



Multnomah County Oregon

Board of Commissioners & Agenda

connecting citizens with information and services

BOARD OF COMMISSIONERS

Diane Linn, Chair

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

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

Email: mult.chair@co.multnomah.or.us

Maria Rojo de Steffey, Commission Dist. 1

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

Phone: (503) 988-5220 FAX (503) 988-5440

Email: district1@co.multnomah.or.us

Serena Cruz, Commission Dist. 2

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

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

Email: serena@co.multnomah.or.us

Lisa Naito, Commission Dist. 3

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

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Email: district3@co.multnomah.or.us

Lonnie Roberts, Commission Dist. 4

501 SE Hawthorne Boulevard, Suite 600
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JUNE 30, 2005 BOARD MEETING FASTLOOK AGENDA ITEMS OF INTEREST

Pg 2	9:30 a.m. Opportunity for Public Comment on Non-Agenda Matters
Pg 2	9:40 a.m. Order Authorizing Legalization of a Portion of Haines Road
Pg 3	9:45 a.m. Budget Modification Countywide-02 Appropriating \$2.5 Million General Fund Contingency Transfers
Pg 3	9:55 a.m. Resolution Authorizing Two Title III Forest Related After School Educational Opportunity Projects for County FY 2006
Pg 3	10:00 a.m. Ordinance Amending County Land Use Code Related to Adoption of the North Lovejoy Project and Tree and Landscaping Regulations
Pg 4	10:30 a.m. Executive Session

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, 11:00 PM, Channel 30
Saturday, 10:00 AM, Channel 30
Sunday, 11:00 AM, Channel 30

Produced through Multnomah Community Television

(503) 491-7636, ext. 332 for further info
or: <http://www.mctv.org>

Thursday, June 30, 2005 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

CONSENT CALENDAR - 9:30 AM

DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES

- C-1 RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to OLD & YOUNG PROPERTIES LLC [Tax Account No. R325636]
- C-2 RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to OLD & YOUNG PROPERTIES LLC [Tax Account No. R325637]

REGULAR AGENDA - 9:30 AM

PUBLIC COMMENT - 9:30 AM

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

NON-DEPARTMENTAL - 9:30 AM

- R-1 RESOLUTION Directing County Staff to Work with Other Jurisdictions on Developing a Unified Short-Term Rent Assistance System

OFFICE OF SCHOOL AND COMMUNITY PARTNERSHIPS - 9:35 AM

- R-2 Budget Modification OSCP_06 Increasing the Office of School and Community Partnerships Fiscal Year 2005 Budget by \$75,000 in Low Income Energy Assistance Energy Payment Funding from the State of Oregon

DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES - 9:40 AM

- R-3 PUBLIC HEARING and ORDER Authorizing Legalization of Haines Road from NE Larch Mountain Road, Easterly Approximately 3.6 Miles to NE Brower Road as County Road No. 5019

- R-4 Budget Modification Countywide-02 Appropriating \$2.5 Million General Fund Contingency Transfers for Business Services, the Sheriff's Office and the Department of Community Justice
- R-5 Budget Modification BCS_14 Reclassifying One Position in Information Technology, as Determined by the Class/Comp Unit of Central Human Resources
- R-6 RESOLUTION Authorizing Two Title III Forest Related After School Educational Opportunity Projects for County Fiscal Year 2006
- R-7 First Reading and Possible Adoption of an ORDINANCE Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code, Plan and Map Revisions Related to the Adoption of the North Lovejoy Project and the Tree and Landscaping Regulations in Compliance with Metro's Functional Plan and Declaring an Emergency
- R-8 Project Reallocation FPM 06-01 Approving Project Authorization Increase of \$250,000 of Facilities Capital Project Funds for the Combined Upgrade Project (Phase One) at the County-owned Elections Building
- R-9 RESOLUTION Amending Resolution 05-088 to Change the Sales Method for the Peninsula Building from a RFP to a Market Sales Approach
- R-10 RESOLUTION Setting a Public Hearing and Directing Notice Regarding the Proposed Vacation of the Right-of-Way through Multnomah County's Edgefield Property (Portions of NE 242nd Connector, County Road No. 5007 and NE 238th Connector, County Road No. 5008)

DEPARTMENT OF COUNTY HUMAN SERVICES - 10:25 AM

- R-11 NOTICE OF INTENT to Apply for a U.S. Department of Housing and Urban Development Public Housing Resident Opportunities and Self-Sufficiency Program Grant

Thursday, June 30, 2005 - 10:30 AM
(OR IMMEDIATELY FOLLOWING REGULAR MEETING)
Multnomah Building, First Floor Commissioners Conference Room 112
501 SE Hawthorne Boulevard, Portland

EXECUTIVE SESSION

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



Commissioner Serena Cruz, District 2

MULTNOMAH COUNTY OREGON

501 SE Hawthorne, Suite 600

Portland, Oregon 97214

(503) 988-5219 phone

(503) 988-5440 fax

www.co.multnomah.or.us/cc/ds2/

Serena@co.multnomah.or.us

MEMORANDUM

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

FROM: Tara Bowen-Biggs
Staff to Commissioner Serena Cruz

DATE: June 28, 2005

RE: June 30, 2005 Executive Session and Board Meeting

Commissioner Cruz is unable to attend the June 30, 2005 Executive Session and Board Meeting. She will be out of town.



MULTNOMAH COUNTY OREGON

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

LISA NAITO • DISTRICT 3 COMMISSIONER

MEMORANDUM

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

FROM: Carol Wessinger
Staff to Commissioner Lisa Naito

DATE: June 29, 2005

RE: Commissioner Naito will be unable to attend the June 30, 2005 Board Meeting.

Thank you,
Carol Wessinger

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 6/30/2008

SUBJECT: Public Comment - domestic violence -
Funding Cuts to culturally specific Services

AGENDA NUMBER OR TOPIC: _____

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Theresa Guerrero

ADDRESS: 380 SE Skokane St. Suite 100

CITY/STATE/ZIP: Portland OR 97202

PHONE: _____ DAYS: 503-230-1951 EVES: _____

EMAIL: asstdirector@ocadsu.com FAX: _____

SPECIFIC ISSUE: Requesting that funding for domestic violence victim services from the County general fund be restored.

WRITTEN TESTIMONY: _____

I have written testimony to leave for the board

IF YOU WISH TO ADDRESS THE BOARD:

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

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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



380 SE Spokane St., Suite 100 • Portland, OR 97202
www.ocadsv.com • Office: 503.230.1951 • Fax: 503.230.1973

Chair Linn, and members of the Multnomah County Commission:

Good morning. My name is Theresa Guerrero and I am the Assistant Director of the Oregon Coalition Against Domestic & Sexual Violence (OCADSV). OCADSV was established in 1978, and is a statewide network of domestic violence and sexual assault programs, community partners, and organizations that work together to end domestic and sexual violence in our state. OCADSV testified before the Commission on June 1st about funding cuts to culturally specific service providers in Multnomah County. At that time it was our understanding that funding for culturally specific services was not going to be cut. Our understanding now is different.

I'm testifying today to request that funding for domestic violence victim services from the County general fund be restored to the current level; and that there be increased funding for services to Afro-American victims of violence.

Your support of this funding sends a strong message to formerly battered survivors in Oregon who are women of color; and to the programs who work closely with them. Your support says that their safety is important to you too.

Please feel free to contact OCADSV if you need any additional information. We appreciate your commitment to ending violence against women. Thank you.



**MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST**

Board Clerk Use Only

Meeting Date: 06/30/05
Agenda Item #: C-1
Est. Start Time: 9:30 AM
Date Submitted: 06/09/05

BUDGET MODIFICATION: -

Agenda Title: **RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to OLD & YOUNG PROPERTIES LLC [Tax Account No. R325636]**

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

Date Requested:	<u>June 30, 2005</u>	Time Requested:	<u>Consent Item</u>
Department:	<u>Business and Community Services</u>	Division:	<u>Tax Title</u>
Contact(s):	<u>Gary Thomas</u>		
Phone:	<u>503-988-3590</u>	Ext.	<u>22591</u>
		I/O Address:	<u>503/4/TT</u>
Presenter(s):	<u>Gary Thomas</u>		

General Information

1. What action are you requesting from the Board?

The Tax Title Section is requesting the Board to approve the private sale of a tax foreclosed property to OLD & YOUNG PROPERTIES LLC.

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

The subject property is a vacant lot, rhombus shaped, that came into county ownership through the foreclosure of delinquent tax liens on November 3, 1986. The parcel is approximately 9,306 square feet in size and is approximately 66±' long at the base and top and 150±' long on the sides. It is located on a hillside above NW St Helens Road and is wooded and brush covered.

The adjacent property to the west is vacant and the property to the north, beyond another small vacant parcel, is 21881 NW St Helens Road. We propose to sell the parcel to the owner of the adjacent property to the west. The property is adjacent to another similar sized parcel that we propose to sell to the same property owner. Considering the size and shape of the subject property, it appears it is a parcel that was left over from ODOT right-of-way acquisition some years ago when Highway 30 was improved.

The property was offered for sale at a public auction held February 26, 2002 for a minimum price of \$1,500 but no bids were received. ORS 275.200(2) states that after the sheriff has unsuccessfully attempted to sell real property of the county as provided in ORS 275.120 to 275.160, the county may sell such lands, or any part thereof, or any interest therein less than the whole fee, at private sale without further notice but for not less than the largest amount bid therefore at any such sale, or, if no bid therefore was made, at such price as the county court deems reasonable, but at a price no less than 15 percent of the minimum bid set under ORS 275.110 for the sheriff's sale.

Taking into consideration the location of the property, the lack of access, and the surrounding topography, and the fact that it did not sell at the last public auction, Multnomah County is willing to sell the property for \$750.

The attached Exhibit A, a plat map shows the location of the property. Exhibit B, an aerial photo, shows the strip in relation to NW St Helens Road and the adjacent properties.

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

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

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

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

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

No citizen or government participation is anticipated.

EXHIBIT B



Subject

**EXHIBIT C
PROPOSED PROPERTY LISTED FOR PRIVATE SALE
FISCAL YEAR 2005-06**

LEGAL DESCRIPTION:

A parcel of land in Section 12, Township 2 North, Range 2 West of the Willamette Meridian, County of Multnomah and State of Oregon, being a portion of that property conveyed to Leo H. Kaptur and Eva Kaptur as described and recorded in PS Book 704, Page 102, Record of Deeds, more particularly described as follows:

Beginning at a point in the center of the Lower Columbia River Highway right of way which is North 20° 56' West, a distance of 264 feet and South 87° 34' East, a distance of 237.4 feet from the Northwest corner of the Weatherbee Donation Land Claim; thence North 20° 56' West along the center line of the above mentioned right of way, a distance of 150 feet; thence North 87° 34' West, a distance of 315.1 feet to an iron rod; thence South 20° 56' East, a distance of 150 feet to an iron rod; thence South 87° 34' East, a distance of 315.1 feet to the point of beginning

Excepting that portion lying within the right of way of the Lower Columbia River Highway.

Further excepting that portion conveyed to the State of Oregon, by and through its State Highway Commission by Final Judgment entered May 24, 1971 in the Circuit Court for Multnomah County, Case No. 363-562

ADJACENT PROPERTY ADDRESS:	21881 NW St Helens Road
TAX ACCOUNT NUMBER:	R325636
GREENSPACE DESIGNATION:	No designation
SIZE OF PARCEL:	Approximately 9,306 square feet
ASSESSED VALUE:	\$2,300

ITEMIZED EXPENSES FOR TOTAL PRICE OF PRIVATE SALE

BACK TAXES & INTEREST:	\$260.23
TAX TITLE MAINTENANCE COST & EXPENSES:	\$200.00
RECORDING FEE:	\$26.00
SUB-TOTAL	\$486.23
MINIMUM PRICE REQUEST OF PRIVATE SALE	\$750.00

Required Signatures

**Department/
Agency Director:**

Robert A Maestre

Date: 06/09/05

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

BOGSTAD Deborah L

From: GRACE Becky J
Sent: Thursday, June 09, 2005 12:57 PM
To: BOGSTAD Deborah L
Subject: FW: R325636 Private Sale to Old & Young Properties

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

From: CREAN Christopher D
Sent: Wednesday, June 08, 2005 2:15 PM
To: GRACE Becky J
Subject: RE: R325636 Private Sale to Old & Young Properties

Becky –

Sorry about that. I have now reviewed the resolution and deed for the sale to Old and Young Properties and they may be forwarded for approval by the Board. Thanks.

- Chris

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

From: GRACE Becky J
Sent: Wednesday, June 08, 2005 2:10 PM
To: CREAN Christopher D
Subject: R325636 Private Sale to Old & Young Properties

Hi Chris,

I sent you two very similar Private Sales for your approval. You have responded about R325637 but have not on R325636. If you just haven't gotten to it forgive me – they are so similar I thought that you may have overlooked R325636.

