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: DCFS RESULTS Presentation

BOARD BRIEFING: DATE REQUESTED: May 21, 1998

REQUESTED BY: Sue Larsen

AMOUNT OF TIME NEEDED: 15 minutes

REGULAR MEETING: DATE REQUESTED:

AMOUNT OF TIME NEEDED:

DEPARTMENT: DCFS

DIVISION: Director's Office

CONTACT: Carla K. Gonzales

TELEPHONE #:248-3691

BLDG/ROOM #:166/7th Flr.

PERSON(S) MAKING PRESENTATION: Lorenzo Poe, Sue Larsen, Carla Gonzales, Mike Waddell, Heather Nolte, Jeanette Hankins, and Chris Yager

ACTION REQUESTED:

INFORMATION ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

"Results from RESULTS.... Department of Community and Family Services"

DCFS RESULTS Celebration and

Financial Services Improvement Effort

SIGNATURES REQUIRED:

ELECTED
OFFICIAL: _____

(OR)
DEPARTMENT
MANAGER: _____

Lorenzo Poe

98 MAY 13 AM 9:00
MULTIPLA COUNTY
OREGON
CLERK OF COUNTY COMMISSIONERS

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277 or 248-5222



Purpose of Celebration

- State of the Department Address and Strategic Plan information.
- Recognize and reward staff for RESULTS work and accomplishments.
- Department-wide event to share highlights of those accomplishments.
- Share Customer Centered Organization information.

Building Benefits

- Communication
 - ~ consistent ~ timely
- Departmental Unity
 - ~ connections ~ alignment
- Creativity
 - ~ innovation ~ sharing

Strategies for Success

- Customer Service Coverage
- Community Partnerships: Portland State University
- Community Support: over \$3000 worth of donations for employee recognition awards

Community Supporters

Act III Theaters	NIKE
Adidas	Oregon Symphony
Benihana Restaurant	Rose Festival Association
Fred Meyer, Inc.	Saks Fifth Avenue
Hollywood Video	Southwest Airlines
Kaady Car Washes	Tennessee Red's
KINK fm 102	Timberline Lodge
McDonald's	

Evaluation

- Learned new information about the Strategic Planning Process 63%
- Learned new information about RESULTS activities occurring in DCFS? 89%
- Have a better idea about what the next RESULTS discussions will be in own division? 55%
- Number of staff who received RESULTS Rewards 26
- Number of staff who received Celebration Coupons 41



MEMORANDUM

To: Beverly Stein, County Chair
Commissioner Sharron Kelly
Commissioner Gary Hansen

From: Carolyn Bax, Commissioner Kelly's Office
Maria Lisa Johnson, Chair's Office

Re: Gresham Transit Oriented Development Policy
Date: May 20, 1998

Representatives from City of Gresham's Planning and community Development Department will be presenting Gresham's Transit Oriented Development (TOD) proposal at the May 21, 1998 board meeting. Gresham's former tax exemption program, which was limited to five years, and applied only to City property taxes and rental housing has expired. City staff are seeking Multnomah County's endorsement of the new proposed ordinance. Highlights of the proposal are detailed below. Please refer to page 5 of the cover fax for a summary of the major provisions of the proposal.

Potential Benefits of Proposed TOD

- Gresham's TOD is a development tool designed to encourage density and development that is transit supportive.
- The proposed TOD would further the goals of Gresham's Downtown and Civic Neighborhood plans by supporting quality mixed-use and for-sale projects in the Downtown District; and mixed-use, mixed-income projects in the Civic Neighborhood.
- Gresham has agreed to add special needs housing to the housing guidelines.
- Encouraging mixed income projects supports the development of affordable housing and is a reasonable strategy to de-concentrate poverty.
- Each project must address crime prevention through environmental design (CPTED), and must include a security program and a maintenance plan.
- In addition to any existing design review or development requirements, each project must also include at least one design element that benefits the general public.

Issues and Questions

- If County approves Gresham's TOD, it will forego revenue from property taxes. Arguments in favor of the exemption note that the higher quality design of developments approved

under the proposed TOD will result in higher assessed values that are later brought onto the tax rolls. Will the applicants be required to demonstrate that the exemption is necessary for the projects to be economically feasible?

- The proposed TOD furthers Gresham Downtown and Civic Neighborhood plans, however, it does not specifically address County policy goals. Does the proposed benefit merit foregoing general fund dollars that would be used to serve Multnomah County clients? Should the County require a more direct link with County policy objectives to serve special needs and transit dependent populations (people with disabilities, elderly, large low-income families)?
- Ordinance stipulates that 20% to 40% of the units in each project be affordable for the term of the exemption. Will the low income housing units added as to comply with the exemption continue to exist beyond the life of the exemption?
- The TOD housing criteria indicates that city council may approve "other" projects that further the goals of the Downtown and Civic neighborhood plan districts. The approval process for these other projects is vague and could raise equity issues for projects applying for the exemption.
- Guidelines for mixed-income projects in the Civic Neighborhood stipulate that 60% to 80% of the units must be market rate and that the balance must be affordable to households at 60% of the median income. This housing mix meets the state threshold for low income housing tax credits. Will the proposed mix, however, allow projects in Gresham to be competitive for low income housing tax credits state-wide, given that projects in other jurisdictions permit a higher proportion of affordable units?
- Ordinance establishes a 40% maximum ceiling on the number of affordable units in any given project. Portland's TOD has no maximum ceiling. It appears that low income housing projects that have more than 40% of their units affordable will not be eligible for this exemption. This raises a concern for special needs populations, particularly people with disabilities.
- Gresham's proposal includes a radius of one-half mile from existing or planned light rail stations. Portland's policy covers the area within one-quarter mile. Does transit use data support expanding the radius to one-half mile?
- The proposed draft directs staff to recommend that the ordinance be extended to Central Rockwood within the next year. Should County support require extension of the TOD to Central Rockwood within the next year?
- Market rate variables need to be explored further. In some neighborhoods the market rate allows units to be affordable to residents at less than 100% of the median family income and contributes to Gresham's supply of affordable housing. Would it require a significant decrease in rent to make development in areas with a lower market rate affordable to those at 60% of the median family income? Are the rent savings for residents significant enough to merit the exemption?

Projected Costs

- The amount of property tax exempted or revenue forgone will vary depending on the number of units approved under the program.

- Based on Gresham's estimated property tax revenue impacts for the proposed 19 year duration of the program, the maximum amount of taxes forgone in any single year is approximately \$457,300. This peak estimate is reached in the year 2007.
- Total property taxes forgone during the 19 year period is approximately \$4.51 million.
- Forgone revenue for each year differs as new projects receive exemptions and the exemptions of existing projects expire. If we were to average the total amount forgone over the 19 years, the County would be investing approximately \$237,600 general fund dollars each year.

Recommendation:

Weigh benefits of supporting Gresham's TOD against the reduction in funds to address County policy goals and priority programs. Seek parity in TOD partnerships between Multnomah County and the cities of Portland and Gresham. Request reasonable amendments to Gresham's proposed TOD.



Gresham Central Apartments
800 NE Roberts

Gresham Central Apartments set a new standard in thoughtful design for multi-family development in Gresham--and specifically as a design for use along the light rail and transit corridors. The 90-unit apartment building is located just blocks from Gresham's downtown, but adjacent to the MAX light rail line. The apartment building's developer realized the importance of being located next to MAX and took the extra steps to enhance the site by building a promenade/pocket park that is open to the public, even though it is maintained by the apartment complex. The developer is also situated the building so that it hides all of the parking inside, creating a pleasing aesthetic for the entire space. These enhancements raise the standards of development in multi-family units not only for Gresham, but for the entire program.

DATE: June 2, 1998

ITEM NO.:

TITLE: PUBLIC HEARING AND FIRST READING OF COUNCIL BILL NO. 23-97 CONCERNING "PROPERTY TAX EXEMPTION FOR NEW, TRANSIT SUPPORTIVE MULTIPLE-UNIT HOUSING OR MIXED USE DEVELOPMENT" BY AMENDING ARTICLE 10.50 (PROPERTY TAX EXEMPTION FOR NEW, MULTIPLE-UNIT RENTAL HOUSING) OF THE GRESHAM REVISED CODE (GRC)

ITEM: This is a public hearing and first reading of Council Bill 23-97 amending GRC Article 10.50 which allows Council approval of limited 10 year property tax exemption for qualified transit oriented multiple-unit residential or mixed use development. The amendments are necessitated by revisions to the State enabling legislation (ORS 307.600).

Staff recommends approval of the ordinance and first reading of Council Bill No. 23-97. Staff also recommends providing the Council with updates twice a year to help determine if the program is working effectively or needs modification or limitations on the number of projects or should be repealed. Staff also recommends including in the Rockwood Action Plan consideration of extending this program to Central Rockwood within the next year.

RECOMMENDED COUNCIL ACTION: Move to approve the first reading of Council Bill 23-97, based on the standards, findings, conclusions and recommendation stated in the staff report and move to direct staff to monitor the program and report back to Council every six months, and to include consideration of extending the program to Central Rockwood in the Rockwood Action Plan.

COUNCIL GOAL(S) NO.: Goal No. 5: MANAGE GROWTH AND CHANGE CONSISTENT WITH THE GRESHAM 2020 PLAN and Goal No. 8: PARTNER FOR A VARIETY OF JOB AND HOUSING OPPORTUNITIES.

MANAGEMENT PLAN: Core Business Function, Community Development Department (Long Range Planning) - Actively participate in the formulation of the 2040 Regional Framework Plan and develop measures to locally implement the requirements. Objective 2, Create incentive for development of pedestrian/transit friendly housing in downtown and along light rail transit by drafting transit tax exemption ordinance which meets applicable Oregon Revised Statute (ORS) provisions.

BUDGET IMPACT: 1) An application fee will be collected that is sufficient to cover City costs of administering the program as is allowed by ORS 307.600. It is expected that application will be processed by a consultant due to the specialized nature of the application. 2) Exemption of property taxes means revenue is not collected during the exemption period. Attachment 4 is a financial report which details the potential impact. The amount of property tax exempted or revenue foregone will vary depending on the number of units approved under the program. If 1,200 residential units and 200,000 square feet of commercial space receive exemption during the next 10 years, under the assumptions in Attachment 4, the total revenue foregone will be approximately \$3,600,000 during the 19-year life of the program. This amount represents less than 1% of the total estimated property tax revenues over the same 19 year span.

ADDITIONAL INFORMATION:

Max Talbot, Community Development Director, 618-2661
Jonathan Harker, AICP, Long Range Planner III, 618-2502

REVIEWED BY:	CAO <u>[Signature]</u>	CDD <u>[Signature]</u>	DES <u>N/A</u>	FES <u>N/A</u>
	FTT <u>[Signature]</u>	HRD <u>N/A</u>	OCM <u>N/A</u>	POLICE <u>N/A</u>
		OTHER <u>N/A</u>		
CM _____	Name/Title			

ATTACHMENTS:

1. Additional Information
2. Council Bill 23-97
3. Staff Report
4. Financial Analysis Report
5. Crime Prevention Criteria and Standards Document
6. Police Department Memorandum
7. ORS 307.600
8. Tri-Met Interoffice Memorandums
9. Oregon Housing Community and Service Department Letter
10. Human Solutions Letter

ADDITIONAL INFORMATION

PROPERTY TAX EXEMPTION FOR NEW TRANSIT SUPPORTIVE MULTIPLE-UNIT HOUSING OR MIXED USE DEVELOPMENT

Key Findings of Need:

1. Gresham lacks competitiveness in attracting desirable development in Eastside light rail station areas due to scarcity of re-development incentives, such as urban renewal. Property tax exemption is one tool available to Gresham. Portland, which adopted this program in October, 1996 and has used urban renewal around Lloyd Center, has approved the following three projects along the east side MAX line using their similar tax exemption program. It is also likely that similar property tax exemption programs will be adopted for areas along the new west side MAX line. Although the City incentive was ownership of the land "The Round" at Beaverton Central described below is an example of projects happening on the west side but not in Gresham.
 - 1) Russellville (102nd and Burnside) is a 282 unit project with all market rate units. It has a density of 36 units per acre and includes a meeting room for community organizations, public green space and day care center.
 - 2) Hazelwood (NE 122nd and NE Glisan) is a 119 unit elderly congregate care and mixed use development. It is at 68 dwelling units per acre and there is ground floor retail under the units. It is located at a shopping center site between a Safeway and Target store.
 - 3) Floyd Light (106th and Cherryblossom - Gateway District) is a 51 unit development with 40% being affordable units and 60% being market rate units. It includes public open space with covered seating.
 - 4) The Round at Beaverton Central is a mixed-use project that will surround the Beaverton Central Light Rail Station. It includes a civic plaza on both sides of the station, 150 town houses and apartments, a 50,000 square foot theatre center, 230,000 square feet of office and retail and a 100 room hotel. In this case the City incentive comes from owning the land.
2. The City of Portland program applies to the east side MAX line area up to the west Gresham city limits (162nd station). It exempts not just Portland property taxes but other applicable property taxes such as Multnomah County property taxes. Adoption of the program in Gresham would result in Multnomah County supporting not just projects in Portland but also in Gresham.
3. Projects must have an enhanced Crime Prevention Plan created in conjunction with the Police Department. This unique element helps neutralize the impact of foregone City taxes on services by reducing police services otherwise needed for the new development.
4. Projects must include design that benefits the public. Design benefits can include public plazas, community meeting rooms, and on-site day care open to the general public. Projects also must have good connections to transit facilities and have minimum densities that are transit supportive.
5. The proposed program supports redevelopment in Downtown by emphasizing quality mixed use and for-sale projects. It supports development of the Civic Neighborhood by emphasizing quality mixed use, for-sale, mixed income, high density and day care projects. The program also assists projects appropriate for a Regional Center. Under this program the City has more control of design and where these projects are located.
6. The Council may limit approval to those projects they determine support quality transit supportive land uses and which further the goals of the Downtown and Civic Neighborhood Plan Districts.

7. Over time the projects, even with property taxes foregone, enhance the City. The public design benefits must extend beyond the life of the exemption. The higher quality design of residential and mixed use developments promoted under the program will result in higher assessed values brought onto the tax rolls. New residential development should result in retail development happening sooner rather than later in the downtown and civic neighborhoods.
8. The proposed program, by granting ten year exemptions and including other jurisdictions' (except education districts) property taxes, would: Increase the quality of developments (as they are tied to the dollar amount of the exemption), make mixed use and structured parking projects more feasible, and allow Gresham to be competitive with developments on the Portland portion of the MAX line.
9. If 1,200 residential units and 200,000 square feet of commercial space receive exemption over the ten years (under the assumption of Attachment 4) the total foregone revenue will be approximately \$3,600,000 during the 19-year life of the program. This amount represents less than 1% of the total property taxes estimated to be collected during the same 19-year span.

Likewise, it is fair to assume that non-tax exempt projects will occur sooner, which may offset the taxes exempted by this proposal. An example of this is (using the same assumptions of Attachment 4): A mixed use development in the downtown of 85 residential units and 20,000 square feet of ground floor commercial space granted a tax exemption would have a yearly foregone City property tax revenue of \$21,331. If this resulted in the sooner construction of a 50,000 square foot grocery store in the downtown that project would add \$15,336 to City property tax revenue.

10. This proposal is one that results in private/public partnerships. The private side benefits by using the property tax exemption to build projects with design features and densities that otherwise they could not do. The public side benefits by locating these projects in the downtown and civic neighborhood and by having greater control of the design and public features of the projects.
11. Gresham's current program, which was limited to five years and applied only to City property taxes and rental housing, has expired. The Gresham Central Apartments, with a pedestrian promenade next to the MAX, was approved under this program.
12. State statutes now allow local jurisdictions to grant limited 10 year property tax exemption for mixed use ground floor commercial and residential housing projects; attached for-sale projects and residential parking structures as well as rental multiple-units projects. Projects must be located in transit oriented or city core areas. Projects under this program must be constructed by July 1, 2006.

Key Actions

- **August, 1995.** Council passes limited tax exemption intended to stimulate good multi-family development in the core areas of Downtown and Civic Neighborhood. One project, the Gresham Central Apartments, was approved for the limited property tax exemption. A public benefit provided by the 90 unit complex was a pedestrian promenade/plaza adjacent to the MAX line.
- **1995 State Legislation.** Updated State statute to include for-sale and mixed use developments as well as rental multiple-unit housing and to extend to transit oriented areas as well as downtown core areas. To be effective July 1, 1997 and extends life of program for 10 years.
- **October, 1996.** City of Portland adopts ordinance to comply with revised State legislation. Utilizes model ordinance drafted by Tri-Met. Multnomah County endorses ordinance so that County property taxes are also exempt. Applies along east side MAX line up to Gresham City Limits.
- **March 17, 1997.** Project put on Long Range work program at a joint quarterly meeting. It is to amend 1995 ordinance allowing limited tax abatement (up to 10 years for improvement only) in order to stimulate higher intensity mixed use development and housing in close proximity to light rail transit.

- **August 5, 1997.** Council discusses three options: 1) continue the program by making technical changes required by State statutes; 2) continue the program, have stronger guidelines on housing and public design benefits and ask for Multnomah County endorsement; or 3) allow the program to expire. The Council passes a motion "To go with Option No. 2 to continue the program, have stronger guidelines on housing and public design benefits and ask for Multnomah County Endorsement."
- **August to November, 1997.** A Crime Prevention Plan requirement and design checklist drafted by Planning and Police staff. A development with good crime prevention design, a security program and maintenance plan will have less impact on Police Services and is strongly endorsed by the Police Chief. This helps address a concern that because (due to Measure 50) the property tax exemptions are foregone revenue that the program might affect the city's ability to provide police services to these new developments.
- **November 4, 1997.** A Council hearing was scheduled for this date. There was discussion concerning the housing option for affordable units. The proposal had one housing option that required a minimum of 20% and a maximum of 30% affordable units. A concern had been raised that 30% was too low and that with this provision Multnomah County might not support the ordinance. Without County support only the City portion of property tax can be exempted. Direction was to do further research and a motion was passed to continue the Public Hearing to January 6, 1998.
- **January 6, 1998.** Due to staff vacancy and new project concerning housing issues this hearing was continued to a date uncertain.
- **Since 1-6-98.** The proposal for the June 2, 1998 hearing has been revised since the 11-4-97 draft based on additional staff research. Staff discussed issues with State Housing & Community Services Department, researched relevant technical information and reviewed on-ground developments approved under Portland's ordinance. The conclusion is that mixed income developments can work with 60% to 80% of units being market rate and the balance being affordable to households at or below 60% of the median family income. Somewhat higher minimum densities are proposed to push the market as was suggested by Tri-Met. And projects that support the goals of the Downtown and Civic Neighborhood Districts are to be emphasized.

MAJOR PROVISIONS OF PROPOSAL

Eligible Projects and Densities

- Minimum 10 units.
- Rental or owner occupied multiple-unit housing minimum 35 (rental) or 24 (for-sale) dwelling unit per acre average or district minimum, whichever is greater. May include structured parking.
- Mixed use projects with ground level commercial uses minimum 20 (rental) or 18 (for-sale) dwelling unit per acre average or district minimum plus minimum commercial 0.25 floor area.

Eligible Sites

- Downtown Plan District except DR-12.
- Civic Neighborhood District.
- Transit Development District & HDR-60 in Gresham regional center.

Key Approval Criteria [every project must comply with *each* of the following provisions]

1. Crime Prevention Plan

- Incorporates site design that avoids dangerous situations, increases visibility and being helped. Must include enhanced Crime Prevention Through Environmental Design (CPTED), a security program and a maintenance plan.
- The City will maintain a checklist of "state of the art" CPTED provisions concerning lighting, sightlines, entrapment areas, informal surveillance, signage, interiors, security and maintenance.
- Developed by applicant and Police and must be recommended by the Police.

2. Design Elements Benefiting Public. Project **must** include one or more of the following design elements that benefit the general public in addition to any design review or other development requirement.

- Parks or public open spaces such as landscaped plaza.
- Public meeting rooms and offices.
- On-site day care open to general public.
- Enhanced transit or pedestrian access facilities.
- Ground floor commercial use which serves residents, neighbors and transit riders (can be vertical or horizontal mixed use -- if commercial in separate building must be on-site, connected by a pedestrian facility and clearly integrated with residential).
- Other design elements benefiting the public determined by Council.

3. Housing accessible to a broad range of the public (required by State statute). Project descriptions are guiding principles also meeting City goals for the Downtown and Civic Neighborhood districts and the area as a Region 2040 regional center.

⇒ In the Downtown Plan District

- Mixed use projects of residential with ground floor commercial that serves residents, neighbors, transit riders and visitors.
- Home ownership housing with at least 20% of the units affordable to households earning 100% or less of the median family income.
- Special needs housing projects for households which include persons with special needs such as mentally or physically disabled or as defined by the Federal Fair Housing Act.

⇒ In Civic Neighborhood and Other Affected Areas:

- Mixed use projects of residential with ground floor commercial that serves residents, neighbors, transit riders and visitors.
- Home ownership housing with at least 20% of the units affordable to households earning 100% or less of the median family income.
- Mixed income projects where 60% to 80% of the rental housing is market rate and the balance is affordable to households earning 60% or less of the median family income.
- Projects with residential density of at least 50 units per acre.
- Market rate rental projects with on-site day care open to general public.
- Special needs housing projects for households which include persons with special needs such as mentally or physically disabled or as defined by the Federal Fair Housing Act.

⇒ The Council may approve other projects that result in residential units accessible to a broad range of the public and which further the goals of the Downtown and Civic Neighborhood Plan Districts.

4. Demonstrate that property tax exemption is necessary to achieve the proposal including the costs incurred due to requirements of the program.

5. Relates to and enhances transit.

Application

- Council approval.

Exemption Duration

- Projects granted exemption must be constructed by 2006. Once constructed the tax exemption is allowed for ten years at the end of which the property goes on tax rolls. Improvements only, not land is exempted.

Implementation

- Directs staff to request Multnomah County endorsement.
- Specifies tax exemption would apply, in addition to Gresham, only to Multnomah County, Educational Service District, Port, Tri-Met, and Metro. Excludes K - 12 & Mt. Hood CC school districts.
- Directs staff to include in the Rockwood Action Plan consideration of extending the program to Central Rockwood within the next year.

Proposed new language is double-underlined;
proposed language to be deleted is ~~stricken~~
Commentary is for information purposes only

CB 23-97

ORDINANCE NO.

AN AMENDMENT TO GRESHAM REVISED CODE CHAPTER 10, BUILDINGS AND HOUSING, RELATING TO PROPERTY TAX EXEMPTION FOR NEW, TRANSIT SUPPORTIVE, MULTIPLE-UNIT HOUSING OR MIXED USE DEVELOPMENT.

THE CITY OF GRESHAM DOES ORDAIN AS FOLLOWS:

Section I. Article 10.50 of Chapter 10 of the Gresham Revised Code is amended as follows:

Article 10.50. PROPERTY TAX EXEMPTION FOR NEW, TRANSIT SUPPORTIVE, MULTIPLE-UNIT RENTAL HOUSING OR MIXED USE DEVELOPMENT

Commentary

The State enabling legislation (ORS 307.600) for the City's current program allowed the property tax exemption only for locations in City "cores" and only for rental multiple-unit housing. In 1995 the legislation was amended to extend the program to areas located within a light rail station or transit oriented area. It was also amended to apply to multiple-unit "for-sale" as well as rental housing and to apply to ground floor commercial uses and structured parking developed as part of the qualifying multiple-unit housing. (The attached 1997 ORS 307.600 slightly amended the 1995 legislation).

A State legislative finding was that it is "in the public interest to promote private investment in transit supportive multiple-unit housing in light rail station areas and transit oriented areas in order to maximize Oregon's transit investment to the fullest extent possible."

In addition to the changes in the State legislation staff had looked at a model ordinance put together by Tri-Met and a recently adopted City of Portland ordinance which affects their east side light rail up to its border with Gresham.

Section 2. A new section 10.50.015 is added to Article 10.50 of Chapter 10 of the Gresham Revised Code as follows:

10.50.015. Purpose.

The purposes of this property tax exemption are to encourage transit supportive multiple-unit housing and mixed use projects affordable to a broad range of the general public on vacant or underutilized sites within the City core and within walking distance of light rail or fixed route transit service, and to enhance the effectiveness of the light rail or fixed route transit service. It also requires design, public benefits and a crime prevention plan that efficiently uses and reduces fiscal demands on City facilities and services.

The property tax exemption permitted by this article is intended to benefit projects that emphasize:

(1) The development of vacant or underutilized sites in light rail station areas, transit oriented areas or core areas, rather than sites where sound or rehabilitatable multiple-unit housing exists.

(2) The development of multiple-unit housing, with or without parking, in structures that may include ground level commercial space.

(3) The development of multiple-unit housing, with or without parking, on sites with existing single-story commercial structures.

(4) The development of multiple-unit housing, with or without parking, on existing surface parking lots.

Section 3. A new section 10.50.025 is added to Article 10.50 of Chapter 10 of the Gresham Revised Code as follows:

Having a purpose statement is a way of relating the City ordinance to the State legislation as it was amended in 1995 as well as to local goals. ORS 307.600.1 & 2 applies the exemption program to "transit supportive multiple-unit housing" in City cores, light rail station areas and transit oriented areas. Also, the ordinance will promote, through provisions such as the Crime Prevention Plan and the proximity to the existing light rail and other transit, more efficient use of existing public facilities and services than might occur with different designs at the same or different locations. For example, increased transit ridership reduces automobile trips and the impact on streets. Also, the crime prevention plan will result in design and security that by reducing crime incidents will reduce the need for Police responses.

ORS 307.600.3 is a list of the types of projects that can qualify for exemption. The list follows below.

ORS 307.600.3.a: development should occur on vacant/underutilized land and preserve sound existing housing.

ORS 307.600.3.b: promotes mixed use retail and housing development.

ORS 307.600.3.c: underutilized sites can be a commercially developed site.

ORS 307.600.3.d: underutilized sites can be an existing parking lot.

10.50.025. Definitions.

For purposes of this article the following mean:

Affordable rent. The rental rate and utilities paid by renter do not exceed 30% of the monthly gross income for a family.

Area median family income. The annual income for the Portland Metropolitan Area for a family of one person (for a studio apartment), two persons (for a one bedroom apartment), three persons (for a two bedroom apartment), or four persons (for a three bedroom apartment) as determined annually by the U.S. Department of Housing and Urban Development or its successor agency.

Light rail station area. An area defined in regional or local transportation plans to be within a one-half mile radius of an existing or planned light rail station.

Market rental rate. The rent stated in the most recent McGregor Millette Report, or its successor, for "seasoned" units for Gresham/Troutdale.

Median purchase price. The sale price listed for a condominium unit or a single-family attached dwelling (whichever is proposed) in Multnomah County as established by the U.S. Department of Housing and Urban Development for the purpose of determining FHA loan qualification.

Transit oriented area. An area defined in regional or local transportation plans to be within one-quarter mile of a fixed route transit service.

Section 4. Section 10.50.010 of Chapter 10 of the Gresham Revised Code is renumbered and amended as follows:

10.50.040035. Eligible Property Projects.

To be an eligible project for the property tax exemption provided for by this article, a ~~structure~~ project must meet all of the following criteria:

This definition of measurement of household income is a technical standard used in the City of Portland's Transit Oriented Tax Exemption program and in Gresham's recent housing policy study.

This definition of measurement of area median family income is a technical standard used in the City of Portland's Transit Oriented Tax Exemption program and in Gresham's recent housing policy study.

This definition is in ORS 307.605.2. Much of the Civic Neighborhood and Downtown Plan District areas are in a light rail station area.

This definition of market rental rate is a technical standard suggested by Gresham's recent housing policy study.

This definition of median purchase price is a technical standard used in the City of Portland's Transit Oriented Tax Exemption program and in Gresham's recent housing policy study. Home owner units can be either condominiums or single-family attached dwellings (row houses) which are on their own lot.

Definition is in ORS 307.605.4.

For clarity this existing section is broken into the types of projects (10.50.035) and the location of projects (10.50.055) that can qualify for the exemption.

(1) ~~Be a multiple-unit housing structure~~ having ten or more ~~rental~~ dwelling units that include design elements benefiting the general public as described in this article and approved by the council, including newly ~~construction~~ constructed structures, stories and other additions to existing structures and structures converted in whole or part from other uses, but not designed, used or intended to be used as transient accommodations, hotels or motels. Multiple-unit housing may be in structures which include ground level commercial uses.

(2) ~~Be constructed after July 1, 1975, and completed on or before January 1, 1998; and~~ The project may not be designed, used or intended to be used as transient accommodations, hotels or motels.

(3) ~~Be located within the described area shown on the attached Map A.~~ The project may or may not include structured parking.

(4) ~~Demonstrate that property tax abatement is required to achieve economic feasibility for the residential use intended.~~ For projects which do not include ground level commercial uses, the minimum residential density shall be 35 rental or 24 for-sale dwelling units per net acre; or the minimum density for the land use district, whichever is greater. If the project encompasses different land use districts, the overall project density shall be at least 35 rental or 24 for-sale dwelling units per net acre and meet the minimum densities of each land use district.

(5) For mixed use projects containing ground level commercial uses the minimum commercial density shall be a 0.25 floor area ratio and the minimum residential density shall be 20 rental or 18 for-sale dwelling units per net acre; or the minimum density for the land use district, whichever is greater. If the project encompasses different land use districts, the overall project density shall be at least a 0.25 commercial floor area ratio and 20 rental or 18 for-sale dwelling units per net acre and meet the minimum densities of each land use district. Minimum commercial density is only required if the minimum density required for subsection (4) above is not met.

(6) The project shall meet the approval criteria of 10.50.045.

ORS 307.600 allows the program to be for both rental and for-sale units.

Added language is from the definition of multiple-unit housing in ORS 307.605 and provides the housing added to an existing structure can be qualified for the property tax exemption.

Ground level commercial is allowed by ORS 307.600.3.

Requirement of ORS 307.605.3.b.

Parking as part of the project allowed by ORS 307.600.3.

ORS 307.610.4.e requires the City to set standards and guidelines for a "minimum number of units." The proposed standards set a minimum density threshold that is needed to be transit supportive and to support the Downtown and Civic Neighborhood goals for higher density residential and mixed use development. Tri-Met's Planning and Design for Transit Handbook (January 1996) suggests a feasible minimum density of 30 dwelling units per acre, 0.5 floor area ratio for commercial and 1.0 floor area for office. Tri-Met also suggests that a minimum of 24 dwelling units per acre is transit supportive near light rail stations. The Gresham Central Apartments, which were granted tax exemption under the old program, are at 32 dwelling units per acre. The slightly higher proposal of 35 dwelling units per acre (for rentals) is suggested because the tax exemption should work as an incentive for higher density than market alone might achieve. A lower number of 24 dwelling units per acre is suggested for for-sale projects as often those units are larger and thus at a lower density. The proposed mixed use minimum for commercial and residential densities will achieve similar densities as the stand alone residential projects with the fewer households replaced with employment. The proposed density standards are similar to those required under Portland's transit oriented tax exemption program.

Cross reference to the approval criteria.

(7) The eligible project shall be constructed, added or converted after May 5, 1998, and completed on or before January 1, 2006.

Section 5. Section 10.50.050 of Chapter 10 of the Gresham Revised Code is renumbered and amended as follows:

10.50.050045. Approval Criteria.

An application may be approved only if the reviewing body finds that the eligible project:

(1) Includes a Crime Prevention Plan which has been reviewed and recommended by the Police Department. The Crime Prevention Plan shall incorporate components to enhance safety and security as detailed in the Crime Prevention Plan Criteria and Standards Checklist Document. The Document shall be maintained in the Police and Community Development Departments and shall be used as the basis for and to assist in the development of the Crime Prevention Plan. The Crime Prevention Plan shall be in addition to requirements of the Standards volume of the Community Development Plan. The Crime Prevention Plan shall include project design which incorporates enhanced Crime Prevention Through Environmental Design (CPTED); a project security program which provides for enhanced security on site and on adjacent public streets and transit facilities; and a maintenance plan for continued success of the Crime Prevention Plan; and

~~(12) The construction includes one or more design elements specified in and complies with section 10.50.040085; and~~

~~(23) The construction project will, at the time of completion, conform with the provisions of the Gresham Community Development Plan, and other applicable ordinances. Applicable permits shall be obtained before the tax exemption takes place; and~~

(4) Demonstrates that property tax exemption is required to achieve economic feasibility for the residential or mixed use, taking into account the additional costs incurred

The 1995 State legislation extended the date of this program (ORS 307.691).

This provision requires the developer to work with the Police Department to develop a Crime Prevention Plan. A Crime Prevention Plan will include both Crime Prevention Through Environmental Design (CPTED) features, an active security program and a maintenance plan. A separate document (which is included in the hearing packet) has detailed criteria and a checklist of possible design, management and maintenance responses that an applicant can include in their Crime Prevention Plan. The document will be used as a template for the Crime Prevention Plan and to evaluate specific proposals and highlight missing features. The document incorporates current techniques in Crime Prevention as reported in reference materials such as Safe Cities, Guidelines for Planning, Design and Management (Gerda R. Wekerle & Carolyn Whitzman, 1995) and Physical Environment and Crime (U.S. National Institute of Crime, May, 1996).

Having a Crime Prevention Plan that uses appropriate site design and building management is intended to increase security and decrease crime. This in turn will decrease police resources that would otherwise be expected for the new residential and mixed use development that is encouraged under this tax exemption program

This references the design elements which is a requirement of ORS 307.605.3.c.

ORS 307.650(2) requires that the project is, or will be, at the time of construction, in conformance with all local plans and planning regulations, including special or district-wide plans that are applicable at the time the application for tax exemption is approved. Obtaining permits will be a condition of approval.

ORS 307.610.3 requires a determination that multiple-unit housing which meets the qualifications regarding required design and

by the design elements, crime prevention plan and housing facilities required in return for the exemption incentive allowed by the article; and

(5) Includes housing that complies with article 10.50.095; and

(6) Is physically or functionally related to a light rail line or mass transportation system and enhances the effectiveness of a light rail line or mass transportation system; and

(7) Justifies the elimination of, or provides a plan for the relocation of existing sound or rehabilitatable housing, if any; and

(38) — The applicant shall comply Complies with all requirements of this article.

Section 6. A new section 10.50.055 is added to Article 10.50 of Chapter 10 of the Gresham Revised Code as follows:

10.50.055. Eligible Sites.

Eligible sites must be within the described area shown on the attached Map A and within the following land use districts:

public benefits would not otherwise be built in the designated area without the exemption. The added language clarifies that the intent is to promote not just the housing but the housing with design and public benefits. An applicant does not have to prove that a certain number of units can only be built if the exemption is granted but that the certain number of units with the design and housing elements required by this Article can only be built with the exemption.

References the requirement that the program provide housing for a broad range of the general public in ORS 307.600.4.

This language is in ORS 307.605.3.d. and stresses the development is supportive of transit.

This is a requirement in ORS 307.610.4.a.

The City's current regulations apply to the City's "core" – the Downtown and Civic Neighborhood Districts – as was provided for in the State legislation. The 1995 State legislative amendments extended the program to light rail stations and transit oriented areas. The Downtown and Civic Neighborhood Districts are designated as a Regional Center on the Region 2040 Growth Concept Map. Both areas are served by light rail stations and by transit streets. Two new areas are added to Map A: HDR-60 parcels on the north side of Division Street and TD parcels on the east side of Eastman Parkway. The sites are located on transit streets and are within 1/2 mile of a light rail stop and are also within the 2040 Regional Center designation. Both Districts are transit supportive. The HDR-60 allows high density residential (60 units per acre) and ground floor commercial uses. The TD allows high density residential (42 units per acre) and high density commercial (1.0 Floor Area Ratio).

(1) In the Downtown Plan District except that sites in the DR-12 subdistrict are not eligible.

(2) In the Civic Neighborhood Plan District.

(3) In the Transit Development District.

(4) In the High Density Residential-60 District.

The city shall periodically review the areas eligible for the exemption granted to transit supportive development in response to transportation and/or comprehensive planning and policy initiatives which indicate the need to encourage desired development in other light rail station areas or transit oriented areas as defined in this article.

Section 7. A new section 10.50.065 is added to Article 10.50 of Chapter 10 of the Gresham Revised Code as follows:

10.50.065. Pre-Application Conference.

(1) A mandatory pre-application conference is required prior to submission of an application.

(2) The applicant shall submit to the manager the following:

(a) Pre-application conference fee established by council resolution.

Map A includes all of the Downtown Plan District. This section excludes the DR-12 subdistrict because the maximum 12 units per acre density allowed in this subdistrict is not enough to be considered transit oriented. This amends the existing Map A which included DR-12.

Map A includes all of the Civic Neighborhood District. The current Map A includes all of the Civic Neighborhood District.

Map A is amended to include the following TD parcels that are located on the east side of Eastman Parkway: 1S3E4DD #100, #101, #200, #300, #400, #500, #600, #700, #800, #900, #1000, #1100, #1200, #1300, #1400, #1500, and #1600. These parcels are contiguous and located within 1/4 mile of a light rail stop and within the 2040 Regional Center designation.

Map A is amended to include the following HDR-60 parcels that are located on the north side of Division Street: 1S3E3CD #1400, #1600, #1601, #1602, #1603, #1700, #1800, #1900, #2600, #2700, and #2800. These parcels are contiguous and located within 1/4 mile of a light rail stop and within the 2040 Regional Center designation.

ORS 307.610.2 allows new areas to be added. In the future areas within Central Rockwood (for example, around the light rail stops) could be added.

A pre-application conference would be mandated because the exemption process is rather unique and complicated.

Rather than specify fees in the Article the fee will be specified by separate council resolution. This is the City's standard practice for fees and allows the fees to be adjusted without amending the Article.

(b) Ten copies of a preliminary site plan, drawn to scale, including existing structures and the major features and dimensions of the proposed development and its location.

The map requirement is similar as is required for a development pre-application conference.

(c) Ten copies of a narrative statement describing the proposal. Useful information to include would be:

The section requires a narrative and lists those items that would be useful in obtaining City feedback but recognizes that an applicant may not know what they want to do and may be "off the street."

(i) the number, size and type of individual dwelling units;

(ii) the size of structured parking, if any;

(iii) the size and type of ground floor commercial, if any;

(iv) a preliminary pro forma showing expected rents or purchase prices of the dwelling units;

(v) a description of the design elements proposed;

(vi) its physical and functional connection to the nearest transit service;

(vii) any additional information that would demonstrate the eligibility of the project for the property tax exemption.

(3) The conference shall be held within 20 days of the request, if all of the requirements of subsection (2) above are met.

20 days is the timeline for development permit pre-application conferences.

(4) The purpose of the pre-application conference is to acquaint the applicant with the provisions of this article. Prior to the meeting, the manager shall review the information provided and contact, for the purposes of facilitating the application process, other agencies which may be affected by, or have an interest in, the proposed development.

A pre-application conference is an identification of issues and is not a review. Other agencies that might benefit the project at pre-application time could include Tri-Met, DES, and Housing.

(5) The manager shall provide the applicant a written summary of the conference within 30 working days of the conference. The summary shall include the recommendations designed to assist the applicant in the preparation of the exemption application.

Section 8. Section 10.50.020 of Chapter 10 of the Gresham Revised Code is renumbered and amended as follows:

10.50.020075. Application Procedure.

A person seeking an exemption under this article, shall apply to the manager not later than ~~September~~ February 1 of the calendar year immediately prior to the first assessment year for which the exemption is requested. The application for the exemption shall be on forms prescribed by the manager and include the applicable fee and deposit established by council resolution and ten copies of the following information:

(1) The applicant's name, address and telephone number;

(2) A legal description of the property and property account number;

(3) A description of the existing use of the property, including a justification for the elimination of, or a plan for the relocation of existing sound or rehabilitatable housing located on the property;

(4) A site plan and supporting drawings, drawn to a minimum scale of one inch equals 50 feet, which shows the development plan of the entire project, streets, driveways, sidewalks, pedestrian ways, off-street parking and loading areas, location, dimension and elevation of structures, use of land and structures, and major landscaping features and design of structures;

(5) A description of the project, setting forth the grounds supporting the requested exemption and consistency with the approval criteria of 10.50.045, including the number, size, and type of dwelling units, including bedroom mix; intended occupancy of the units; type of construction; expected rents or purchase prices of the dwelling units; and other uses of the structure if a

The data requirements are intended to provide the information that will be necessary to show compliance with the approval criteria. The deadline is set by ORS 307.640.

Rather than specify fees in the Article the fee will be specified by separate council resolution. This is the City's standard practice for fees and allows the fees to be adjusted without amending the Article.

ORS 307.600.4 amended the State legislation so that for-sale units are an eligible form of housing.

ORS 307.600 added parking as an eligible improvement.

mixed-use structure is planned or if structured parking is planned; and any additional information that would demonstrate the eligibility of the project for the property tax exemption, including its physical or functional connection to the nearest transit service;

(6) The Crime Prevention Plan recommended by the Police Department;

(67) A description including drawings of the public benefits design elements which the applicant proposes to include in the project;

(78) Information on the construction costs, sources of financing for the housing, operating cost and income analysis and other information required by the city to demonstrate the applicant's economic need for the tax exemption including a copy copies of any bank letter of all financing commitments relating to the project; and

(89) Any other information required by state or local law or requested by the city.

Section 9. Section 10.50.030 of Chapter 10 of the Gresham Revised Code is repealed as follows:

10.50.030. Application Fee Repealed.

~~Concurrent with the submission of the application, an application fee of \$1,200 shall be required. In addition to the application fee, the applicant may be required to pay such other reasonable costs, including appraisal costs, incurred by the county assessor in processing the application. The manager shall collect any additional cost and pay the assessor the additional costs.~~

ORS 307.605 added a requirement for the physical or functional connection when the project is within a light rail station area or transit oriented area.

Design elements are required by ORS 307.605. and 307.610.

Rather than specify fees in the Article the fee will be specified by separate council resolution. This is the City's standard practice for fees and allows the fees to be adjusted without amending the Article.

Section 10. Chapter 10 of the Gresham Revised Code is renumbered and amended as follows:

10.50.040085. Public Benefits Design Elements.

A project must include one or more of the following design elements benefiting the general public. Design elements required under the Gresham Community Development Plan regulations cannot be used to satisfy this standard. In order to qualify for the exemption in this article, an applicant must agree to include in the project a public benefit which may consist of, but is not limited to, one or more of the following:

~~(1) Rental units at rental rates which are accessible to a broad income range of the general public;~~

(2) Parks and recreational facilities or publicly accessible open spaces such as a landscaped plaza or public urban plaza; or

(3) Open spaces; Public common office space or

~~(4) Public meeting rooms for community organizations; or~~

(5) On-site day care facilities available to general public; or

~~(6) Facilities supportive of light rail transit use such as, but not limited to, plazas, shuttles and improved pedestrian access; Transit facilities and transit or pedestrian design elements such as benches, bus shelters, directional signs, or an off-site improved public walkway connecting the project to the nearest transit stop or station; or~~

(7) Ground floor service or commercial use which is permitted and needed at the project but not available for economic reasons; serves project residents, neighboring residents and employees, transit riders and visitors. If in a structure separate from the multiple-unit housing the service or commercial use must be on the

ORS 307.610.4 requires the City to promulgate standards and guidelines governing the basic requirements for, among other things, design elements. ORS 307.650.1 states "include one or more of the following design elements benefiting the general public." What follows are those listed design elements and basic guidelines or examples to provide direction for the applicant and the Council.

The language "parks and recreational facilities and open spaces" is in ORS 307.650.1. The downtown and civic neighborhood areas can benefit from public open space areas.

The language "common meeting rooms" is in ORS 307.650.1. Public common office spaces or rooms can be used by community groups, charitable groups, etc. and support the vitality of the neighborhood.

The language "day care facilities" is in ORS 307.650.1. On-site day care which is open to the general public supports mixed use development which is appropriate for a transit oriented area. It also supports households living at the site by reducing travel time and costs associated with off-site day care.

The language "transit amenities and transit or pedestrian design elements" is in ORS 307.650.1. These types of facilities make it easier to reach and use transit and thus encourage transit use.

Mixed use residential and commercial projects are either vertically mixed or horizontally mixed. A vertical mix means that they are in the same building with the ground floor on the bottom and residential above. A horizontal mix means that residential and commercial are in separate buildings. The buildings can be side by side or connected by a pedestrian facility to help ensure

same site and clearly integrated with the multiple-unit housing and connected to multiple-unit housing by a pedestrian facility. The proposed use must be a transit supportive use and shall not be an auto-dependent use or drive through use. Transit supportive use, auto-dependent use and drive through use mean as defined in Section 1.0500 of Volume 4 of the Gresham Community Development Plan. Floor area of ground floor commercial uses in a separate structure than can qualify for the property tax exemption shall be no more than a floor area equal to 0.5 of the residential floor area; or

~~(8) Dedication for public use; or~~

~~(96) Other design elements benefiting the public benefits approved by the planning commission and the council.~~

The council shall specify the design elements benefiting the public benefit which is are to be included in the proposed project. If the applicant fails to agree to include the design elements benefiting the public benefit as specified by the council, the application shall be denied. The council shall also find that the public benefits from the project extend beyond the period of the exemption.

Section 11. A new section 10.50.095 is added to Article 10.50 of Chapter 10 of the Gresham Revised Code as follows:

10.50.095. Housing

A purpose of this Article is to ensure the construction, addition or conversion of dwelling units at rental rates or for-sale rates which are accessible to a broad range of the general public. In addition, it is intended to stimulate developments that further the City's visions of the Downtown and Civic Neighborhood Plan District areas as mixed use, pedestrian oriented and transit supportive districts. The City's 2020 Vision envisions these areas as mixed use residential and commercial with a high density downtown core. And it is intended to help advance the area

that the commercial is clearly integrated with the residential. Projects can have both vertical and horizontal mixing. Qualifying commercial uses in separate structures should be similar to what would occur in a vertical mixed use development. Hence, the uses shall not be auto-dependent such as a car wash or a drive through use such as a drive through fast food place. The limit on how much commercial floor area can qualify for the property tax exemption when in a separate structure is directly related to the residential floor area and is similar to the floor area that might occur when the commercial and residential are in the same structure.

This language from the existing City ordinance provides no guidance. Dedication to accomplish one of the design elements listed in the section would be implicitly included in determining the public benefit calculation.

This allows market changes in which other design elements that also have a public benefit can be proposed and approved by the Council. As will be noted later in this document it is suggested that Planning Commission action is not needed.

ORS 307.610.4. requires that the city "shall promulgate standards and guidelines to be utilized in considering applications and making determinations to establish basic requirements" for a number of listed items. That the public benefit extend beyond the period of exemption is one of those requirements (ORS 307.610.4.d).

Required by ORS 307.600.4 and by 307.610(4)(c).

The State statute requires that the program result in development of units "accessible to broad range of the general public." It also requires establishing guidelines and standards for governing basic requirements for "rental rates or sales prices." [ORS 307.600.4 and by 307.6510(4) (c).]

The area affected by this Article (as shown on Map A of the Article) encompasses the Downtown and Civic Neighborhood Plan Districts. The Plan districts were the result of an intensive planning

Attachment 2

as a Region 2040 Growth Concept regional center. As a regional center, the area is the focus of compact development and a high quality transit service and multimodal street network. The recommended density of housing and employment is 60 persons per acre.

In order to accomplish these purposes, the following project descriptions shall provide guiding principals for proposed projects to address:

(1) In eligible sites (section 10.50.055) in the Downtown Plan District the following projects shall be emphasized.

(A) Mixed use projects that include ground floor service and commercial uses and residential housing that are consistent with the ground floor commercial design features of section 10.50.085.

(B) Home ownership projects that contain dwelling units for individual purchase. Such projects will include within the project and for the term of the exemption at least 20% of the units available at an initial purchase

process. A primary purpose of the Downtown Plan District was to carry out the 2020 Vision and Final Gresham 2020 Action Plan. An objective was to "provide for mixed-use zoning promoting residential use within commercial buildings" with a guiding principal to "Permit and encourage the mixing of residential and commercial uses in all areas." The Civic Neighborhood Plan District, also inspired by the 2020 Vision, is planned as a super-block that will "maximize potential transit ridership through an appropriate mix and density of uses." Land use objectives included development at densities that can capitalize on the light rail and bus services with a compatible mix of land uses and with a civic urban character. The two plan districts are consistent with the fact that the Map A area is one of nine planned regional centers in the Portland Metro area.

Below are a number of project descriptions that promote a variety of housing types and features for a "broad range of the general public." Additionally these projects will advance redevelopment of the Downtown and development of the Civic Neighborhood. Over time, as these transit oriented areas develop, these provisions should both encourage a mix and be flexible in allowing needed housing.

Some of these guidelines have been adapted from the City of Portland which adopted a Transit Oriented Tax Exemption program along the east side light rail up to its border with Gresham in October, 1996.

In the Downtown emphasized projects are mixed use commercial and housing and for-sale housing.

Mixed use projects include rental and/or for-sale housing and ground floor commercial uses. It is authorized by the State statute and is a goal of the Downtown Plan District. There have been a number of successful mixed use developments constructed on east side Portland in the last few years. One example is Belmont Dairy (SE Portland) that includes affordable rental units (for 60% or less of median family income), market rate units, structured parking and 26,000 square feet of ground floor commercial including a grocery store.

A change to the State statute in 1995 was to allow for-sale attached units be qualify for the exemption. The provision encourage a mix of incomes by requiring some the units to be affordable to households at or below 100% of the median family

price which does not exceed 95% of the median purchase price for a condominium or single-family attached dwelling (row house) unit in Multnomah County. The unit must be sold to a household earning no more than 100% of the area median family income for a family of four as established by the U.S. Department of Housing and Urban Development, or its successor agency, during the year of sale. In order to qualify for the tax exemption, such units must be owner-occupied during the term of exemption. Should any unit become available during the term of exemption, it must be sold to a household earning no more than 100% of the area median family income during the year of sale in order to retain its property tax exempt status.

(C) Special needs housing projects with units dedicated during the term of the exemption by covenant to households which include persons with special needs, such as mentally or physically disabled or other categories of persons as defined by the Federal Fair Housing Amendments Act of 1988 (or successors).

(2) In eligible sites (section 10.50.055) in the Civic Neighborhood Plan District and the High Density Residential-60 and Transit Development Districts the following shall be emphasized.

(A) Mixed use projects that include ground floor service and commercial uses and residential housing that are consistent with the ground floor commercial design feature of section 10.50.085.

(B) Home ownership projects that contain dwelling units for individual purchase. Such projects will include within the project and for the term of the exemption at least 20% of the units available at an initial purchase price which does not exceed 95% of the median purchase price for a condominium or single-family attached dwelling (row house) unit in Multnomah County. The unit must be sold to a household earning no more than 100% of the area median family income for a family of four as established by the U.S. Department of Housing and Urban Development,

income. This provision is consistent with the City's Home Ownership Housing Policy. It is similar to a provision in Portland's ordinance.

Tri-Met's model ordinance noted that the for-sale housing would have a maximum purchase price of \$111,000 for a family of four in 1996-7.

Special needs housing is promoted by the Housing Policy. An example of a special needs project is Gresham Supportive Housing, a 23-unit apartment serving severe mobility impaired residents, typified by quadriplegia and paraplegia. They are located a block from the downtown MAX station so that residents would have access to the light rail line.

Projects in the Civic Neighborhood and high density parcels in the Regional Center shall emphasize a variety of projects that should result in a wide range of available housing. Projects emphasized are mixed use, for-sale, mixed income; higher density and residential with on site day care.

Mixed use projects include rental and/or for-sale housing and ground floor commercial uses. It is authorized by the State statute and is a goal of the Civic Neighborhood Plan District. A project approved under Portland's transit oriented exemption program is the Hazelwood development. It is providing 119 mixed income elderly housing units over ground floor retail. The housing units are located between a department store and grocery store. Tenants are able to take an elevator to the ground level and travel under a covered walk to the stores.

A change to the State statute in 1995 was to allow for-sale attached units be qualify for the exemption. The provision encourages a mix of incomes by requiring some the units to be affordable to households at or below 100% of the median family income. This provision is consistent with the City's Home Ownership Housing Policy. It is similar to a provision in Portland's ordinance.

or its successor agency, during the year of sale. In order to qualify for the tax exemption, such units must be owner-occupied during the term of exemption. Should any unit become available during the term of exemption, it must be sold to a household earning no more than 100% of the area median family income during the year of sale in order to retain its property tax exempt status.

(C) Special needs housing projects with units dedicated during the term of the exemption by covenant to households which include persons with special needs, such as mentally or physically disabled or other categories of persons as defined by the Federal Fair Housing Amendments Act of 1988 (or successors).

(D) Mixed income rental projects that include a mix of both market rate and assisted units. In a mixed income rental project a minimum of 60% but no more than 80% of the units shall be market rate units. The balance on the units shall for the term of the exemption include units for rent at rates which are affordable to households earning 60% or less of the area median family income or 10% below the market rental rate, whichever is less. The units must be rented to households whose incomes do not exceed 60% of the area median income upon initial occupancy of the unit. Subsequent monitoring of the incomes of these households is not required until the affordable unit again becomes available for rent, at which time it must be rented to an income qualified household earning 60% of the area median family income for the remaining term of the property tax exemption, unless another unit has subsequently been rented at an equivalent affordable rate to a qualified household so that the project continues to comply with all provisions of this article.

(E) Mixed rental units and units for individual purchase projects follow the guiding principals for rental and home ownership as provided in subsections (B) and (C) above;

(F) Higher density residential projects that have a unit per acre density of at least 50 units per net acre

Special needs housing is promoted by the Housing Policy. An example of a special needs project is Gresham Supportive Housing, a 23-unit apartment serving severe mobility impaired residents, typified by quadriplegia and paraplegia. They are located a block from the downtown MAX station so that residents would have access to the light rail line.

Mixed income projects have both market rate units and affordable units. Projects that have 60% to 80% market rate with the balance being affordable to households at or less than 60% of the median family income can take advantage of State tax credit programs. Mixed income housing developments can help avoid concentrations of poverty and provide benefits to lower income households through role models, higher quality housing and amenities and informal job networking. A minimum number of market rate units helps ensure that project will be a successful mixed income project. Recent projects in east side Portland show mixed income projects as being feasible.

Having a minimum and maximum helps ensure that there will be a mix of income ranges within the City's transit oriented areas.

A minimum of 20%, such as Portland's ordinance has, will result in a reasonable number of new affordable units.

Some development may want to have both rental and for-sale units.

Density is transit supportive by providing a customer base for the transit facility as well as for the mixed uses desired in transit oriented areas. A larger number of units should also provide more housing for a broad range of the general public.

Generally the densest developments in Gresham have been 24 to 32 units per acre. Much of the zoning around the rail stations allows 60 units or more per acre. Fifty is a little more than 80% of 60. The 80% figure is suggested by Tri-Met's model

(G) Market rate rental projects that have on-site day care facilities available to the general public. A project that uses this provision for consistency with 10.50.095 shall not use the day care facility to be consistent with the required design elements of 10.50.085.

(3) The Council may approve other projects which the Council finds:

(A) Results in the construction, addition or conversion of dwelling units at rental rates or for-sale rates which are accessible to a broad range of the general public; and

(B) Supports the goals of the Downtown or Civic Neighborhood Plan Districts.

(4) All projects must meet the minimum residential and commercial density requirements of section 10.50.035.

Section 12. Section 10.50.060 of Chapter 10 of the Gresham Revised Code is renumbered and amended as follows:

10.50.060105. Review of Application.

(1) Within 60 days from the date the application is filed, the manager shall review the application for completeness, compliance with the approval criteria of section 10.50.050045, economic feasibility and recommend to the ~~planning commission~~ council that the application be approved, denied, or approved subject to conditions.

~~(2) Within 60 days of the recommendation of the manager, the planning commission shall review the~~

ordinance and by Portland Ordinance.

This section would only be applicable to the TDM-C, TDH-C and HDR-C in Civic Neighborhood – none of these districts has a maximum density and the CUC and DT in the Downtown District – the CUC has no maximum and the DT has a 60 dwelling unit per acre maximum and the HDR-60 which has a 60 dwelling unit per acre maximum.

On-site day care assists households in obtaining work and education by reducing travel time and costs of day care. On-site day care can satisfy either housing or design elements but not both.

They may be other projects that are not described above but which will both promote the objective of dwelling units accessible to a broad range of the general public and the goals of the Downtown or Civic Neighborhood Districts. The provision will allow the Council the flexibility to recognize and approve projects that are innovative and unique.

This a cross reference to the minimum density requirements of all projects.

Generally the Planning Commission is involved in land use decisions. This Article is not a land use decision. Originally it was suggested that the Planning Commission review the application to determine if it would likely meet land use standards. This step can be accomplished by staff recommendation and by requiring (see 10.50.035.2 earlier) that permits be obtained before the development can proceed and the exemption applied. Eliminating the Planning Commission step will save time and resources for the applicant and City staff and leave more time for the Planning Commission to deal with Planning policy issues.

~~application to determine whether the proposed development is consistent with the Gresham Community Development Plan. A recommendation shall be forwarded to the council that the application be approved, denied, or approved subject to those conditions necessary to achieve the purposes of this article.~~

(32) The council shall review the application within 180 days of the date of application and approve, deny, or approve subject to conditions. Copies of the application shall be supplied to the council at least 14 days prior to council consideration. Final action upon the application shall be in the form of a resolution that shall include: the owner's name and address; a description of the subject multiple-unit housing; the legal description of the property and the county assessor's property account number, and all conditions imposed and upon which approval of the application is based.

(43) If the application is denied, a notice of denial shall be sent to the applicant, at the applicant's last known address, within 10 days following the denial. The notice shall state the reasons for denial.

(54) If the application is approved, the manager shall, on or before the ensuing April 1, file with the county assessor a copy of the ordinance or resolution approving the application.

Section 13. Section 10.50.070 of Chapter 10 of the Gresham Revised Code is renumbered and amended as follows:

10.50.070115. Exemption Duration and Exclusions.

~~Except as provided for under section 10.50.080, multiple-unit housing.~~ (1) An eligible project for which an exemption has been approved under this article shall be exempt from ad valorem taxation for no more than 10 successive years. The first year of exemption shall be the assessment year beginning January 1 of the year immediately following the calendar year in which construction, addition or conversion is completed, determined by that state in the construction process when, pursuant to ORS 307.330, the improvement would have gone on the tax rolls in the absence of the exemption provided in this article.

(2) The exemption shall not include the land

These amendments are in ORS 307.630.1 and are technical changes concerning how the State's property tax system works.

This language modified in this section is from

upon which the project is located, nor any improvement ~~not unless~~ part of the multiple-unit housing or mixed use development or part of structured parking constructed as part of the multiple-unit housing construction, addition or conversion, ~~except for those~~ improvements deemed a public benefit as specified in ~~section~~ the design elements of 10.50.040085 are exempt improvements. This exemption shall be in addition to any other exemption provided by law. However, nothing in this article shall be construed to exempt any property beyond 100 percent of its real market value. In the case of a structure to which stories or other improvements are added or a structure that is converted in whole or in part from other uses to multiple family, only the increase in value attributed to the addition or conversion shall be subject to the exemption.

Section 14. Section 10.50.080 of Chapter 10 of the Gresham Revised Code is repealed as follows:

10.50.080. Duration of Tax Exemption Repealed.

~~Exemptions from the city's portion of the ad valorem taxes, excluding taxes on land or any improvements not a part of the newly constructed multiple-unit housing, shall be granted for five successive years for approved development. The council may extend the exemption an additional five years upon demonstration of the applicant's economic need for the tax exemption. The total duration for tax exemption shall not exceed 10 successive years.~~

Section 15. Section 10.50.090 of Chapter 10 of the Gresham Revised Code is renumbered and amended as follows:

10.50.090125. Termination.

If, after an application has been approved under this article, the city finds that the work was not completed on or before January-1, ~~1998~~ 2006; that any provision of this article has not been complied with; or that any agreement by the owner

ORS 307.630.1, ORS 307.600.3 and 307.600.2. Land is not included in the exemption. Improvements are included only if they are housing, structured parking for the housing, qualified ground floor commercial use as part of a mixed use development or a designed element.

This language is from ORS 307.630.3.a.

This language is from ORS 307.630.3.b.

This existing language provided for a five year tax exemption period with additional five years if the applicant demonstrated an economic need. ORS 307.630.1 allows the exemption from ad valorem taxation for no more than 10 years.

Deleting this section provides for a ten year exemption period. A straight ten year program is proposed because it provides more certainty for a developer and thus the incentive to use this program as envisioned; the five year renewal causes unnecessary administrative costs both for the City and for the developer; and a ten year period (as opposed to five) means that the applicant will need to provide more benefit to the public.

Date extended by ORS 307.670 and ORS 307.691.

or requirement imposed by council is not being satisfied, the manager ~~may~~ shall send a notice of proposed termination of the exemption to the owner's last known address, and to any known lender, mailed to the lender's last known address.

(1) The notice shall state the reasons for the proposed termination, and shall require the owner to appear before the council at a specified time, not less than 20 days after mailing the notice, to show cause, if any, why the exemption should not be terminated.

(2) If the owner fails to appear and show cause why the exemption should not be terminated, the manager shall further notify every known lender and shall allow the lender a period of not less than 30 days, beginning with the date that the notice of failure to appear and show cause is mailed to the lender, to cure any noncompliance or to provide assurance that is adequate, as determined by the council, to assure the council that the noncompliance will be remedied.

(23) ~~If the owner does not fails to appear or appears and fails to show cause why the exemption should not be terminated, and a lender fails to cure or give adequate assurance that any noncompliance will be cured,~~ the council will adopt a resolution terminating the exemption. A copy of the resolution shall be filed with the county assessor and a copy sent to the owner at the owner's last known address and to any lender at the lender's last known address, within 10 days after its adoption.

ORS 307.670.2. This provides noticing to a owner and lender in the case where a development no longer complies with the original approval.

ORS 307.670.3. Technical noticing requirements.

(34) If the owner does not seek review of the termination of an exemption pursuant to ORS 34.010 to 34.100, upon final adjudication, the county officials having possession of the assessment and tax rolls shall correct the rolls in the manner provided for omitted property under ORS 311.216 to 311.232, to provide for the assessment and taxation of any property for which exemption was terminated by the city or by a court, in accordance with the finding of the city or the court as to the tax year in which the exemption is first to be terminated. The county assessor shall make such valuation of the property as is necessary to permit such correction of the rolls. The owner may appeal any such valuation in the same manner as provided for appeals under ORS 311.216 to 311.232. Where there has been a failure to comply with ORS 307.670, the property shall become taxable beginning January 1 of the ~~calendar~~ assessment year in which the noncompliance first occurred. Any additional taxes becoming due shall be payable without interest if paid in the period prior to the 16th of the month next following the month of correction. If not paid within such period, the additional taxes shall be delinquent on the date they would normally have become delinquent if timely extended on the roll or rolls in the year or years for which the correction was made.

(45) The exemption may also be terminated as set forth in ORS 307.675.

Section 16. Section 10.50.100 of Chapter 10 of the Gresham Revised Code is renumbered and amended as follows:

10.50.400135. Extension of Deadline.

Notwithstanding the provision of section 10.50.090115, if the city finds that the construction, addition or conversion of the multiple-unit housing was not completed by January 1, ~~1998~~ 2006, due to circumstances beyond the control of the owner, and that the owner has been acting and could reasonably be expected to act in good faith and with due diligence, the city may extend the deadline for completion of construction for a period not to exceed 12 consecutive months.