Thanks for your time,

Becky Grace
Tax Title, Multnomah County
501 SE Hawthorne, Suite 310
Portland, OR 97214
503.988.3590 x27145

6/13/2005

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

RESOLUTION NO. _____

Authorizing the Private Sale of a Tax Foreclosed Property to OLD & YOUNG PROPERTIES LLC.

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County acquired the real property described below through the foreclosure of liens for delinquent property taxes.
- b. The property has an assessed value of \$2,300 on the County's current tax roll.
- c. After the sheriff has unsuccessfully attempted to sell real property of the county as provided in ORS 275.120 to 275.160, the county court may sell such lands, or any part thereof, or any interest therein less than the whole fee, at private sale without further notice but for not less than the largest amount bid therefore at any such sale, or, if no bid therefore was made, at such price as the county court deems reasonable, but at a price no less than 15 percent of the minimum bid set under ORS 275.110 for the sheriff's sale.
- d. The property was offered for sale at public auction on February 26 of 2002 for a minimum price of \$1,500 but no bids were received.
- e. OLD & YOUNG PROPERTIES LLC have agreed to pay \$750, an amount the Board finds to be a reasonable price for the property in conformity with ORS 275.200(2).

The Multnomah County Board of Commissioners Resolve:

1. Upon Tax Title's receipt of the payment in full, the Chair on behalf of Multnomah County, is authorized to execute a Bargain and Sale Deed conveying to OLD & YOUNG PROPERTIES LLC, the real property described in the attached Exhibit A.

ADOPTED this _____ day of _____, 2005.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

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

By _____
Christopher D. Crean, Assistant County Attorney

EXHIBIT A (RESOLUTION)

Legal Description:

A parcel of land in Section 12, Township 2 North, Range 2 West of the Willamette Meridian, County of Multnomah and State of Oregon, being a portion of that property conveyed to Leo H. Kaptur and Eva Kaptur as described and recorded in PS Book 704, Page 102, Record of Deeds, more particularly described as follows:

Beginning at a point in the center of the Lower Columbia River Highway right of way which is North 20° 56' West, a distance of 264 feet and South 87° 34' East, a distance of 237.4 feet from the Northwest corner of the Weatherbee Donation Land Claim; thence North 20° 56' West along the center line of the above mentioned right of way, a distance of 150 feet; thence North 87° 34' West, a distance of 315.1 feet to an iron rod; thence South 20° 56' East, a distance of 150 feet to an iron rod; thence South 87° 34' East, a distance of 315.1 feet to the point of beginning.

Excepting that portion lying within the right of way of the Lower Columbia River Highway.

Further excepting that portion conveyed to the State of Oregon, by and through its State Highway Commission by Final Judgment entered May 24, 1971 in the Circuit Court for Multnomah County, Case No. 363-562.

Multnomah County Deed No.: D052018
Tax Account No.: R325636

Until a change is requested, all tax statements
Shall be sent to the following address:
OLD & YOUNG PROPERTIES LLC
9522 SW 62ND DR
PORTLAND, OR 97219-4919

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

Bargain and Sale Deed D052018 for R325636

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to OLD & YOUNG PROPERTIES LLC, Grantee, the following described real property described in the attached Exhibit A.

The true consideration for this conveyance is \$750.

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.

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 7th day of July 2005, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Christopher D. Crean, Assistant County Attorney

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Deed was acknowledged before me this 7th day of July 2005, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/05

EXHIBIT A (DEED)

Legal Description:

A parcel of land in Section 12, Township 2 North, Range 2 West of the Willamette Meridian, County of Multnomah and State of Oregon, being a portion of that property conveyed to Leo H. Kaptur and Eva Kaptur as described and recorded in PS Book 704, Page 102, Record of Deeds, more particularly described as follows:

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Multnomah County Deed No.: D052018
Tax Account No.: R325636

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 05-119

Authorizing the Private Sale of a Tax Foreclosed Property to OLD & YOUNG PROPERTIES LLC.

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County acquired the real property described below through the foreclosure of liens for delinquent property taxes.
- b. The property has an assessed value of \$2,300 on the County's current tax roll.
- c. After the sheriff has unsuccessfully attempted to sell real property of the county as provided in ORS 275.120 to 275.160, the county court may sell such lands, or any part thereof, or any interest therein less than the whole fee, at private sale without further notice but for not less than the largest amount bid therefore at any such sale, or, if no bid therefore was made, at such price as the county court deems reasonable, but at a price no less than 15 percent of the minimum bid set under ORS 275.110 for the sheriff's sale.
- d. The property was offered for sale at public auction on February 26 of 2002 for a minimum price of \$1,500 but no bids were received.
- e. OLD & YOUNG PROPERTIES LLC have agreed to pay \$750, an amount the Board finds to be a reasonable price for the property in conformity with ORS 275.200(2).

The Multnomah County Board of Commissioners Resolve:

1. Upon Tax Title's receipt of the payment in full, the Chair on behalf of Multnomah County, is authorized to execute a Bargain and Sale Deed conveying to OLD & YOUNG PROPERTIES LLC, the real property described in the attached Exhibit A.

ADOPTED this 30th day of June, 2005.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By

Christopher D. Crean, Assistant County Attorney

EXHIBIT A (RESOLUTION)

Legal Description:

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Multnomah County Deed No.: D052018

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Bargain and Sale Deed D052018 for R325636

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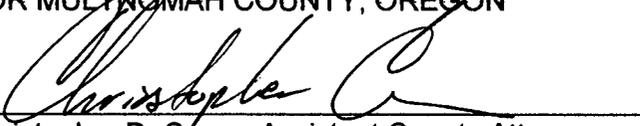
IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 30th day of June, 2005, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Christopher D. Crean, Assistant County Attorney

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Deed was acknowledged before me this 30th day of June, 2005, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

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

EXHIBIT A (DEED)

Legal Description:

A parcel of land in Section 12, Township 2 North, Range 2 West of the Willamette Meridian, County of Multnomah and State of Oregon, being a portion of that property conveyed to Leo H. Kaptur and Eva Kaptur as described and recorded in PS Book 704, Page 102, Record of Deeds, more particularly described as follows:

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PORTLAND, OR 97219-4919

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

Bargain and Sale Deed D052018 for R325636

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to OLD & YOUNG PROPERTIES LLC, Grantee, the following described real property described in the attached Exhibit A.

The true consideration for this conveyance is \$750.

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.

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 30th day of June, 2005, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

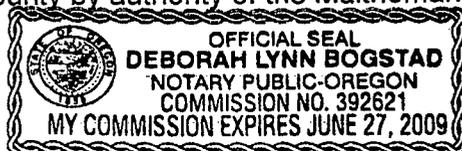
Diane M. Linn, Chair

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By
Christopher D. Crean, Assistant County Attorney

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Deed was acknowledged before me this 30th day of June, 2005, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.



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

EXHIBIT A (DEED)

Legal Description:

A parcel of land in Section 12, Township 2 North, Range 2 West of the Willamette Meridian, County of Multnomah and State of Oregon, being a portion of that property conveyed to Leo H. Kaptur and Eva Kaptur as described and recorded in PS Book 704, Page 102, Record of Deeds, more particularly described as follows:

Beginning at a point in the center of the Lower Columbia River Highway right of way which is North 20° 56' West, a distance of 264 feet and South 87° 34' East, a distance of 237.4 feet from the Northwest corner of the Weatherbee Donation Land Claim; thence North 20° 56' West along the center line of the above mentioned right of way, a distance of 150 feet; thence North 87° 34' West, a distance of 315.1 feet to an iron rod; thence South 20° 56' East, a distance of 150 feet to an iron rod; thence South 87° 34' East, a distance of 315.1 feet to the point of beginning.

Excepting that portion lying within the right of way of the Lower Columbia River Highway.

Further excepting that portion conveyed to the State of Oregon, by and through its State Highway Commission by Final Judgment entered May 24, 1971 in the Circuit Court for Multnomah County, Case No. 363-562.

Multnomah County Deed No.: D052018
Tax Account No.: R325636



**MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST**

Board Clerk Use Only

Meeting Date: 06/30/05
Agenda Item #: C-2
Est. Start Time: 9:30 AM
Date Submitted: 06/09/05

BUDGET MODIFICATION: -

Agenda Title: **RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to OLD & YOUNG PROPERTIES LLC [Tax Account No. R325637]**

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

Date Requested:	<u>June 30, 2005</u>	Time Requested:	<u>Consent Item</u>
Department:	<u>Business and Community Services</u>	Division:	<u>Tax Title</u>
Contact(s):	<u>Gary Thomas</u>		
Phone:	<u>503-988-3590</u>	Ext.: <u>22591</u>	I/O Address: <u>503/4/TT</u>
Presenter(s):	<u>Gary Thomas</u>		

General Information

1. What action are you requesting from the Board?

The Tax Title Section is requesting the Board to approve the private sale of a tax foreclosed property to OLD & YOUNG PROPERTIES LLC.

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

The subject property is a vacant lot, mostly rectangular shaped, that came into county ownership through the foreclosure of delinquent tax liens on June 8, 1972. The parcel is approximately 8,886 square feet in size and is approximately 196.53' and 146.26' long on the sides and 70.95' and 50±' long at the top and bottom. It is located on a hillside above NW St Helens Road and is wooded and brush covered.

The adjacent property to the west is vacant and the property to the north is 21881 NW St Helens Road. We propose to sell the parcel to the owner of the adjacent property to the west. The property is adjacent to another similar sized parcel that we propose to sell to the same property owner. Considering the size and shape of the subject property, it appears it is a parcel that was left over from ODOT right-of-way acquisition some years ago when Highway 30 was improved.

The property was offered for sale at a public auction held February 26, 2002 for a minimum price of \$1,000 but no bids were received. ORS 275.200(2) states that after the sheriff has unsuccessfully attempted to sell real property of the county as provided in ORS 275.120 to 275.160, the county may sell such lands, or any part thereof, or any interest therein less than the whole fee, at private sale without further notice but for not less than the largest amount bid therefore at any such sale, or, if no bid therefore was made, at such price as the county court deems reasonable, but at a price no less than 15 percent of the minimum bid set under ORS 275.110 for the sheriff's sale.

Taking into consideration the location of the property, the lack of access, and the surrounding topography, and the fact that it did not sell at the last public auction, Multnomah County is willing to sell the property for \$500.

The attached Exhibit A, a plat map shows the location of the property. Exhibit B, an aerial photo, shows the strip in relation to NW St Helens Road and the adjacent properties.

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

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

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

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

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

No citizen or government participation is anticipated.

EXHIBIT B

Aerial Photo

'03 / '02 / '01 / 2000 / '98 / '96

6" / 2' / 4' / 10' / 20'

Streets: On / **Off**

Lots: **On** / Off

Dot: **On** / Off



Subject

**EXHIBIT C
PROPOSED PROPERTY LISTED FOR PRIVATE SALE
FISCAL YEAR 2005-06**

LEGAL DESCRIPTION:

A tract of land in Section 12, Township 2 North, Range 2 West of the Willamette Meridian, in the City of Portland, County of Multnomah and State of Oregon, described as follows:

Beginning at a point in the Center line of the Lower Columbia River Highway which is North 20° 56' West, a distance of 414.0 feet and South 87° 34' East, a distance of 237.4 feet from the Northwest corner of the Weatherbee Donation Land Claim; thence North 20° 56' West, a distance of 124.5 feet and Northerly 134.8 feet on a curve of 7640 foot radius and central angle of 1°00' 40" along the center line of the said Lower Columbia River Highway to a point; thence South 88° 12' West, a distance of 206.4 feet to an iron rod; thence South 0° 14' West, a distance of 223.7 feet to the North line of that certain tract of land conveyed to Howard C. Edmondson and wife, by deed recorded May 20, 1952 in Book 1537, Page 343, Deed Records; thence South 87° 34' East along the North line of the said Edmondson tract, 298.6 feet to the place of beginning.

Excepting that portion lying within the right of way of the Lower Columbia River Highway.

Further excepting that portion conveyed to the State of Oregon, by and through its State Highway Commission by Final Judgment entered October 15, 1971 in the Circuit Court for Multnomah County, Case No. 363-808.