Section 17. Section 10.50.110 of Chapter 10 of the Gresham Revised Code is renumbered

ORS 307.680. Provides an appeal process prior to placing a development on the tax rolls for non compliance with original approval.

ORS 307.690 and ORS 307.691: extends to 2006 the date by which construction must occur. Construction can be addition or conversion and well as new from the ground up construction.

and amended as follows:

10.50.140145. Implementation.

(1) The manager shall establish procedures and prepare forms for implementation and administration of this article. The manager shall require the owner to submit an annual financial and operational report for each approved property tax exemption. The manager shall review each report and provide a summary to the council.

(2) Staff is directed to request formal endorsement from the Multnomah County Board of Commissioners in order that the property tax exemption apply to the ad valorem taxation of the following taxing districts in addition to the City of Gresham: Multnomah County, Educational Service District, Tri-Met, Metro and the Port of Portland.

ORS 307.610(1) provides that the tax exemption would only apply to the City portion of property taxes unless by resolution or ordinance other taxing districts (in Gresham) whose property tax rate when combined with the City's property tax rate is equal to at least 51% of the combined tax rate levied on the property. Combining Gresham and Multnomah County is about 58% of the tax rate of the combined taxing districts.

If endorsed by Multnomah County, ORS 307.610(1) provides that upon request by the City that the property tax exemption shall apply to the ad valorem of all taxing districts. The proposed article would apply the property tax exemption only to those taxing districts that share with Gresham the \$10 tax rate cap allowed under Measure 5: Gresham, ESD, Tri-Met, Metro and the Port. The combined estimated permanent tax rate is \$10.01 (1997-98 representative property tax rate).

The K-12 School Districts and MHCC would not be included in the property tax exemption. The school districts have a separate cap under Measure 5. The estimated permanent tax rate for K-12 schools in Gresham is \$6.43 and for MHCC is \$0.57 (1997-98 representative property tax rate).

The City of Portland's transit oriented tax exemption program was endorsed by Multnomah County and the tax exemption does apply to all taxing districts.

Section 18. A new section 10.50.155 is added to Article 10.50 of Chapter 10 of the Gresham Revised Code as follows:

10.50.155. Continuation of Prior Exemption.

Any project granted an exemption prior to July 16, 1998, shall not be affected by the amendments to Article 10.50

The language is required by ORS 307.691 and describes that an already approved project is and will continue to be subject to Article 10.50 as it

Attachment 2

and shall be subject to provisions in effect at the time the exemption was granted, and for this purpose those provisions of Article 10.50 (Ord. No. 1370) shall continue to be in effect and shall continue to apply to the project and exemption as if the amendments made to Article 10.50 on July 16, 1998, were not in effect.

was prior to the proposed amendments. There is one project, Gresham Central Apartments, that will fall under this provision.

Yes: _____

No: _____

Absent: _____

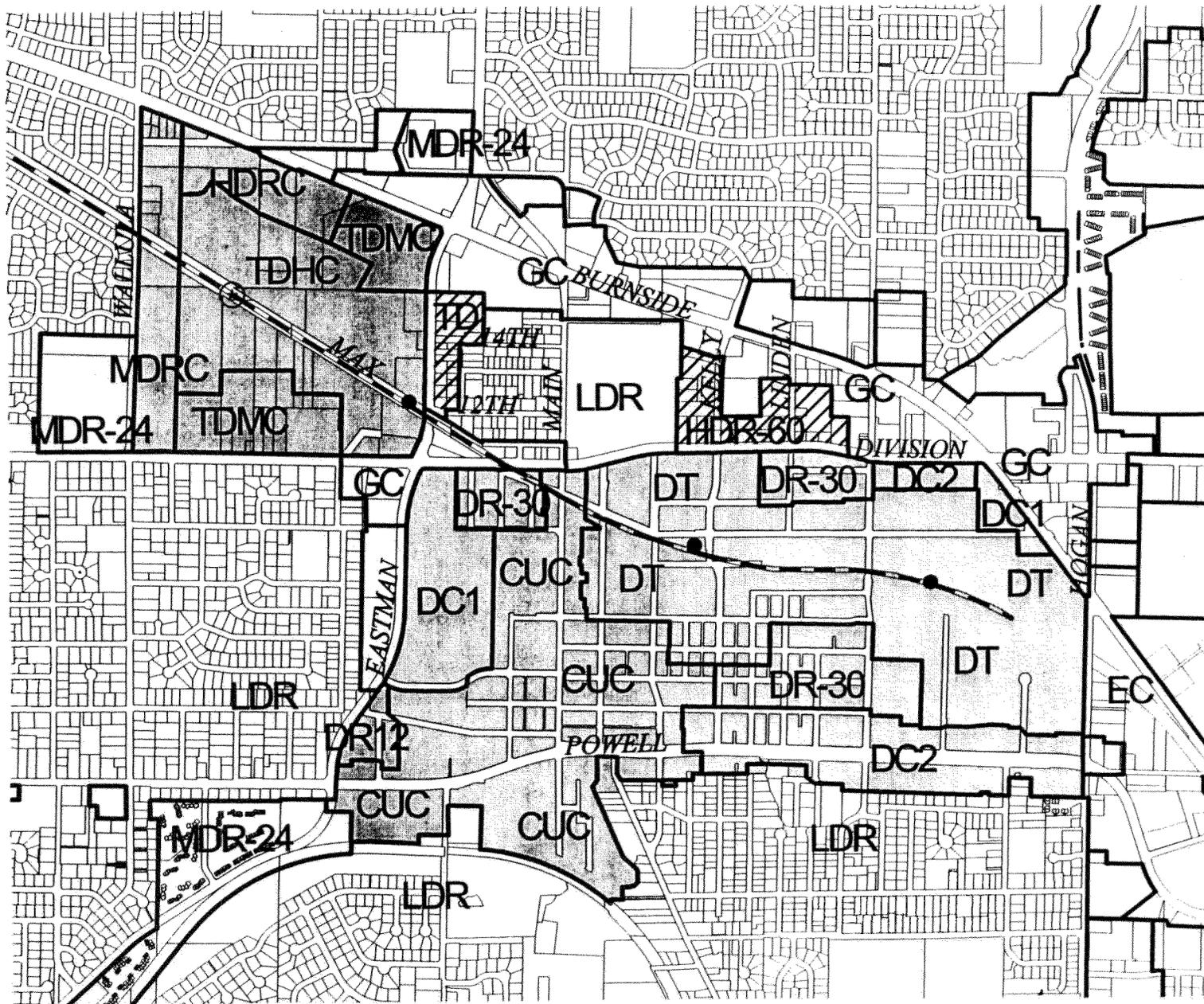
Abstain: _____

City Manager

Mayor

Map A

Property Tax Exemption for New, Transit Supportive Multiple-Unit Housing or Mixed Use Development



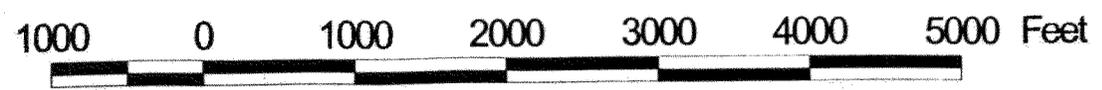
Legend

- MAX line
- MAX stops
- Planned MAX stop
- Land Use Districts
- Added parcels
- Existing parcels (Civic Neighborhood and Downtown)



City of Gresham
Community Development Department

Parcel, Street, MAX line and MAX stop data provided by Metro



MEMORANDUM

City Of Gresham
Community Development Department
Project & Policy Development Team
Long Range Planning

STAFF REPORT COUNCIL HEARING

To: City Council

From: Jonathan Harker, AICP, Long Range Planner III JH

Hearing Date: June 2, 1998

Report Date: May 14, 1998

RE: Property Tax Exemption for New, Transit Supportive Multiple-Unit Housing or Mixed Use Development.

Proposal: To amend Gresham Revised Code (GRC) Article 10.50 concerning property tax exemption for multiple-unit housing.

Recommendation: Staff recommends approval of the proposed amendments.

The 1995 Oregon Legislature passed a bill revising ORS 307.600 to allow cities to grant limited ten year property tax exemptions for transit oriented residential and mixed use development. In passing this bill, the Legislature determined "that it is in the public interest to promote private investment in transit supportive multiple-unit housing in light rail station areas and transit oriented areas in order to maximize Oregon's transit investment to the fullest extent possible and that cities and counties of this state should be enabled to establish and design programs to attract new development of multiple-unit housing, and commercial and retail property, in areas located within a light rail station or transit oriented areas."

In essence this legislation allows Gresham to provide an incentive for high quality multi-family and mixed use development in the Downtown and Civic Neighborhood District areas.

In October, 1996 the City of Portland adopted an ordinance based on the revised ORS 307.600 and has applied it to the light-rail stations and pedestrian districts east of the Central City to the Gresham border. The ordinance was based in part on a model ordinance drafted by Tri-Met. Portland's ordinance was endorsed by the Housing and Community Development Commission and by the Tri-Met Board of Directors. Portland's ordinance was also endorsed by the Multnomah County Commissioners. This endorsement means that property tax levied on a property by all taxing districts, not just Portland, is exempted. This is allowed under ORS 307.600.

In response to the State legislation, which amended ORS 307.600 - .690, City staff has drafted amendments to GRC Article 10.50 – Property Tax Exemption for New, Multiple-Unit Rental Housing. These amendments continue and expand a program that allows the Council to grant limited tax exemption for multiple-unit residential and mixed use developments in the Downtown and Civic Neighborhood districts. The proposal will require approved developments to include a Crime Prevention Plan, design elements that benefit the general public and good connections to the transit. A variety of housing projects are emphasized including mixed residential and ground floor commercial; home ownership housing; mixed income housing; higher density housing and housing with on-site publicly accessible day care.

Attachment 2 is the proposed changes to Article 10.50, Gresham Revised Code. Adjacent to each proposed change is a commentary column with an explanation of the change. The proposal reflects the revised ORS 307.600 as well as local concerns on crime prevention, housing policy, the impacts of Measure 50 and the goals of the Downtown and Civic Neighborhood Districts and the City's 2040 Regional Center. The City of Portland's program and a Tri-Met model ordinance were utilized in drafting the proposal.

What follows below are the key issues and elements concerning the proposal.

Current Article 10.50

In August, 1995 the City enacted GRC Article 10.50. Article 10.50 allows the Council to approve an exemption to the City portion of property taxes for the improvement value of multiple-unit rental housing in the Downtown and Civic Neighborhood areas. Main provisions for the current Article 10.50 are:

- Council approval requires that the applicant demonstrate that the exemption is required to achieve economic feasibility for the project.
- That the project provide one or more of the following public benefits: Rental units accessible to a broad income range of the general public; recreational facilities; open space; public meeting rooms; day care facilities; light rail transit supportive facilities; service or commercial uses permitted and needed but not available for economic reasons; dedication for public use; or other approved benefits. There are no other guidelines for the required public benefits and housing is included as one of the possible public benefits.
- Approved projects must be constructed by January 1, 1998 which means that the program has expired.
- Council may approve the exemption for an initial five year period. An additional five year extension can be approved if the applicant can demonstrate an economic need for the extension.

One project, Gresham Central Apartments (800 NE Roberts), has been approved for the exemption. A public benefit provided by the 90 unit apartment project was a pedestrian promenade and plaza adjacent to the MAX line.

Revised ORS 307.600

Since enactment of GRC Article 10.50 the State enabling legislation (ORS 307.600 - Attachment 7) has been revised. Key changes to ORS 307.600 are:

- Adds for-sale multiple-unit housing, ground floor commercial space (mixed use development) and residential structured parking as improvements that be exempted from property taxes. Previously only the improvements associated with rental housing could be exempted.
- Adds transit oriented areas (such as light rail stations) as areas where the program can be applied (previously only allowed in a City core area).
- Extends the required construction date to January 1, 2006 thus continuing the program.
- The project must show connection and support of transit if in a transit oriented area.
- Technical changes such as noticing requirements and tax year date.

The proposal makes these changes.

City of Portland

Portland has approved three projects and had a pre-application conference for an additional project since they adopted their transit oriented tax exemption program in October, 1996. Three of the projects are located within a ¼ mile of an east side MAX station. The other project is within the Gateway Plan District. The Gateway Plan District is a 2040 Regional Center which is the same designation as Gresham's Downtown and Civic Neighborhood district areas.

Two of the approved projects (Hazelwood and Floyd Light) are considered mixed income for purposes of the transit oriented tax exemption program. A mixed income project includes some housing affordable to households at or less than 60% of the median family income (MFI) with the rest of the housing being market rate rents. The third approved project (Russellville) has all market rate rental units (no units at 60% or less MFI) and on-site child care.

Other public benefits found in these projects include community meeting room; public green space; mixed use (retail and housing) and affordable for-sale rowhouses.

As these projects are at locations similar to the Downtown and Civic Neighborhood areas they are examples of the type of developments that could be approved under this proposal. Below is a summary of each of the four projects.

1. Russellville School Project (approved)

- 102nd and Burnside: within ¼ mile radius of light rail station
- 282 housing units: 36 units per net acre, 106 two-bedroom, 26 three-bedroom
- All market rate units: "Significant percentage" moderate rate units (affordable to families earning less than 80% of median family income); without tax exemption rent

for all unit would be \$110/unit/month higher which would not be feasible from a market standpoint

- On-site child care facility
 - Meeting room for community organizations
 - Green space open to public (bounded on three sides by public roads)
 - Pedestrian access from project to post office
2. Hazelwood Apartments (approved)
- NE 122nd and NE Glisan: Bus line; within ¼ mile light rail station
 - 119 units congregate care retirement facility: 68 dwelling units per acre; 100% special needs housing: 24 studios, 71 one-bedroom, 24 two-bedroom
 - Mixed income: 40% affordable to 50% or less median family income; Without tax exemption rent would be \$100/unit/month higher which is not achievable in the market area
 - Mixed Use: Constructed over small retail shops between national anchor tenants
 - Low (0.5/unit) parking ratio creating low traffic impact
3. Floyd Light Apartments (approved)
- 106th and Cherryblossom: Within Gateway Plan District
 - 51 units: 35 units per acre
 - Mixed Income: 40% at 60% of median family income; without tax exemption affordable units (21) would be \$45 unit/month higher and not affordable
 - Public open space with covered seating
4. 60th & Glisan Project (pre-app)
- Within ¼ mile of light rail station
 - 172 units senior affordable rentals (60% median family income)
 - 56 units market rate rental
 - 60 units family affordable rental (48 at 60% MFI & 12 at 30% MFI)
 - 2,700 square foot day care facility
 - 24 for sale row houses (not to exceed 95% condo median sales prices & sold to 100% median family household)

Crime Prevention Plan

Under the proposal a Crime Prevention Plan will be required for all projects. The Crime Prevention Plan will need to meet criteria so that the development is designed to avoid dangerous situations, increase visibility and increase being helped. The plan must include provisions for enhanced Crime Prevention Through Environmental Design (CPTED), a security program and a maintenance plan. Each plan must utilize a checklist of “state of the art” provisions that detail lighting, sightlines, entrapment areas, informal surveillance, signage, interiors, project security and maintenance. The Crime Prevention Plan is developed by the applicant and the Police Department and must be recommended to the Council by the Police Department. A Crime Prevention Criteria and Standards Document is Attachment 5 of Council agenda packet.

A Crime Prevention Plan addresses a concern about the City’s ability to provide police services. Property taxes collected for new development help pay for police services that might be needed at the new developments. Due to Measure 50 the amount of property tax exempted by this

program is not collected. A development that implements a Crime Prevention Plan has value for the community by prevention of crimes and will lessen the normal impact on police services by reducing the need for police response incidents. See Attachment 6 of this Council agenda packet from the Police Department.

Design Elements

Each project must include one or more design elements that benefit the general public. These features are required by ORS 307.600. It also requires the City to establish standards and guidelines for these features. The proposal provides more description than the current Article 10.50. The design elements are:

- They are in addition to any design review or other development requirement.
- Parks, public open spaces such as landscaped plaza or public urban plaza.
- Public meeting rooms or offices.
- On-site day care open to general public.
- Transit or pedestrian access facilities.
- Ground floor commercial use which serves residents, neighbors and transit riders.
- Other design elements benefiting the public determined by Council.

Housing

ORS 307.600 requires that the program results in development of housing that is accessible to a broad range of the general public. The current Article 10.50 includes in the list of public benefits (design elements) that an application must choose from: "Rental units at rental rates which are accessible to a broad income range of the general public." The proposal instead requires an application to follow project descriptions that serve as guiding principles for meeting City goals for the Downtown and Civic Neighborhood districts and the area as a Region 2040 regional center. The projects emphasized are:

In the Downtown Plan District:

- Mixed use projects of residential with ground floor commercial that serves residents, neighbors, transit riders and visitors.
- Home ownership housing with at least 20% of the units affordable to households earning 100% or less of the median family income.
- Special needs housing projects for households which include persons with special needs such as mentally or physically disabled or as defined by the Federal Fair Housing Act.

In Civic Neighborhood and Other Affected Areas:

- Mixed use projects of residential with ground floor commercial that serves residents, neighbors, transit riders and visitors.
- Home ownership housing with at least 20% of the units affordable to households earning 100% or less of the median family income.
- Mixed income projects where 60% to 80% of the rental housing is market rate and the balance is affordable to households earning 60% or less of the median family income.

- Projects with residential density of at least 50 units per acre.
- Market rate rental projects with on-site day care open to general public.
- Special needs housing projects for households which include persons with special needs such as mentally or physically disabled or as defined by the Federal Fair Housing Act.

The Council may approve other projects that result in residential units accessible to a broad range of the public and which further the goals of the Downtown and Civic Neighborhood Plan Districts.

The provisions should result in a variety of housing projects resulting in units for a broad range of the general public. The provisions allow for additional affordable housing units, home ownership units and units as part of a mixed use development. It will help achieve a mix of incomes in Gresham's transit and pedestrian Downtown and Civic Neighborhood districts.

Mixed-income Developments

Mixed income development is one of the housing projects that are emphasized. Mixed income projects have 60% to 80% market rate and 20% to 40% affordable to households with incomes at or less than 60% of the median family income. Three questions have been raised about having a maximum number of affordable units allowed under this project description: 1) why have any maximum, 2) will a maximum prevent use of certain State tax programs and 3) if there is a maximum what should be the proper percentage?

Having a minimum/maximum allowance of affordable units encourages mixed-income housing development. A recent (1997) issue of *Cityscape*¹: *A Journal of Policy Development and Research* focused on mixed-income housing. It reviewed successful mixed income projects and recent literature. Key points of these articles include:

- Mixed-income housing is a deliberate effort to construct a multifamily development that has a mixing of income groups as a fundamental part of its financial and operating plans.
- Mixed-income housing attempts to attract higher income households to developments that are also occupied by poor households. It has become a strategy responding both to the growing awareness of the social problems connected to concentrated poverty and to the economic burden of warehousing the very poor in large developments.
- Proponents of mixed-income housing have a belief that it is preferable to housing in which large numbers of low-income residents are clustered together. It can be seen as a tool to address issues of the "culture of poverty." Benefits of a mixture of incomes may include:
 - * The behavior pattern of some lower income residents will change because they will emulate their higher income neighbors. This quality of living environment will lead to upward mobility.

¹ *Cityscape* is published by the U.S. Department of Housing and Urban Development (HUD) and "strives to share HUD-funded and other research on housing and urban policy issues with scholars, government officials, and other involved in setting policy."

- * Non-working lower-income tenants will find jobs because they will observe social norms of people going to work or school and because they will have an informal job network with employed neighbors.
- * Crime rate will fall because higher income households demand a stricter and better enforced set of community ground rules.

The article also suggested what makes successful mixed income development. One conclusion is that mixed-income housing works best when it emphasizes the basics of real estate development and management:

- Location. People who rent market rate units are most influenced by location.
- Design quality. Superior design is critical to success.
- Excellent management and maintenance. Successful projects were professionally managed.
- Financial viability. Projects require a great deal of time in the predevelopment process in order to secure financing from a range of sources and ensure the project's long term viability.
- Mixed-income housing will work only where there are sufficient units aimed at the higher income population to create a critical mass.
- Mixed-income housing works best when the income mix is not emphasized in marketing and there are no differences in the nature and quality of units being offered.

Attachment 9 is a letter from the Oregon Housing Community and Services Department. Two important points the letter makes are:

1. Tax exempt bond financing and Low Income Housing Tax Credits are only available if at least 40% of units are affordable to households at 60% or less median family income. Or at least 20% of units are affordable to households at 50% or less median family income.
2. For equity and cash flow reasons mixed-income projects will generally do projects with 40% affordable to households at 60% or less median family income.

Conclusions of this research and the additional information from the State are that mixed income projects should be encouraged under this proposal and that a minimum of 20% to a maximum of 40% provides the best flexibility in accomplishing mixed income developments. The letter indicates support of the proposal.

Other Changes

- Maintains the program applying to the Downtown and Civic Neighborhood districts and adds contiguous High Density Residential (HDR)-60 parcels on the north side of Division and contiguous Transit Development (TD) parcels on the east side of Eastman Parkway. The parcels are located near light rail stops and transit streets and with the Downtown and Civic Neighborhood districts are part of the 2040 Gresham Regional Center. The sites are shown on Map A included as part of Attachment 2.

- Eliminates Planning Commission hearing as program is not a land use action. A condition of approval will be obtaining all required permits.
- Must demonstrate that the property tax exemption is necessary to achieve the proposal including the costs due to requirements of the program. This means that the amount of the tax exemption goes into the value of development.
- Changes the current five year exemption period with an additional five years allowed when the applicant demonstrates an economic need with a ten year exemption period as provided for in the ORS.

Extending the Exemption Beyond the City Portion

Currently the exemption applies only to the property tax levied by the City. The exemption can be applied to property taxes levied by other taxing districts when the tax rate of the City added to the tax rate of any taxing district that formally endorses the program equals at least 51% of the combined tax rate of all property tax levied on the property.

The proposal includes asking for formal endorsement by Multnomah County which would achieve the 51% figure. Multnomah County has endorsed the Portland transit oriented tax exemption program which applies to Portland light rail stations up the Gresham border. The proposal specifies that the tax exemption would apply, in addition to Gresham, only to the property taxes levied by Multnomah County, Educational Service District, Port, Tri-Met, and Metro. These are the taxing districts which are included in the Measure 5 \$10 cap. Exemptions would not be given for the property tax levied by K - 12 school and Mt. Hood CC districts.

The 1997-98 representative property tax rates as provided by the Tax Supervising and Conservation Commission are City of Gresham \$4.04, Multnomah County \$4.89, Education Service District \$0.46, Metro \$0.39, Tri-Met \$0.16 and Port of Portland \$0.07 for a total of \$10.01. Adding the County and others would provide a greater incentive and thus a more effective program. Additionally, because the value of the exemption goes into the development its value to Gresham is enhanced.

The 1997-98 property tax rates for the two districts for which an exemption would not be given are Gresham-Barlow School District \$6.43 and Mt. Hood Community College \$0.57.

Portland, in adopting their program, made a finding regarding the State statute requirement that the property tax exemption is necessary to promote the type of desired development near transit facilities. They noted a lack of development along targeted light rail station along the east side MAX corridor. They also did pro-forma studies that showed, even with the property tax exemption, gaps between costs and rents when development included affordability setasides or when a day care facility was included. Their conclusion was that "The property tax exemption was not in itself sufficient to fund the type of desired higher density project without additional public or private subsidies in the current market. The tax exemption, however, is one of the incentives the City can provide to make some of the projects more economically feasible." As noted earlier Portland's program exempts all the allowed property tax levied on an approved project.

Metro Regional 2040 Growth Concept

The area encompassed under the proposal (Map A in Attachment 2) is designated as a Regional Center. A regional center is defined in the Urban Growth Management (UGM) Functional Plan as "the focus of compact development, redevelopment and high-quality transit service and multimodal street networks" and has a guideline density of 60 persons per acre. The elements required for any project that is approved for the property tax exemption will ensure the type of desired development so that this incentive program will help carry out Metro Regional 2040.

Community Development Plan and 2020 Vision

The proposal support both the Downtown Plan District and the Civic Neighborhood Plan District. Objectives for both of these districts were to reduce automobile trips by capitalizing on transit opportunities, encouraging more intensive development near the light rail stations, and encouraging a mix of residential and commercial uses. The transit oriented tax exemption proposal is intended to result in developments that will increase and enhance the use of transit and the mix of residential and commercial uses.

The City has recently adopted a Central Rockwood plan. Central Rockwood includes a 2040 Growth Concept town center and several light rail station areas. The City is now engaged in a Rockwood Action Plan to formulate strategies to achieve the goals of the plan. Included in this action plan will be consideration of extending this transit oriented tax exemption program to the Central Rockwood area. This consideration is expected to happen within the next year.

Vacant and Underutilized Sites

The State statute provides that the program shall emphasize the development of vacant or underutilized sites in light rail station areas, transit oriented areas or core areas, rather than sites where sound or rehabilitable multiple-unit housing exists. Tri-Met has identified vacant and underutilized development opportunity sites in its light rail station area development profiles.

Measure 50

Amending Article 10.50 has been complicated by Measure 50. Before the measure the dollar amount of exempted taxes was collected by the City by raising rates of non-exempt properties. The City collected the same amount of property tax dollars with or without the exemption program. Measure 50 changed this. Because there is a cap on assessments the tax rate cannot be increased to collect the revenue that is exempted. The City will not be able to collect the property tax dollars that are exempted. A detailed financial report is included as Attachment 4 to the Council agenda packet.

Policy Issues

At an August 5, 1997 Council meeting staff outlined basic policy issues concerning the proposal and asked for direction as outlined in the policy issues below. The direction by Council was to

continue the program, have stronger guidelines on housing and public design benefits and ask for Multnomah County endorsement.

- Should this program be extended so that other new projects can be approved? This requires amending the Article to have a required construction date of July 1, 2006.
- Measure 50 means that exempt property tax will not be collected by the City unlike before Measure 50 when exempt taxes could be collected by increasing tax rates. An assumption of the program is to ensure that a desired range of residential and mixed use development at densities and with design benefiting the public occur in the City's core and transit oriented areas. Without the exemption program such development may not occur.
- The State statute requires the City to have standards and guidelines concerning sale and rental rates accessible to a broad range of the general public. One way to do this is to have inclusionary housing provisions for a range of housing such as for affordable housing, special needs housing, family size housing, higher density housing and mixed use development. Both minimums and maximums can be considered to ensure a "mix."
- If the program is continued should it include providing for for-sale units, mixed use developments and residential structured parking?
- In the future, after the Central Rockwood Plan is adopted, should Central Rockwood transit oriented areas in Central Rockwood be considered for this program?

The proposal addresses these policy issues as was directed by the Council.

Next Steps After Council Adoption

- Staff recommends that once the ordinance is adopted that the City gain formal endorsement from the Multnomah County Board of Commissioners.
- Staff recommends monitoring the program via periodic Council Memorandums updating the Council on applications and developments done under this program. The purpose of the monitoring is to help determine if the program is working, needs modification, needs a quota limiting the number of approved projects or should be eliminated.
- Consideration of extending the program to Central Rockwood will be an element of the Rockwood Action Plan.

Other Correspondence

1. Attachment 8 is two memorandums from Tri-Met. They were in response to an earlier November 4, 1997 draft. Tri-Met supports adoption of the proposal but raised a few concerns:
 - The proposal requires a minimum 24 dwelling units per acre density. Tri-Met recommends 30 or 35 dwelling units per acre minimum for the proposal and notes that the market will produce 24 dwelling units per acre without subsidy. *Staff response:* Staff agrees that the program is an incentive for higher densities and recommends 35 dwelling units per acre for stand alone rental projects and 24 dwelling units per acre for sale projects. All of the projects approved under Portland's program have been at least at 35

dwelling units per acre. For sale projects are proposed for a lower density minimum as those units are often larger and thus may not be able to accommodate the higher density and as noted by Tri-Met 24 dwellings units pre acre is transit supportive.

- Affordable Housing. Tri-Met support mixed-income housing but suggests that the 30% maximum might be too low. *Staff response:* The current proposal raises the maximum to 40% so that 60% to 80% will be market rate thus ensuring mixed income projects.
 - Child Care. Tri-Met suggests that child care be one of the options to satisfy housing criteria. It noted that the Russellville project (described earlier in this report) would not have been approved under the November 4, 1997 draft. *Staff response:* This proposal adds day care as a housing option. Day care supports households by reducing travel time and costs associated with off-site day care. This can be important for training and work opportunities. This proposal also allows day care to be a public design benefit if another housing option is proposed. This provides greater flexibility than the first draft.
2. Attachment 10 is a letter from Carolyn Piper of Human Solutions. This was in response to the November 4, 1997 draft. The concern was that a maximum percentage of affordable units would affect non-profit developers use of low income tax credits. *Staff response:* The maximum has been raised to 40%. According to the letter from the State (Attachment 8) low income tax credits are available at 40%. Projects currently approved in Portland could all be approved under Council Bill 23-97.

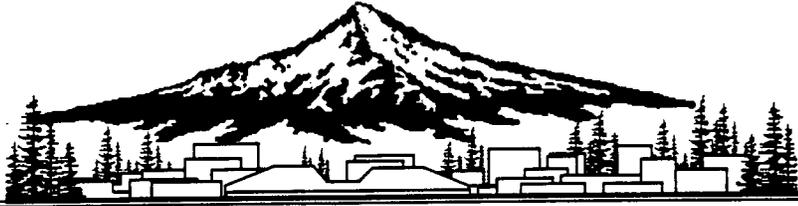
Conclusion

The proposed amendments to Article 10.50 are consistent with revised ORS 307.600, the Community Development Plan, the 2040 Growth Concept and with the direction provided by Council.

Recommendation

Staff recommends **adoption** of the proposed amendments to GRC Article 10.50.

End Of Staff Report



MEMORANDUM

Community Development Department
City of Gresham

To: City Council
From: Max Talbot, Community Development Director
Date: May 14, 1998
RE: Financial Report Concerning Property Tax Exemption for New, Transit Supportive Multiple-Unit Housing or Mixed Use Development (Amended GRC 10.50)

What follows is financial report produced by Charles Kupper. Mr. Kupper is an economist and a principal of SPENCER & KUPPER. SPENCER & KUPPER is a private planning and development service business.

The purpose of the report is explain how the program would operate under the recently passed Measure 50; the potential financial impact of the exemption and how that potential relates to City property tax revenue.

The report has be reviewed by the Financial & Information Technology Department (principal reviewers Terry McCall, Director and Jay Guo, Budget Analyst) and by the Community Development Department (principal reviewer Jonathan Harker, Community Planner). City staff agrees with the assumptions and conclusions presented in the report.

PLEASE NOTE: Since this report was prepared in October of 1997 Gresham's permanent tax rate has been established as \$3.62 per thousand. The figure used in the attached report was \$3.49. Replacement tables will be provided at the June 2nd hearing. As collected property taxes are also at the higher rate the potential amount of forgone revenue would still represent less than 1% of the total estimated property tax revenue.

Also in the staff report (Attachment 3, page 8) the tax rate that can be exempted is reported as \$4.04 per thousand. The \$0.42 difference is bond debt paid by property taxes. This amount would be collected by the City spread out among all other property tax payers.