ADJACENT PROPERTY ADDRESS: 21881 NW St Helens Road

TAX ACCOUNT NUMBER: R325637

GREENSPACE DESIGNATION: No designation

SIZE OF PARCEL: Approximately 8,886 square feet

ASSESSED VALUE: \$2,000

ITEMIZED EXPENSES FOR TOTAL PRICE OF PRIVATE SALE

BACK TAXES & INTEREST:	\$75.41
TAX TITLE MAINTENANCE COST & EXPENSES:	\$200.00
RECORDING FEE:	\$26.00
SUB-TOTAL	\$301.41
MINIMUM PRICE REQUEST OF PRIVATE SALE	\$500.00

Required Signatures

**Department/
Agency Director:**

Robert A Maestre

Date: 06/09/05

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

BOGSTAD Deborah L

From: GRACE Becky J
Sent: Thursday, June 09, 2005 9:34 AM
To: BOGSTAD Deborah L
Subject: FW: Old & Young Properties LLC Private Sale R325637 July 7 Board Agenda

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

From: CREAN Christopher D
Sent: Wednesday, June 08, 2005 9:25 AM
To: GRACE Becky J
Subject: RE: Old & Young Properties LLC Private Sale R325637 July 7 Board Agenda

Becky -

This looks fine. It may be circulated for signature. Thanks.

- Chris

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

From: GRACE Becky J
Sent: Monday, June 06, 2005 12:46 PM
To: CREAN Christopher D
Subject: Old & Young Properties LLC Private Sale R325637 July 7 Board Agenda

Hi Chris,

Attached for your review and Approval are the Old & Young Properties LLC Private Sale for the July 7 Board Agenda.

Thank you!

Becky Grace
Tax Title, Multnomah County
501 SE Hawthorne, Suite 310
Portland, OR 97214
503.988.3590 x27145

6/13/2005

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

RESOLUTION NO. _____

Authorizing the Private Sale of a Tax Foreclosed Property to OLD & YOUNG PROPERTIES LLC.

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County acquired the real property described below through the foreclosure of liens for delinquent property taxes.
- b. The property has an assessed value of \$2,000 on the County's current tax roll.
- c. After the sheriff has unsuccessfully attempted to sell real property of the county as provided in ORS 275.120 to 275.160, the county court may sell such lands, or any part thereof, or any interest therein less than the whole fee, at private sale without further notice but for not less than the largest amount bid therefore at any such sale, or, if no bid therefore was made, at such price as the county court deems reasonable, but at a price no less than 15 percent of the minimum bid set under ORS 275.110 for the sheriff's sale.
- d. The property was offered for sale at public auction on February 26 of 2002 for a minimum price of \$1,000 but no bids were received.
- e. OLD & YOUNG PROPERTIES LLC have agreed to pay \$500, an amount the Board finds to be a reasonable price for the property in conformity with ORS 275.200(2).

The Multnomah County Board of Commissioners Resolve:

1. Upon Tax Title's receipt of the payment in full, the Chair on behalf of Multnomah County, is authorized to execute a Bargain and Sale Deed conveying to OLD & YOUNG PROPERTIES LLC, the real property described in the attached Exhibit A.

ADOPTED this 7th day of July, 2005.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

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

By _____
Christopher D. Crean, Assistant County Attorney

EXHIBIT A (RESOLUTION)

Legal Description:

A tract of land in Section 12, Township 2 North, Range 2 West of the Willamette Meridian, in the City of Portland, County of Multnomah and State of Oregon, described as follows:

Beginning at a point in the Center line of the Lower Columbia River Highway which is North 20° 56' West, a distance of 414.0 feet and South 87° 34' East, a distance of 237.4 feet from the Northwest corner of the Weatherbee Donation Land Claim; thence North 20° 56' West, a distance of 124.5 feet and Northerly 134.8 feet on a curve of 7640 foot radius and central angle of 1°00' 40" along the center line of the said Lower Columbia River Highway to a point; thence South 88° 12' West, a distance of 206.4 feet to an iron rod; thence South 0° 14' West, a distance of 223.7 feet to the North line of that certain tract of land conveyed to Howard C. Edmondson and wife, by deed recorded May 20, 1952 in Book 1537, Page 343, Deed Records; thence South 87° 34' East along the North line of the said Edmondson tract, 298.6 feet to the place of beginning.

Excepting that portion lying within the right of way of the Lower Columbia River Highway.

Further excepting that portion conveyed to the State of Oregon, by and through its State Highway Commission by Final Judgment entered October 15, 1971 in the Circuit Court for Multnomah County, Case No. 363-808.

Multnomah County Deed No.: D052019

Tax Account No.: R325637

Until a change is requested, all tax statements
Shall be sent to the following address:
OLD & YOUNG PROPERTIES LLC
9522 SW 62ND DR
PORTLAND, OR 97219-4919

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

Bargain and Sale Deed D052019 for R325637

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to OLD & YOUNG PROPERTIES LLC, Grantee, the following described real property described in the attached Exhibit A.

The true consideration for this conveyance is \$500.

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.

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 7th day of July 2005, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Christopher D. Crean, Assistant County Attorney

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Deed was acknowledged before me this 7th day of July 2005, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/05

EXHIBIT A (DEED)

Legal Description:

A tract of land in Section 12, Township 2 North, Range 2 West of the Willamette Meridian, in the City of Portland, County of Multnomah and State of Oregon, described as follows:

Beginning at a point in the Center line of the Lower Columbia River Highway which is North 20° 56' West, a distance of 414.0 feet and South 87° 34' East, a distance of 237.4 feet from the Northwest corner of the Weatherbee Donation Land Claim; thence North 20° 56' West, a distance of 124.5 feet and Northerly 134.8 feet on a curve of 7640 foot radius and central angle of 1°00' 40" along the center line of the said Lower Columbia River Highway to a point; thence South 88° 12' West, a distance of 206.4 feet to an iron rod; thence South 0° 14' West, a distance of 223.7 feet to the North line of that certain tract of land conveyed to Howard C. Edmondson and wife, by deed recorded May 20, 1952 in Book 1537, Page 343, Deed Records; thence South 87° 34' East along the North line of the said Edmondson tract, 298.6 feet to the place of beginning.

Excepting that portion lying within the right of way of the Lower Columbia River Highway.

Further excepting that portion conveyed to the State of Oregon, by and through its State Highway Commission by Final Judgment entered October 15, 1971 in the Circuit Court for Multnomah County, Case No. 363-808.

Multnomah County Deed No.: D052019
Tax Account No.: R325637



**MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST**

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-2 DATE 06-30-05
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only	
Meeting Date:	<u>06/30/05</u>
Agenda Item #:	<u>R-2</u>
Est. Start Time:	<u>9:35 AM</u>
Date Submitted:	<u>06/06/05</u>

BUDGET MODIFICATION: OSCP - 06

<p align="center">Budget Modification OSCP_06 Increasing the Office of School and Community Agenda Partnerships Fiscal Year 2005 Budget by \$75,000 in Low Income Energy Title: Assistance Energy Payment Funding from the State of Oregon</p>

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

Date Requested:	<u>June 30, 2005</u>	Time Requested:	<u>5 mins</u>
Department:	<u>OSCP</u>	Division:	<u></u>
Contact(s):	<u>Kathy Tinkle, Heather McGillivray</u>		
Phone:	<u>503 988-3691</u>	Ext.	<u>26858</u>
		I/O Address:	<u>166/2nd Floor</u>
Presenter(s):	<u>Kathy Tinkle</u>		

General Information

1. What action are you requesting from the Board?

The Office of School and Community Partnerships requests the approval of Budget Modification OSCP_06. This budget modification increases the Office of School and Community Partnerships' Fiscal Year '05 budget for the Low Income Energy Assistance Energy Payment (LIEAP Energy) grant by \$75,000.

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

The State of Oregon receives Low Income Energy Assistance Energy Payment (LIEAP Energy) grants from the Federal government between October and January of each year. These grants are used to pay local utilities on behalf of low-income families and individuals, who are unable to pay their utility bills and are at risk of having, or already have had their heat shut off.

Prior to the beginning of each new biennium, the State provides tentative estimates of the LIEAP Energy funding that they will allocate to each of the Counties. Over the course of each biennium,

the State allocates the LIEAP Energy funding to the Counties in periodic, cumulative Notices of Allocation

The Office of School and Community Partnerships recently submitted budget modification OSCP_05, increasing the Fiscal Year '05 budget to reflect the increased Low Income Energy Assistance award amounts in the March 31, 2005 Notice of Allocation.

The State did not award the entire final LIEAP Energy grant funding to the Counties in the March 31st, 2005 Notice of Allocation. Instead, they set aside a portion for emergency needs, and distributed the balance to the Counties in a last-minute allocation. The State awarded \$75,000 of these reserves to the Multnomah County Office of School and Community Partnerships in the May 31st, 2005 Notice of Allocation.

Given that the State did not communicate the possibility of additional funding to the Multnomah County Office of School and Community Partnerships until May 31, 2005, it was not possible for the Office of School and Community Partnerships to include the additional \$75,000 in budget modification OSCP_05.

.Budget Modification OSCP_06 increases the Office of School and Community Partnerships' Fiscal Year '05 budget for LIEAP Energy by an additional \$75,000, to the new total of \$3,812,933 available in the State Notice of Allocation.

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

The State awards this grant funding each biennium.

This one-time-only increase of \$75,000 is a result of a State decision to initially hold back a portion of the available grant funding until the end of the biennium. On May 31, 2005, the State allocated these final reserves to Counties that still had a need for client energy assistance funding.

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

n/a

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

n/a

ATTACHMENT A

Budget Modification

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

- What revenue is being changed and why?

The Office of School and Community Partnerships Fiscal Year '05 budget will be increased by \$75,000 in Low Income Energy Assistance Energy Payment grant funding. The increase is one-time-only and is a result of a State decision to initially hold back a portion of the statewide grant funding until the end of the biennium.

Budget Modification OSCP_06 will bring the Fiscal Year '05 Low Income Energy Assistance Energy Payment budget up to \$3,812,933 to reflect the level of funding available in the grant.

- What budgets are increased/decreased?

The Office of School and Community Partnerships Fiscal Year '05 budget will be increased by \$75,000.

Of this amount, \$58,945 will restore or prevent shutoff of heating services for approximately 150 households. The Low Income Energy Assistance Energy Payment funds are allocated to various agencies throughout the County, based on a per-capita poverty formula. Special emergency reserves are set aside for extreme cases, and allocated on a first-come-first-serve basis.

Another \$11,100 will be used for program delivery cost reimbursement to the agencies that screen applicants and determine eligibility. The remaining \$4,955 has been awarded for Administration and will be used for Indirect and Shared Services Finance costs.

- What do the changes accomplish?

Approximately 150 households will receive emergency assistance to prevent their heat sources from being shut off, or restore services that have already been shut off.

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

There are no personnel changes.

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

At the established Fiscal Year '05 rates, the calculated Indirect and Shared Services costs for the increase in Low Income Energy Assistance Payments is \$189 for County Indirect, \$5,064 for Departmental Indirect, and \$1,723 for Shared Services Finance, for a total of \$6,976.

The increase in grant funding includes \$4,955 for Administrative costs which can be applied to Indirect. This amount will pay for the \$189 County Indirect, \$1,723 Shared Services Finance, and \$3,043 of the Departmental Indirect. There is not sufficient funding to cover the remaining \$2,021 of Departmental Indirect.

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

The State awards this grant funding each biennium. This one-time-only increase of \$75,000 is a result of a State decision to initially hold back a portion of the available grant funding until the end of the biennium

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

This grant ends on June 30, 2005, and will be renewed for the next State biennium which begins

July 1, 2005.

- If a grant, when the grant expires, what are funding plans?
The State renews this grant funding each biennium.

NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.

ATTACHMENT B

BUDGET MODIFICATION: OSCP - 06

Required Signatures

**Department/
Agency Director:**

Talena J. Boe

Date: 06/06/05

Budget Analyst:

Michael D. Gaspin

Date: 06/06/05

Department HR:

Date:

Countywide HR:

Date:

EXPENDITURES & REVENUES

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

Budget/Fiscal Year: 05

Line No.	Fund Center	Fund Code	Func. Area	term Orde	Accounting Unit		Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
					Cost Center	WBS Element						
1	21-62	20725	40			SCPCESPA.LIEAPEG.05.AD	60350	5,785	5,974	189		Central Indirect
2	21-62	20725	40			SCPCESPA.LIEAPEG.05.AD	60355	154,927	157,970	3,043		Dept Indirect
3	21-62	20725	40			SCPCESPA.LIEAPEG.05.AD	60360	55,144	56,867	1,723		Intl Svc Finance Ops
4	21-62	20725	40			SCPCESPA.LIEAPEG.05.AD	50190	(240,346)	(245,301)	(4,955)	0	IG-OP-Fed Thru St
5								0	0			
6	21-62	20725	40			SCPCSEEG.LIEAPEG.05.PG	60160	276,544	335,489	58,945		Pass Thru
7	21-62	20725	40			SCPCSEEG.LIEAPEG.05.PG	50190	(276,544)	(335,489)	(58,945)	0	IG-OP-Fed Thru St
8								0	0			
9	21-62	20725	40			SCPCSEEG.LIEAPEG.05.PD	60160	41,629	52,729	11,100		Pass Thru
10	21-62	20725	40			SCPCSEEG.LIEAPEG.05.PD	50190	(41,629)	(52,729)	(11,100)	0	IG-OP-Fed Thru St
11									0			
12	21-62	1000	40			SCPCESPA.CGF	60240	19,127	22,170	3,043		Supplies
13	21-02	1000	40			SCPOP.CGF	50370	(725,987)	(729,030)	(3,043)		Dept Indirect Revenue
14									0		0	
15	19	1000	20		9500001000		50310		(189)	(189)		Intl Svc Reimburse
16	19	1000	20		9500001000		60470		189	189		Contingency
17									0			
18	71-10	3506	20		711100		50310		(1,723)	(1,723)		Intl Svc Reimburse
19	71-10	3506	20		711100		60240		1,723	1,723		Supplies
20									0			
21									0			
22									0			
23									0			
24									0			
25									0			
26									0			
27									0			
28									0			
29									0			
										0	0	Total - Page 1
										0	0	GRAND TOTAL

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 05-120

Authorizing the Private Sale of a Tax Foreclosed Property to OLD & YOUNG PROPERTIES LLC.