SPENCER & KUPPER
PLANNING & DEVELOPMENT SERVICES
Portland, OR 97212
503 284-0342

Date: October 13, 1997
From: Charles Kupper
To: Max Talbot
Re: Gresham Property Tax Exemption Program

BACKGROUND OF THE TAX EXEMPTION PROGRAM

Gresham's property tax exemption program is authorized by State of Oregon legislation (ORS 307.600). Legislation authorizing property tax exemption for multi-family housing in "core" areas was first approved in 1975, but initially was limited to Portland and Eugene. In 1995, the tax exemption legislation was expanded to allow tax exemptions for Transit Oriented projects. Portland has had the most experience with this property tax exemption program. To date, 26 projects, providing 3,723 housing units have received tax exemptions under Portland's Downtown Housing program. Currently, nine projects, totaling 1,068 housing units, are receiving exemptions under the Downtown program. There are three projects with pending applications under Portland's new Transit Oriented exemption program, and two, totaling about 800 units, are expected to be approved soon.

The Gresham City Council adopted a property tax exemption program for multi-family rental housing on August 16, 1995. The stated purpose of this program was to encourage the new construction of low, moderate, and middle-income rental housing in areas of the central City where the price of land discouraged new housing production, or where City policy encouraged housing production. Since the exemption program was adopted, one multi-family housing project has applied for, and received the exemption benefit. That project is Gresham Central Apartments. Gresham Central is a 90 unit market rate housing development at NE Roberts and NE Hood Ave. The project was opened in September, 1996. The developers of a project currently in the planning stage in the Gresham Civic Neighborhood have stated their intention to apply for the property tax exemption. The project as planned will contain 400 rental units.

THE EXEMPTION PROGRAM UNDER BALLOT MEASURE 50

The tax relief granted to eligible properties under the tax exemption program is provided by exempting from taxation the value of building improvements on those properties. Prior to the passage of Ballot Measure 50, changes in overall property values in a community caused changes to the property tax rate. Unless that tax rate exceeded \$10 per thousand, no governmental revenues were lost. Under Measure 50, which essentially converts Oregon to a tax rate system, reductions or exemptions to property values can result in revenue losses. The property tax exemption program will result in reductions to total property valuation in Gresham during the life of the exemption program.

The purpose of this report and the following data is to provide information to the City Council about potential impacts and benefits of carrying out the tax exemption program under the property tax system created in Ballot Measure 50.

AN ESTIMATE OF PROPERTY TAX REVENUE IMPACTS

a. Introduction

As noted above, under Measure 50, reduced property values result in lower property tax revenues. By granting exemptions which limit taxable values, a taxing body foregoes revenue which otherwise might be available to it. The following data is City staff's estimate of the potential property taxes foregone by the City of Gresham if the tax exemption program is continued.

b. Factors and assumptions used in estimating revenue foregone

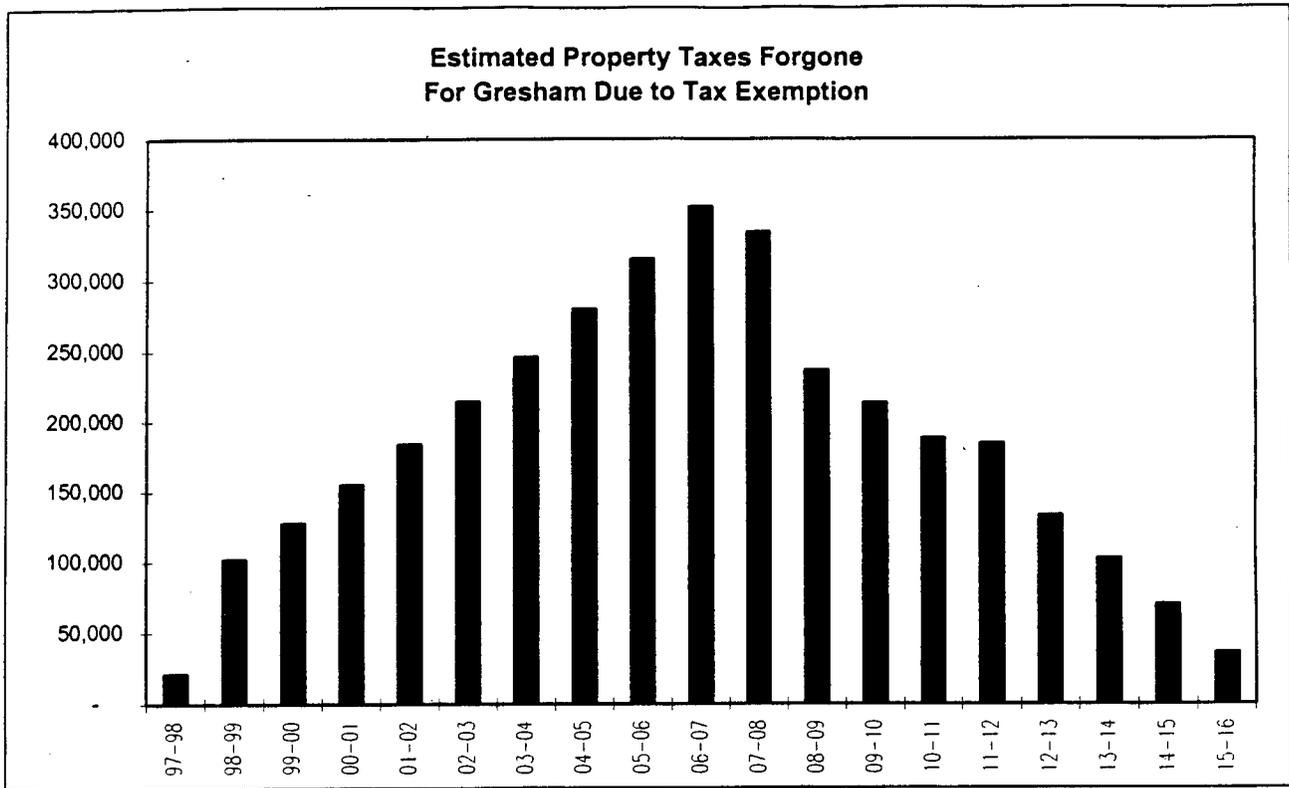
The estimate of property tax revenues foregone as a result of offering property tax exemptions is based upon several factors. Those factors are listed below, along with the assumption used by staff in doing its revenue impact analysis.

1. *The estimated number of housing units and commercial space eligible for the exemption.*
(Assumption - Metro data and City staff estimates indicate that a total of 2,926 housing units, and 500,000 square feet of commercial space are potentially eligible for the exemption.)
2. *The estimated number of housing units and commercial space which actually will receive the exemption.*
(Assumption - Staff estimates that a total of 1,200 housing units, and 200,000 square feet of commercial space will receive the exemption over the next ten years. 960 of the housing units are estimated to be apartments, and 240 units are townhouses.¹)
3. *The estimated taxable value of the improvements which will be subject to tax exemption.*
(Assumption - The combined average 1997-98 market value for residential units, apartments and townhouses, is estimated at \$51,200, adjusted down to take into account effects of reductions imposed before Measure 50. The market value of commercial development is estimated at \$88 square footage also adjusted to take before Measure 50 reductions into account.)
4. *The estimated property tax rate which would apply to the improvements.*
(Assumption - Revenues foregone are for the City of Gresham only. It is assumed that the City of Gresham's share of the new combined permanent rate will be \$3.49 per thousand.)
5. *The estimated phasing of construction of the improvements.*
(Assumption - It is assumed that the housing units and commercial space receiving exemptions will be constructed over the ten year period beginning in 1998. The 400 unit project in planning is an exception, not the norm. Portland's program has averaged about 180 units exempted per year. Staff believes an average of 80-90 unit per year is a likely figure for Gresham.)
6. *The estimated duration of the property tax exemption on each property.*
(Assumption - Each property will receive full exemption for a ten year period. Thus, properties which are granted exemption in year 10 will continue to receive exemption through year 19.)

The results of the assumptions and estimates listed above are shown in graphic form in the figure on the following page. As noted in item b.6 above, the projection period spans nineteen years, to fully account for exemptions granted in the tenth year of the program.

¹ Constraints imposed by eligibility requirements, and by adequately sized building sites in the eligible areas will limit the number of units which qualify for exemption. This figure assumes 900 of the 1,200 units projected to be built in the Gresham Civic Neighborhood in the ten years will take advantage of the exemption and that 300 units built in the downtown area will take advantage of the exemption. Staff also considered the average annual units exempted in Portland's twenty year history with the exemption program. After the 400 unit project mentioned earlier, staff believes an average of about 85 units per year is a likely exemption figure for Gresham's two eligible areas.

c. Estimated Taxes Forgone Graphic



d. Explanation of the Graphic

The graphic shows the estimated total property tax revenue foregone by the City of Gresham only over the forecast period. For instance, in the year 1998, it is assumed that the value of property abated will be approximately \$9.44 million. Based upon the estimated permanent tax rate of \$3.49 per thousand, the year 1 (1998-99 tax year) revenues foregone by Gresham are approximately \$21,331.

In future years, new values added in each year are indexed upward by 3%, while the permanent tax rate remains steady at \$3.49. As the graphic shows, the total taxes foregone increase in a relatively constant way each year, peaking out at \$351,761 in 2007, year 10 of the program. From 2007 on, values start coming back onto the tax rolls, and the foregone taxes become less in each succeeding year. During the 19 year life of the program, the total property tax revenues foregone by the City of Gresham are estimated at \$3,472,501. During the 19 year period, that produces an annual average of \$182,763 in property taxes foregone.²

Summary of Graphic Data:

Duration of program period - 19 years

Maximum amount of taxes foregone in a year - \$351,761 in year 2007

Total Property taxes foregone during the period - \$3.47 million

Average annual amount of taxes foregone during the period - \$182,763

² All estimates of revenues foregone are expressed in constant 1997 dollars. No discount rate is used.

Pertinent data on which the figure is based also is shown in tabular form in Appendix A

Discussion of Benefits of Exemption Program

It is comparatively easy to quantify the revenues foregone by adopting the exemption program. One could make different assumptions which would produce higher or lower levels of revenue foregone, but staff believes the assumptions used here represent a realistic case scenario.

The potential benefits of the program are harder to quantify. Many of the benefits of providing tax exemptions are related to community goals, and quality of life, matters to which it is difficult to assign a dollar figure. To try to find some dollar figure benefit, staff looked at ways of estimating the percentage of the estimated 2,926 housing units which would not be built without the benefit of exemption. There was no reliable means of making that kind of forecast. However, it seems possible, even likely, that the exemption program will stimulate the development of more housing units and commercial space than would be built without the program. Portland's Downtown exemption program certainly has had an effect on the level and pace of production of multi-family housing in the core area. The exemption program can create those same effects, and offer these other benefits to Gresham, and its residents:

- Provide an incentive to encourage development at higher densities, consistent with Gresham Civic Neighborhood and Metro 2040 goals.
- Requires development with Crime Prevention (Safe Cities) design features. These features can increase security in these developments, and decrease the need for protective services.
- Provide more housing at higher densities in central Gresham. This will help stabilize the downtown customer base, and encourage the growth of downtown businesses, jobs, and property values.
- Provide an incentive to produce more multi-family housing, and produce it more quickly. This can help keep the supply of housing in balance with Gresham's rapid growth in jobs, and make Gresham a better place to work.
- Accelerate the time frame for construction of the Gresham Civic Neighborhood light rail station, which is tied to levels of housing production.
- Provide more housing close to Gresham's job centers, reducing vehicle miles traveled, and increasing public transit ridership potential.
- Encourage mixed use development in the Gresham Civic Neighborhood and downtown Gresham, consistent with community goals and visions for those areas.
- Encourage developments that meet community objectives for design, affordability, and pedestrian amenities.

The benefits noted above are real, but not easily quantified. To help put the exchange of costs and benefits into perspective, it is helpful to look at the taxes foregone from Figure 1 as a percentage of the total property taxes Gresham might receive during the exemption period. The table on the following page provides that information.

COMPARING TAXES FOREGONE TO TOTAL TAXES COLLECTED.

The Legislative Revenue Office estimates the 1997-98 level of total property values in Gresham at \$3.789 billion, adjusted for before Measure 50 effects. At the assumed permanent tax rate of \$3.49, these values will produce \$13,233,840 in revenue (before delinquencies) for the City in 1997-98. By contrast, the property tax revenue assumed to be foregone in 1997-98 is \$21,331. The taxes foregone represent .0016 of total property tax revenues, one-sixth of one percent. The table below illustrates how the foregone taxes relate to estimated total property taxes in Gresham over the projection period.

Year ending June 30	Total Value In City (a)	Revenue at \$3.49/1000	Revenue Foregone (b)	% of Rev. Foregone
1998	\$3,789,066,449	\$13,223,842	\$21,331	0.161%
1999	\$3,959,574,439	\$13,818,915	\$101,917	0.738%
2000	\$4,137,755,289	\$14,440,766	\$127,604	0.884%
2001	\$4,323,954,277	\$15,090,600	\$154,741	1.025%
2002	\$4,518,532,219	\$15,769,677	\$183,392	1.163%
2003	\$4,721,866,169	\$16,479,313	\$213,622	1.296%
2004	\$4,934,350,147	\$17,220,882	\$245,501	1.426%
2005	\$5,156,395,904	\$17,995,822	\$279,100	1.551%
2006	\$5,388,433,719	\$18,805,634	\$314,494	1.672%
2007	\$5,630,913,237	\$19,651,887	\$351,761	1.790%
2008	\$5,884,304,332	\$20,536,222	\$333,647	1.625%
2009	\$6,149,098,027	\$21,460,352	\$236,215	1.101%
2010	\$6,425,807,438	\$22,426,068	\$212,889	0.949%
2011	\$6,714,968,773	\$23,435,241	\$187,951	0.802%
2012	\$7,017,142,368	\$24,489,827	\$161,324	0.659%
2013	\$7,332,913,774	\$25,591,869	\$132,931	0.519%
2014	\$7,662,894,894	\$26,743,503	\$102,689	0.384%
2015	\$8,007,725,165	\$27,946,961	\$70,513	0.252%
2016	\$8,368,072,797	\$29,204,574	\$40,877	0.140%
Average Percent Foregone				0.955%

(a) Total values are increased 4.5% annually.

(b) From Figure 1, and Appendix A

Recommendations

The previous section listed eight benefits which the tax exemption program can provide to the City. Those benefits are real, but they are primarily quality of life benefits, and not easily quantified. The taxes foregone can be quantified. As the preceding table shows, they represent only a minor portion of the total property tax potential for the City during the period of the exemption program. In addition, there are various controls the City can impose on the program to ensure that taxes foregone do not become a serious problem. It is recommended that the City approve the proposed extension of the City's property tax exemption program.

Appendix A - Figure 1 data in Table Form

Year	Housing Unit Exempt (a)	Comm. sf Exempt (a)	Total Value Exempt (a)	Revenue Foregone In this year	Revenue added Back (a)
1998	85	20,000	\$6,112,000	\$21,331	
1999	485	40,000	\$29,202,560	\$101,917	
2000	570	60,000	\$36,562,858	\$127,604	
2001	655	80,000	\$44,338,491	\$154,741	
2002	740	100,000	\$52,547,755	\$183,392	
2003	825	120,000	\$61,202,671	\$213,622	
2004	910	140,000	\$70,344,009	\$245,501	
2005	995	160,000	\$79,971,318	\$279,100	
2006	1080	180,000	\$90,112,957	\$314,494	
2007	1165	200,000	\$100,791,119	\$351,761	
2008	1080	180,000	\$95,600,836	\$333,647	\$18,114
2009	680	160,000	\$67,383,499	\$236,215	\$115,546
2010	595	140,000	\$60,999,754	\$212,889	\$138,872
2011	510	120,000	\$53,854,068	\$187,951	\$163,810
2012	425	100,000	\$46,224,742	\$161,324	\$190,437
2013	340	80,000	\$38,089,187	\$132,931	\$218,830
2014	255	60,000	\$29,423,897	\$102,689	\$249,072
2015	170	40,000	\$20,204,409	\$70,513	\$281,248
2016	85	20,000	\$10,405,270	\$40,877	\$310,884
2017	0	0	\$0		\$351,761

(a) Figures in this column are cumulative, not annual.

CRIME PREVENTION PLAN CRITERIA AND STANDARDS CHECKLIST DOCUMENT

ARTICLE 10.50 PROPERTY TAX EXEMPTION FOR NEW, TRANSIT SUPPORTIVE MULTIPLE-UNIT HOUSING OR MIXED USE DEVELOPMENT

Purpose: Article 10.50.045(1) of the Gresham Revised Code (GRC) requires all projects approved for property tax exemption allowed under this article to have a Crime Prevention Plan. GRC 10.50.045(1) requires that the Crime Prevention Plan be recommended by the Police Department. Also required is that the Community Development and Police Departments maintain a criteria and standards checklist document to assist the applicant in developing the plan. The document is to outline the components and sections that are to be included in the Crime Prevention Plan and to have a checklist of standards that are details that can be incorporated into the Crime Prevention Plan.

Below are the criteria for the Crime Prevention Plan and a checklist of site and building design elements and active security methods that can reduce opportunities for criminal activity. This document will be provided to an applicant who will then work with the Police Department to develop a Crime Prevention Plan. The Criteria outlines the components and sections that the Crime Prevention Plan is to include. Not all the standards of the checklist will necessarily be part of a Crime Prevention Plan and there may be other details proposed in the Crime Prevention Plan that are not listed. The standards of the checklist reflect the most recent suggestions for Crime Prevention Through Environmental Design (CPTED) and active security methods. It is anticipated that as the state of the art increases that the checklist will be updated.

As a reference the checklist also includes current relevant Community Development Plan site design requirements for multi-family developments. A Crime Prevention Plan is to incorporate details that exceed these already required standards.

The Crime Prevention Plan along with the Police recommendation would be included in the application considered by the Council.

CRITERIA

A. The Crime Prevention Plan shall incorporate the following components to enhance safety and security:

1. An awareness of the environment so that the design and layout of the place is understandable. Dangerous situations can be avoided by adequate lighting, clear sightlines, and elimination of entrapment spots; and

2. Visibility by others so that a person using a building or space will not be isolated. In order for people to feel and be safe, it is critical that they know people who might help are “keeping an eye on them”; and
 3. Finding help so that a person can receive assistance from others. This includes the provision of clearly marked avenues of assistance such as emergency exits, alarms and phones and the ability to escape, communicate, or find help when in danger, through improved signage and a more clear site layout.
- B. A submitted Crime Prevention Plan shall include the following three sections:
1. A project design which incorporates enhanced Crime Prevention Through Environmental Design (CPTED) standards. CPTED standards are the physical design features and the management of these design features such as lighting, sightlines and visibility (informal surveillance), which provide for passive security.
 2. A project security program which provides for enhanced security on site, and on adjacent public streets and transit facilities. A security program involves active security with human activities that may or may not involve specialized equipment, such as security patrols, intercoms, and signed emergency telephones or alarms.
 3. A maintenance plan so that design elements continue to be successful after implementation.

STANDARDS CHECKLIST

A. **Lighting** – some studies describe lighting as the “single most important CPTED (Crime Prevention Through Environmental Design) security feature. Design review standards for multi-family development includes lighting requirements.

3.1120(A)(8)(d) Except for single family attached dwelling structures, the following areas shall be illuminated during the hours of darkness: driveways; open parking lots and carports; on-site pedestrian circulation walks and walks that connect units to parking spaces, the public street and shared common areas; and entry ways to units and recreation and laundry buildings. Lighting shall be designed so as not to shine directly into residential units by the use of cut-off features. Lighting devices shall be protected by weather- and vandalism- resistant covers.

Lighting is also required for bicycle parking spaces:

3.0321(C)(1) Required bicycle parking must have a minimum lighting level of 3 foot candles.

Enhanced CPTED features for lighting would include:

- Provide pedestrian scale lighting. Pedestrian scale lighting would provide a minimum illumination of 4 foot candles at face height and allow a face to be identified at 15 yards.
- Provide consistent lighting so that there are few or no areas with shadow or glare, in order to reduce contrast between shadows and illuminated areas.
- Provide proper placement for lighting so that it shines on pedestrian pathways and on possible entrapment spaces rather than on the road or driveway or into lower floors of residential buildings.
- Illuminates inset doorways, alcoves, and above- or below-grade entrances. Lights should be placed high enough to prevent being taken out or vandalized.
- Take into account vegetation, including mature trees, and other potential blocks.
- If mixed use development, provide that the ground floor commercial areas mount lights on store fronts to increase pedestrian level street lighting.
- Required Development Standards above include “vandalism-resistant covers.” Examples are wired glass or a lantern-style holder.
- The maintenance plan should specify that lighting fixtures will be maintained in clean condition and promptly replaced if burned or broken. There should be signage that tells residents who to call in case of burned-out or vandalized lights.
- If the development includes a parking structure use a white stain on the concrete as a cost-effective way of increasing general brightness which, combined with beam soffits, reflects light increasing uniformity.

B. Sightlines. The inability to see what is ahead along a route because of sharp corners, walls, earth berms, fences, buses or pillars is a serious impediment to feeling and being safe. The ability to see what is ahead and around is known as “visual permeability.” Enhanced CPTED features for sightlines would include:

- Essential routes should have clear sightlines. Avoid large columns, tall privacy fences, overgrown shrubbery, and other thick barriers adjacent to pedestrian paths which could shield an attacker. Avoid impermeable landscape screens and long fences that serve to cut off access to means of escaping a place. Instead, use low hedges or concrete planters, small trees,

wrought-iron or chain-link fences, transparent reinforced glass or plastic, lawns or flower beds, benches and lampposts. These all denote boundaries while allowing users to see and be seen. Barriers (such as fences) along paths should be visually permeable.

- Avoid sudden changes in grade that reduce sightlines on pathways.
- Avoid sharp corners, especially on stairs or in corridors, where movement can be predicted.
- Avoid hidden or inset entrances.
- Provide good sightlines in stairwells of parking garages, lobby entrances to high-rise buildings and to laundry rooms and storage areas.
- Locate office or superintendent's apartment near the building entrance.
- In spaces or paths where sightlines are impeded, use hardware such as security mirrors to make it easier to see.
- Locate laundry rooms and storage areas near high activity locations such as adjacent to a front door or in a courtyard.
- Avoid landscaping materials that will become a screen or barrier to an unimpeded view along pathways when they mature.
- Avoid landscaping, berms and structural features that impede views into playgrounds, small parks or plazas located adjacent to the sidewalk.
- Locate playgrounds to enhance the number of units with natural surveillance of the playground.
- Use low growing plant species (36 inches maximum height) next or near (with 48 inches) ground floor windows and entry door.
- Use barrier plants (prickly, spiny, thorny) under ground floor windows.

C. **Entrapments.** Entrapment spots are small, confined areas, adjacent or near a well-traveled route, that are shielded on three sides by some barrier such as walls or bushes. Examples are elevators, storerooms, fire stairs, dark recessed entrances that may be locked at night, gaps in tall shrubbery, curved or grade-separated driveways, or loading docks off a pedestrian route. Design review standards for multi-family development includes standards related to avoiding entrapment spots.

3.1120(A)8(e) Any individual stair landing may serve a maximum of six units per landing. The area of railings on stair landings shall be a minimum of 50% open. The area of railing is the height of the railing times the length of the railing. This requirement does not apply to single family attached dwelling structures.

(11) Outdoor storage facilities shall be provided for articles such as barbecues, outdoor furniture, etc., except for single family attached dwellings. The storage facility

shall be a minimum 6'-0" high and 24 square feet in area. The facility shall be connected to each unit, completely enclosed and capable of being locked.

Enhanced CPTED features for entrapment spots would include:

- Avoid entrapment spots adjacent to a pedestrian path. Avoid elements such as insets adjacent to paths which could serve as entrapments spots.
- If an entrapment area is unavoidable, make sure it is well lit. Consider using aids to sightlines such as convex mirrors.
- Use dead bolts for storage areas off pedestrian routes.
- In parking structures the layout shall consider methods (such as speed bumps) to reduce speed when exiting the structure.

D. **Informal surveillance.** Informal or natural surveillance creates visibility and increases the opportunity to observe and discourage intruders by the juxtapositions of dwelling interiors with exterior spaces and placement of windows to allow residents to naturally survey exterior and interior public areas of their living environments. Police and other security personnel provide formal surveillance, but cannot see all places at all times. Informal surveillance from adjoining commercial and residential buildings help mitigate a sense of isolation.

Design review standards for multi-family development includes informal surveillance requirements.

3.1120(A)(8)(a) For complexes of twenty or more units, except for single family dwellings: All common areas shall be visible from at least three units. Common areas are shared open spaces, laundry, recreation, pool and similar common facilities, children's play areas, walkways and parking areas. A unit meets this criterion when at least one window of a frequently used room, to include kitchens, living rooms and dining rooms, but not bed or bath rooms, faces the common areas.

3.1120(A)(8)(b) For complexes of twenty or more units, except for single family dwellings: At least four units shall have a unit entrance or at least one window of a frequently used room, to include kitchens, living rooms and dining rooms but not be bed or bath rooms, facing each abutting street right-of-way. There shall be no intervening building between the units and the abutting street right-of-way.

3.1120(A)(15)(b) Blank, windowless walls are prohibited when facing a public street unless required by the Uniform Building Code. Blank walls are discouraged in all other situations. Where the construction of a blank wall exceeds 400 sq. ft. it shall be articulated or intensive landscaping shall be provided. If shrubs and trees are selected,

they shall be of a variety that will grow to screen, at maturity, 25 percent or more of the wall area and reach a height at least 50 percent of the wall height.

3.1120(A)(2). Front Facades. All primary ground floor common entries or individual entries of street frontage units shall be oriented to the street, not to the interior or to a parking lot. Projecting features such as balconies, bays and dormer windows are also encouraged for structures facing a street.

Enhanced CPTED features for informal surveillance would include:

- Exceeding the standards stated above and especially providing those elements that are encouraged but not required.
- Providing for informal surveillance as provided above [3.1120(A)(8)(a & b)] for developments that are less than 20 units.
- Providing opportunities for informal surveillance on the street, such as having porches and balconies, small stores (mixed use development) and community gardens.
- Providing places on the street where adults can clean cars, sit on benches, or engage in other casual social and recreational activities.
- Placing building and areas of activity near adjacent transit stops so that the transit stop is not an isolated place.
- Emphasize overlooking (informal surveillance) of the routes to and from parking lots or garages.

E. **Signage and other information.** Knowing where you are and which way to turn contributes to a feeling of security.

Design review standards for multi-family development includes signage requirements.

(c) An addressing system shall be provided and shall consist of the following:

(i) Building addresses shall be clearly visible from the abutting public street right-of-way or from the abutting driveway, at least 4 inches in height, of a contrasting color to the background to which they are attached and illuminated during the hours of darkness. Building addresses shall be clearly visible on all sides of the buildings.

(ii) For complexes of twelve or more units, except for single family dwellings: there shall be positioned at each driveway, an illuminated representation of the complex which shows the location of the visitor and the unit designations within the complex. The sign(s) shall be free-standing, have a 3'-0" to 5'-6" height, a 7 to 32 square foot area, and be located a minimum of 20 feet back from the property line at the street access point.

(iii) Except for single family dwellings, each individual unit within the complex shall display a unit number or letter which shall be at least 4 inches in height and illuminated during the hours of darkness. Each breezeway shall be posted with appropriate unit numbers for the breezeway.

Enhanced CPTED features for signage and other information would include:

- Locating signs strategically at entrances and near activity nodes such as intersections of corridors or paths.

- Having signs that indicate where to go for assistance or help; location of telephones; location of washrooms; and orient users to nearest busy street.
- Having signs that indicate how and where to report maintenance or vandalism problems.
- Routes that are clearly marked so that users can exit quickly and by the most direct route.
- Access to individual buildings clearly visible from adjacent streets and entrances that are locked.

F. **Interior of multi-unit housing.** Elements of CPTED can also be applied to the interior of multiple-unit housing. Enhanced CPTED features would include:

- **Lighting.** Provide adequate lighting of common areas such as corridors, entrances, elevators and stairwells. Avoid areas of shadows using light fixtures.
- Have lobby be visible from interior of building or from street.
- Use transparent materials and security mirrors to improve sightlines.
- Use mirrored interior for elevator or have angled mirror that allows entire interior area to be visible by a person about to enter the elevator.
- Place activity generators, such as party rooms and laundry rooms, near entrances.
- **Locking devices.** Interior door locks at least one inch dead bolt with four 3” to 4” screws in the strike plate. Eliminate or reinforce glass panels near doors. Equip French doors with bars. Provide pad locks on garden gates. Change door locks every time there is a change in tenants (this provision should be part of the maintenance plan).
- Use a ‘Charlie Bar’ on all sliding glass doors.

G. **Project security program.** An active security program refers to human activities that may or may not involve specialized equipment. Security personnel, especially at night, should be emphasized.

- **Security personnel.** The visible presence of uniformed officers is one of the best crime prevention methods. Have security personnel who stay on the property and do appropriate walk throughs.
- Have superintendents, maintenance staff, or residents patrol halls, parking garages or lots, and other common areas. Train in how to report maintenance problems and how to respond to emergencies. (This provision should be included in the maintenance plan.)

H. **Maintenance.** A maintenance plan outlines how design features will be maintained as well as how management will work with residents, the Police Department and the Community on crime prevention. Elements that can be included in a Maintenance Plan are:

- Be responsive and prompt to repair requests. This is an especially critical element:
- Prominently post a phone number to call to report a maintenance emergency such as a broken lock, window or door.
- Promptly remove from walls and sidewalks any sexist, racist or homophobic graffiti.
- Ensure that litter is picked up.
- Management could have explicit security policies that allow for improving the quality of the environment and fostering a sense of common purpose. This would include a communication plan between the residents and management.
- Provide a meeting space (such as a recreation room) so that the residents can organize and involve themselves in defining problems and creating solutions.
- Have an apartment watch meeting at least one a year. Once every six months is better because of turnover of residents.
- Maintain lighting fixtures in clean condition and promptly replaced if burned or broken. Development agreements should state who is responsible for maintenance of lighting. A public notice indicating who to call in case of burned-out or vandalized lights helps maintain lighting fixture.
- Regularly update management plan – the plan should include a risk audit and proposed CPTED and active security measures.

I. **High risk areas.** Certain high risk areas may warrant exceptional elements.

- Possible entrapment areas can be covered by video cameras.
- Providing a concierge in apartment lobby.
- The use of surveillance hardware such as an adequately signed telephone, emergency telephone, alarm or panic button; covering isolated areas with video camera; and having staff who monitor video surveillance equipment trained to respond to emergencies may in some cases be warranted.

**GRESHAM POLICE DEPARTMENT
MEMORANDUM**

TO: Mayor Gussie McRobert
Members of the City Council

DATE: October 9, 1997

FROM: Bernie Giusto
Chief of Police

SUBJECT: Amendments to GRC 10.50.045 (1)

Recently the Community Development Department and the Gresham Police Department teamed up to accomplish two tasks. First, to better define "the public interest" relating to tax properties applying for tax abatement and second, to focus real estate developers on public safety issues within multi-family developments.

In developing Chapter 10.50.045 of the GRC the police department was instrumental in providing advice and setting clear standards for developers who will be required to include a crime prevention plan as part of the development application. This portion of the application will be reviewed and approved by the Gresham Police Department. The purpose of this plan is to reduce the number of on-site police responses required at an individual development. The police department will be encouraging developers to focus on things such as on-site security patrols and facility designs such as pedestrian level lighting, and parking lots within clear view of residents.

I believe this amendment is a meaningful step forward in helping to balance the need to have properties developed that qualify for tax abatement while at the same time encouraging and working with developers to reduce the need for police services at these sites. This can truly be seen as being in "the public's interest."

I believe the staff work by Community Planner Jonathan Harker and Community Safety Specialist Joe Anderson will prove to be of measurable benefit to the City in the years to come. I whole heartily support this amendment and recommend that it be made part of the GRC.

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(Multiple-Unit Housing in Core Areas, Light Rail Station Areas and Transit Oriented Areas)

307.600 Legislative findings.

(1) The legislature finds that it is in the public interest to stimulate the construction of transit supportive multiple-unit housing in the core areas of Oregon's urban centers to improve the balance between the residential and commercial nature of those areas, and to ensure full-time use of the areas as places where citizens of the community have an opportunity to live as well as work.

(2) The legislature also finds that it is in the public interest to promote private investment in transit supportive multiple-unit housing in light rail station areas and transit oriented areas in order to maximize Oregon's transit investment to the fullest extent possible and that the cities and counties of this state should be enabled to establish and design programs to attract new development of multiple-unit housing, and commercial and retail property, in areas located within a light rail station area or transit oriented area.

(3) The legislature further finds that the cities and counties of this state should be enabled to establish and design programs to attract new development of multiple-unit housing in light rail station areas, in transit oriented areas or in city core areas by means of the local property tax exemption authorized under ORS 307.600 to 307.691. The programs shall emphasize the following:

(a) The development of vacant or underutilized sites in light rail station areas, transit oriented areas or core areas, rather than sites where sound or rehabilitable multiple-unit housing exists.

(b) The development of multiple-unit housing, with or without parking, in structures that may include ground level commercial space.

(c) The development of multiple-unit housing, with or without parking, on sites with existing single-story commercial structures.

(d) The development of multiple-unit housing, with or without parking, on existing surface parking lots.

(4) The programs shall result in the construction, addition or conversion of units at rental rates or sale prices accessible to a broad range of the general public. [1975 c.428 s.2; 1995 c.596 s.1]

307.605 Definitions. As used in ORS 307.600 to 307.691:

(1) "Lender" means any person who makes a loan, secured by a recorded mortgage or trust deed, to finance the acquisition, construction, addition or conversion of multiple-unit housing.

(2) "Light rail station area" means an area defined in regional or local transportation plans to be within a one-half mile radius of an existing or planned light rail station.

(3) "Multiple-unit housing" means newly constructed structures, stories or other additions to existing structures and structures converted in whole or in part from other use to dwelling units that meet the following criteria:

(a) The structure must have a minimum number of dwelling units as specified by the city or county pursuant to ORS 307.610(4).

(b) The structure must not be designed or used as transient accommodations, including but not limited to hotels and motels.

(c) The structure must have those design elements benefiting the general public as specified by the city or county pursuant to

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ORS 307.650.

(d) If in a light rail station area or transit oriented area, the structure must:

(A) Be physically or functionally related to a light rail line or mass transportation system; and

(B) Enhance the effectiveness of a light rail line or mass transportation system.

(4) "Transit oriented area" means an area defined in regional or local transportation plans to be within one-quarter mile of a fixed route transit service. [1975 c.428 s.1; 1979 c.425 s.1; 1989 c.1051 s.1; 1995 c.596 s.2]

307.610 Applicability of ORS 307.600 to 307.691 generally; city or county to designate areas; public hearings; standards and guidelines for considering applications.

(1) ORS 307.600 to 307.691 apply to multiple-unit housing constructed, added to or converted in cities or counties that adopt, after a public hearing and determination pursuant to subsection (3) of this section, by resolution or ordinance, the provisions of ORS 307.600 to 307.691. The tax exemption provided by ORS 307.600 to 307.691 only applies to the tax levy of a city or county that adopts the provisions of ORS 307.600 to 307.691, except that the tax exemption shall apply to the ad valorem tax levy of all taxing districts when upon request of the city or county that has adopted the provisions of ORS 307.600 to 307.691, the rates of ad valorem taxation of taxing districts whose governing boards agree by resolution to the policy of providing tax exemptions for multiple-unit housing as provided in ORS 307.600 to 307.691, when combined with the rate of taxation of the city or county that adopts the provisions of ORS 307.600 to 307.691, equal 51 percent or more of the total combined rate of taxation levied on the property which is tax exempt under ORS 307.600 to 307.691.

(2) The city or county shall designate an area within which it proposes to allow exemptions provided for under the provisions of ORS 307.600 to 307.691. Core areas, light rail station areas or transit oriented areas may be designated by a city. A county may designate areas as light rail station areas or transit oriented areas but may not designate areas as core areas. A city or county from time to time may, by amending its resolution or ordinance, add or withdraw territory from the area originally designated as a light rail station area or a transit oriented area, but any area added must be within the boundaries of the area as limited by ORS 307.605 (2) or (4).

(3) The city or county shall, prior to passage of a resolution or ordinance electing to utilize the provisions of ORS 307.600 to 307.691, hold a public hearing in order to determine whether multiple-unit housing meeting the qualifications of subsection (4) of this section would not otherwise be built in the designated area without the benefits provided by ORS 307.600 to 307.691.

(4) Prior to accepting project applications under ORS 307.600 to 307.691, cities or counties shall promulgate standards and guidelines to be utilized in considering applications and making the determinations required by ORS 307.650. The standards and guidelines shall establish policy governing basic requirements for an application, including but not limited to:

(a) Existing utilization of proposed project site, including justification of the elimination of any existing sound or rehabilitable housing.

(b) Design elements.

(c) Rental rates or sales prices.

(d) Extensions of public benefits from the project beyond the period of the exemption.

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(e) Minimum number of units. [1975 c.428 s.3; 1979 c.425 s.2; 1983 c.493 s.1; 1989 c.1051 s.2; 1991 c.459 s.72; 1995 c.596 s.3; 1997 c.325 s.27]

307.620 Applicability of ORS 307.600 to 307.691 in cities and certain counties. In any city, or in any county with a population of over 300,000, the exemption shall apply only to multiple-unit housing constructed, added to or converted on land within an area designated under ORS 307.610 (2) or within a designated urban renewal or redevelopment area formed pursuant to ORS chapter 457. [1975 c.428 s.4; 1989 c.1051 s.3; 1995 c.596 s.4]

307.630 Duration of exemption; exclusions from exemption.

(1) Except as provided under subsection (2) of this section, multiple-unit housing that qualifies for exemption under ORS 307.600 to 307.691 shall be exempt from ad valorem taxation for no more than 10 successive years. The first year of exemption shall be the assessment year beginning January 1 immediately following the calendar year in which construction, addition or conversion is completed, determined by that stage in the construction process when, pursuant to ORS 307.330, the improvement would have gone on the tax rolls in the absence of the exemption provided for in ORS 307.600 to 307.691. However:

(a) The exemption shall not include the land or any improvements not a part of the multiple-unit housing, but may include parking constructed as part of the multiple-unit housing construction, addition or conversion.

(b) In the case of a structure to which stories or other improvements are added or a structure that is converted in whole or in part from other use to dwelling units, only the increase in value attributable to the addition or conversion shall be exempt from taxation.

(2) If the multiple-unit housing is subject to a low income rental assistance contract with an agency of this state or of the United States, the city or county may extend the exemption provided by ORS 307.600 to 307.691 through June 30 of the tax year during which the termination date of the contract falls.

(3)

(a) The exemption provided by ORS 307.600 to 307.691 shall be in addition to any other exemption provided by law. However, nothing in ORS 307.600 to 307.691 shall be construed to exempt any property beyond 100 percent of its real market value.

(b) If property is located within a core area and within a light rail station area or a transit oriented area, or both, and application for exemption under more than one program is made, only the exemption for which application is first made and approved shall be granted. If property is granted exemption under ORS 307.600 to 307.691 pursuant to an ordinance or resolution adopted by a city, the property shall not be granted exemption pursuant to an ordinance or resolution adopted by a county. If property is granted exemption under ORS 307.600 to 307.691 pursuant to an ordinance or resolution adopted by a county, the property shall not be granted exemption pursuant to an ordinance or resolution adopted by a city. Property shall be granted exemption under ORS 307.600 to 307.691 only once. [1975 c.428 s.5; 1979 c.425 s.3; 1989 c.1051 s.3a; 1991 c.459 s.73; 1995 c.596 s.5; 1997 c.541 s.136]

307.640 City or county to provide application forms; contents of application form; filing deadline; revision of application. An owner desiring an exemption under ORS 307.600 to 307.691 shall first apply to the city or county, whichever is appropriate, on forms supplied by the city or county. The application shall describe the property for which an exemption is requested, set forth the grounds supporting the requested exemption and be verified by oath or affirmation of the applicant. Application shall be made on or before February 1 immediately preceding the first assessment year for which exemption is requested, and shall be accompanied by the application fee required by ORS 307.660. The city or county may permit the applicant to revise an

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application prior to final action by the city or county. [1975 c.428 s.6; 1991 c.459 s.74; 1995 c.596 s.6; 1997 c.541 s.138]

307.650 City or county findings required for exemption approval. The city or county may approve the application if it finds that:

(1) The owner has agreed to include in the construction, addition or conversion as a part of the multiple-unit housing one or more design elements benefiting the general public as specified by the city or the county, including but not limited to open spaces, parks and recreational facilities, common meeting rooms, child care facilities, transit amenities and transit or pedestrian design elements.

(2) The proposed construction, addition or conversion project is or will be, at the time of completion, in conformance with all local plans and planning regulations, including special or district-wide plans developed and adopted pursuant to ORS chapters 195, 196, 197, 215 and 227, that are applicable at the time the application is approved.

(3) The owner has complied with all standards and guidelines adopted by cities or counties pursuant to ORS 307.610 (4). [1975 c.428 s.7; 1995 c.278 s.37; 1995 c.596 s.7]

307.660 Approval or denial of applications; city or county to state in writing reasons for denial of exemption; application fees.

(1) The city or county shall approve or deny an application filed under ORS 307.650 within 180 days after receipt of the application. An application not acted upon within 180 days shall be deemed approved.

(2) Final action upon an application by the city or county shall be in the form of an ordinance or resolution that shall contain the owner's name and address, a description of the subject multiple-unit housing, either the legal description of the property or the assessor's property account number, and the specific conditions upon which the approval of the application is based. On or before April 1 following approval, the city or county shall file with the county assessor and send to the owner at the last-known address of the owner a copy of the ordinance or resolution approving or disapproving the application. In addition, the city or county shall file with the county assessor on or before April 1 a document listing the same information otherwise required to be in an ordinance or resolution under this subsection, as to each application deemed approved under subsection (1) of this section.

(3) If the application is denied, the city or county shall state in writing the reasons for denial and send notice of denial to the applicant at the last-known address of the applicant within 10 days after the denial.

(4) The city or county, after consultation with the county assessor, shall establish an application fee in an amount sufficient to cover the cost to be incurred by the city or county and the assessor in administering ORS 307.600 to 307.691. The application fee shall be paid to the city or county at the time the application for exemption is filed. If the application is approved, the city or county shall pay the application fee to the county assessor for deposit in the county general fund, after first deducting that portion of the fee attributable to its own administrative costs in processing the application. If the application is denied, the city or county shall retain that portion of the application fee attributable to its own administrative costs and shall refund the balance to the applicant. [1975 c.428 s.8; 1995 c.596 s.8]

307.670 Termination of exemption for failure to complete construction or noncompliance; notice.

(1) Except as provided in ORS 307.675, if the city or county finds that construction of multiple-unit housing was not completed on or before the date specified in ORS 307.691, or that any provision of ORS 307.600 to 307.691 is not being complied with, or any provision required by the city or county pursuant to ORS 307.600 to 307.691 is not being complied with, the city or county shall give notice to the owner, mailed to the owner's last-

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known address, and to any known lender, mailed to the lender's last-known address, of the proposed termination of the exemption. The notice shall state the reasons for the proposed termination and shall require the owner to appear at a specified time, not less than 20 days after mailing the notice, to show cause, if any, why the exemption should not be terminated.

(2) If the owner fails to appear and show cause why the exemption should not be terminated, the city or county shall further notify every known lender and shall allow the lender a period of not less than 30 days, beginning with the date that the notice of failure to appear and show cause is mailed to the lender, to cure any noncompliance or to provide assurance that is adequate, as determined by the governing body, to assure the governing body that the noncompliance will be remedied.

(3) If the owner fails to appear and show cause why the exemption should not be terminated, and a lender fails to cure or give adequate assurance that any noncompliance will be cured, the city or county shall adopt an ordinance or resolution stating its findings terminating the exemption. A copy of the ordinance or resolution shall be filed with the county assessor and a copy sent to the owner at the owner's last-known address, and to any lender at the lender's last-known address, within 10 days after its adoption. [1975 c.428 s.9; 1979 c.425 s.4; 1981 c.697 s.6; 1983 c.493 s.2; 1989 c.1051 s.4; 1991 c.459 s.75; 1995 c.596 s.9]

307.675 Termination of exemption upon change to unit ownership or to other than residential or housing use; effect.

(1) If, after application has been approved under ORS 307.600 to 307.691, a declaration defined in ORS 100.005 with respect to the property is presented to the county assessor or tax collector for approval under ORS 100.110 or if the county assessor discovers that the multiple-unit housing or a portion of the multiple-unit housing is changed to a use that is other than residential or housing:

(a) The exemption granted the multiple-unit housing or portion under ORS 307.600 to 307.691 shall terminate immediately, without right of notice or appeal;

(b) The property or portion shall be assessed and taxed as other property similarly situated is assessed and taxed; and

(c) Notwithstanding ORS 311.235, there shall be added to the general property tax roll for the tax year next following the presentation or discovery, to be collected and distributed in the same manner as other real property tax, an amount equal to the difference between the amount of tax that would have been due on the property or portion had it not been exempt under ORS 307.600 to 307.691 for each of the years, not to exceed the last 10 years, during which the property was exempt from taxation under ORS 307.600 to 307.691.

(2) If, at the time of presentation or discovery, the property is no longer exempt, additional taxes shall be imposed as provided in this section, but the number of years that would otherwise be used to compute the additional taxes shall be reduced one year for each year that has elapsed since the year the property was last granted exemption beginning with the oldest year for which additional taxes are due.

(3) The assessment and tax rolls shall show "potential additional tax liability" for each property granted exemption under ORS 307.600 to 307.691.

(4) Additional taxes collected under this section shall be deemed to have been imposed in the year to which the additional taxes relate. [1981 c.697 s.5; 1987 c.158 s.45; 1987 c.459 s.33; 1991 c.459 s.76]

307.680 Review of denial of application or termination of exemption; correction of assessment and tax rolls; owner's appeal of valuation; effective date of termination of exemption.

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(1) Review of a denial of an application under ORS 307.660, or of the termination of an exemption under ORS 307.670, shall be as provided by ORS 34.010 to 34.100.

(2) If no review of the termination of an exemption as provided in subsection (1) of this section is affected, or upon final adjudication, the county officials having possession of the assessment and tax rolls shall correct the rolls in the manner provided for omitted property under ORS 311.216 to 311.232, to provide for the assessment and taxation of any property for which exemption was terminated by the city or county, or by a court, in accordance with the finding of the city, county or the court as to the tax year in which the exemption is first to be terminated. The county assessor shall make such valuation of the property as shall be necessary to permit such correction of the rolls. The owner may appeal any such valuation in the same manner as provided for appeals under ORS 311.216 to 311.232. Where there has been a failure to comply with ORS 307.670, the property shall become taxable beginning January 1 of the assessment year following the assessment year in which the noncompliance first occurred. Any additional taxes becoming due shall be payable without interest if paid in the period prior to the 16th of the month next following the month of correction. If not paid within such period, the additional taxes shall be delinquent on the date they would normally have become delinquent if timely extended on the roll or rolls in the year or years for which the correction was made. [1975 c.428 s.10; 1991 c.459 s.77; 1995 c.596 s.10; 1997 c.541 s.141]

307.690 Extension of deadline for completion of construction, addition or conversion. Notwithstanding any provision of ORS 307.670, if the city or county finds that construction, addition or conversion of the multiple-unit housing was not completed by the date specified in ORS 307.691, due to circumstances beyond the control of the owner, and that the owner had been acting and could reasonably be expected to act in good faith and with due diligence, the city or county may extend the deadline for completion of construction, addition or conversion for a period not to exceed 12 consecutive months. [1975 c.428 s.11; 1979 c.425 s.5; 1983 c.493 s.3; 1989 c.1051 s.5; 1991 c.459 s.78; 1995 c.596 s.11; 1997 c.325 s.29]

307.691 Completion of construction, addition or conversion of multiple-unit housing before January 1, 2006, required for eligibility for exemption. An exemption for multiple-unit housing shall not be granted under ORS 307.600 to 307.691 unless the construction, addition or conversion is completed on or before January 1, 2006. [1995 c.596 s.13; 1997 c.541 s.143]

Note: Section 14, chapter 596, Oregon Laws 1995, provides:

Sec. 14.

(1) Except as provided in section 13 of this Act [307.691], the amendments to ORS 307.600, 307.605, 307.610, 307.620, 307.630, 307.640, 307.650, 307.660, 307.670, 307.680 and 307.690 by sections 1 to 11 of this Act first apply to exemptions for those structures that are completed in the calendar year 1996 or any calendar year thereafter and first apply to tax years beginning on or after July 1, 1997.

(2) Any exemption granted under ORS 307.600 to 307.691 for a structure completed in the calendar year 1995 or a calendar year prior to 1995 shall not be affected by the amendments to ORS 307.600, 307.605, 307.610, 307.620, 307.630, 307.640, 307.650, 307.660, 307.670, 307.680 and 307.690 by sections 1 to 11 of this Act. ORS 307.600 to 307.690 (1993 Edition) shall continue to apply to the structure and exemption as if this Act were not in effect. [1995 c.596 s.14]

Post-It™ brand fax transmittal memo 7671		# of pages	1
To	HARKER	From	HSM
Co.		Co.	TM
Dept		Phone #	239-2168
Fax #	669-1376	Fax #	

TRI-MET INTEROFFICE MEMORANDUM

DATE: October 21, 1997
 TO: Jonathan Harker, AICP, Gresham
 FROM: Henry S. Markus, AICP, Station Area Development Coordinator
 SUBJECT: Transit Oriented Tax Exemption Draft Ordinance (10-17-97)

HSM

I have reviewed the materials that you sent me. Good job! I especially liked the crime prevention plan requirement and the Ballot Measure 50 impact analysis. I have the following comments.

Minimum Density -- 24 du/ac is consistent with Tri-Met's "Planning and Design for Transit Handbook"; however, (1) 24 du/ac is assumed to be achievable without public subsidy and (2) Portland's minimum is 35 du/ac based on discussions with Metro prior to adoption of the city's ordinance in October 1996. Increasing Gresham's minimum to 35 du/ac would provide a consistent base density for all eastside MAX station areas. Portland's first eastside application, the Russellville School site at 102nd, is 36 du/ac.

Affordable Housing -- As I read it, projects with more than 20/30% affordable units are only eligible if they qualify under another criteria -- special needs housing, "for sale" housing, three bedroom units, 50 du/ac, or mixed use. Tri-Met supports mixed income housing; however, the city may want the ability to approve a project containing more than 20/30% affordable housing without additional requirements at some point in the future.

Child Care -- Portland's ordinance qualifies a project based on provision of a child care center or funding for child care services in lieu of affordable housing and other alternative requirements. The Russellville School site project uses a child care center as the public benefit to qualify for the tax abatement in Portland. The city may want to consider adding a similar provision to Section 11, page 16 as #9 and deleting Section 10, #3, page 12.

Full Cost Fee Requirement -- Resolution No. 2154, Item, end of line 4 -- Replace "does provide for" with "requires"; under "Budget Impact" on the same page replace "is allowed" with "requires"; also for Council Bill No. 23-97, Budget Impact, replace "is allowed" with "requires". The 1995 state law requires that the fee cover the full cost of administering the program.

cc: Mike Saba, City of Portland
 Phil Whitmore, Metro

taxgres.hsm



TRICOUNTY METROPOLITAN
TRANSPORTATION DISTRICT OF OREGON
4012 S.E. 17TH AVENUE
PORTLAND OREGON 97202
(503) 238-4829

November 4, 1997

Mayor Gussie McRobert
& Members of the City Council
City of Gresham
1333 NW Eastman Parkway
Gresham, Oregon 97030

RE: Council Bill No. 23-97, "Property Tax Exemption For New Transit Supportive Multiple-Unit Housing or Mixed Use Development"

Dear Mayor McRobert and Members of the City Council:

Tri-Met supports adoption of this incentive for transit oriented development.

City staff did an excellent job on the proposal. For example, the crime prevention plan requirement plows new ground in defining the importance of pedestrian "amenities" to the public welfare.

We would like to share one concern with you. The proposed ordinance only requires a minimum of 24 housing units per acre. The suburban market is providing housing without incentives at 24 units per acre. Portland's October 1996 ordinance, which was endorsed by the Tri-Met Board and the Multnomah County Board of Commissioners, requires a minimum density of 35 units per acre. A variety of studies and projects have shown that up to 35 units per acre can be built without structured parking or parking ratios lower than acceptable in the market place.

Please consider raising the minimum density to 30 units per acre. This would provide a greater benefit to transit while preserving the other public benefits of the proposed ordinance.

Tri-Met appreciates Gresham's continuing leadership in transforming important public goals into real projects.

Very truly yours,


Robert E. Stacey, Jr., Executive Director
Policy and Planning Division

cc: Henry Markus

(503) 238-4829 - TTY 238-5811 - <http://www.tri-met.org>

TOTAL P.02



Oregon

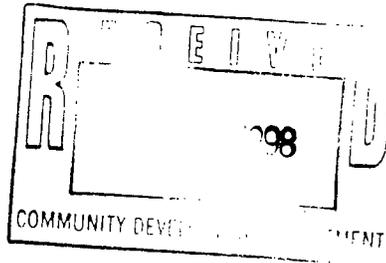
John A. Kitzhaber, M.D., Governor

Housing and Community Services Department

1600 State Street
Salem, OR 97310-0302
(503) 986-2000
FAX (503) 986-2020
TTY (503) 986-2100

April 24, 1998

Jonathan Harker AICP
Long Range Planner III
City of Gresham
1333 NW Eastman Parkway
Gresham, OR 97030



Dear Mr. Harker

I have reviewed Gresham's initial property tax exemption proposal for transit supportive multiple family housing that you shared with me. I had a few concerns about the percentage of affordable units and how it may affect the ability of developers to use tax exempt bond financing and/or federal Low Income Housing Tax Credits.

In paragraph (1) the proposal states "at least 20% of the units but no more than 30% of the units rent for rates which are affordable to households earning 60% or less of median income or 10% below the market rate, whichever is less." Those percentages appear not to be consistent with the IRS requirements for both tax exempt bond financing and LIHTCs. Both of these financing tools require that at least 40% of the project units be affordable to households earning 60% or less of median income OR 20% of the units be affordable to households earning 50% or less of median. Without one or both of these financing tools it would appear to be very difficult to meet your proposed goal.

In paragraph (2), while your proposal at the high end meets the threshold of at least 20% of the units affordable to households at or below 50% of median, without other heavy subsidies, I'm not sure that this mix would be financially feasible. Most of the mixed income projects that use tax exempt financing use the 40% of units at or below 60% of median to two reasons. First, most combine them with LIHTCs, and the project only gets credit for the units below 60% of median. The equity on a project with only 20% of the units affordable is usually not enough to make the project feasible. Second, the income discrepancy between a unit at 50% and one at 60% may have major consequences on the cash flow.

Until recently the majority of tax exempt bond with LIHTCs have been 100% affordable due to the financial consequences indicated above. The 248 unit GSL project on Powell in your city for example, has all the units affordable to households at 60% or less of median. However, we are starting to see developments that have mixed incomes with 40% of the units affordable and the balance of the units ranging from 80% to 100% of median income. A current example is the Buckman Heights project located next to Benson High School in NE Portland. That



Oregon

John A. Kitzhaber, M.D., Governor

Housing and Community Services Department

1600 State Street
Salem, OR 97310-0302
(503) 986-2000
FAX (503) 986-2020
TTY (503) 986-2100

development will have 144 units with approximately 58 units affordable to people at 60% of median with the balance at market rates. The balance of units above the mandatory affordable percentage may have different requirements depending on who is the issuer of the bonds.



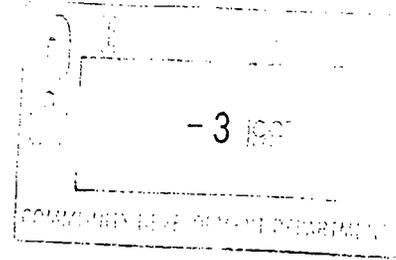
The proposed changes as outlined in the March 4th memo from Jonathan Harker appear to answer the concerns that I saw in the initial proposal. In Jonathan's description of the three projects he indicates that Russelville has no affordable units. That phase of the project does not have tax-exempt funding & is not seeking LIHTCS's.

I applaud Gresham's efforts to include affordable housing in the transit districts. I hope this information will help you in finalizing your ordinance. Please don't hesitate to call me if you have any questions.

Sincerely,

Vince Chiotti

Community Development Officer



October 30, 1997

Jonathan Harker and Staff
Community Development Department - City of Gresham
1333 NW Eastman Parkway
Gresham, OR 97080

Dear Mr. Harker and All,

Human Solutions is a private non-profit agency working to improve east Multnomah County by building affordable housing and providing services to homeless and low income people. We recently won the 1997 Oregon Housing and Community Services Award for Excellence in Housing for our transit zone development, Ankeny Woods.

Gresham is to be applauded for taking very important steps toward assuring that housing affordable to all segments of the community is provided throughout the community. I'm sure you realize that about 40% of the residents of Gresham live at or below 50% of median family income.

I have read your proposed code section **10.50.095 Housing At Rental Rates or Sale Prices Accessible to a Broad Range of the General Public**. While it is well intended, there seems to be some information you understandably don't have. This is seen in your proposing a *maximum* on the percentage of units which can be low income.

Defining a limit of a maximum number of low income units per development might be helpful to for profit developers, but will not work for non-profit developers who rely primarily on low income tax credits (LIHTCs) to fund their projects. LIHTCs are a very competitive funding source. One of the points of competition is the number of housing units in the project for low and very-low income households. Obviously then, any proposed code should include opportunities for non-profit developers who can help meet Gresham needs by providing quality complexes which have mostly low income housing. For financial reasons, for-profit developers are not likely to put in more units than they have to, and non-profits could continue to make use of this important source of funds and comply with your codes also.

I would be happy to provide you with more information if you have questions. Thank you again for your work on behalf of everyone who lives in Gresham.

Sincerely,

Carolyn Piper
Executive Director

MEETING DATE: MAY 21 1998
AGENDA #: R-4
ESTIMATED START TIME: 9:55

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Approve Resolution Authorizing Issuance of \$11,000,000 Tax and Revenue Anticipation Notes

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: May 21, 1998
AMOUNT OF TIME NEEDED: 5-10 Minutes

DEPARTMENT: DSS DIVISION: Finance

CONTACT: Harry Morton TELEPHONE #: 248-3290
BLDG/ROOM #: 106/1430

PERSON(S) MAKING PRESENTATION: Harry Morton

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Resolution Authorizing the Issuance and Sale of \$11,000,000 Tax and Revenue Anticipation Notes.

42/98 copies to Harry Morton & Dave Boyer

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)
DEPARTMENT MANAGER: *[Signature]*

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
98 MAY 13 AM 9:00

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277 or 248-5222



MULTNOMAH COUNTY, OREGON

DEPARTMENT OF SUPPORT SERVICES

COUNTY COMMISSIONERS

FINANCE DIVISION

BEVERLY STEIN, CHAIR VACANT, DISTRICT #1 GARY HANSEN, DISTRICT #2 VACANT, DISTRICT #3 SHARRON KELLEY, DISTRICT #4	DIRECTORS OFFICE ACCOUNTS PAYABLE GENERAL LEDGER PAYROLL TREASURY LAN ADMINISTRATION	PORTLAND BUILDING 1120 SW FIFTH AVENUE, SUITE 1430 PO BOX 14700 PORTLAND, OR 97293-0700 PHONE (503) 248-3312 FAX (503) 248-3292	CONTRACTS MATERIEL MANAGEMENT PURCHASING	FORD BUILDING 2505 SE 11 TH 1 ST FLOOR PORTLAND, OR 97202 PHONE (503) 248-5111 FAX (503) 248-3252 TDD (503) 248-5170
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To: Board of County Commissioners

From:  Harry S. Morton, Treasury Manager

Date: May 8, 1998

Subject: \$11,000,000 Tax and Revenue Anticipation Notes (TRANS)

N.B.: Requested Board Placement Date is May 21, 1998

I. Recommendation/Action:

Approve resolution authorizing the issuance of Tax and Revenue Anticipation Notes in an amount not to exceed \$11,000,000.

II. Background/Analysis:

Under ORS 288.165, the County is authorized to issue TRANS in an amount not to exceed 80% of the amount of revenues the County expects to receive in Fiscal Year 1998/99. The notes represent approximately 7.5% of the County's 1998/99 property tax levy, adjusted for delinquencies, prior year payments, and discounts.

The proceeds from the notes will provide the needed cashflow to the General Fund for the period from July 1, 1998 through November.30, 1998, prior to the collection of property taxes.

Ater Wynne Hewitt Dodson & Skerritt has been selected bond counsel, Regional Financial Advisors has been selected financial advisor, and U.S. Bank Trust has been selected paying agent/registrar. All were selected in accordance with County procurement procedures. The County will issue a Request for Proposal to select the underwriter for the issue.

III. Financial Impact:

The Fiscal Year 1998/99 County budget includes \$550,000 to pay the estimated interest on the TRANS.

This TRAN issue meets all the requirements contained in Resolution 95-182, the County's Financial and Budget Policy.

IV. Legal Issues:

Bond Counsel and County Counsel have either reviewed or will review all the necessary documents.

V. Controversial Issues:

I am not aware of any related controversial issues.

VI. Link to Current County Policy:

The "Short-term and Long-term Debt Financing Policy" directs the County to evaluate the feasibility of issuing short-term debt if the financing has been determined to benefit the County.

VII. Citizen Participation:

None.

VIII. Other Government Participation:

None.

Section 2. Title and Execution of Notes. The Notes shall be entitled "Multnomah County, Oregon Tax and Revenue Anticipation Notes, Series 1998" and shall be executed on behalf of the County with the manual or facsimile signature of the Chair of the Board of County Commissioners and shall be attested by the Director, Finance Division. The Notes may be initially issued in book-entry form as a single, typewritten note and issued in the registered name of the nominee of The Depository Trust Company, New York, New York in book-entry form. The Notes may be issued without certificates being made available to the note holders except in the event that the book-entry form is discontinued in which event the Notes will be issued with certificates to be executed delivered and transferred as herein provided.

Section 3. Appointment of Paying Agent and Note Registrar. The Board appoints U.S. Bank Trust National Association, through its corporate trust office in Portland, Oregon, as Paying Agent and Note Registrar to the County for the issuance of the Notes.

Section 4. Book-Entry System. The ownership of the Notes shall be recorded through entries on the books of banks and broker-dealer participants and correspondents that are related to entries on The Depository Trust Company book-entry system. The Notes shall be initially issued in the form of a separate, fully registered typewritten note (the "Global Certificate"). The Global Certificate shall be registered in the name of Cede & Co. as nominee (the "Nominee") of The Depository Trust Company (the "Depository") as the "Registered Owner", and such Global Certificate shall be lodged with the Depository until maturity of the Note issue. The Paying Agent shall remit payment for the maturing principal and interest on the Notes to the Registered Owner for distribution by the Nominee for the benefit of the noteholders (the "Beneficial Owner" or "Record Owner") by recorded entry on the books of the Depository participants and correspondents. While the Notes are in book-entry-only form, the Notes will be available in denominations of \$5,000 or any integral multiple thereof.

The Authorized Representative has filed with the Depository a Blanket Issuer Letter of Representations, dated March 9, 1995, to induce the Depository to accept the Notes as eligible for deposit at the Depository. The County is authorized to provide the Depository with the Preliminary Official Statement, together with the completed Depository's underwriting questionnaire.