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County acquired the real property described below through the foreclosure of liens for delinquent property taxes.
- b. The property has an assessed value of \$2,000 on the County's current tax roll.
- c. After the sheriff has unsuccessfully attempted to sell real property of the county as provided in ORS 275.120 to 275.160, the county court may sell such lands, or any part thereof, or any interest therein less than the whole fee, at private sale without further notice but for not less than the largest amount bid therefore at any such sale, or, if no bid therefore was made, at such price as the county court deems reasonable, but at a price no less than 15 percent of the minimum bid set under ORS 275.110 for the sheriff's sale.
- d. The property was offered for sale at public auction on February 26 of 2002 for a minimum price of \$1,000 but no bids were received.
- e. OLD & YOUNG PROPERTIES LLC have agreed to pay \$500, an amount the Board finds to be a reasonable price for the property in conformity with ORS 275.200(2).

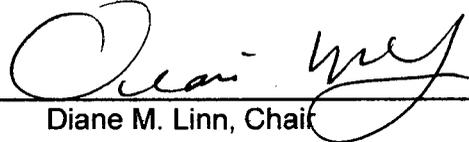
The Multnomah County Board of Commissioners Resolve:

1. Upon Tax Title's receipt of the payment in full, the Chair on behalf of Multnomah County, is authorized to execute a Bargain and Sale Deed conveying to OLD & YOUNG PROPERTIES LLC, the real property described in the attached Exhibit A.

ADOPTED this 30th day of June, 2005.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

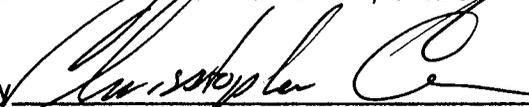
By 
Christopher D. Grean, Assistant County Attorney

EXHIBIT A (RESOLUTION)

Legal Description:

A tract of land in Section 12, Township 2 North, Range 2 West of the Willamette Meridian, in the City of Portland, County of Multnomah and State of Oregon, described as follows:

Beginning at a point in the Center line of the Lower Columbia River Highway which is North 20° 56' West, a distance of 414.0 feet and South 87° 34' East, a distance of 237.4 feet from the Northwest corner of the Weatherbee Donation Land Claim; thence North 20° 56' West, a distance of 124.5 feet and Northerly 134.8 feet on a curve of 7640 foot radius and central angle of 1°00' 40" along the center line of the said Lower Columbia River Highway to a point; thence South 88° 12' West, a distance of 206.4 feet to an iron rod; thence South 0° 14' West, a distance of 223.7 feet to the North line of that certain tract of land conveyed to Howard C. Edmondson and wife, by deed recorded May 20, 1952 in Book 1537, Page 343, Deed Records; thence South 87° 34' East along the North line of the said Edmondson tract, 298.6 feet to the place of beginning.

Excepting that portion lying within the right of way of the Lower Columbia River Highway.

Further excepting that portion conveyed to the State of Oregon, by and through its State Highway Commission by Final Judgment entered October 15, 1971 in the Circuit Court for Multnomah County, Case No. 363-808.

Multnomah County Deed No.: D052019

Tax Account No.: R325637

Until a change is requested, all tax statements
Shall be sent to the following address:
OLD & YOUNG PROPERTIES LLC
9522 SW 62nd Drive
PORTLAND, OR 97219-4919

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

Bargain and Sale Deed D052019 for R325637

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to OLD & YOUNG PROPERTIES LLC, Grantee, the following described real property described in the attached Exhibit A.

The true consideration for this conveyance is \$500.

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.

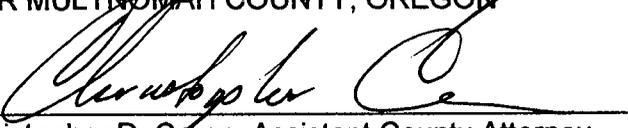
IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 30th day of June 2005, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Christopher D. Grean, Assistant County Attorney

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Deed was acknowledged before me this 30th day of June 2005, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

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

EXHIBIT A (DEED)

Legal Description:

A tract of land in Section 12, Township 2 North, Range 2 West of the Willamette Meridian, in the City of Portland, County of Multnomah and State of Oregon, described as follows:

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IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 30th day of June 2005, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn

Diane M. Linn, Chair

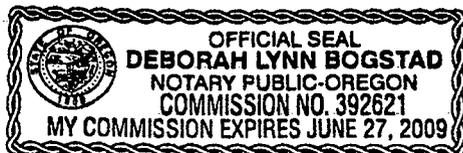
AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By *Christopher D. Crean*

Christopher D. Crean, Assistant County Attorney

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Deed was acknowledged before me this 30th day of June 2005, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.



Deborah Lynn Bogstad

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

EXHIBIT A (DEED)

Legal Description:

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Multnomah County Deed No.: D052019

Tax Account No.: R325637



**MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST**

Board Clerk Use Only

Meeting Date: 06/30/05
Agenda Item #: R-1
Est. Start Time: 9:30 AM
Date Submitted: 06/22/05

BUDGET MODIFICATION: -

Agenda Title: **RESOLUTION Directing County Staff to Work with Other Jurisdictions on Developing a Unified Short-Term Rent Assistance System**

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

Date Requested:	<u>June 30, 2005</u>	Time Requested:	<u>5 minutes</u>
Department:	<u>Non-Departmental</u>	Division:	<u>District 2</u>
Contact(s):	<u>Mary Carroll</u>		
Phone:	<u>503-988-5275</u>	Ext.	<u>85275</u>
		I/O Address:	<u>503/600</u>
Presenter(s):	<u>Mary Li, OSCP</u>		

General Information

1. What action are you requesting from the Board?

Provide direction to County staff to work with the City of Portland and HAP to create an entity to administer the short-term rent assistance funds presently funded by the three jurisdictions.

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

The Ten Year Plan to End Homelessness focused on making system changes in the homeless systems to streamline access to existing services in order to prevent and reduce homelessness. Rent assistance is an important tool to prevent homelessness. One of the first year goals of the Plan is that the rent assistance program reforms will be completed to produce a streamline administration and better outcomes for families and individuals.

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

This resolution directs staff to negotiate an IGA to transfer rent assistance funds currently administered by Multnomah County to a new unified rent assistance entity. These funds are a mix of federal, state, local and County general funds. Administrative funding for these programs will also be transferred. An IGA which will identify all funds and administrative funding for transfer

will be brought to the Board for approval.

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

This plan is in alignment with the Ten Year Plan to End Homelessness.

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

An Inter-jurisdictional Working Group has been working on the rent assistance system design. Agency providers of rent assistance have provided input. The Housing and Community Development Commission approved the recommendation of creating a unified system.

Required Signatures

**Department/
Agency Director:**

Serena Cruz

Date: June 22, 2005

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Directing County Staff to Work with Other Jurisdictions on Developing a Unified Short-Term Rent Assistance System

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County, the City of Portland, the City of Gresham and the Housing Authority of Portland all provide short-term rental assistance resources for households that are homeless or at risk of homelessness.
- b. In 2005, Multnomah County and the City of Portland collaborated on a plan to end homelessness in ten years by making system changes that help the homeless system work more efficiently and produce measurable results.
- c. One of the First Year Goals of the Plan to End Homelessness is to implement changes in the rent assistance programs to produce a streamlined administration and better outcomes for families and individuals.
- d. A Short-Term Rent Assistance Workgroup (STRAW) was created and charged with reviewing programs and funding sources of rent assistance programs and to make recommendations on how to best administer these funds, which include the Rent Assistance Supplement Program (RASP), Federal Emergency Management Agency (FEMA), Low Income Rental Housing Fund (LIRHF), HAP's Payment in Lieu of Taxes (PILOT) and City of Portland and Multnomah County General Fund.
- e. An Inter-Jurisdictional Working Group, consisting of staff from Multnomah County, City of Portland, City of Gresham and the Housing Authority of Portland was charged by the Housing and Community Development Commission (HCDC) to develop a system-wide program model and procurement process based on the recommendations of STRAW.
- f. Staff from the Multnomah County, City of Portland, City of Gresham and HAP have been working together to identify a single rent assistance entity and create a timeline for implementing a new system. Board direction is needed to proceed with the negotiations with the other jurisdictions.

The Multnomah County Board of Commissioners Resolves:

1. Staff from the Office of Schools and Community Partnerships, the Multnomah County Housing Director and the office of Commissioner Serena Cruz will continue to meet with staff from HAP and other jurisdictions to identify and resolve key issues, including formation of an Oversight Committee, an allocation formula for rent assistance, administrative funding and a timeline for the successful transfer of the identified rent assistance funds.

2. The final Intergovernmental Agreement will be presented to the Board of County Commissioners, the City of Portland City Council, and the Board of Directors of the Housing Authority of Portland for approval.
3. Multnomah County intends to transfer the rent assistance funding to the new entity by January 2006. An RFP will be issued by the new entity to align outcomes, provide evaluation and collect data and will be implemented on July 1, 2006. The existing rent assistance contractors will continue to remain in place with current funding until the new RFP is implemented.

ADOPTED this 30th day of June, 2005.

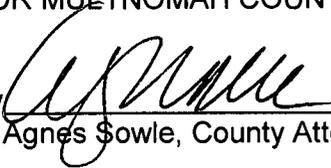
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By



Agnes Sowle, County Attorney



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-2 DATE 06.30.05
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 06/30/05
Agenda Item #: R-2
Est. Start Time: 9:35 AM
Date Submitted: 06/06/05

BUDGET MODIFICATION: OSCP - 06

Agenda Title: Budget Modification OSCP_06 Increasing the Office of School and Community Partnerships Fiscal Year 2005 Budget by \$75,000 in Low Income Energy Assistance Energy Payment Funding from the State of Oregon

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

Date Requested: <u>June 30, 2005</u>	Time Requested: <u>5 mins</u>
Department: <u>OSCP</u>	Division: _____
Contact(s): <u>Kathy Tinkle, Heather McGillivray</u>	
Phone: <u>503 988-3691</u> Ext. <u>26858</u>	I/O Address: <u>166/2nd Floor</u>
Presenter(s): <u>Kathy Tinkle</u>	

General Information

1. What action are you requesting from the Board?

The Office of School and Community Partnerships requests the approval of Budget Modification OSCP_06. This budget modification increases the Office of School and Community Partnerships' Fiscal Year '05 budget for the Low Income Energy Assistance Energy Payment (LIEAP Energy) grant by \$75,000.

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

The State of Oregon receives Low Income Energy Assistance Energy Payment (LIEAP Energy) grants from the Federal government between October and January of each year. These grants are used to pay local utilities on behalf of low-income families and individuals, who are unable to pay their utility bills and are at risk of having, or already have had their heat shut off.

Prior to the beginning of each new biennium, the State provides tentative estimates of the LIEAP Energy funding that they will allocate to each of the Counties. Over the course of each biennium,

the State allocates the LIEAP Energy funding to the Counties in periodic, cumulative Notices of Allocation

The Office of School and Community Partnerships recently submitted budget modification OSCP_05, increasing the Fiscal Year '05 budget to reflect the increased Low Income Energy Assistance-award-amounts in the March 31, 2005 Notice of Allocation.

The State did not award the entire final LIEAP Energy grant funding to the Counties in the March 31st, 2005 Notice of Allocation. Instead, they set aside a portion for emergency needs, and distributed the balance to the Counties in a last-minute allocation. The State awarded \$75,000 of these reserves to the Multnomah County Office of School and Community Partnerships in the May 31st, 2005 Notice of Allocation.

Given that the State did not communicate the possibility of additional funding to the Multnomah County Office of School and Community Partnerships until May 31, 2005, it was not possible for the Office of School and Community Partnerships to include the additional \$75,000 in budget modification OSCP_05.

Budget Modification OSCP_06 increases the Office of School and Community Partnerships' Fiscal Year '05 budget for LIEAP Energy by an additional \$75,000, to the new total of \$3,812,933 available in the State Notice of Allocation.