The execution and delivery of the Blanket Letter of Representations and the providing to the Depository of the Preliminary Official Statement and the underwriting questionnaire shall not in any way impose upon the County any obligation whatsoever with respect to persons having interests in the Notes other than the Registered Owners of the Notes as shown on the registration books maintained by the Paying Agent and Note Registrar. The Paying Agent and Note Registrar, in writing, shall accept the book-entry system and shall agree to take all action necessary to at all times comply with the Depository's operational arrangements for the book-entry system. The Authorized Representative may take all other action to qualify the Notes for the Depository's book-entry system.

In the event (a) the Depository determines not to continue to act as securities depository for the Notes, or (b) the County determines that the Depository shall no longer so act, then the County will discontinue the book-entry system with the Depository. If the County fails to identify another qualified securities depository to replace the Depository, the Notes shall no longer be a book-entry-only issue but shall be registered in the registration books maintained by the Paying Agent and Note Registrar in the name of the Registered Owner as appearing on the registration books of the Paying Agent and Note Registrar and thereafter in the name or names of the owners of the Notes transferring or exchanging Notes in accordance with the provisions herein.

With respect to Notes registered in the registration books maintained by the Paying Agent and Note Registrar in the name of the Nominee of the Depository, the County, and the Paying Agent and Note Registrar shall have no responsibility or obligation to any participant or correspondent of the Depository or to any

Beneficial Owner on behalf of which such participants or correspondents act as agent for the Registered Owner with respect to:

(i) the accuracy of the records of the Depository, the Nominee or any participant or correspondent with respect to any ownership interest in the Notes,

(ii) the delivery to any participant or correspondent or any other person, other than a Registered Owner as shown in the registration books maintained by the Paying Agent and Note Registrar, of any notice with respect to the Notes, including any notice of redemption,

(iii) the payment to any participant, correspondent or any other person other than the Registered Owner of the Notes as shown in the registration books maintained by the Paying Agent and Note Registrar, of any amount with respect to principal or interest on the Notes. Notwithstanding the book-entry system, the County may treat and consider the Registered Owner in whose name each Note is registered in the registration books maintained by the Paying Agent and Note Registrar as the Registered Owner and absolute owner of such Note for the purpose of payment of principal and interest with respect to such Note, or for the purpose of registering transfers with respect to such Note, or for all other purposes whatsoever. The County shall pay or cause to be paid all principal of and interest on the Notes only to or upon the order of the Registered Owner, as shown in the registration books maintained by the Paying Agent and Note Registrar, or their representative attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the County's obligation with respect to payment thereof to the extent of the sum or sums so paid.

Upon delivery by the Depository to the County and to the Registered Owner of a Note of written notice to the effect that the Depository has determined to substitute a new nominee in place of the Nominee then the word "Nominee" in this Resolution shall refer to such new nominee of the Depository, and upon receipt of such notice, the County shall promptly deliver a copy thereof to the Paying Agent and Note Registrar.

Section 5. Payment of Notes. If the book-entry system has been discontinued, then the principal of and interest on the Notes shall be payable upon presentation of the Notes at maturity at the corporate trust office of the Paying Agent in Portland, Oregon.

Section 6. Special Account. The County shall establish a Special Account for the Notes. The County covenants for the benefit of the owners of the Notes to deposit into the Special Account not less than 100 percent of all monies received by the County from its ad valorem property tax levy for fiscal year 1998-99, excluding any payments received in respect of delinquent taxes from levies for prior fiscal years until the Special Account holds an amount sufficient to pay principal of and interest on the Notes at maturity; provided that, after payment of the Notes at maturity, any amounts remaining in the Special Account may be used by the County for any lawful purpose. Monies in the Special Account shall not be invested in instruments which mature after the maturity date of the Notes. Monies in the Special Account shall be used solely to pay principal of and interest on the Notes. Additional Notes cannot be issued which will have any claim upon the monies in the Special Account. The Special Account must be fully funded prior to establishing and financing any other special account which is fundable from the 1998-99 ad valorem tax levy.

Section 7. Optional Redemption. The Notes are not subject to optional redemption prior to their stated maturity date of June 30, 1999.

Section 8. Form of Notes. The Notes shall be issued substantially in the form as approved by the County and Note Counsel to the County.

Section 9. Negotiated Sale of Notes and Appointment of Underwriter. The Authorized Representative is authorized to negotiate and execute and deliver, on behalf of the County, a Note Purchase Agreement providing for the purchase of the Notes with an underwriter to be selected by the Authorized Representative.

Section 10. Appointment of Note Counsel. The Board appoints the firm of Ater Wynne Hewitt Dodson & Skerritt, LLP, of Portland, Oregon as Note Counsel.

Section 11. Appointment of Financial Advisor. The Board appoints Regional Financial Advisors, Inc. as Financial Advisor to the County for the issuance of the Notes.

Section 12. Covenant as to Arbitrage. The County covenants for the benefit of the owners of the Notes to comply with all provisions of the Internal Revenue Code of 1986, as amended (the "Code") which are required for the interest on the Notes to be excluded from gross income for federal income tax purposes, unless the County obtains an opinion of nationally recognized bond counsel that such compliance is not required for the interest payable on the Notes to be excluded. The County makes the following specific covenants with respect to the Code:

- A. The County shall not take any action or omit any action, if it would cause the Notes to become "arbitrage bonds" under Section 148 of the Code and shall pay any rebates to the United States which are required by Section 148(f) of the Code.
- B. The County shall not use the proceeds of the Notes in a manner which would cause the Notes to be "private activity bonds" within the meaning of Section 141 of the Code.

The covenants contained herein and any covenants in the closing documents for the Notes shall constitute contracts with the owners of the Notes, and shall be enforceable by such owners.

Section 12. Notice of Material Events to Municipal Securities Rulemaking Board. Pursuant to SEC Rule 15c2-12(d)(3), the County agrees to provide or cause to be provided, in a timely manner, to the Municipal Securities Rulemaking Board (the "MSRB"), notice of the occurrence of any of the following events with respect to the Notes, if material:

- a. principal and interest payment delinquencies;
- b. non-payment related defaults;
- c. unscheduled draws on debt service reserves reflecting financial difficulties;
- d. unscheduled draws on credit enhancements reflecting financial difficulties;
- e. substitution of credit or liquidity providers, or their failure to perform;
- f. adverse tax opinions or events affecting the tax-exempt status of the Notes;
- g. modifications to rights of holders of the Notes;
- h. bond calls;
- i. defeasances;

- j. release, substitution, or sale of property securing repayment of the Notes; and
- k. rating changes.

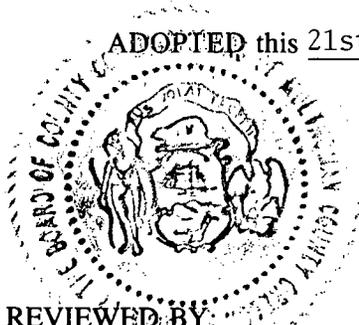
The County may from time to time choose to provide notice of the occurrence of certain other events, in addition to those listed above, if, in the judgment of the County, such other event is material with respect to the Notes, but the County does not undertake any commitment to provide such notice of any event except those events listed above.

Section 13. Preliminary and Final Official Statement. The County shall, if required, cause the preparation of the preliminary official statement for the Notes which shall be available for distribution to prospective investors. In addition, if required, an official statement shall be prepared and ready for delivery to the purchasers of the Notes no later than the seventh (7th) business day after the sale of the Notes. When advised that the final official statement does not contain any untrue statement of a material fact or omit to state any material fact necessary to make the statements contained in the official statement not misleading in the light of the circumstances under which they are made, the Authorized Representative is authorized to certify the accuracy of the official statement on behalf of the County.

Section 14. Resolution to Constitute Contract. In consideration of the purchase and acceptance of any or all of the Notes by those who shall own the same from time to time (the "Noteowners"), the provisions of this Resolution shall be part of the contract of the County with the Noteowners and shall be deemed to be and shall constitute a contract between the County and the Noteowners. The covenants, pledges, representations and warranties contained in this Resolution or in the closing documents executed in connection with the Notes, including without limitation the County's covenants and pledges contained in Section 6 hereof, and the other covenants and agreements herein set forth to be performed by or on behalf of the County shall be contracts for the equal benefit, protection and security of the Noteowners, all of which shall be of equal rank without preference, priority or distinction of any of such Notes over any other thereof, except as expressly provided in or pursuant to this Resolution.

Section 15. Closing of the Sale and Delivery of the Notes. The Authorized Representative is authorized to execute and deliver such additional documents, including a Tax Certificate, and any and all other things or acts necessary for the sale and delivery of the Notes as herein authorized. Such acts of the Authorized Representative are for and on behalf of the County and are authorized by the Board of County Commissioners of the County.

ADOPTED this 21st day of May, 1998.



**BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON**

By *Beverly Stein*
Beverly Stein, Chair

REVIEWED BY:
COUNTY COUNSEL
MULTNOMAH COUNTY, OREGON

By *Thomas Sponsler*
Thomas Sponsler

#1

SPEAKER SIGN UP CARDS

DATE 5-21-98

NAME

John Van Strig

ADDRESS

29265 HAWK RD

SCARSDALE OR

PHONE

503-543-5558

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC ANIMAL CONTROL CODE

GIVE TO BOARD CLERK

SPEAKER SIGN UP CARDS

DATE 5-21-98

NAME

JACIE SIMMOTT

ADDRESS

PO BOX 25674

97298

PHONE

643-6950

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC

R-5

GIVE TO BOARD CLERK

GAVE HER 3 minutes to JOHN VAN STEY

#2

SPEAKER SIGN UP CARDS

DATE 05-21-98

NAME

Dwayne J. Kaptur

ADDRESS

5316 E. Burnside St. #8

PHd, OR 97215

PHONE

(503) 736-9683

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC Animal Control Proposal

GIVE TO BOARD CLERK

#3

SPEAKER SIGN UP CARDS

DATE 5-21-98

NAME

Steven Belknap

ADDRESS

PO Box 90178

Portland, OR 97290

PHONE

658-7376

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC Animal Control Ord.

GIVE TO BOARD CLERK

#4

SPEAKER SIGN UP CARDS

DATE

5/21/98

NAME

ROBERT BABCOCK

ADDRESS

148 'B' AVE.

LAKE OSWEGO

PHONE

635.9191

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC

ANIMAL CONTROL CODE

GIVE TO BOARD CLERK

#5

SPEAKER SIGN UP CARDS

DATE 05/21/98

NAME

Thomas Buchholz

ADDRESS

806 5th St

Oregon City OR

PHONE

632-6669

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC

R-5

GIVE TO BOARD CLERK

#4

SPEAKER SIGN UP CARDS

DATE 5/21/98

NAME Ginger Becken

ADDRESS 8243 SE FRANKLIN
PORTLAND, ORE 97266

PHONE 503-774-7172

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC Animal Control Exotic
GIVE TO BOARD CLERK

#7

SPEAKER SIGN UP CARDS

DATE 5-21-98

NAME TERRIE KAUFMAN

ADDRESS 920 N.W. 115TH.
PORTLAND

PHONE 503-576-9134

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC ANIMALS

GIVE TO BOARD CLERK

#8

SPEAKER SIGN UP CARDS

DATE 5-21-98

NAME DEBBIE WALDING

ADDRESS PO BOX 1781

BUTTE OR 97075

PHONE 579-0959

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC Animal Control

GIVE TO BOARD CLERK

#9

SPEAKER SIGN UP CARDS

DATE 21 MAY 98

NAME MIKE KEELE KEELE

ADDRESS 27 PARTRIDGE LANE
LAKE OSWEGO, OR

PHONE 699-0772

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC R-5 ANIMAL CONTROL
GIVE TO BOARD CLERK

#10

SPEAKER SIGN UP CARDS

DATE 21 May 1998

NAME Jan Hixson

ADDRESS Metro Washington Park Zoo

4001 SW Canyon Rd., 97221

PHONE 503-220-5766

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC R-5 Animal Control

GIVE TO BOARD CLERK

#11

SPEAKER SIGN UP CARDS

DATE 5-21-98

NAME

Christine Cave

ADDRESS

53758 West Lane Rd

Scappoose OR 97056

PHONE

(503) 543-~~4~~834

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC

5-Animal Control Code

GIVE TO BOARD CLERK

#12

SPEAKER SIGN UP CARDS

DATE 5/21/98

NAME Steven Higgs

ADDRESS 5531 NE Cleveland
Port

PHONE 285-6778

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC EXOTIC ANIMAL

GIVE TO BOARD CLERK

#13

SPEAKER SIGN UP CARDS

DATE 5/21/98

NAME ANON TUMORIC

ADDRESS PO Box 5242

Beaverton OR

PHONE 503 615 9111

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC Zoning Change - B201's

GIVE TO BOARD CLERK

#14

SPEAKER SIGN UP CARDS

DATE 5/21/98

NAME David R. Hall

ADDRESS 7785 SW 9th Av

PHONE 244-0066

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC EXOTIC ANIMALS

GIVE TO BOARD CLERK



DEPARTMENT OF ENVIRONMENTAL SERVICES
ANIMAL CONTROL DIVISION
1700 W. Columbia River Highway
Troutdale, OR 97060-1093
(503) 248-3790 EXT 234 Fax: (503) 248-3002

BOARD OF COUNTY COMMISSIONERS

BEVERLY STEIN -CHAIR OF THE BOARD
VANCANT -DISTRICT 1 COMMISSIONER
GARY HANSEN -DISTRICT 2 COMMISSIONER
VACANT -DISTRICT 3 COMMISSIONER
SHARRON KELLEY -DISTRICT 4 COMMISSIONER

MEMORANDUM

TO: Board of County Commissioners
FROM: Henry C. Miggins, Director of Animal Control
DATE: May 8, 1998
SUBJECT: Multnomah County Animal Control Code 8.10

1. Recommendation/Action Requested:

Board to approve the ordinance.

2. Background/Analysis:

A single ordinance needs to be passed for all jurisdictions. The jurisdictions have been briefed and have not raised any objection. The BCC has been briefed on the ordinance revisions at an informal meeting and at a Board Staff meeting.

3. Financial Impact:

None.

4. Legal Issues:

The ordinance falls in compliance with ORS. It does not conflict with any jurisdiction or administrative procedures. Combines currently used County ordinances into one.

5. Controversial Issues:

The Exotic section of the ordinance.

6. Link to Current County Policies:

The proposed ordinance is consistent with current County policies.

7. Citizen Participation:

The Animal Control Advisory Committee has worked on this ordinance for the past year. A copy of the draft was sent Portland Veterinary Medical Association, Multnomah County Sheriff's Office, Chamber of Commerce for Portland and Gresham, all jurisdictions, and Animal Control staff. In addition, meetings have been held with each group. We do expect citizen testimony regarding the ordinance.

8. Other Government Participation:

A draft was sent to all jurisdictions and county departments affected. In addition, we met with each jurisdiction to go over in detail changes made in the ordinance.

Multnomah County Animal Control Code

1 BEFORE THE BOARD OF COUNTY COMMISSIONERS

2 FOR MULTNOMAH COUNTY, OREGON

3 ORDINANCE NO. _____

4
5 An ordinance amending the Multnomah County Animal Control Code
6 Chapter 8.10 to provide for certain new definitions, and regulations relating to
7 Exotic Animals, Potentially Dangerous Dogs, Dangerous Dogs, Limited Search
8 Warrants and State Court Enforcement.

9 (Language ~~lined through~~ is to be deleted; underlined language is new)

10 Multnomah County ordains as follows:

11 Section I. AMENDMENT

12 MCC 8.10.010 is amended and added to as follows:

13 (A) *Animal* means any non-human vertebrate.

14 (B) *Animal at large* means any animal, excluding domestic cats ~~licensed and~~
15 ~~sterilized cats~~, that is not physically restrained on the owner's or keeper's
16 premises, (private property) (including motorized vehicles) in a manner that
17 physically prevents the animal from leaving ~~that property~~ the premises or
18 reaching any public areas; or, is not physically restrained when on public
19 property, or any public area, by a leash, tether or other physical control
20 device not to exceed eight feet in length and under the physical control of a
21 capable person.

22 (C) *Aggressively bites* means any dog bite that breaks the skin and is
23 accompanied by an attack where the dog exhibits ~~behavior including~~ one or
24 more of the following behavior(s), but not limited to ~~any of the following~~:

Multnomah County Animal Control Code

1 snarling, baring teeth, chasing, growling, barking, snapping, pouncing,
2 lunging, multiple lunges, or multiple bites.

3 (D) *Board* means the Multnomah County Board of County Commissioners.

4 (E) *Chronic safety nuisance* is demonstrated by the issuance of two (2) or more
5 notice of infractions or citations for:

6 (1) Violation of MCC 8.10.270 relating to the same dog, or

7 (2) Any dangerous animal that is not confined as required by law, or

8 (3) Any other violation of this chapter based on animal behavior that causes
9 a substantial risk to public safety.

10 (F) *Chronic noise nuisance* is demonstrated by the issuance of two (2) or more
11 notice of infractions or citations for violation of MCC 8.10.190(b)(~~5~~)(6) and the
12 receipt of multiple complaints from ~~more than one~~ (1) or more households,
13 within a one (1) year period, in close proximity to the animal's location.

14 (1) Excluding all lawful commercial operation operated under appropriate
15 zoning.

16 (G) *Dangerous or Exotic Animal* means any animal, ~~including insects~~, which is of
17 a wild or predatory nature, or which because of its size, vicious nature or
18 other characteristics would constitute an unreasonable danger to human life
19 or property, ~~if not kept, maintained or confined in a safe and secure manner.~~

20 ~~A dog that has engaged in the behaviors specified in MCC 8.10.271. A~~
21 dangerous or exotic animal under this chapter shall include any of the
22 following animals:

Multnomah County Animal Control Code

1 (1) Any feline from the genera Panthera (lion, tiger, leopard, cougar)
2 and Acinonyx (cheetah);

3 (2) Any monkey, ape, gorilla, hybrid thereof, or other non-human
4 primate;

5 (3) Any wolf or canine except the species Canis Familiaris (domestic
6 dog);

7 (4) Any bear;

8 (5) Any venomous or poisonous reptile;

9 (6) Any reptile of the order Crocodilia (crocodiles, alligators and
10 caimans).

11 (H) Dangerous Dog means any dog found to have engaged in any of the
12 behaviors specified in MCC 8.10.271.

13 (I)(H) Dangerous Dog Facility means any site for the keeping of one or more
14 dangerous animals dogs.

15 (J)(H) Director means the director of the department of environmental services
16 animal control division of Multnomah County or the director's designee.

17 (K) Domestic Animal. Any animal whose physiology has been determined or
18 manipulated through selective breeding and does not occur naturally in
19 the wild, or which may be vaccinated against rabies with an approved
20 rabies vaccine and for which there is an established rabies quarantine
21 observation period. Examples of domestic animals include dogs, cats and
22 livestock.

23 (L) (J)-Euthanasia means putting an animal to death in a humane manner.

Multnomah County Animal Control Code

1 (M) ~~(K)~~ *Facility* is a site excluding veterinary hospitals operated or used for:

2 (1) Boarding, training or similar purposes of dogs, cats, or other animals
3 commonly maintained as pets for varying periods of time.

4 (2) ~~For~~ The purpose of breeding, buying, selling, or bartering of dogs and/or
5 cats, or other animals commonly maintained as pets.

6 ~~(3) (4) Facility operated by animal welfare/rescue organization. Breeding of~~
7 ~~dogs and/or cats for the preservation of the breed.~~

8 (N) Harboring of a Dangerous or Exotic Animal means to knowingly allow the
9 animal to remain, lodge, be fed, or to be given shelter or refuge within the
10 person's home, store, yard, enclosure, vehicle or building, place of
11 business, or any other premises in which the person resides or over which
12 the person has control.

13 (O) ~~(L)~~ *Hearing officer* means a person appointed by the chair to hear appeals
14 decisions of the director concerning violations of this chapter, ~~or license~~
15 ~~denial or revocation under MCC 8.10.100 through 8.10.145~~ chapter.

16 (P) ~~(M)~~ *Immediate health hazard* exists if at any given location there are
17 conditions related to animal care that the director determines warrant
18 immediate intervention; such conditions include, but are not limited to
19 inadequate sanitation, untreated disease, or animals in numbers greater
20 than the animal's owner or keeper can reasonably care for.

21 (Q) ~~(N)~~ *Keeper* means any person or legal entity who harbors, cares for,
22 exercises control over, or knowingly permits any animal to remain on
23 premises occupied by that person for a period of time not less than 72

Multnomah County Animal Control Code

1 hours or someone who accepted the animal for the purpose of safe
2 keeping.

3 ~~(O) Liability insurance means public liability insurance in a single incident amount~~
4 ~~of not less than \$50,000.00 for bodily injury to or death of any person or~~
5 ~~persons or a cash bond or irrevocable letter of credit in the amount up to~~
6 ~~\$2,500.00. The owner or keeper shall be required to provide the director~~
7 ~~with certification of insurance within ten days of receiving notification of~~
8 ~~classification. Such policy shall provide that no cancellation of the policy~~
9 ~~will be made unless ten days' written notice is given to the director by~~
10 ~~certified mail.~~

11 ~~(R)(P) Livestock~~ means animals, including but not limited to fowl, horses, mules,
12 burros, asses, cattle, sheep, goats, llamas, emu, ostriches, rabbits, swine
13 and or other farm domestic animals, excluding dogs and cats.

14 ~~(S)(Q) Livestock facility~~ means any site for the keeping of livestock.

15 (T) ~~(R)~~ *Minimum care* has the meaning as provided in ORS 167.310(8) (1995).

16 (U) ~~(S)~~ *Muzzle* means a device constructed of strong, soft material or a metal
17 muzzle that ~~complies with specifications to be adopted as administrative~~
18 ~~rules by the director. The muzzle must be~~ is made in a manner that will
19 not cause injury to the dog or interfere with its vision or respiration but
20 must prevent it from biting any person or animal.

21 (V) ~~(T)~~ *Owner* means any person or legal entity having a possessory property
22 right in the animal or any person who has been a keeper of an animal
23 for more than 90 days.

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1 (W) ~~(U)~~ *Permit*, for the purpose of MCC 8.10.190, shall include human
2 conduct that is intentional, deliberate, careless, inadvertent, or
3 negligent in relationship to an animal.

4 (X) ~~(V)~~ *Person* means any natural person, association, partnership, firm or
5 corporation.

6 (Y) ~~(W)~~ *Pet license* is a record issued by Animal Control which identifies an
7 animal of licensable age and the owner. ~~Means a license for any~~
8 ~~owned animal that is of licensable age.~~

9 (Z) *Pet* means a domestic or other animal allowed under this Chapter to be
10 kept as a companion;

11 (AA) ~~(X)~~ *Physical device or structure* means a tether, trolley system, other
12 physical control device or structure made of material sufficiently strong
13 to adequately and humanely confine the animal in a manner that would
14 prevent it from escaping the premises.

15 (BB) ~~(Y)~~ *Physical injury* means physical impairment or as evidenced by,
16 scrapes, cuts, punctures, bruises or physical pain ~~or other evidence of~~
17 ~~physical impairment.~~

18 (CC) ~~(Z)~~ *Potentially dangerous dog* means any dog that has been found to
19 have engaged in any of the behaviors specified in MCC 8.10.270.

20 (DD) ~~(AA)~~ *Public nuisance animal* is an animal that has been determined by
21 the director to be a chronic noise nuisance, or a chronic safety
22 nuisance, or an animal that is subjected to an immediate health
23 hazard.

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1 (EE)(BB) A secure enclosure shall be:

2 (1) A fully fenced pen, kennel or structure that shall remain locked with a
3 padlock or combination lock. Such pen, kennel or structure must have
4 secure sides, minimum of five feet high, and the director may require a
5 secure top attached to the sides, and a secure bottom or floor attached to
6 the sides of the structure or the sides must be embedded in the ground no
7 less than one foot. The structure must be in compliance with the
8 jurisdiction's building code.

9 (2) A house or garage. When dogs are kept inside a house or garage as a
10 secure enclosure, the house or garage shall have latched doors kept in
11 good repair to prevent the accidental escape of the dog. A house, garage,
12 patio, porch or any part of the house or condition of the structure is not a
13 secure enclosure if the structure would allow the dog to exit the structure
14 or of its own volition; or

15 (3) For a Dangerous Dog, a fully fenced pen, kennel or structure at least six
16 feet in height, installed beneath the ground level or in concrete or
17 pavement, or a fabricated structure to prevent digging under it. Either
18 enclosure shall be designed to prevent the entry of children or
19 unauthorized persons and to prevent those persons from extending
20 appendages inside the enclosure and be equipped with a self closing and
21 self latching gate. A "Dangerous Dog" sign prescribed by the director
22 must be posted at the entry to the owner's or keeper's premises.

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1 (FF) ~~(GG)~~ *Serious physical injury* means any physical injury which creates a
2 substantial risk of death or which causes significant disfigurement, significant
3 impairment of health or significant loss or impairment of the function of any
4 body part or bodily organ or protracted loss or impairment of health or of the
5 function of any body part or organ.

6 (GG) ~~(DD)~~ *Service animal* is an animal that is professionally trained to provide
7 assistance and whose primary function is to provide such service. Service
8 animals include, but are not limited to, guide dogs, police dogs and rescue
9 dogs. means any guide dog, signal dog or other animal individually trained to
10 do work or perform tasks for the benefit of an individual with a disability,
11 including, but not limited to, guiding individuals with impaired vision, alerting
12 individuals with impaired hearing to intruders or sounds, providing minimal
13 protection or rescue work, pulling a wheelchair, or fetching dropped items.
14 Service animal shall also mean trained animals used by government agencies
15 in police and rescue work.

16 (HH) ~~(EE)~~ *Sexually unproductive* means being incapable of reproduction and
17 certified as such by a licensed veterinarian.

18 ~~(FF)~~ *Vicious animal* means any dangerous animal, excluding dogs or cats, which
19 bites any human being or other domestic animal or which demonstrates
20 menacing behavior towards human being or domestic animals. "Vicious
21 animal" does not include an animal which bites, attacks or menaces a
22 trespasser on the property of its owner or keeper or harms or menaces
23 anyone who has tormented or abused it.

1 (II) Wolf-Hybrid means any animal which is either the result of cross breeding a
2 purebred wolf and a dog or an existing wolf-hybrid with a dog.

3 [Ord. 156 § II (2) (1978); Ord. 379 §§ 1--3 (1983); Ord. 480 § 1 (1985); Ord. 517
4 § 2 (1986); Ord. 591 § 1 (1988); Ord. 732 §§ 1--3 (1992); Ord. 850, § 1 (1996)]

5
6 Section II. AMENDMENT

7 MCC 8.10.020 is amended as follows:

8 The board of county commissioners recognizes that ORS Chapter 609
9 constitutes state law for the regulation of dogs but may be superseded in home
10 rule counties which provide for regulation by ordinance. The board finds that it is
11 necessary to establish and implement a program for the licensing and regulation
12 of dogs and other animals and facilities which house them; that animals require
13 legal protection; that the property rights of owners or keepers and nonowners of
14 animals should be protected and that the health; safety and welfare of the
15 people residing in Multnomah County would best be served by adoption of such
16 an ordinance.

17 Section III. AMENDMENT

18 MCC 8.10.035 is amended as follows:

19 (A) Whenever a county animal control officer or person designated by the
20 director has reasonable grounds to believe that an animal or facility is in
21 violation of this chapter, that officer or designee shall be authorized to issue
22 the owner or keeper notice of civil infraction containing the following
23 information:

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- 1 (1) The name and address, if known, of the owner or person in violation of
2 this chapter and description of the animal, if applicable; and
- 3 (2) The Code section allegedly violated plus a brief descriptive statement of
4 the nature of the violation; and
- 5 (3) A statement of the amount due as a civil fine for the infraction and notice
6 that the animal is to be impounded if impoundment is authorized
7 hereunder.
- 8 (4) A statement explaining all fines are due within 30 days of service of the
9 notice;
- 10 (5) A statement advising that if any civil fine is not timely paid, the failure to
11 comply may lead to enhancement of the original fine or additional fines;
- 12 (6) A statement that the determination of violation is final unless appealed by
13 filing a written notice of appeal ~~including with~~ with a \$25.00 non-refundable fee
14 ~~with~~ to the director of animal control division within 20 days of the date of
15 the notice of infraction was served.
- 16 (7) A statement that an admission of infraction would be on record and could
17 lead to the enhancement of fine on any subsequent infraction issued
18 under this chapter as provided under MCC 8.10.900 (B).

19 [Ord. 732 § 4 (1992); Ord. 850, § 4 (1996)]

20
21 Section IV. AMENDMENT

22 MCC 8.10.036 is amended as follows:

1 The notice of infraction shall be served on the owner or keeper of the
2 animal or facility in violation of this chapter by personal service or by regular and
3 certified mail with return receipt requested.

4 [Ord. 732 § 5 (1992); Ord. 850, § 5 (1996)]
5

6 Section V. AMENDMENT

7 MCC 8.10.038 is amended as follows:

8 (A) Any party who is issued a notice of infraction for any offense listed under
9 MCC 8.10.900(A) may, in lieu of requesting a hearing, admit the infraction
10 and submit the fine as stated on the notice of infraction to the animal control
11 division. The party may attach a written explanation of mitigating
12 circumstances with the payment of the fine.

13 (B) Any written explanations submitted under subsection (A) shall be reviewed
14 by the hearings officer. The hearings officer shall have discretion to reduce
15 the submitted fine and refund any portion not retained based on the written
16 explanation.

17 (C) When a person issued a notice of infraction for violation of any of the
18 following sections of this chapter: MCC 8.10.190(B)(2), ~~(5) (6)~~, ~~(10) (11)~~,
19 ~~(11) (12)~~, or ~~(12) (13)~~; or MCC 8.10.191(A), the violation may be
20 compromised as provided at MCC 8.10.038(D).

21 (D) If the person injured, damaged, or otherwise detrimentally impacted by the
22 commission of the violation; acknowledges in writing any time before the final
23 decision of the director, hearings officer, or a court of requisite jurisdiction,

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1 that the person has received satisfaction for the injury damage or detrimental
2 impact, the director hearings officer or court may in their discretion, on
3 payment of any cost or expense incurred, order the notice of infraction
4 dismissed.

5 (1) The director, hearings officer, or court when issuing an order to dismiss
6 under this section, may impose additional conditions or requirements upon
7 the party issued the violation, if in their determination the additional
8 requirements are necessary to further protect the public health or safety.

9 (2) Any condition or requirement imposed pursuant to MCC 8.10.038(D)(1)
10 shall be complied with prior to the entry of the final order dismissing the
11 notice of infraction(s).

12 (E) The order authorized by MCC 8.10.038(D) when made and entered by the
13 director, hearings officer or court is a bar to another enforcement action for
14 the same violation.

15 [Ord. 732 § 7 (1992); Ord. 850, § 6 (1996)]

16 Section VI. AMENDMENT

17 MCC 8.10.040 is amended as follows:

18 (A) The director shall operate, maintain or provide for an adequate facility to
19 receive, care for and safely confine any animal delivered to the director's
20 custody under provisions of this chapter, which facility shall be accessible to
21 the public during reasonable hours for the conduct of necessary business
22 concerning impounded animals.

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1 (B) Any animal may be impounded and held at the facility when it is the subject
2 of a violation of this chapter, when an animal requires protective custody and
3 care because of mistreatment or neglect by its owner or keeper or when
4 otherwise ordered impounded by a court, a hearings officer, or the director.

5 (C) An animal shall be considered impounded from the time the director or the
6 director's designee takes physical custody of the animal.

7 (D) Impoundment is subject to the following holding period and notice
8 requirements:

9 (1) An animal bearing identification of ownership shall be held for 144 hours
10 from time of impoundment. The director shall make reasonable effort
11 ~~within 24 hours of impoundment~~ by phone to give notice of the
12 impoundment to owner or keeper and, if unsuccessful, shall mail written
13 notice ~~within 48 hours of impoundment~~ to the last known address of the
14 owner or keeper advising of the impoundment, the date by which
15 redemption must be made and the fees payable prior to redemption
16 release.