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

The State awards this grant funding each biennium.

This one-time-only increase of \$75,000 is a result of a State decision to initially hold back a portion of the available grant funding until the end of the biennium. On May 31, 2005, the State allocated these final reserves to Counties that still had a need for client energy assistance funding.

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

n/a

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

n/a

ATTACHMENT A

Budget Modification

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

- What revenue is being changed and why?

The Office of School and Community Partnerships Fiscal Year '05 budget will be increased by \$75,000 in Low Income Energy Assistance Energy Payment grant funding. The increase is one-time-only and is a result of a State decision to initially hold back a portion of the statewide grant funding until the end of the biennium.

Budget Modification OSCP_06 will bring the Fiscal Year '05 Low Income Energy Assistance Energy Payment budget up to \$3,812,933 to reflect the level of funding available in the grant.

- What budgets are increased/decreased?

The Office of School and Community Partnerships Fiscal Year '05 budget will be increased by \$75,000.

Of this amount, \$58,945 will restore or prevent shutoff of heating services for approximately 150 households. The Low Income Energy Assistance Energy Payment funds are allocated to various agencies throughout the County, based on a per-capita poverty formula. Special emergency reserves are set aside for extreme cases, and allocated on a first-come-first-serve basis.

Another \$11,100 will be used for program delivery cost reimbursement to the agencies that screen applicants and determine eligibility. The remaining \$4,955 has been awarded for Administration and will be used for Indirect and Shared Services Finance costs.

- What do the changes accomplish?

Approximately 150 households will receive emergency assistance to prevent their heat sources from being shut off, or restore services that have already been shut off.

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

There are no personnel changes.

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

At the established Fiscal Year '05 rates, the calculated Indirect and Shared Services costs for the increase in Low Income Energy Assistance Payments is \$189 for County Indirect, \$5,064 for Departmental Indirect, and \$1,723 for Shared Services Finance, for a total of \$6,976.

The increase in grant funding includes \$4,955 for Administrative costs which can be applied to Indirect. This amount will pay for the \$189 County Indirect, \$1,723 Shared Services Finance, and \$3,043 of the Departmental Indirect. There is not sufficient funding to cover the remaining \$2,021 of Departmental Indirect.

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

The State awards this grant funding each biennium. This one-time-only increase of \$75,000 is a result of a State decision to initially hold back a portion of the available grant funding until the end of the biennium.

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

This grant ends on June 30, 2005, and will be renewed for the next State biennium which begins

July 1, 2005.

- If a grant, when the grant expires, what are funding plans?
The State renews this grant funding each biennium.

NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.

ATTACHMENT B

BUDGET MODIFICATION: OSCP - 06

Required Signatures

**Department/
Agency Director:**

Toleno J. Beatty

Date: 06/06/05

Budget Analyst:

Michael D. Gaspin

Date: 06/06/05

Department HR:

Date:

Countywide HR:

Date:

Budget Modification or Amendment ID: **OSCP_06**

EXPENDITURES & REVENUES

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

Budget/Fiscal Year: 05

Line No.	Fund Center	Fund Code	Func. Area	Term	Accounting Unit		Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
					Cost Center	WBS Element						
1	21-62	20725	40			SCPCESPA.LIEAPEG.05.AD	60350	5,785	5,974	189		Central Indirect
2	21-62	20725	40			SCPCESPA.LIEAPEG.05.AD	60355	154,927	157,970	3,043		Dept Indirect
3	21-62	20725	40			SCPCESPA.LIEAPEG.05.AD	60360	55,144	56,867	1,723		Intl Svc Finance Ops
4	21-62	20725	40			SCPCESPA.LIEAPEG.05.AD	50190	(240,346)	(245,301)	(4,955)	0	IG-OP-Fed Thru St
5								0	0			
6	21-62	20725	40			SCPCESEG.LIEAPEG.05.PG	60160	276,544	335,489	58,945		Pass Thru
7	21-62	20725	40			SCPCESEG.LIEAPEG.05.PG	50190	(276,544)	(335,489)	(58,945)	0	IG-OP-Fed Thru St
8								0	0			
9	21-62	20725	40			SCPCESEG.LIEAPEG.05.PD	60160	41,629	52,729	11,100		Pass Thru
10	21-62	20725	40			SCPCESEG.LIEAPEG.05.PD	50190	(41,629)	(52,729)	(11,100)	0	IG-OP-Fed Thru St
11								0				
12	21-62	1000	40			SCPCESPA.CGF	60240	19,127	22,170	3,043		Supplies
13	21-02	1000	40			SCPOP.CGF	50370	(725,987)	(729,030)	(3,043)		Dept Indirect Revenue
14								0			0	
15	19	1000	20		9500001000		50310		(189)	(189)		Intl Svc Reimburse
16	19	1000	20		9500001000		60470		189	189		Contingency
17								0				
18	71-10	3506	20		711100		50310		(1,723)	(1,723)		Intl Svc Reimburse
19	71-10	3506	20		711100		60240		1,723	1,723		Supplies
20								0				
21								0				
22								0				
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25								0				
26								0				
27								0				
28								0				
29								0				
										0	0	Total - Page 1
										0	0	GRAND TOTAL

Budget Modification or Amendment ID: **OSCP_06**

EXPENDITURES & REVENUES

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

Budget/Fiscal Year: 05

Line No.	Fund Center	Fund Code	Func. Area	Item Order	Accounting Unit		Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
					Cost Center	WBS Element						
1									0			
2									0			
3									0			
4									0			
5									0			
6									0			
7									0			
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28									0			
29									0			
										0	0	Total - Page 2
										0	0	GRAND TOTAL



**MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST**

Board Clerk Use Only

Meeting Date: 06/30/05
Agenda Item #: R-3
Est. Start Time: 9:40 AM
Date Submitted: 05/25/05

BUDGET MODIFICATION: -

Agenda Title: **Public Hearing and ORDER Authorizing Legalization of Haines Road from NE Larch Mountain Road, Easterly Approximately 3.6 Miles to NE Brower Road as County Road No. 5019**

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

Date Requested:	<u>June 30, 2005</u>	Time Requested:	<u>15 minutes</u>
Department:	<u>Business and Community Services</u>	Division:	<u>Land Use & Transportation</u>
Contact(s):	<u>Robert A. Hovden, County Surveyor</u>		
Phone:	<u>503-988-5537</u>	Ext.:	<u>85537</u>
		I/O Address:	<u>455/121</u>
Presenter(s):	<u>Robert Hovden</u>		

General Information

1. What action are you requesting from the Board?

To hold a public hearing to consider legalization of Haines Road and Board approval of an Order legalizing Haines Road in its as-traveled location.

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

This road was established as County Road No. 573 in 1892, and maintenance and improvements have changed its location over the years. On April 22, 2004, the Board of Commissioners initiated proceedings for legalizing Haines Road and directed the road to be surveyed in its as-traveled location. On May 19, 2005, the board set June 30, 2005 as a date for a public hearing to consider legalization of Haines Road No. 5019. The survey of the as-travel road is completed, and the County Engineer is recommending that Haines Road No. 5019 be legalized as surveyed.

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

The cost of the legalization process will be paid by the Road Fund.

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

This legalization process follows the procedures required by ORS 368.201 to 368.221.

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

All adjacent property owners will be served legal notice of the public hearing to consider this legalization, and notice will be posted in the area as required by ORS 368.206(1) (c). All adjacent property owners will have an opportunity to express their concerns in writing or at the public hearing.

Required Signatures

Department/
Agency Director:

Robert A Maestre

Date: 05/23/05

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 05-079

Scheduling a Public Hearing and Directing Notice thereof for the Consideration of
the Legalization of Haines Road

The Multnomah County Board of Commissioners Finds:

- a. Haines Road was established as County Road in 1892 and maintenance and improvements have changed its location over the years.
- b. On April 22, 2004, consistent with ORS 368.201 to 368.221, the Board of Commissioners initiated proceedings for the legalizing Haines Road in its traveled location and directed the County Surveyor to conduct a survey of the road.
- c. As required under ORS 368.206(1), the County Surveyor has completed the survey of the road and prepared a report to the Board.
- d. The above referenced statutes require the County to hold a public hearing to consider legalization of Haines Road and provide notice thereof by personal service to the abutting property owners and by posting.

The Multnomah County Board of Commissioners Resolves:

1. The Board of County Commissioner will hold a hearing on Thursday, June 30, 2005 at 9:30 a.m., in the Multnomah Building, First Floor Commissioners Boardroom 100, 501 SE Hawthorne Boulevard, Portland, Oregon.
2. The purpose of the hearing is to determine if Haines Road, County Road No. 5019, should be ordered as a lawful County Road and public highway. The hearing will concern Haines Road from NE Larch Mountain Road No. 2098, Easterly about 3.6 miles to NE Brower Road No. 4999.

3. The County Surveyor is directed to provide notice of the hearing to abutting property owners and by posting in a manner consistent with ORS 368.401-369.426.
4. The notice shall advise that all persons interested in or concerned with the road are invited to attend the hearing.
5. Further the notice shall provide the following information:
 - That any objections to the proposal or other information relating thereto must be filed in the Multnomah County Surveyor's Office, 1600 SE 190th Avenue, Portland, Oregon 97233, on or before June 28, 2005;
 - A Statement as follows: "For more information, call Robert Hovden, County Surveyor at 503-988-5573".

ADOPTED this 19th day of May, 2005.

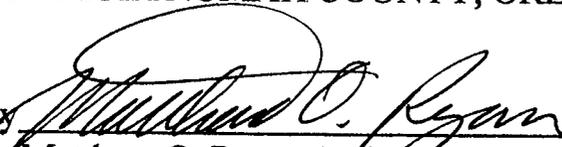


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. _____

Authorizing Legalization of Haines Road from NE Larch Mountain Road, Easterly Approximately 3.6 Miles to NE Brower Road as County Road No. 5019

The Multnomah County Board of Commissioners Finds:

- a. Haines Road was established as a County Road in 1892, and maintenance and improvements have changed its location over the years.
- b. The above-described Haines Road is a road that has been traveled and used by the public for more than 10 years in a location that does not conform to the location of the road as described in the County Records.
- c. On April 22, 2004, the Board initiated proceedings for legalizing Haines Road in its traveled location and directed the County Surveyor to conduct a survey of the road.
- d. The County Surveyor completed the survey of the road. The County Engineer filed a written report recommending legalization of Haines Road.
- e. By Resolution 05-079 adopted on May 19, 2005, the Board set a public hearing on June 30, 2005, to consider legalization of the portion of Haines Road.
- f. The County Surveyor provided notice of the hearing to interested parties and by posting in a manner consistent with ORS 368.401 – 368.426. No objections to the proposal or other information have been filed with the County Surveyor.
- g. The Board has determined that legalization of said portion of Haines Road is in the public interest.

The Multnomah County Board of Commissioners Orders:

1. That Haines Road from NE Larch Mountain Road No. 2098, easterly approximately 3.6 miles to NE Brower Road No. 4999, as more particularly described in the attached Exhibit A and as shown on Survey No. 59702, Multnomah County Survey Records, is legalized as County Road No. 5019 in accordance with ORS 368.201 through ORS 368.221.