17 (2) An animal ~~dog~~ for which no identification of ownership is known or
18 reasonably determinable shall be held for 72 hours from time of
19 impoundment before any disposition may be made of the animal.

20 (3) Animals held for periods prescribed under this section, or as otherwise
21 required by ORS 433.340 or 433.390, and not redeemed by the owner or
22 keeper, shall be subject to such means of disposal as the director
23 considers most humane.

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1 (4) Animals delivered for impoundment by a peace officer who removed the
2 animal from possession of a person in custody of the peace officer shall
3 be held for the period prescribed in paragraph (1) of this subsection. A
4 receipt shall be given the peace officer, who shall deliver the receipt to the
5 person in custody from whom the animal was taken. The receipt shall
6 recite redemption requirements and shall serve as the notice required by
7 this section.

8 (E)(1) Any impounded animal shall be released to the owner or keeper or the
9 owner's or keeper's authorized representative upon payment of
10 impoundment, care, rabies, vaccination deposits, license fees, past due fines,
11 and all fees and deposits related to potentially dangerous dog regulations
12 with the addition of the following conditions:

13 (a) Any animal impounded by court, hearings officer's or director's order shall
14 be released to the owner or keeper or the owner's or keeper's authorized
15 representative upon payment of all fees required in subsection (E) (1) of
16 this section, and upon receipt of a written order of release from the court
17 of competent jurisdiction or the hearings officer or the director issuing the
18 order.

19 (b) Any classified potentially dangerous dog shall be released to the owner or
20 keeper or the owner's or keeper's authorized representative upon
21 payment of all fees required in subsection (E)(1) of this section, and upon
22 verification of satisfactory compliance with the regulations required in
23 MCC 8.10.270 to 8.10.280. Failure to be in satisfactory compliance with

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1 the potentially dangerous dog regulations within ~~ten days of~~ twenty days
2 after the date of impoundment shall result in the owner or keeper forfeiting
3 all rights of ownership of the dog to the county.

4 (2) An animal held for the prescribed period and not redeemed by its owner or
5 keeper, and which is neither a dangerous or exotic animal nor in a
6 dangerous unhealthy condition of health, may be released for adoption
7 subject to the provision of MCC 8.10.045.

8 (3) The director shall dispose of animals held for the prescribed period without
9 redemption or adoption only by humane means of euthanasia, ~~provided,~~
10 ~~however, that, irrespective of any prescribed holding period, the director,~~
11 ~~upon advice of a licensed veterinarian,~~

12 (4) At any time the director may euthanize any unlicensed and feral animal,
13 or any unhealthy or injured animal by humane means without regard to
14 the holding period specified in (D)(1)(2) above, provided the animal's
15 injuries must be determined to be life threatening or if the animal is
16 unhealthy the animal's condition must be found to present a health threat
17 to the other animals in the shelter.

18 (5) Any device attached to any animal upon impoundment shall be retained,
19 30 days, by the director should the animal be disposed of as provided in
20 paragraph (3) of this subsection. Otherwise, the device shall accompany
21 the animal when redeemed or adopted.

22 [Ord. 156§ III (2) (1977); Ord. 276 § 2 (1981); Ord. 379 §§ 5, 6 (1983); Ord. 591
23 § 4 (1988); Ord. 732 § 3 (1992); Ord. 580, § 7 (1996)]

1 Section VII. AMENDMENT

2 MCC 8.10.041 is added as follows:

3 (A) Whenever a person in possession of an animal, which has been used in the
4 commission of a violation of this Chapter, and which is the subject of a lawful
5 order of impound, refuses to voluntarily release said animal to an Animal
6 Control Officer upon timely and reasonable request, the Director shall
7 determine the need to procure the animal's immediate impoundment.

8 (B) A limited search warrant authorized under this section shall be sought by the
9 Division after the Director has determined the animals immediate
10 impoundment is necessary based on one or more of the following factors:

11 (1) The public's health and safety is at risk by the subject animal remaining in
12 the possession of the owner.

13 (2) The health and welfare of the subject animal is at risk by the animal
14 remaining in the possession of the owner or keeper.

15 (3) The Owner/Keeper has failed to comply with requirements specified in
16 MCC 8.10.192.

17 (C) The Director shall request the assistance of the Sheriff to procure and
18 execute the limited search warrant. The Sheriff shall prepare the application
19 for the warrant including the affidavit in support thereof. The Sheriff shall
20 obtain the warrant in compliance with the procedures and practices
21 authorized under State law for the seizure of property pursuant to a search
22 warrant. The Director and the Sheriff shall coordinate with the Office of

1 County Counsel to review the affidavit for compliance with all the provisions
2 herein stated.

3
4 Section VIII. AMENDMENT

5 MCC 8.10.045 is amended as follows:

6 (A) An animal may be released for adoption or transferred to another adoption
7 agency, approved by the director, subject to the following conditions:

8 (1) The adoptive owner ~~or keeper~~ shall agree in writing to furnish proper care
9 to the animal in accordance with this chapter;

10 (2) Payment of required fees; however, animals transferred to another
11 adoption agency are exempt from the requirement of paying adoption
12 fees;

13 (3) In the case of a fertile dog or cat, the adoption agency must obtain prior to
14 transfer from the adoption agency to the adoptive owner a surgical
15 prepayment deposit in an amount not to exceed \$45.00 refundable upon
16 furnishing evidence that the animal has been rendered sexually
17 unreproductive; and written agreement by the adoptive owner or keeper to
18 render any adopted dog or cat sexually unproductive within 30 days of
19 adoption or upon the animal attaining sexual maturity, whichever event
20 last occurs, together with a fee not to exceed \$45 refundable upon
21 furnishing evidence the animal has been rendered sexually unproductive.
22 Failure to perform the agreement shall be a forfeiture of the amount
23 deposited under this paragraph and the director may require return of the

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1 adopted dog or cat to the shelter. It is unlawful to fail to return an adopted
2 animal as required by the director.

3 ~~(4) A written agreement by the adoptive owner or keeper to render any~~
4 ~~adopted dog or cat sexually unproductive within 30 days of adoption or~~
5 ~~upon the animal attaining sexual maturity, whichever event last occurs,~~
6 ~~together with a fee not to exceed \$45 refundable upon furnishing evidence~~
7 ~~the animal has been rendered sexually unproductive. Failure to perform~~
8 ~~the agreement shall be a forfeiture of the amount deposited under~~
9 ~~paragraph (3) of this section and the director may require return of the~~
10 ~~adopted dog or cat to the shelter. It is unlawful to fail to return an adopted~~
11 ~~animal as required by the director.~~

12 (B) The director may decline to release an animal for adoption under any of
13 ~~the following~~ circumstances including but not limited to:

14 (1) The prospective adoptive owner ~~or keeper~~ has a history of violations of the
15 animal control ordinance or has been convicted of an animal-related
16 crime.

17 (2) The prospective adoptive owner ~~or keeper~~ has inadequate or
18 inappropriate facilities for confining the animal and for providing proper
19 care to the animal as set out in MCC 8.10.190;

20 (3) The existence of other circumstances which in the opinion of the director
21 would endanger the welfare of the animal or the health, safety and welfare
22 of the people residing in Multnomah County. ~~In making a decision under~~

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1 ~~this subsection, the director shall consider the guidelines adopted by the~~
2 ~~Multnomah County animal adoption panel.~~

3 (4) The animal is classified as a dangerous dog animal or a potentially
4 dangerous dog.

5 (C) For purposes of this section "adoption agency" shall mean any government,
6 association, corporation or similar entity approved by the director and capable
7 of caring for animals pending final adoption placement.

8 [Ord. 275 § 4 (1981); Ord. 379 § 7 (1983); Ord. 732 § 3 (1992); Ord. 850, § 8
9 (1996)]

10
11 Section IX. AMENDMENT

12 MCC 8.10.054 is amended as follows:

13 **8.10.054. Appeals, fee.**

14 (A) Any party served a notice of infraction or director's decision or order under
15 this chapter may appeal the infraction or director's decision by submitting a
16 notice of appeal in writing along with the \$25.00 hearing fee to the ~~a~~Animal
17 ~~e~~Control ~~d~~Division within 30 days of the date the notice of infraction or
18 director's decision or order was served on the party.

19 (B) Any party whose application for a facility license or dangerous animal facility
20 license was denied, revoked or issued subject to conditions may appeal the
21 license denial, revocation or conditional approval by submitting a notice of
22 appeal in writing along with the \$25.00 hearing fee to the ~~a~~Animal ~~e~~Control

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1 ðDivision within 20 days of the date the denial or conditional approval was
2 mailed to the applicant by certified mail.

3 [Ord. 732 § 9 (1992); Ord. 850, § 10 (1996)]

4
5 Section X. AMENDMENT

6 MCC 8.10.055 is amended as follows:

7 (A) The board shall adopt procedural rules governing the conduct and
8 scheduling of the appeal hearings under this chapter.

9 (B) Upon the receipt of a timely appeal, animal control division shall set the
10 matter for hearing on the next available date scheduled for animal control
11 hearings.

12 (C) Any party appealing a notice of infraction or license denial/revocation or
13 director's decision or order under this chapter shall be given a written notice
14 of the hearing date no less than ten days prior to the scheduled hearing.

15 (D) The hearings officer shall hold a public hearing on any timely appeal from a
16 notice of infraction, director's decision or order, or the denial/revocation of a
17 facility license. The party who brought the appeal or any other person having
18 relevant evidence concerning the nature of the infraction or license
19 denial/revocation shall be allowed to present testimony and documentary
20 evidence at the hearing. The hearings officer may consider mitigating or
21 extenuating circumstances presented on behalf of a party.

22 (E) If the hearing is held to address a notice of infraction or director's decision
23 issued under MC 8.10.275 or 8.10.290, the hearings officer shall determine

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1 whether the infraction contained in the notice did occur. The hearings officer
2 shall have the same authority as the director under MCC 8.10.275 when
3 conducting potentially dangerous dog hearings.

4 (F) If the hearing is held to address a facility license condition, denial or
5 revocation, the hearings officer shall determine whether the license conditions
6 were rightfully imposed or the license was rightfully denied or revoked as
7 provided under MCC 8.10.120.

8 (G) The hearings officer shall issue a written decision containing findings of fact
9 addressing the allegations contained in the notice of infraction, the director's
10 decision, or the license denial/revocation under MCC 8.10.100 through
11 8.10.145. The decision shall clearly state the hearings officer's conclusion
12 and the reasoning based on the findings of fact. The decision shall be signed
13 and dated by the hearings officer and shall be served by personal service or
14 regular and certified mail to the last known address of the party who filed the
15 appeal. The decision shall be final on the date of personal service or three
16 (3) days after mailing.

17 (H) In all appeal under this chapter the hearings officer shall have discretion
18 ordering conditions, restrictions and penalties.

19 (I) Failure of a party to file an appeal as provided in this section or unexcused
20 failure of a party to appear at a duly scheduled hearing shall constitute a
21 waiver by the party of any further appeal under this chapter. Upon the entry
22 of a waiver in the record, the last decision issued by the animal control
23 division shall become final.

1 [Ord. 732 § 10 (1992); Ord. 850, § 11 (1996)]

2
3 SECTION XI. AMENDMENT

4 MCC 8.10.060 is amended as follows:

5 **8.10.060. Dogs and cats subject to pet licensing.**

6 (A) The provisions of MCC 8.10.060 to 8.10.090, shall apply to dogs and cats
7 not covered under a facility subject to licensure under MCC 8.10.100 to
8 8.10.140.

9 (B) Any animal declared by its owner or keeper to be a wolf-hybrid shall be
10 considered a dog under this chapter and subject to all provisions relating to
11 dogs under state law and this chapter with respect to the possession,
12 ownership and licensing of the animal, including the requirement to vaccinate
13 the animal against rabies.

14 (C) As a condition of the issuance of a license to a wolf-hybrid owner or keeper,
15 and notwithstanding that person's obligation to vaccinate the animal against
16 rabies under MCC 8.10.060(B), any such owner or keeper shall agree in
17 writing to immediately release the animal for euthanization upon demand of
18 the County Health Officer or the Director, if the animal has bitten a person or
19 has been exposed to a rabid animal. This condition, consenting to release,
20 shall be effective for the life of the wolf-hybrid or until such time as a rabies
21 vaccine is approved and certified by the Oregon State Department of
22 Agriculture for use in wolf-hybrids.

23 [Ord. 156 § IV(1) (1977); Ord. 480 § 2 (1985); Ord. 850 § 13 (1996)]

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1 Section XII. AMENDMENT

2 MCC 8.10.070 is amended as follows:

3 (A) Dogs and cats shall be licensed within 30 days of obtaining the age of six
4 months or within 30 days of obtaining residency in the county or within 30
5 days of acquisition by the owner or keeper, whichever occurs later.

6 (B) Licenses shall be valid for one, two or three years from date of issuance, at
7 the option of the pet owner or keeper and, for dogs and cats, shall require a
8 current rabies inoculation for licensing period selected and shall be issued
9 upon payment of the fee required by MCC 8.10.220.

10 (C) Licenses issued under prior existing Multnomah County ordinances shall
11 remain valid until expiration.

12 (D) The person who licenses an animal becomes the owner or keeper of record
13 and is responsible for the action or behavior of his or her animal including
14 those responsibilities of an owner as provided in MCC 8.10.190 (A).

15 [Ord. 156 § IV(2a) (1977); Ord. 480 § 3 (1985); Ord. 732 § 3 (1992); Ord. 850,
16 § 14 (1996)]

17
18 Section XIII. AMENDMENT

19 MCC 8.10.080 is amended as follows:

20 (A) Pet license tags shall be securely displayed upon animals at all times, except
21 when the animal is confined to the owner's or keeper's premises or displayed
22 in an exhibition. ~~Pet owners or keepers shall be allowed to choose the means~~
23 ~~by which to display the pet license number (tag, collar, tattoo, microchip or~~

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1 ~~another form of identification with the pet license number on it.~~ A pet license
2 tag, with pet license number, shall be issued by the director. Any additional
3 expenses ~~is~~ are to be borne by the pet owner or keeper.

4 (B) A pet license is not transferable to another animal. The pet license number
5 shall be assigned to the animal and shall remain with the animal upon transfer
6 to another owner or keeper for the life of the animal.

7 (C) An animal displaying a current license from jurisdictions outside Multnomah
8 County, but within the State of Oregon, shall not require licensing under this
9 chapter until expiration of the current license.

10 (D) Animal control may inspect the premises ~~with five or more~~ where animals are
11 kept to insure that owners or keepers are providing minimum care and
12 facilities.

13 [Ord. 156 § IV(2b) (1977); Ord. 195 § 11 (1979); Ord. 480 § 5 (1985); Ord. 732 §
14 3 (1992); Ord. 850, § 15 (1996)]

15
16 Section XIX. AMENDMENT

17 MCC 8.10.090 is amended as follows:

18 (A) License Fees shall be waived for ~~licenses issued for any~~ dog used primarily
19 as a service animal upon presentment the owner or keeper establishing the
20 service animal's function as an assistance animal under the Americans With
21 Disabilities Act, 42 USC § 12101 et seq. ~~of an ADA affidavit by the animal's~~
22 ~~owner or keeper. A service animal license shall be valid for the duration that~~

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1 ~~the dog provides the service or upon retirement due to age or infirmity and so~~
2 ~~long as the dog remains the property of the person named in the affidavit.~~

3 (B) License fees for dogs and cats owned by persons aged 65 or older and
4 persons deemed by the director to be under financial hardship ~~shall~~ may be
5 reduced by up to 50 percent for up to two (2) animals per household.

6 (C) License fees shall be waived for any dog used as a service animal by any
7 Local, State or Federal Government agency. This exemption shall expire
8 when the dog is no longer used primarily as a service animal.

9 [Ord. 156 § IV(2c) (1977); Ord. 480 § 6 (1985); Ord. 684 § 3 (1991); Ord. 732 § 3
10 (1992); Ord. 850, § 17 (1996)]

11
12 Section XV. AMENDMENT

13 MCC 8.10.100 is amended as follows:

14 ~~(A)~~ A facility license or dangerous animal dog facility license shall be granted in
15 accordance with procedures, standards and limitations provided in MCC
16 8.10.100 to 8.10.140, and no such facility may lawfully be operated except
17 upon application and payment of prescribed fees for the license.

18 ~~(B) Issuance of the license shall require prior land use approval and shall be in~~
19 ~~compliance with any land use restrictions or regulations which may apply to~~
20 ~~the proposed facility operation.~~

21 ~~(C) The Oregon Humane Society, located at 1067 NE Columbia Boulevard in~~
22 ~~Portland, Oregon, shall be exempt from the requirements of MCC 8.10.100 to~~
23 ~~8.10.140.~~

1 [Ord. 156 § V(1) (1977); Ord. 480 § 7 (1985); Ord. 850, § 18 (1996)]

2 Section XVI. AMENDMENT

3 MCC 8.10.110 is amended as follows:

4 (A) Application for a facility license or dangerous ~~animal~~ dog facility license shall
5 be made upon forms furnished by the director, shall include all information
6 required therein and shall be accompanied by payment of the required fee.

7 (B) A facility license or dangerous ~~animal~~ dog facility license shall be valid for
8 one year from the date of issuance, unless revoked.

9 (C) The director shall inspect any facility for which a license is sought and, upon
10 determination that the facility and its operation complies with all applicable
11 provisions of this chapter and other applicable local, state and federal laws,
12 shall issue a license which may include one or more conditions of approval
13 and/or operation.

14 (D) If the director fails to approve or deny a fully completed application within 60
15 days of its receipt and payment of fees, the application shall be considered
16 approved for the current year, subject only to revocation as provided in MCC
17 8.10.120.

18 (E) A license shall be conspicuously displayed on the facility premises and a
19 holder of a license shall keep available for inspection by the director a record
20 of the name, address and telephone number of the owner or keeper of each

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1 animal kept at the facility, the date each animal was received, the purpose
2 therefor, the name and address of the person from whom the animal was
3 purchased or received, a description of each animal including species, age,
4 breed, sex and color and the animal's veterinarian, if known, at the discretion
5 of the director. For small animal such as fish, gerbils, hamsters or similar
6 kinds of animals acquired in lots, an individual record should not be required
7 for each animal, but the holders shall keep an adequate invoice record of the
8 lot acquisition.

9 [Ord. 156 § V(2) (1977); Ord. 480 § 8 (1985); Ord. 732 § 3 (1992); Ord. 850 § 19
10 (1996)]

11 Section XVII. AMENDMENT

12 MCC 8.10.120 is amended as follows:

13 (A) A license required by MCC 8.10.100 to 8.10.140 may be denied or revoked
14 for any of the following reasons:

15 (1) Failure to comply ~~substantially~~ with any provision of this chapter.

16 (2) Conviction of the owner or keeper or any person subject to the owner's or
17 keeper's direction or control for the violation of any provision of this
18 chapter or other applicable state or federal law, rule, order or regulation
19 pertaining to any activity relating to animals.

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1 (3) Furnishing false information on an application for a license under this
2 chapter.

3 (B) The director shall refund ~~400~~ 75 percent of any fee paid upon denial of a
4 license, provided, however, no refund shall be made upon revocation.

5 (C) If the director denies an application for a license or approves subject to
6 conditions, the determination is final unless the applicant appeals the denial
7 or conditional approval.

8 (D) The director shall investigate any complaint concerning licensed facilities
9 and, upon determination that a license should be revoked, shall serve written
10 notice upon the licensee of that determination by certified mail. The director's
11 determination shall become final unless appealed.

12 (E) Failure to file a request within 20 days shall terminate any appeal right, and
13 the director's decision revoking the license shall not be reviewable otherwise.

14 [Ord. 156 § V(3) (1977); Ord. 732 §§ 3, 13 (1992); Ord. 850, § 20 (1996)]

15
16 Section XVIII. AMENDMENT

17 MCC 8.10.130 is amended as follows:

18 The director shall not issue facility license or dangerous ~~animal~~ dog facility
19 license until a site inspection demonstrates compliance with the standards
20 applicable to the nature and species of any animal to be kept as set forth in this
21 section:

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- 1 (A) Housing structures shall be sound and maintained in good repair to protect
2 animals from injury, safely confine any animal housed therein and prevent
3 entry of other animals.
- 4 (B) Reliable and adequate electrical service and a potable water supply shall
5 serve the facility.
- 6 (C) Storage of food supplies and bedding materials shall be designed to prevent
7 vermin infestation.
- 8 (D) Refrigeration shall be furnished for perishable foods.
- 9 (E) Safe and sanitary disposal facilities shall be available to eliminate animal and
10 food wastes, bedding, dead animals and debris and to minimize vermin
11 infestation, odors and disease hazards.
- 12 (F) Cleaning facilities shall be available to animal caretakers and handlers.
- 13 (G) Interior ambient temperature shall be maintained above 50 degrees
14 Fahrenheit for animals not acclimatized to lower temperatures.
- 15 (H) Adequate ventilation shall be maintained to assure animal comfort by such
16 means as will provide sufficient fresh air and minimize drafts, odors and
17 moisture condensation. Mechanical ventilation must be available when
18 ambient temperatures exceed 85 degrees Fahrenheit, if appropriate.
- 19 (I) Interior areas shall have adequate natural or artificial lighting provided,
20 however, that primary enclosures for animals shall be protected from
21 excessive illumination.
- 22 (J) Interior building surfaces shall be so constructed and maintained to permit
23 sanitizing and prevent moisture penetration.

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- 1 (K) Drainage facilities shall be available to assure rapid elimination of excess
2 water from indoor housing facilities. The design shall assure obstruction-free
3 flow and traps to prevent sewage back-flow.
- 4 (L) Outdoor facilities shall provide protective shading and adequate shelter areas
5 designed to minimize harmful exposure to weather conditions for those
6 animals not acclimatized to the environment, if appropriate for the species.
- 7 (M) The primary enclosure shall be of sufficient size to permit each animal
8 housed therein to stand freely, sit, turn about and lie in a comfortable normal
9 position as appropriate for the species. An exercise area or means to provide
10 each animal with exercise shall be provided on the premises.
- 11 (N) When restraining devices are used in connection with a primary enclosure
12 intended to permit movement outside the enclosure, the devices shall be
13 installed in a manner to prevent entanglement with devices of other animals
14 or objects and shall be fitted to the animal by a harness or well-fitted collar,
15 other than a choke type collar, and shall be of reasonable length.
- 16 (O) Animals shall be fed, as often as necessary, a diet of nutritionally adequate
17 and uncontaminated foods.
- 18 (P) Potable water shall be continuously available, unless otherwise
19 recommended by a veterinarian in a particular situation.
- 20 (Q) Cages, rooms, hard-surfaced pens, runs and food and watering receptacles
21 shall be sanitized daily to prevent disease ~~not less than once very two weeks~~
22 ~~by washing with hot water (180 degrees Fahrenheit) and soap or detergent,~~
23 ~~by washing with a combination disinfectant and cleanser, by washing with a~~

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1 ~~detergent followed with a safe, effective disinfectant or by cleaning with~~
2 ~~steam.~~ Prior to the introduction of housing animals in ~~into~~ empty enclosures
3 ~~previously occupied~~, the enclosures shall be sanitized. Animals shall be
4 removed from the enclosure during the cleaning process and adequate care
5 shall be taken to protect animals in other enclosures.

6 (R) Excrement shall be removed from primary enclosures a minimum of every 24
7 hours, or more often if necessary as to prevent contamination, reduce
8 disease hazards and minimize odors.

9 (S) Animals housed together in primary enclosures shall be maintained in
10 compatible groups with the following restrictions, except in a residential
11 dwelling or otherwise appropriate for the species:

12 (1) Females in season (estrus) shall not be placed with males except for
13 breeding purposes;

14 (2) Animals exhibiting vicious behavior shall be housed separately;

15 (3) Animals six months or less of age shall not be housed with adult animals
16 other than with their mothers, as appropriate for the species;

17 (4) Animals shall not be housed with other non-compatible species of
18 animals; and

19 (5) Animals under quarantine or treatment for any communicable disease
20 shall be separated from other animals.

21 (T) Programs of disease control and prevention shall be established and
22 maintained.

1 (U) Each animal shall be seen at least once per 24-hour period by an animal
2 caretaker.

3 (V) Owner or keeper shall comply with the provisions of MCC 8.10.190(B)(6)(7)
4 and (B)(8)(9).

5 [Ord. 156 § V(4) (1977); Ord. 850, § 21 (1996)]

6

7 Section XIX. AMENDMENT

8 MCC 8.10.140 is amended as follows:

9 (A) Exotic, wild or dangerous animal regulation facility license.

10 It is unlawful to harbor and/or own an exotic or dangerous animal. Any facility
11 for keeping of any dangerous animal, whether or not otherwise licensed under
12 this chapter, shall be licensed subject to MCC 8.10.100 and 8.10.110, and the
13 following requirements:

14 Animals must at all times be housed in a manner which assures that animals
15 will not create a public nuisance by reason of noise or emission of offensive
16 odors, present a danger to human life or property, endanger the health of the
17 animals or create a safety or health hazard to human beings. The facility
18 must meet the standards as described in the Oregon Administrative Rules
19 chapter 603, division 11, sections 700 through 725 as published in 1994 and
20 as is from time to time amended or as required by the director.

21 An applicant for a license must demonstrate satisfactory proof to respond in
22 damages for bodily injury or death of any person or for damage to any
23 property which may result from the keeping, owning or control of the animal.

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1 ~~The director may require posting of an adequate bond or proof of liability~~
2 ~~insurance to remain in effect during any license period.~~

3 (B) The following facilities, institutions, persons, entities, associations and
4 government agencies are exempt from compliance with 8.10.140(A):

5 (1) Any facility accredited by the Association of Zoos and Parks and
6 Aquariums (AZPA):

7 (2) Any licensed or accredited research or medical institution, including any
8 such institution dedicated to the training of exotic primates for service
9 animals:

10 (3) License or accredited educational institutions:

11 (4) Veterinary clinics in possession of exotic animals for treatment or
12 rehabilitation purposes.

13 (5) Traveling circuses or carnivals:

14 (6) Persons temporarily transporting exotic animals through the county
15 provided that the transit time shall not be more than three (3) days.

16 (7) Any person or facility licensed as an exhibitor or breeder by the United
17 States Department of Agriculture (USDA) under the Animal Welfare Act.

18 (8) Persons owning or keeping a trained exotic primate as a service animal
19 and who have submitted a sworn affidavit affirming the need for the
20 service animal in their personal dwelling.

21 ~~(C) A license issued under this section shall be subject to revocation by the~~
22 ~~director under MCC 8.10.120. Any person, not otherwise exempted, in~~
23 ~~possession of an exotic animal prior to and upon July 1, 1998, shall be~~

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1 eligible to request an Exemption Permit from Compliance with MCC

2 8.10.190(B)(14) by submitting a written petition to the director. The petition

3 must address each of the following elements:

4 (1) What, if any, financial hardship will be caused by the removal of the
5 animal;

6 (2) Description of the animal including species, age, size, weight, coloring;

7 (3) Proof of liability insurance, minimum \$50,000, or, bond for \$5,000 covering
8 the animal;

9 (4) History of Compliance With All Exotic and Dangerous Animal Facility
10 Regulations under any applicable federal or state law.

11 (D) The director shall evaluate whether any petition submitted under subsection

12 (E) herein merits the exotic animal to be allowed to be maintained at the
13 facility for the duration of the animal's life. Said determination shall be based
14 on comparison of the risk to public health and safety by the specified animal
15 remaining in the facility and petitioner's response to the four factors
16 addressed in the petition.

17 (E) Any Exemption Permit issued under this section shall only be available to the
18 original permit holder, and shall be non-assignable and nontransferable. An
19 exemption permit shall be subject to annul renewal and routine periodic
20 inspection of the facility. Inspection of the facility wherein the animal is kept
21 shall be for the purposes of evaluating the adequacy of the facility to protect
22 the public from the animal as well as for the care and treatment of the animal.

23 The Exemption Permit shall:

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1 (1) Terminate upon death of the animal;

2 (2) Terminate upon the death of the petitioner;

3 (3) Shall be subject to revocation and the animal shall be subject to

4 immediate impoundment upon any notice of infraction being issued to the
5 permit holder;

6 (4) Provide that upon termination of the permit for any reason, and if the

7 animal has not been otherwise disposed of at such time, that the permit
8 holder, or his or her heirs or successors in interest shall either:

9 (a) Immediately release the animal to impound by the Animal Control

10 Division, or

11 (b) Immediately transfer the animal to lawfully exempted agency as

12 provided in subsection (D) herein, that has agreed in writing to accept

13 the animal, proof of which shall be provided to the Animal Control

14 Division prior to the transfer.

15 (F) Any dangerous or exotic animal found in Multnomah County in violation of

16 this section and not otherwise exempt under MCC 8.10.140(B) or (C) shall be

17 subject to immediate impoundment by Animal Control and disposition

18 through any lawful and humane means available to Animal Control.

19 [Ord. 156 § V(5) (1977); Ord. 850, § 22 (1996)]

20
21 Section XX. AMENDMENT

22 MCC 8.10.160 is amended as follows:

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- 1 (A) Any person who finds and harbors an animal without knowing the animal
2 owner's or keeper's identity shall notify the director and furnish a description
3 of the animal within 5 days after the date of finding the animal.
- 4 (B) The finder may surrender the animal to the director or retain its possession,
5 subject to surrender upon demand of the director.
- 6 (C) Records of reported findings shall be retained for six months by the director
7 and made available for public inspection.
- 8 (D) If the finder chooses to retain possession of the animal, the finder shall,
9 within 15 days, cause to be published in a newspaper of general circulation in
10 the county a notice of the finding once each week for two consecutive weeks.
11 Each such notice shall state the description of the animal, the location where
12 the animal was found, the name and address of the finder and the final date
13 before which such animal may be claimed. If the finder does not wish to have
14 his or her name and address appear in the notice, he or she may obtain a
15 case number from Multnomah County Animal Control and have that number
16 published in the newspaper along with the phone number for anAnimal
17 eControl for contact.
- 18 (E) If no person appears and claims ownership of the animal prior to the
19 expiration of ~~90~~ 180 days after the date of the notice to the director under
20 subsection (A) of this section, the finder shall be declared the owner of the
21 animal. Any person becoming owner of any animal under the provisions of
22 this subsection shall assume the responsibilities of an owner under this
23 chapter.

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1 (F) If within ~~three months~~ 180 days of the finder's notice to the director the
2 animal's owner does appear and establish ownership of the animal, the finder
3 shall surrender possession of the animal to that owner, provided, however,
4 that the owner first tender to the finder payment for all of the finder's
5 reasonable actual costs incurred for giving of notice, providing urgent
6 veterinary care and keeping of the animal.

7 (G) Any dispute as to ownership or right to possession of the animal, or as to the
8 amount of the finder's costs, shall be submitted to the director in writing, who
9 shall ~~promptly~~ decide the matter in writing within 30 days. Any party
10 aggrieved by the director's decision may appeal the decision under MCC
11 8.10.054 through 8.10.057.

12 (H) Notwithstanding any other provision in this section, any person who prior to
13 December 31, 1995 found and harbored any dog or cat and who notified the
14 director and furnished a description of the animal shall be the animal's owner
15 if, prior to the expiration of ~~three months~~ 180 days after the director was
16 notified, no person appeared and claimed ownership of the animal. Any
17 person becoming owner of any animal under the provisions of this subsection
18 shall assume the responsibilities of an owner under this chapter.