2. This Order legalizing Haines Road is to be recorded as provided under ORS 368.216 (2) and ORS 368.106.

ADOPTED this 30th day of June, 2005.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By


Matthew O. Ryan, Assistant County Attorney

EXHIBIT A

HAINES ROAD No. 5019

A strip of land in the Southwest one-quarter of Section 27, South one-half of Section 28, Southeast one-quarter of section 31, South one-half and Northeast one-quarter of Section 32, North one-half of Section 33 and the Northwest one-quarter of Section 34, Township 1 North, Range 5 East, Willamette Meridian, Multnomah County, Oregon, said strip of land running from the centerline of NE Larch Mountain Road No. 2098, northeasterly along the centerline of the as-traveled Haines Road to its intersection with the centerline of NE Brower Road No. 4999, said strip of land being 60 feet in width, 30 feet on each side of the following described centerline:

Beginning at Engineer's Station 0+00.00, said station being at Engineer's centerline Station 81+67.11 POT of said NE Larch Mountain Road, said station bears $S74^{\circ}30'06''W$, a distance of 407.22 feet from a 4" brass disc in concrete post found at the one-quarter corner common to said Sections 31 and 32;

Thence $S60^{\circ}38'46''E$, a distance of 85.81 feet to Engineer's Station 0+85.81 PC;

Thence on a curve to the right, having a radius of 200.00 feet, through a central angle of $15^{\circ}53'37''$ (long chord of which bears $S52^{\circ}41'57''E$, a distance of 55.30 feet), an arc distance of 55.48 feet to Engineer's Station 1+41.29 PT;

Thence $S44^{\circ}45'09''E$, a distance of 35.40 feet to Engineer's Station 1+76.69 PC;

Thence on a curve to the left, having a radius of 165.00 feet, through a central angle of $41^{\circ}11'11''$ (long chord of which bears $S65^{\circ}20'44''E$, a distance of 116.07 feet), an arc distance of 118.61 feet to Engineer's Station 2+95.30 PT;

Thence $S85^{\circ}56'19''E$, a distance of 127.26 feet to Engineer's Station 4+22.56 PC;

Thence on a curve to the left, having a radius of 130.00 feet, through a central angle of $48^{\circ}47'22''$ (long chord of which bears $N69^{\circ}40'00''E$, a distance of 107.39 feet), an arc distance of 110.70 feet to Engineer's Station 5+33.26 PT;

Thence $N45^{\circ}16'19''E$, a distance of 47.19 feet to Engineer's Station 5+80.45 PC, from which said one-quarter corner common to Sections 31 and 32 bears $N30^{\circ}58'51''W$, a distance of 229.13 feet;

Thence on a curve to the right, having a radius of 209.00 feet, through a central angle of $106^{\circ}57'07''$ (long chord of which bears $S81^{\circ}15'08''E$, a distance of 335.91 feet), an arc distance of 390.13 feet to Engineer's Station 9+70.58 PT;

Thence $S27^{\circ}46'34''E$, a distance of 49.92 feet to Engineer's Station 10+20.50 PC;

Thence on a curve to the left, having a radius of 125.00 feet, through a central angle of 67°01'48" (long chord of which bears S61°17'28"E, a distance of 138.04 feet), an arc distance of 146.24 feet to Engineer's Station 11+66.74 PT;

Thence N85°11'38"E, a distance of 75.78 feet to Engineer's Station 12+42.52 PC;

Thence on a curve to the right, having a radius of 82.00 feet, through a central angle of 100°48'14" (long chord of which bears S44°24'15"E, a distance of 126.37 feet), an arc distance of 144.27 feet to Engineer's Station 13+86.79 PT;

Thence S05°59'52"W, a distance of 58.04 feet to Engineer's Station 14+44.83 PC;

Thence on a curve to the left, having a radius of 250.00 feet, through a central angle of 25°46'19" (long chord of which bears S06°53'18"E, a distance of 111.51 feet), an arc distance of 112.45 feet to Engineer's Station 15+57.28 PT;

Thence S19°46'28"E, a distance of 59.04 feet to Engineer's Station 16+16.32 PC;

Thence on a curve to the left, having a radius of 128.00 feet, through a central angle of 95°42'57" (long chord of which bears S67°37'56"E, a distance of 189.82 feet), an arc distance of 213.83 feet to Engineer's Station 18+30.15 PT;

Thence N64°30'35"E, a distance of 68.63 feet to Engineer's Station 18+98.78 PC;

Thence on a curve to the right, having a radius of 180.00 feet, through a central angle of 48°36'08" (long chord of which bears N88°48'39"E, a distance of 148.15 feet), an arc distance of 152.69 feet to Engineer's Station 20+51.47 PT;

Thence S66°53'17"E, a distance of 31.42 feet to Engineer's Station 20+82.89 PC;

Thence on a curve to the right, having a radius of 95.00 feet, through a central angle of 109°55'16" (long chord of which bears S11°55'39"E, a distance of 155.56 feet), an arc distance of 182.26 feet to Engineer's Station 22+65.15 PT;

Thence S43°01'59"W, a distance of 159.64 feet to Engineer's Station 24+24.79 PC;

Thence on a curve to the left, having a radius of 140.00 feet, through a central angle of 58°13'18" (long chord of which bears S14°28'56"W, a distance of 136.22 feet), an arc distance of 142.26 feet to Engineer's Station 25+67.05 PT;

Thence S14°37'43"E, a distance of 37.90 feet to Engineer's Station 26+04.95 PC;

Thence on a curve to the right, having a radius of 170.00 feet, through a central angle of 31°55'10" (long chord of which bears S01°19'52"W, a distance of 93.49 feet), an arc distance of 94.71 feet to Engineer's Station 26+99.66 PT;

Thence S17°17'27"W, a distance of 57.10 feet to Engineer's Station 27+56.76 PC;
Thence on a curve to the left, having a radius of 230.00 feet, through a central angle of 43°00'10" (long chord of which bears S04°12'38"E, a distance of 168.60 feet), an arc distance of 172.62 feet to Engineer's Station 29+29.38 PCC;

Thence on a curve to the left, having a radius of 96.00 feet, through a central angle of 93°33'38" (long chord of which bears S72°29'31"E, a distance of 139.92 feet), an arc distance of 156.76 feet to Engineer's Station 30+86.14 PCC;

Thence on a curve to the left, having a radius of 470.00 feet, through a central angle of 31°07'50" (long chord of which bears N45°09'45"E, a distance of 252.23 feet), an arc distance of 255.36 feet to Engineer's Station 33+41.50 PT;

Thence N29°35'50"E, a distance of 26.52 feet to Engineer's Station 33+68.02 PC;

Thence on a curve to the right, having a radius of 140.00 feet, through a central angle of 25°50'38" (long chord of which bears N42°31'09"E, a distance of 62.61 feet), an arc distance of 63.15 feet to Engineer's Station 34+31.17 PT;

Thence N55°26'28"E, a distance of 73.46 feet to Engineer's Station 35+04.63 PC;

Thence on a curve to the right, having a radius of 120.00 feet, through a central angle of 47°25'06" (long chord of which bears N79°09'01"E, a distance of 96.50 feet), an arc distance of 99.31 feet to Engineer's Station 36+03.94PT;

Thence S77°08'26"E, a distance of 97.73 feet to Engineer's Station 37+01.67 PC;

Thence on a curve to the left, having a radius of 790.00 feet, through a central angle of 19°28'48" (long chord of which bears S86°52'50"E, a distance of 267.30 feet), an arc distance of 268.59 feet to Engineer's Station 39+70.26 PT;

Thence N83°22'46"E, a distance of 37.21 feet to Engineer's Station 40+07.47 PC;

Thence on a curve to the right, having a radius of 265.00 feet, through a central angle of 19°51'05" (long chord of which bears S86°41'42"E, a distance of 91.36 feet), an arc distance of 91.81 feet to Engineer's Station 40+99.28 PT;

Thence S76°46'09"E, a distance of 44.59 feet to Engineer's Station 41+43.87 PC;

Thence on a curve to the left, having a radius of 109.00 feet, through a central angle of 44°12'38" (long chord of which bears N81°07'32"E, a distance of 82.04 feet), an arc distance of 84.11 feet to Engineer's Station 42+27.98 PCC;

Thence on a curve to the left, having a radius of 72.00 feet, through a central angle of 101°58'28" (long chord of which bears N08°01'59"E, a distance of 111.89 feet), an arc distance of 128.14 feet to Engineer's Station 43+56.12 PCC;

Thence on a curve to the left, having a radius of 157.00 feet, through a central angle of 39°25'26" (long chord of which bears N62°39'58"W, a distance of 105.91 feet), an arc distance of 108.03 feet to Engineer's Station 44+64.15 PT;

Thence N82°22'41"W, a distance of 41.76 feet to Engineer's Station 45+05.91 PC;

Thence on a curve to the right, having a radius of 160.00 feet, through a central angle of 31°55'39" (long chord of which bears N66°24'51"W, a distance of 88.01 feet), an arc distance of 89.16 feet to Engineer's Station 45+95.07 PT;

Thence N50°27'02"W, a distance of 24.97 feet to Engineer's Station 46+20.04 PC;

Thence on a curve to the left, having a radius of 385.00 feet, through a central angle of 18°50'45" (long chord of which bears N59°52'25"W, a distance of 126.07 feet), an arc distance of 126.64 feet to Engineer's Station 47+46.68 PT;

Thence N69°17'47"W, a distance of 55.31 feet to Engineer's Station 48+01.99 PC;

Thence on a curve to the right, having a radius of 140.00 feet, through a central angle of 51°03'58" (long chord of which bears N43°45'48"W, a distance of 120.69 feet), an arc distance of 124.78 feet to Engineer's Station 49+26.77 PT;

Thence N18°13'50"W, a distance of 43.27 feet to Engineer's Station 49+70.04 PC;

Thence on a curve to the right, having a radius of 180.00 feet, through a central angle of 27°34'00" (long chord of which bears N04°26'50"W, a distance of 85.77 feet), an arc distance of 86.60 feet to Engineer's Station 50+56.64 PCC;

Thence on a curve to the right, having a radius of 95.00 feet, through a central angle of 83°06'36" (long chord of which bears N50°53'28"E, a distance of 126.03 feet), an arc distance of 137.80 feet to Engineer's Station 51+94.44 PT;

Thence S87°33'14"E, a distance of 251.42 feet to Engineer's Station 54+45.86 PC;

Thence on a curve to the left, having a radius of 180.00 feet, through a central angle of 41°55'33" (long chord of which bears N71°28'59"E, a distance of 128.80 feet), an arc distance of 131.71 feet to Engineer's Station 55+77.57 PT;

Thence N50°31'13"E, a distance of 39.22 feet to Engineer's Station 56+16.79 PC;

Thence on a curve to the right, having a radius of 550.00 feet, through a central angle of 18°36'37" (long chord of which bears N59°49'31"E, a distance of 177.86 feet), an arc distance of 178.65 feet to Engineer's Station 57+95.44 PT;

Thence N69°07'50"E, a distance of 613.19 feet to Engineer's Station 64+08.63 PC, from which a 4" brass disc in concrete post found at the center one-quarter corner of said Section 32 bears N47°28'00"W, a distance of 409.20 feet;
Thence on a curve to the right, having a radius of 500.00 feet, through a central angle of 21°06'41" (long chord of which bears N79°41'10"E, a distance of 183.19 feet), an arc distance of 184.23 feet to Engineer's Station 65+92.86 PT;

Thence S89°45'30"E, a distance of 121.25 feet to Engineer's Station 67+14.11 PC;

Thence on a curve to the left, having a radius of 130.00 feet, through a central angle of 52°29'59" (long chord of which bears N63°59'31"E, a distance of 114.99 feet), an arc distance of 119.12 feet to Engineer's Station 68+33.23 PT;

Thence N37°44'31"E, a distance of 290.89 feet to Engineer's Station 71+24.12 PC;

Thence on a curve to the right, having a radius of 145.00 feet, through a central angle of 59°49'09" (long chord of which bears N67°39'06"E, a distance of 144.60 feet), an arc distance of 151.39 feet to Engineer's Station 72+75.51 PT;

Thence S82°26'19"E, a distance of 83.21 feet to Engineer's Station 73+58.72 PC;

Thence on a curve to the left, having a radius of 155.00 feet, through a central angle of 66°56'17" (long chord of which bears N64°05'32"E, a distance of 170.96 feet), an arc distance of 181.09 feet to Engineer's Station 75+39.81 PT;

Thence N30°37'23"E, a distance of 41.87 feet to Engineer's Station 75+81.68 PC;

Thence on a curve to the right, having a radius of 680.00 feet, through a central angle of 11°08'03" (long chord of which bears N36°11'25"E, a distance of 131.93 feet), an arc distance of 132.14 feet to Engineer's Station 77+13.82 PT;

Thence N41°45'26"E, a distance of 44.93 feet to Engineer's Station 77+58.75 PC;

Thence on a curve to the right, having a radius of 380.00 feet, through a central angle of 32°20'05" (long chord of which bears N57°55'29"E, a distance of 211.62 feet), an arc distance of 214.45 feet to Engineer's Station 79+73.20 PT;

Thence N74°05'31"E, a distance of 89.00 feet to Engineer's Station 80+62.20 PC;

Thence on a curve to the right, having a radius of 675.00 feet, through a central angle of 12°53'56" (long chord of which bears N80°32'29"E, a distance of 151.64 feet), an arc distance of 151.96 feet to Engineer's Station 82+14.16 PT;

Thence N86°59'27"E, a distance of 88.23 feet to Engineer's Station 83+02.39 PC;

Thence on a curve to the left, having a radius of 520.00 feet, through a central angle of 19°08'09" (long chord of which bears N77°25'22"E, a distance of 172.86 feet), an arc distance of 173.67 feet to Engineer's Station 84+76.06 PT;

Thence N67°51'18"E, a distance of 208.49 feet to Engineer's Station 86+84.55 PC, from which a 4" brass disc in concrete post found at the one-quarter corner common to said Sections 32 and 33 bears S31°55'57"E, a distance of 734.10 feet;

Thence on a curve to the left, having a radius of 575.00 feet, through a central angle of 14°59'33" (long chord of which bears N60°21'31"E, a distance of 150.03 feet), an arc distance of 150.46 feet to Engineer's Station 88+35.01 PT;

Thence N52°51'45"E, a distance of 383.34 feet to Engineer's Station 92+18.35 PC;

Thence on a curve to the left, having a radius of 700.00 feet, through a central angle of 16°26'28" (long chord of which bears N44°38'31"E, a distance of 200.18 feet), an arc distance of 200.86 feet to Engineer's Station 94+19.21 PT;

Thence N36°25'17"E, a distance of 130.74 feet to Engineer's Station 95+49.95 PC;

Thence on a curve to the left, having a radius of 775.00 feet, through a central angle of 16°12'35" (long chord of which bears N28°19'00"E, a distance of 218.53 feet), an arc distance of 219.26 feet to Engineer's Station 97+69.21 PT;

Thence N20°12'42"E, a distance of 223.66 feet to Engineer's Station 99+92.87 PC;

Thence on a curve to the right, having a radius of 400.00 feet, through a central angle of 12°48'02" (long chord of which bears N26°36'43"E, a distance of 89.18 feet), an arc distance of 89.37 feet to Engineer's Station 100+82.24 PT;

Thence N33°00'44"E, a distance of 334.33 feet to Engineer's Station 104+16.57 PC, from which a 4" brass disc in concrete post found at the corner common to said Sections 28, 29, 32 and 33 bears N42°17'15"W, a distance of 911.31 feet;

Thence on a curve to the right, having a radius of 170.00 feet, through a central angle of 29°09'58" (long chord of which bears N47°35'43"E, a distance of 85.61 feet), an arc distance of 86.54 feet to Engineer's Station 105+03.11 PT;

Thence N62°10'42"E, a distance of 61.23 feet to Engineer's Station 105+64.34 PC;

Thence on a curve to the left, having a radius of 300.00 feet, through a central angle of 20°28'06" (long chord of which bears N51°56'39"E, a distance of 106.60 feet), an arc distance of 107.17 feet to Engineer's Station 106+71.51 PT;

Thence N41°42'36"E, a distance of 58.59 feet to Engineer's Station 107+30.10 PC;

Thence on a curve to the left, having a radius of 450.00 feet, through a central angle of 10°31'38" (long chord of which bears N36°26'47"E, a distance of 82.56 feet), an arc distance of 82.68 feet to Engineer's Station 108+12.78 PT;

Thence N31°10'59"E, a distance of 172.32 feet to Engineer's Station 109+85.10 PC;
Thence on a curve to the left, having a radius of 500.00 feet, through a central angle of 14°07'13" (long chord of which bears N24°07'22"E, a distance of 122.91 feet), an arc distance of 123.22 feet to Engineer's Station 111+08.32 PT;

Thence N17°03'46"E, a distance of 116.22 feet to Engineer's Station 112+24.54 PC;

Thence on a curve to the right, having a radius of 425.00 feet, through a central angle of 19°46'59" (long chord of which bears N26°57'15"E, a distance of 146.02 feet), an arc distance of 146.74 feet to Engineer's Station 113+71.28 PT;

Thence N36°50'45"E, a distance of 135.63 feet to Engineer's Station 115+06.91 PC;

Thence on a curve to the right, having a radius of 800.00 feet, through a central angle of 17°19'48" (long chord of which bears N45°30'39"E, a distance of 241.05 feet), an arc distance of 241.97 feet to Engineer's Station 117+48.88 PT;

Thence N54°10'33"E, a distance of 37.87 feet to Engineer's Station 117+86.75 PC;

Thence on a curve to the right, having a radius of 83.00 feet, through a central angle of 134°58'42" (long chord of which bears S58°20'06"E, a distance of 153.35 feet), an arc distance of 195.53 feet to Engineer's Station 119+82.28 PCC;

Thence on a curve to the right, having a radius of 245.00 feet, through a central angle of 22°41'56" (long chord of which bears S20°30'14"W, a distance of 96.43 feet), an arc distance of 97.06 feet to Engineer's Station 120+79.34 PT;

Thence S31°51'16"W, a distance of 161.13 feet to Engineer's Station 122+40.47 PC;

Thence on a curve to the left, having a radius of 250.00 feet, through a central angle of 29°12'36" (long chord of which bears S17°14'58"W, a distance of 126.08 feet), an arc distance of 127.45 feet to Engineer's Station 123+67.92 PCC;

Thence on a curve to the left, having a radius of 90.00 feet, through a central angle of 87°23'13" (long chord of which bears S41°02'56"E, a distance of 124.34 feet), an arc distance of 137.27 feet to Engineer's Station 125+05.19 PCC;

Thence on a curve to the left, having a radius of 197.00 feet, through a central angle of 34°16'55" (long chord of which bears N78°06'59"E, a distance of 116.12 feet), an arc distance of 117.87 feet to Engineer's Station 126+23.06 PRC;

Thence on a curve to the right, having a radius of 2000.00 feet, through a central angle of 7°18'22" (long chord of which bears N64°37'43"E, a distance of 254.86 feet), an arc distance of 255.03 feet to Engineer's Station 128+78.09 PT;

Thence N68°16'54"E, a distance of 135.02 feet to Engineer's Station 130+13.11 PC;

Thence on a curve to the left, having a radius of 1800.00 feet, through a central angle of 10°23'02" (long chord of which bears N63°05'23"E, a distance of 325.77 feet), an arc distance of 326.22 feet to Engineer's Station 133+39.33 PT;

Thence N57°53'52"E, a distance of 246.75 feet to Engineer's Station 135+86.08 PC;

Thence on a curve to the left, having a radius of 900.00 feet, through a central angle of 7°42'00" (long chord of which bears N54°02'52"E, a distance of 120.86 feet), an arc distance of 120.95 feet to Engineer's Station 137+07.03 PT;

Thence N50°11'52"E, a distance of 189.75 feet to Engineer's Station 138+96.78 PC;

Thence on a curve to the right, having a radius of 575.00 feet, through a central angle of 18°29'09" (long chord of which bears N59°26'26"E, a distance of 184.71 feet), an arc distance of 185.52 feet to Engineer's Station 140+82.30 PCC;

Thence on a curve to the right, having a radius of 79.50 feet, through a central angle of 143°14'58" (long chord of which bears S39°41'31"E, a distance of 150.89 feet), an arc distance of 198.76 feet to Engineer's Station 142+81.06 PCC;

Thence on a curve to the right, having a radius of 675.00 feet, through a central angle of 9°31'26" (long chord of which bears S36°41'41"W, a distance of 112.07 feet), an arc distance of 112.20 feet to Engineer's Station 143+93.26 PT;

Thence S41°27'24"W, a distance of 169.97 feet to Engineer's Station 145+63.23 PC;

Thence on a curve to the left, having a radius of 325.00 feet, through a central angle of 18°11'20" (long chord of which bears S32°21'44"W, a distance of 102.74 feet), an arc distance of 103.17 feet to Engineer's Station 146+66.40 PT;

Thence S23°16'04"W, a distance of 49.54 feet to Engineer's Station 147+15.94 PC;

Thence on a curve to the right, having a radius of 325.00 feet, through a central angle of 15°28'18" (long chord of which bears S31°00'13"W, a distance of 87.49 feet), an arc distance of 87.76 feet to Engineer's Station 148+03.70 PT;

Thence S38°44'22"W, a distance of 49.18 feet to Engineer's Station 148+52.88 PC;

Thence on a curve to the left, having a radius of 105.00 feet, through a central angle of 36°03'13" (long chord of which bears S20°42'45"W, a distance of 64.99 feet), an arc

distance of 66.07 feet to Engineer's Station 149+18.95 PCC, from which a 4" brass disc in concrete post found at the one-quarter corner common to said Sections 28 and 33 bears N49°47'30"W, a distance of 35.92 feet;

Thence on a curve to the left, having a radius of 22.50 feet, through a central angle of 118°23'09" (long chord of which bears S56°30'26"E, a distance of 38.65 feet), an arc distance of 46.49 feet to Engineer's Station 149+65.44 PRC;

Thence on a curve to the right, having a radius of 1000.00 feet, through a central angle of 23°58'53" (long chord of which bears N76°17'26"E, a distance of 415.51 feet), an arc distance of 418.55 feet to Engineer's Station 153+83.99 PT;

Thence N88°16'53"E, a distance of 284.98 feet to Engineer's Station 156+68.97 PC;

Thence on a curve to the right, having a radius of 650.00 feet, through a central angle of 19°22'39" (long chord of which bears S82°01'48"E, a distance of 218.79 feet), an arc distance of 219.83 feet to Engineer's Station 158+88.80 PT;

Thence S72°20'28"E, a distance of 157.37 feet to Engineer's Station 160+46.17 PC;

Thence on a curve to the left, having a radius of 450.00 feet, through a central angle of 18°22'33" (long chord of which bears S81°31'44"E, a distance of 143.70 feet), an arc distance of 144.32 feet to Engineer's Station 161+90.49 PT;

Thence N89°16'59"E, a distance of 114.34 feet to Engineer's Station 163+04.83 PC;

Thence on a curve to the left, having a radius of 900.00 feet, through a central angle of 23°55'52" (long chord of which bears N77°19'03"E, a distance of 373.18 feet), an arc distance of 375.91 feet to Engineer's Station 166+80.74 PT;

Thence N65°21'07"E, a distance of 403.75 feet to Engineer's Station 170+84.49 PC;

Thence on a curve to the right, having a radius of 600.00 feet, through a central angle of 19°51'23" (long chord of which bears N75°16'48"E, a distance of 206.90 feet), an arc distance of 207.93 feet to Engineer's Station 172+92.42 PT;

Thence N85°12'30"E, a distance of 185.31 feet to Engineer's Station 174+77.73 PC;

Thence on a curve to the right, having a radius of 195.00 feet, through a central angle of 41°17'56" (long chord of which bears S74°08'33"E, a distance of 137.53 feet), an arc distance of 140.56 feet to Engineer's Station 176+18.29 PT;

Thence S53°29'35"E, a distance of 74.40 feet to Engineer's Station 176+92.69 PC, from which a 4" brass disc in concrete post found at the corner common to said Sections 27, 28, 33 and 34 bears S11°20'44"W, a distance of 205.74 feet;

Thence on a curve to the left, having a radius of 140.00 feet, through a central angle of $38^{\circ}12'24''$ (long chord of which bears $S72^{\circ}35'47''E$, a distance of 91.64 feet), an arc distance of 93.36 feet to Engineer's Station 177+86.05 PT;

Thence $N88^{\circ}18'01''E$, a distance of 130.80 feet to Engineer's Station 179+16.85 PC;

Thence on a curve to the right, having a radius of 700.00 feet, through a central angle of $9^{\circ}11'47''$ (long chord of which bears $S87^{\circ}06'05''E$, a distance of 112.24 feet), an arc distance of 112.36 feet to Engineer's Station 180+29.21 PT;

Thence $S82^{\circ}30'12''E$, a distance of 143.19 feet to Engineer's Station 181+72.40 PC;

Thence on a curve to the right, having a radius of 225.00 feet, through a central angle of $43^{\circ}48'43''$ (long chord of which bears $S60^{\circ}35'50''E$, a distance of 167.89 feet), an arc distance of 172.05 feet to Engineer's Station 183+44.45 PT;

Thence $S38^{\circ}41'28''E$, a distance of 204.24 feet to Engineer's Station 185+48.69 PC;

Thence on a curve to the left, having a radius of 240.00 feet, through a central angle of $29^{\circ}36'59''$ (long chord of which bears $S52^{\circ}55'47''E$, a distance of 122.68 feet), an arc distance of 124.06 feet to Engineer's Station 186+72.75 PCC;

Thence on a curve to the left, having a radius of 70.00 feet, through a central angle of $83^{\circ}15'32''$ (long chord of which bears $N70^{\circ}37'58''E$, a distance of 93.00 feet), an arc distance of 101.72 feet to Engineer's Station 187+74.47 PT;

Thence $N29^{\circ}00'11''E$, a distance of 39.78 feet to Engineer's Station 188+14.25 PC;

Thence on a curve to the right, having a radius of 155.00 feet, through a central angle of $53^{\circ}12'01''$ (long chord of which bears $N55^{\circ}36'12''E$, a distance of 138.81 feet), an arc distance of 143.92 feet to Engineer's Station 189+58.17 PT;

Thence $N82^{\circ}12'13''E$, a distance of 230.86 feet to Engineer's Station 191+89.03 and the terminus of Haines Road No. 5019, which equals Engineer's centerline Station 98+25.26 POT of said NE Brower Road.

The heretofore description is written and based on a survey by Robert A. Hovden, Multnomah County Surveyor, recorded as Survey Number 59702, Multnomah County Survey Records, and by said reference is hereby made a part thereof.