19

20 Section XXI. AMENDMENT

21 MCC 8.10.170 is amended to read as follows:

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1 Any person in physical possession or control of any animal off the
2 premises of the animal's owner or keeper shall immediately remove excrement or
3 other solid waste deposited by the animal in any public area ~~or private property.~~

4 [Ord. 156 § VI(3) (1977); Ord. 850, § 26 (1996)]

5
6 Section XXII. AMENDMENT

7 MCC 8.10.190 is amended as follows:

8 (A) For the purposes of this section, unless otherwise limited, the owner is
9 ultimately responsible for the behavior of his or her animal regardless of
10 whether the owner or another member of the owner's household or a
11 household visitor permitted the animal to engage in the behavior that is the
12 subject of the violation.

13 (B) It is unlawful for any person to:

14 (1) Permit an animal to be an animal at large.

15 (2) Permit an animal to trespass upon property of another.

16 (3) ~~(4) Keep a vicious animal.~~ Fail to comply with requirements of this
17 chapter which apply to the keeping of an animal, or dangerous animal or
18 any facility where such animals are kept.

19 (4) ~~(5)~~ Permit a dog in season (estrus) to be accessible to a male dog not in
20 the person's ownership except for intentional breeding purposes.

21 (5) ~~(6)~~ Permit any animal to unreasonably cause annoyance, alarm or noise
22 disturbance to any person or neighborhood by at any time of the day or
23 night, by repeated barking, whining, screeching, howling, braying or other

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1 like sounds which may be heard beyond the boundary of the owner's or
2 keeper's property under conditions wherein the animal sounds are shown
3 to have occurred either as repeated episodes of continuous noise lasting
4 for a minimum period of ten minutes or repeated episodes of intermittent
5 noise lasting for a minimum period of thirty minutes. It shall be an
6 affirmative defense under this subsection that the animal was intentionally
7 provoked by a party other than the owner to make such noise. Provided,
8 8.10.190(B)(5) shall not be applicable to any lawful livestock owner or
9 keeper; kennel or similar facility, wherein the presence of livestock or the
10 operation of a kennel or similar facility is authorized under the applicable
11 land use and zoning laws and regulations.

12 (6) ~~(7)~~ Leave an animal unattended for more than 24 consecutive hours
13 without minimum care.

14 (7) ~~(8)~~ Deprive an animal of proper facilities or care, including but not limited
15 to the items prescribed in MCC 8.10.130. Proper shelter ~~shall~~ must
16 ~~include a structure that does not leak, will~~ provide protection from the
17 weather and is maintained in a condition to protect the animals from injury.

18 (8) ~~(9)~~ Physically mistreat any animal either by abuse or neglect or failure to
19 furnish minimum care.

20 (9) ~~(10)~~ Permit any animal to leave the confines of any officially prescribed
21 quarantine area.

22 (10) ~~(11)~~ Permit any dog to engage in any of the behaviors described in MCC
23 8.10.270(A) or (B).

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1 (11)~~(12)~~ Permit any dog to engage in any of the behaviors described in MCC
2 8.10.270(C) through 8.10.270 (D).

3 (12)~~(13)~~ Permit any dog to engage in the behavior described in MCC
4 8.10.271.

5 (13) To harbor a dangerous or exotic animal that is not otherwise exempted
6 under MCC 8.10.140. Provided, any person who is keeping or owning a
7 dangerous animal on the effective date of this Ordinance in their
8 jurisdiction shall have 60 days from that date to provide for the animal's
9 disposition outside of the County.

10 (C) For the purpose of this section "owner" shall mean either owner or keeper as
11 defined under this chapter.

12 (E) Notwithstanding, MCC 8.10.190(B)(10), (11) and (12), any dog that has been
13 found to have engaged in behaviors as described at MCC 8.10.270 or
14 8.10.271, shall be classified, regardless of whether it is established by
15 preponderance of the evidence that the dog owner, keeper or other person
16 permitted the dog to engage in the behavior. If in any such case, it is not
17 established by a preponderance of the evidence that the person cited
18 permitted the dog to engage in the behavior, no fine shall be imposed against
19 that person, but the dog owner or keeper shall be subject to all other
20 restrictions and conditions lawfully imposed by the director or a hearings
21 officer pursuant to MCC 8.10.280(B) and 8.10.055(H) respectively and;

22 (1) In any case, wherein the citing officer or the director based upon his or her
23 investigation and review of such case, determines there is insufficient

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1 evidence to establish the responsible party permitted the dog to engage in
2 the violative behavior, may in lieu of issuing a Notice of Infraction for
3 violation of MCC 8.10.190(B)(10), (11) or (12) issue a Notice of Infraction
4 citing this subsection and the specific subsection of MCC 8.10.270 or
5 8.10.271 directly applicable to the dog's alleged behavior.

6 (2) Any Notice of Infraction issued pursuant to 8.10.190(E)(1) shall not be
7 subject to the imposition of a fine against the person cited, upon issuance
8 or affirmation but that person shall be subject to all other restrictions and
9 conditions lawfully imposed by the director or a hearings officer pursuant
10 to MCC 8.10.280(B) and 8.10.055(H) respectively.

11 [Ord. 156 § VI(5) (1977); Ord. 517 § 4 (1986); Ord. 732 §§ 3, 14 (1992); Ord.
12 850, § 28 (1996)]

13 Section XXIII. AMENDMENT

14 MCC 8.10.191 is amended as follows:

- 15 (A) The failure to comply with any conditions or restrictions lawfully imposed
16 pursuant to a notice of infraction or director's decision not otherwise stayed
17 under MCC 8.10.056 is a violation of this chapter. Failure to pay the civil fine
18 shall be an infraction under this section. A notice of infraction issued under
19 this section for failure to comply shall be of the same classification as the
20 original infraction. The first notice of infraction issued under this section shall
21 not be construed as a second offense under MCC 8.10.900(B).
- 22 (B) Except as provided in MCC 8.10.191(C), all enforcement actions under this
23 section shall be brought before a hearings officer.

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1 (C) Any enforcement action for a Class A infraction failure to comply wherein the
2 circumstances of the failure to comply by the party in violation are
3 determined by the director to:

4 (1) Be a substantial risk to public safety; or

5 (2) Be a substantial risk to the care and treatment of the subject animal(s); or

6 (3) Be a failure to pay past-due fines on three or more infractions within a 20
7 month period;

8 shall be brought in the state court as provided under ORS 203.810 and ORS
9 30.315.

10 (D) Notwithstanding subsection (A) of this section, a notice of failure to comply
11 issued under this section that is based solely on the failure to pay the annual
12 classified dog fee under MCC 8.10.280(G), shall be a Class C infraction.

13 [Ord. 732 § 15 (1992); Ord. 773, § 2 (1993); Ord. 850, § 29 (1996)]

14 (E) In addition to any other remedies allowed by law, judgment may be entered
15 under this Section in state court against any person issued a citation under
16 subsection (C) of this section by reason of that person failing to appear at the
17 time and date set for arraignment or other required appearance provided that
18 such judgment shall only be allowed if the notice of infraction served on the
19 person contains a statement notifying the person that a monetary judgment
20 may be entered against the person up to the maximum amount of fines,
21 assessments, and other costs allowed by law for the infraction if the person
22 fails to appear at the time, date and court specified in the notice of infraction
23 or subsequent hearing notice from the court.

1 Section XXIV. AMENDMENT

2 MCC 8.10.192 is amended as follows:

3 (A) Whenever a public nuisance animal, as determined by the director under this
4 chapter is found on any premises within the jurisdiction of the county, a
5 written order may be given to the owner or keeper of the animal(s), or to the
6 owner, occupant, person in possession, person in charge, or person in control
7 of the premises where the animal(s) is (are) located, or a written order may be
8 posted at such premises when none of the above people can be found at the
9 premises. Such order shall be signed by the director and shall give the
10 person or persons to whom it is directed no less than 72 hours (three days)
11 nor more than 120 hours (five days) to remove and abate the nuisance.

12 (B) If, after the time given to comply with the notice has passed, the nuisance has
13 not been abated, the director may summarily abate the nuisance by ordering
14 impoundment of the animal(s) and assess the cost of such abatement against
15 the owner or keeper of the animal(s), or the owner, occupant, person in
16 possession, person in charge, or person in control of the premises where the
17 animal(s) is (are) located, to be collected by suit or otherwise, in addition to
18 the penalties for the violation thereof.

19 (C) It shall be unlawful to fail to comply with an order to abate a nuisance issued
20 as provided in subsection (A) and shall be construed ~~as interference with the~~
21 ~~director under MCC 8.10.030(D)~~ a Class A Infraction.

22 (D)(1) Any party served a written order to abate a nuisance as provided in
23 subsection (A) of this section, may appeal the order as provided under

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1 MCC 8.10.054. The appeal under this section may be consolidated with
2 any underlying infraction still pending eligible for appeal under this
3 chapter. Provided, any challenge to an enforcement action brought under
4 subsection (C) of this section, including issues relating to the validity of the
5 order to abate the nuisance, shall be joined in one state court proceeding,
6 and there shall be no further administrative review or appeal except as
7 directed by the court.

8 (2) Any animal impounded pursuant to the order to abate shall not be
9 released until such time as the director, hearings officer, or court of
10 competent jurisdiction orders such release.

11 (E) (1) Any enforcement action first brought under MCC 8.10.191(C) shall bar
12 any enforcement action brought under this section in relation to the same
13 event or series of events subject to regulation and enforcement under this
14 chapter.

15 (2) Notwithstanding MCC 8.10.191(C), any enforcement action first brought
16 under this section shall bar any enforcement action brought under MCC
17 8.10.191(C) in relation to the same event or series of events subject to
18 regulation and enforcement under this Chapter.

19 [Ord. 850, § 30 (1996)]

20 Section XXV. AMENDMENT

21 MCC 8.10.200 is amended as follows:

22 It is unlawful for any person in Multnomah County to:

23 (A) Harbor, keep, possess, breed or deal in gamecocks; or

1 (B) Knowingly and intentionally, whether for amusement of self or others, or for
2 financial gain, cause any animal to fight or injure any other animal, cause it to
3 be fought or injured by any other animal or to train or keep for the purpose of
4 training any animal with the intent that the animal shall be exhibited
5 combatively with any other animal. Anyone who permits such conduct on
6 premises under that person's control, and any person present as a spectator
7 at that exhibition, shall be considered a violator of this subsection and subject
8 to punishment upon conviction.

9
10 Section XXVI. AMENDMENT

11 MCC 8.10.270 is amended as follows:

12 Classification of a dog as potentially dangerous shall be based upon specific
13 behaviors exhibited by the dog. For purposes of MCC 8.10.265 through
14 8.10.285, behaviors establishing various levels of potentially dangerous dogs are
15 as follows:

16 (A) Level 1 behavior is established if a dog at large is found to menace, chase,
17 display threatening or aggressive behavior or otherwise threaten or endanger
18 the safety of any person ~~or domestic animal~~.

19 (B) Level 2 behavior is established if a dog while at large, causes physical injury
20 to any domestic animal.

21 (C) Level 3 behavior is established if a dog, while confined in accordance with
22 MCC 8.10.010(B), aggressively bites ~~or causes any physical injury to any~~
23 person.

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1 (D) Level 4 behavior is established if:

2 (1) A dog, while at large,

3 (a) aggressively bites ~~or causes physical injury to~~ any person; or

4 (b) kills or causes the death of any domestic animal or livestock; or

5 (2) A dog classified as a Level 3 potentially dangerous dog that repeats the
6 behavior in subsection (C) of this section after the owner or keeper
7 receives notice of the Level 3 classification.

8 (E) Notwithstanding subsection (A) through (D) of this section, the director shall
9 have discretionary authority to refrain from classifying a dog as potentially
10 dangerous, even if the dog has engaged in the behaviors specified in
11 subsections (A) through (E) of this section, if the director determines that the
12 behavior was the result of the victim abusing or tormenting the dog or was
13 directed towards a trespasser or other similar mitigating or extenuating
14 circumstances.

15 [Ord. 517 § 3 (1986); Ord. 591 § 2 (1988); Ord. 732 § 3 (1992); Ord. 850, § 36
16 (1996)]

17

18 Section XXVII. AMENDMENT

19 MCC 8.10.271 is amended to as follows:

20 (A) Classification of a dog as a dangerous dog animal shall be based upon the
21 dog engaging in any of the following behaviors:

22 (1) A dog, whether or not confined, causes the serious physical injury or
23 death of any person; or

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1 (2) A dog is used as a weapon in the commission of a crime ;~~or,~~

2 ~~(3) A dog classified as a Level 4 potentially dangerous dog that repeats the~~
3 ~~behavior described in MCC 8.10.270 (C) or (D) of this section after the~~
4 ~~owner or keeper receives notice of the Level 4 classification.~~

5 (B) Notwithstanding subsection (A) of this section, the director or hearings officer
6 shall have discretionary authority to refrain from classifying a dog as a
7 dangerous dog animal, even if the dog has engaged in the behaviors
8 specified in subsection (A) of this section, if the director or hearings officer
9 determines that the behavior was the result of the victim abusing or
10 tormenting the dog or was directed towards a trespasser or other extenuating
11 circumstances that establishes that the dog does not constitute an
12 unreasonable risk to human life or property.

13 (C) If a dog is classified under this section as a dangerous dog animal, and the
14 owner requests to keep the dog, the director shall have discretion to order the
15 dog not be euthanized provided the dog is placed in a certified dangerous
16 animal facility as defined under this chapter.

17 (D) The director in making a determination under MCC 8.10.271(C) may consider
18 any relevant evidence that addresses one or more of the following factors:

19 (1) Whether the dog constitutes an unreasonable risk to human life or
20 property if housed in a dangerous dog facility; or

21 (2) Whether the dog has successfully completed the certified America
22 Temperament Testing Society and/or Pet Partners as deemed appropriate
23 ~~been through a certified obedience or other training program; or~~

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1 ~~(3) (4) Whether the dog is a good candidate for obedience training based~~
2 ~~upon the testimony of a certified animal trainer or behaviorist; or~~ The
3 reasonable likelihood of no repeated behavior by the animal in violation of
4 this chapter.

5 [Ord. 850, § 37 (1996)]

6

7 Section XXVIII. AMENDMENT

8 MCC 8.10.275 is amended to as follows:

9 (A) The director shall have authority to determine whether any dog has engaged
10 in the behaviors specified in MCC 8.10.270 or 8.10.271. This determination
11 may be based upon an investigation that includes observation of and
12 testimony about the dog's behavior, including the dog's upbringing and the
13 owner's or keeper's control of the dog, and other relevant evidence as
14 determined by the director. These observations and testimony can be
15 provided by Multnomah County ~~a~~Animal ~~e~~Control ~~e~~Officers or by other
16 witnesses who personally observed the behavior. They shall sign a written
17 statement attesting to the observed behavior and agree to provide testimony
18 regarding the dog's behavior if necessary.

19 (B) The director shall have the discretion to increase or decrease a classified
20 dog's restrictions based upon relevant circumstances.

21 (C) The director shall give the dog's owner or keeper written notice by certified
22 mail or personal service of the dog's specified behavior, of the dog's
23 classification as a potentially dangerous dog or dangerous animal, of the fine

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1 imposed, and of the restrictions applicable to that dog by reason of its
2 classification. If the owner or keeper denies that the behavior in question
3 occurred, the owner or keeper may appeal the director's decision to the
4 hearings officer by filing a written request for a hearing with the director as
5 provided under MCC 8.10.054.

6 (D) Upon receipt of notice of the dog's classification as a Level 1, 2, 3, or 4
7 potentially dangerous dog or dangerous animal pursuant to subsection (C) of
8 this section, the owner or keeper shall comply with the restrictions specified in
9 the notice unless reversed on appeal. Failure to comply with the specified
10 restrictions shall be a violation of this chapter for which a fine can be
11 imposed. Additionally, the director shall have authority to impound the dog
12 pending completion of all appeals.

13 (E) If the director's decision or the hearings officer's decision finds that a dog has
14 engaged in dangerous animal behavior, the dog shall be impounded pending
15 the completion of a dangerous animal facility application or any appeals.

16 (F) Any dog classified as a Level 4, that is found to have repeated Level 4
17 behavior as defined under this code shall be impounded pursuant to MCC
18 8.10.192 if not already impounded. The dog shall not be released to the
19 owner or be made available for adoption until either potential recipient of the
20 dog has established arrangements for accommodating the animal consistent
21 with all the security and safety requirements ordered by the director or the
22 hearings officer.

1 [Ord. 517 § 3 (1986); Ord. 550 §§ 2, 3 (1987); Ord. 591 § 3 (1988); Ord. 732 §§
2 3, 16 (1992); Ord. 850, § 38 (1996)]

3

4 Section XXIX. AMENDMENT

5 MCC 8.10.280 is amended to as follows:

6 In addition to the other requirements of MCC Chapter 8.10, the owner or keeper
7 of a potentially dangerous dog shall comply with the following conditions:

8 (A) Dogs classified as Level 1 dogs shall be restrained in accordance with MCC
9 8.10.010(B) by a physical device or structure, in a manner that prevents the
10 dog from reaching any public sidewalk, or adjoining property and must be
11 located so as not to interfere with the public's legal access to the owner's or
12 keeper's premises, whenever that dog is outside the owner's or keeper's
13 home and not on a leash.

14 (B) Dogs classified as Level 2 dogs shall be confined within a secure enclosure
15 whenever the dog is not on a leash. The secure enclosure must be located
16 so as not to interfere with the public's legal access to the owner's or keeper's
17 premises. In addition, the director may require the owner or keeper to obtain
18 and maintain proof of public liability insurance. In addition, the owner or
19 keeper may be required to complete a responsible pet ownership program as
20 prescribed by the director or a hearings officer.

21 (C) Dogs classified as Level 3 or Level 4 dogs shall be confined within a secure
22 enclosure whenever the dog is not on a leash. The secure enclosure must be
23 located so as not to interfere with the public's legal access to the owner's or

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1 keeper's premises, and the owner or keeper shall post warning signs, which
2 are provided by the director, on the premises where the dog is kept, in
3 conformance with rules to be adopted by the director. In addition, the director
4 may require the owner or keeper to obtain and maintain proof of public liability
5 insurance. The owner or keeper shall not permit the dog to be off the owner's
6 or keeper's premises unless the dog is muzzled and restrained by an
7 adequate leash and under the control of a capable person. In addition, the
8 director may require the owner or keeper to satisfactorily complete a pet
9 ownership program.

10 (D) Dogs classified as a dangerous animal as described in MCC 8.10.271 shall
11 be euthanized or placed in a dangerous animal facility as determined by the
12 director or hearings officer. A dog classified as a dangerous animal shall be
13 confined within a secure enclosure with a double security gate and shall meet
14 the requirements in subsection (C) above. In addition, the director or
15 hearings officer may suspend, for a period of time specified by the director or
16 hearings officer, that dog owner's or keeper's right to be the owner or keeper
17 of any dog in Multnomah County, including dogs currently owned by that
18 person.

19 (E) All dogs classified as dangerous animals, and determined by the director or
20 hearings officer to be euthanized shall be euthanized at any time not less
21 than 20 days of the date of classification. Notification to the director of any
22 appeal to the hearings officer as provided for in MCC 8.10.054(A) or to any
23 court of competent jurisdiction shall delay destruction of the dog until a date

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1 not less than 15 days after a final decision by the hearings officer or final
2 judgment by the court.

3 (F) To insure correct identification, all dogs that have been classified as
4 potentially dangerous or dangerous animals shall be marked with a
5 permanent identifying mark, micro-chipped, photographed, ~~or~~ and may be
6 fitted with a special tag or collar as determined by the director, at the owner's
7 expense. The director shall adopt rules specifying the type of required
8 identification.

9 (G) In addition to the normal licensing fees established by MCC 8.10.220(A)(2)
10 and (2), there shall be an annual fee of \$50.00 for dogs classified at Level 1;
11 and \$100.00 for dogs classified at Level 2 and 3 and; \$150.00 for dogs
12 classified as Level 4; and \$300.00 for dogs classified as Dangerous Animal.
13 This additional fee shall be imposed at the time of classification of the
14 potentially dangerous dog, and shall be payable within 30 days of notification
15 by the director. Annual payment of this additional fee shall be due and
16 payable within 30 days of notification by the director upon the anniversary
17 date of the classification.

18 (H) The owner or keeper of a potentially dangerous dog or dogs classified as
19 dangerous animals shall not permit the warning sign to be removed from the
20 secure enclosure, and shall not permit the special tag or collar to be removed
21 from the classified dog. The owner or keeper of a potentially dangerous dog
22 or dogs classified as dangerous animals shall not permit the dog to be moved

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1 to a new address or change owners or keepers without providing the director
2 with ten days' prior written notification.

3 ~~(f) Declassification of potentially dangerous dogs or dogs classified as dangerous~~
4 ~~animal. Any owner or keeper of a classified potentially dangerous dog or a~~
5 ~~dog classified as a dangerous animal may apply to the director, in writing, to~~
6 ~~have the restrictions reduced or removed.~~

7 (1) ~~The following conditions must be met:~~

8 ~~(a) Level 1 or Level 2 dogs have been classified for one year without~~
9 ~~further incident, or and two years for Level 3 or and Level 4 dogs four~~
10 ~~years for dogs classified as dangerous animals; and~~

11 ~~(b) (c) The owner or keeper provides the director with written certification~~
12 ~~of satisfactory completion of obedience training for the dog classified,~~
13 ~~with the owner or keeper; and There have been no violations of the~~
14 ~~specified regulations; and~~

15 ~~(c) (f) Any other condition ordered by the director or hearings officer at the~~
16 ~~time of classification.~~

17 ~~(1) The owner or keeper provides the director with written certification~~
18 ~~of satisfactory completion of obedience training for the dog~~
19 ~~classified, with the owner or keeper.~~

20 ~~(2) In addition, the director may require the dog owner or keeper to~~
21 ~~provide written verification that the classified dog has been spayed~~
22 ~~or neutered.~~

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1 ~~(3) Any reclassification request submitted under this section must~~
2 ~~include \$40.00 review fee.~~

3 ~~(d) In addition, the director may require the dog owner or keeper to~~
4 ~~provide written verification that the classified dog has been spayed or~~
5 ~~neutered.~~

6 ~~(e) Any reclassification request submitted under this subsection must~~
7 ~~include \$40.00 review fee.~~

8 ~~(2) When the owner or keeper of a potentially dangerous dog meets all of the~~
9 ~~conditions in this subsection, the restrictions for Level 1 and Level 2~~
10 ~~classified dogs may be removed. Restrictions for Level 3 and Level 4~~
11 ~~dogs, and dogs classified as dangerous animals may be removed, with~~
12 ~~the exception of the secure enclosure.~~

13 [Ord. 517 § 3 (1986); Ord. 850, § 40 (1996)]

14
15 Section XXX. AMENDMENT

16 MCC 8.10.285 is amended as follows:

17 **MCC 8.10.285 Declassification of potentially dangerous dog.**

18 Declassification of potentially dangerous dogs or dogs classified as a Dangerous
19 Animal. A \$40.00 Declassification Fee will be assessed when the classification
20 period begins. Declassification will be automatic pursuant to this section. Any
21 person who observes or has evidence of behavior as described in MCC 8.10.270
22 or 8.10.271 shall forthwith notify the director.

23 (A) The following conditions must be met:

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1 (1) Level 1 or Level 2 dogs have been classified for one year without further
2 incident, and two years for Level 3 and Level 4 dogs; and

3 (2) There have been no violations of the specified regulations; and

4 (3) Any other condition ordered by the director or hearings officer at the time
5 of classification.

6 (a) The owner or keeper provides the director with written certification of
7 satisfactory completion of obedience training for the dog classified, with
8 the owner or keeper.

9 (b) In addition, the director may require the dog owner or keeper to provide
10 written verification that the classified dog has been spayed or neutered.

11 (B) When the owner or keeper of a potentially dangerous dog meets all of the
12 conditions in this subsection, the restrictions for Level 1 and Level 2 classified
13 dogs may be removed. Restrictions for Level 3 and Level 4 dogs, and dogs
14 classified as dangerous animals may be removed, with the exception of the
15 secure enclosure.

16 [Ord. 517 § 3 (1986); Ord. 850, § 40 (1996)]

17
18 Section XXXI AMENDMENT

19 MCC 8.10.900 is amended as follows:

20 (A) Violations of the provisions of this chapter shall be classified as provided
21 below.

22 (1) Class A infractions. Violations of the following sections or subsections
23 shall be Class A infractions:

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- 1 (a) MCC 8.10.030;
- 2 (b) MCC 8.10.150;
- 3 (c) MCC 8.10.180;
- 4 (d) ~~(e) MCC 8.10.190(B)(3)~~ MCC 8.10.190(B)(7)(8);
- 5 (e) ~~(f) MCC 8.10.190(B)(8)(9)~~;
- 6 (f) ~~(g) MCC 8.10.190(B)(9)(10)~~;
- 7 (g) ~~(h) MCC 8.10.190(B)(11)(12)~~
- 8 (h) MCC 8.10.190(B)(12);
- 9 (i) MCC 8.10.190(B)(13);
- 10 (j) MCC 8.10.192;
- 11 (k) MCC 8.10.200.

12 (2) Class B infractions: Violations of the following sections or subsections of
13 this chapter shall be Class B infractions:

- 14 (a) MCC 8.10.045(A)(3)(4);
- 15 (b) MCC 8.10.155;
- 16 (c) MCC 8.10.190(B)(3)(4);
- 17 (d) MCC 8.10.190(B)(4)(5);
- 18 (e) MCC 8.10.190(B)(5)(6);
- 19 (f) MCC 8.10.190(B)(6)(7);
- 20 (g) MCC 8.10.190(B)(10)(11).

21 (3) Class C infractions. Infractions of the following sections or subsections of
22 this chapter shall be Class C infractions:

- 23 (a) MCC 8.10.070;

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- 1 (b) MCC 8.10.170;
- 2 (c) MCC 8.10.190(B)(1);
- 3 (d) MCC 8.10.190(B)(2);
- 4 (e) MCC 8.10.210.

5 (4) Except as provided under MCC 8.10.191 and 8.10.192, any other violation
6 of this chapter not listed in this subsection shall be a Class A infraction.

7 (B) Fines:

8 (1) Class A infraction. A fine for Class A infraction shall be no less than
9 \$100.00 nor more than \$500.00 for a first offense. The fine for a second
10 Class A infraction committed within 12 months from the date that the first
11 offense was committed shall be no less than \$200.00, nor more than
12 \$500.00. The fine for a third Class A infraction committed within 12
13 months from the date that the first offense was committed, the fine shall
14 be not less than \$500.00.

15 (2) Class B infraction. A fine for Class B infraction shall be no less than
16 \$50.00 nor more than \$250.00 for the first offense. If the violator
17 committed either a Class A or B infraction within the 12-month period
18 immediately prior to the date of the second infraction, the fine shall be no
19 less than \$100.00 nor more than \$250.00. If the violator has committed
20 two or more Class A or B infractions within the 12-month period
21 immediately prior to the date of the most recent notice of infraction for a
22 Class B infraction, the fine shall be \$250.00.

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1 (3) Class C infractions. A fine for a Class C infraction shall be no less than
2 \$30.00 nor greater than \$150.00 for a first offense. If the violator has
3 committed a Class A, B, or C infractions within the 12-month period
4 immediately prior to the date of the second infraction, the fine shall be no
5 less than \$50.00 nor more than \$150.00. If the violator has committed two
6 or more Class A, B, or C infractions within the 12-month period
7 immediately prior to the date of the most recent notice of infraction for a
8 Class C infraction, the fine shall be \$150.00.

9 (C) Additional conditions and restrictions. In addition to the monetary civil
10 penalties imposed for infractions of this chapter, and the regulations
11 applicable under MCC 8.10.280, the director and the hearings officer shall
12 have authority to order additional restrictions and conditions upon the party in
13 violation, including but not limited to:

14 (1) Require the owner or keeper and animal to satisfactorily complete an
15 obedience program approved by the director or hearings officer at owner's
16 or keeper's expense.

17 (2) Require the owner or keeper to attend a responsible pet ownership
18 program adopted and/or approved by the director or hearings officer, at
19 the owner's or keeper's expense;

20 (3) Require the owner or keeper of an animal that unreasonable causes
21 annoyance, as described in MCC 8.10.190(B)(5)(6), to keep the animal
22 inside the owner or keeper's residence during hours specified by the
23 director or hearings officer;

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1 (4) The director or hearings officer may suspend, for a period of time specified
2 by the director or hearings officer, the animal owner's or keeper's right to
3 own or keep any animal in Multnomah County.

4 (5) Require the owner or keeper to have the animal surgically sterilized within
5 a time period determined by the director or hearings officer.

6 (6) Any other condition(s) that would reasonably abate the infraction.

7 (D) Late payment penalties. If a civil penalty is unpaid after 30 days, the fine
8 then due shall be increased by 25 percent of the original amount; if the civil
9 penalty is not paid after 60 days, the fine then due shall be increased by 50
10 percent of the original amount.

11 (E) At the discretion of the director, any civil penalty(ies) not paid within 30 days
12 from the date of issuance of the notice of infraction may be assigned to a
13 collections agency for collection.

14 [Ord. 156, § VIII(1) (1977); Ord. 732 § 19 (1992); Ord. 733, § 4 (1993); Ord. 823
15 § 5 (1995); Ord. 850, § 42 (1996)]

16
17 Section XXXII. AMENDMENT

18 MCC 8.10.940 is amended as follows:

19 A. Any person convicted of violation of MCC 8.10.200, shall be subject to a fine
20 not to exceed \$500, and the court may order impoundment of any animal
21 caused to be engaged in the prohibited conduct, which animal may be
22 disposed of by the director.

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1 B. Any person previously convicted under this section shall be subject to
2 punishment by imprisonment for a term of not more than one year and a fine
3 not to exceed \$1,000 or both.

4 [Ord 156 § VIII(5) (1977); Rpld. By Ord. 732 § 21 (1992)]

5
6 Approved this _____ day of _____, 1998
7 being the date of its _____ reading before the Board of
8 County Commissioners of Multnomah County, Oregon.

9 MULTNOMAH COUNTY, OREGON

10
11 By _____
12 Beverly Stein
13 Multnomah County Chair
14

15
16 REVIEWED:

17 THOMAS SPONSLER, COUNTY COUNSEL
18 FOR MULTNOMAH COUNTY, OREGON

19
20
21 By 
22 Matthew O. Ryan, Assistant County Counsel



MICHAEL D. SCHRUNK, District Attorney for Multnomah County
600 County Courthouse • Portland, Oregon 97204-1193 • (503) 248-3162

October 11, 1996

Mr. Thomas Buchholz
109 - 10th Street
Oregon City, OR 97045

Dear Mr. Buchholz:

In your letter of September 5, 1996, you cite to the language in ORS 8.680 which refers to the district attorney's prosecuting for forfeitures. That statute goes on to provide, ". . .and for which no other mode of prosecution and collection is expressly provided by statute. . . ." Therefore, you must look to the statutes relating specifically to the forfeiture of animals in order to determine who the appropriate parties are.

There are two ORS chapters dealing with impoundment and forfeiture of dogs. ORS 609.090 sets out the criteria for impounding certain dogs and disposing of those dogs.

ORS 167.310 and the statutes following it deal with offenses against animals. ORS 167.345 sets out the circumstances when officers may enter premises to care for an animal and the circumstances under which, with a warrant, they may impound such an animal. ORS 167.347 sets out when a forfeiture hearing can be held while the criminal charges are pending. The statute provides that the county or animal control agency may file that petition. Last, ORS 167.350 provides that the forfeiture may be ordered as part of the sentence for conviction of an animal offense.

I am not familiar with any other provisions related to the forfeiture of dogs.

I do not know the specific facts of your case, which apparently has been litigated, and do not intend by this letter to suggest how that case should have been resolved.

Very truly yours,

MICHAEL D. SCHRUNK
District Attorney
Multnomah County, Oregon

By 
Frederick Lenzser
Chief Deputy, District Court

FL:je