RECEIVED

05 JUN 27 AM 11:47

MULTNOMAH COUNTY
PLANNING SECTION

BCC ✓

R-3

6/30/05

DANIEL L. ROBERTS
45301 E HAINES RD
CORBETT, OR 97019

June 25, 2005

RESOLUTION NO. 05-079

MULTNOMAH COUNTY OREGON
Land Use and Transportation Division

1600 SE 190th Avenue
Portland, Oregon 97233-5910

Subject: Legalization of Haines Road No. 5019 (NE Larch Mountain Road
Easterly to NE Brower Road)

MULTNOMAH COUNTY BOARD OF COMMISSIONERS:

I Daniel L. Roberts OBJECT to any changes EVER to Haines Rd. that traveling through my property. Haines Rd. never went passed Thompson Mill Rd, from Thompson Mill Rd. to Brower Rd. was build originally as a logging road to bring the logs up to Brower Rd.

I own the land under the pavement of Haines Rd. were it dissects my property three times, I will not allow Multnomah County to take my land and I will not give it away, further more I will never agree to any survey that takes my land, currently the right of way stakes cut into my land.

I Do Not want to legalize Haines Rd., I have unlimited access to my property from the pavement, I see no reason what so ever to change Haines Rd. now or ever.

I have Trees and Property that Multnomah County is trying to take with this proposed Right of Way plans, **HOW DOES MULTNOMAH COUNTY PLANS TO PAY FOR MY LAND AND TREES** if you go forward with this legalization. I have pay taxes on this property to prove that I own this land and so have all the other residents on Haines Road.

Sincerely,



Daniel L. Roberts
45301 E Haines Rd.
Corbett, OR 97019

(503) 695-5282

BCC ✓
R-3
6/30/05

June 27, 2005

Multnomah County
Department of Roads & Maintenance

Mr. Robert Holven and County Commissioners,

My wife and I reside at 1326 NE Thompson Mill Rd. (Block 33) The North side of our farm IS Haines Road, since we own the property beneath the surfaced road. Haines has not been a legal road before now, and I do not want to have more of our land used for 20 foot right of ways. It seems too excessive. Presently, Haines is a 20 foot surfaced roadway with two feet of gravel and ditch along each edge for a total of 24 feet. We have lived here since 1978. In over 25 years the only vehicle accidents have been people occasionally sliding off the road during icy weather. Haines is a very drivable roadway in it's present width. It has proved it's safety by a lack of vehicle accidents. Please do not tie up more of our land by such an outrageous right of way.

Sincerely,



Mr. Norman E. Brill
(503-6952115)

MULTNOMAH COUNTY
PLANNING SECTION

05 JUN 28 AM 8:59

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05 JUN 28 PM 1:38

MULTNOMAH COUNTY
PLANNING SECTION

BCC ✓

R-3

6/30/05

June 27, 2005

Multnomah County
Department of Roads & Maintenance

Mr. Robert Holven and County Commissioners,

My wife and I reside at 45900 E. Haines. The North side of our property adjoins Haines Road. Haines has not been a legal road before now, and I do not want to have more of our land used for 20 foot right of ways. It seems too excessive. Presently, Haines is a 20 foot surfaced roadway with two feet of gravel and ditch along each edge for a total of 24 feet. In over 25 years the only vehicle accidents have been people occasionally sliding off the road during icy weather. Haines is a very drivable roadway in it's present width. It has proved it's safety by a lack of vehicle accidents. Please do not tie up more of our land by such an outrageous right of way.

Sincerely,



Mr. And Mrs. Glen Putnam

RECEIVED

05 JUN 28 PM 3: 53

MULTNOMAH COUNTY
PLANNING SECTION

BCC ✓

R-3

6/30/05

June 27, 2005

Multnomah County
Department of Roads & Maintenance

Mr. Robert Holven and County Commissioners,

My daughter and I live at 44849 E. Haines Road. Haines has not been a legal road before now, and I do not want to have more of our land used for 20 foot right of ways. It seems too excessive. Presently, Haines is a 20 foot surfaced roadway with two feet of gravel and ditch along each edge for a total of 24 feet. In over 25 years the only vehicle accidents have been people occasionally sliding off the road during icy weather. Haines is a very drivable roadway in it's present width. It has proved it's safety by a lack of vehicle accidents. My other concern is the possibility of losing part of my property for road repairs since our home is on the up side of the road and would be less expensive for the county to repair the road if needed. Please do not tie up more of our land by such an outrageous right of way.

Sincerely,

Mr. Norm Brill Jr.
Miss Carol Brill

AMENDMENT FOR R-3 ON JUNE 30, 2005 BOARD AGENDA

Published Order - Finding f:

- f. The County Surveyor provided notice of the hearing to interested parties and by posting in a manner consistent with ORS 368.401 – 368.426. No objections to the proposal or other information have been filed with the County Surveyor.

Proposed Amendment to Finding f:

- f. The County Surveyor provided notice of the hearing to interested parties and by posting in a manner consistent with ORS 368.401 – 368.426. **Written objections to the proposal or other information received by the County Surveyor have been filed with the Board. No claims for compensation with respect to any encroaching structures on this portion of Haines Road (ORS 368.211) have been filed with the Board.**

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF R-3 WITH THE AMENDMENT TO
FINDING F, REPLACING THE SECOND
SENTENCE WITH THE FOLLOWING LANGUAGE:**

Written objections to the proposal or other information received by the County Surveyor have been filed with the Board. No claims for compensation with respect to any encroaching structures on this portion of Haines Road (ORS 368.211) have been filed with the Board.

**ROBERT HOVDEN EXPLANATION, RESPONSE
TO QUESTIONS**

OPPORTUNITY FOR PUBLIC TESTIMONY

OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

THE MOTION FAILS

OR

THE ORDER IS ADOPTED, AS AMENDED

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. _____

Authorizing Legalization of Haines Road from NE Larch Mountain Road, Easterly
Approximately 3.6 Miles to NE Brower Road as County Road No. 5019

The Multnomah County Board of Commissioners Finds:

- a. Haines Road was established as a County Road in 1892, and maintenance and improvements have changed its location over the years.
- b. The above-described Haines Road is a road that has been traveled and used by the public for more than 10 years in a location that does not conform to the location of the road as described in the County Records.
- c. On April 22, 2004, the Board initiated proceedings for legalizing Haines Road in its traveled location and directed the County Surveyor to conduct a survey of the road.
- d. The County Surveyor completed the survey of the road. The County Engineer filed a written report recommending legalization of Haines Road.
- e. By Resolution 05-079 adopted on May 19, 2005, the Board set a public hearing on June 30, 2005, to consider legalization of the portion of Haines Road.
- f. The County Surveyor provided notice of the hearing to interested parties and by posting in a manner consistent with ORS 368.401 – 368.426. Written objections to the proposal or other information received by the County Surveyor have been filed with the Board. No claims for compensation with respect to any encroaching structures on this portion of Haines Road (ORS 368.211) have been filed with the Board.
- g. The Board has determined that legalization of said portion of Haines Road is in the public interest.

The Multnomah County Board of Commissioners Orders:

1. That Haines Road from NE Larch Mountain Road No. 2098, easterly approximately 3.6 miles to NE Brower Road No. 4999, as more particularly described in the attached Exhibit A and as shown on Survey No. 59702,

Multnomah County Survey Records, is legalized as County Road No. 5019 in accordance with ORS 368.201 through ORS 368.221.

2. This Order legalizing Haines Road is to be recorded as provided under ORS 368.216 (2) and ORS 368.106.

ADOPTED this 30th day of June, 2005.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By


Matthew O. Ryan, Assistant County Attorney

EXHIBIT A

HAINES ROAD No. 5019

A strip of land in the Southwest one-quarter of Section 27, South one-half of Section 28, Southeast one-quarter of section 31, South one-half and Northeast one-quarter of Section 32, North one-half of Section 33 and the Northwest one-quarter of Section 34, Township 1 North, Range 5 East, Willamette Meridian, Multnomah County, Oregon, said strip of land running from the centerline of NE Larch Mountain Road No. 2098, northeasterly along the centerline of the as-traveled Haines Road to its intersection with the centerline of NE Brower Road No. 4999, said strip of land being 60 feet in width, 30 feet on each side of the following described centerline:

Beginning at Engineer's Station 0+00.00, said station being at Engineer's centerline Station 81+67.11 POT of said NE Larch Mountain Road, said station bears $S74^{\circ}30'06''W$, a distance of 407.22 feet from a 4" brass disc in concrete post found at the one-quarter corner common to said Sections 31 and 32;

Thence $S60^{\circ}38'46''E$, a distance of 85.81 feet to Engineer's Station 0+85.81 PC;

Thence on a curve to the right, having a radius of 200.00 feet, through a central angle of $15^{\circ}53'37''$ (long chord of which bears $S52^{\circ}41'57''E$, a distance of 55.30 feet), an arc distance of 55.48 feet to Engineer's Station 1+41.29 PT;

Thence $S44^{\circ}45'09''E$, a distance of 35.40 feet to Engineer's Station 1+76.69 PC;

Thence on a curve to the left, having a radius of 165.00 feet, through a central angle of $41^{\circ}11'11''$ (long chord of which bears $S65^{\circ}20'44''E$, a distance of 116.07 feet), an arc distance of 118.61 feet to Engineer's Station 2+95.30 PT;

Thence $S85^{\circ}56'19''E$, a distance of 127.26 feet to Engineer's Station 4+22.56 PC;

Thence on a curve to the left, having a radius of 130.00 feet, through a central angle of $48^{\circ}47'22''$ (long chord of which bears $N69^{\circ}40'00''E$, a distance of 107.39 feet), an arc distance of 110.70 feet to Engineer's Station 5+33.26 PT;

Thence $N45^{\circ}16'19''E$, a distance of 47.19 feet to Engineer's Station 5+80.45 PC, from which said one-quarter corner common to Sections 31 and 32 bears $N30^{\circ}58'51''W$, a distance of 229.13 feet;

Thence on a curve to the right, having a radius of 209.00 feet, through a central angle of $106^{\circ}57'07''$ (long chord of which bears $S81^{\circ}15'08''E$, a distance of 335.91 feet), an arc distance of 390.13 feet to Engineer's Station 9+70.58 PT;

Thence $S27^{\circ}46'34''E$, a distance of 49.92 feet to Engineer's Station 10+20.50 PC;

Thence on a curve to the left, having a radius of 125.00 feet, through a central angle of 67°01'48" (long chord of which bears S61°17'28"E, a distance of 138.04 feet), an arc distance of 146.24 feet to Engineer's Station 11+66.74 PT;

Thence N85°11'38"E, a distance of 75.78 feet to Engineer's Station 12+42.52 PC;

Thence on a curve to the right, having a radius of 82.00 feet, through a central angle of 100°48'14" (long chord of which bears S44°24'15"E, a distance of 126.37 feet), an arc distance of 144.27 feet to Engineer's Station 13+86.79 PT;

Thence S05°59'52"W, a distance of 58.04 feet to Engineer's Station 14+44.83 PC;

Thence on a curve to the left, having a radius of 250.00 feet, through a central angle of 25°46'19" (long chord of which bears S06°53'18"E, a distance of 111.51 feet), an arc distance of 112.45 feet to Engineer's Station 15+57.28 PT;

Thence S19°46'28"E, a distance of 59.04 feet to Engineer's Station 16+16.32 PC;

Thence on a curve to the left, having a radius of 128.00 feet, through a central angle of 95°42'57" (long chord of which bears S67°37'56"E, a distance of 189.82 feet), an arc distance of 213.83 feet to Engineer's Station 18+30.15 PT;

Thence N64°30'35"E, a distance of 68.63 feet to Engineer's Station 18+98.78 PC;

Thence on a curve to the right, having a radius of 180.00 feet, through a central angle of 48°36'08" (long chord of which bears N88°48'39"E, a distance of 148.15 feet), an arc distance of 152.69 feet to Engineer's Station 20+51.47 PT;

Thence S66°53'17"E, a distance of 31.42 feet to Engineer's Station 20+82.89 PC;

Thence on a curve to the right, having a radius of 95.00 feet, through a central angle of 109°55'16" (long chord of which bears S11°55'39"E, a distance of 155.56 feet), an arc distance of 182.26 feet to Engineer's Station 22+65.15 PT;

Thence S43°01'59"W, a distance of 159.64 feet to Engineer's Station 24+24.79 PC;

Thence on a curve to the left, having a radius of 140.00 feet, through a central angle of 58°13'18" (long chord of which bears S14°28'56"W, a distance of 136.22 feet), an arc distance of 142.26 feet to Engineer's Station 25+67.05 PT;

Thence S14°37'43"E, a distance of 37.90 feet to Engineer's Station 26+04.95 PC;

Thence on a curve to the right, having a radius of 170.00 feet, through a central angle of 31°55'10" (long chord of which bears S01°19'52"W, a distance of 93.49 feet), an arc distance of 94.71 feet to Engineer's Station 26+99.66 PT;

Thence S17°17'27"W, a distance of 57.10 feet to Engineer's Station 27+56.76 PC;
Thence on a curve to the left, having a radius of 230.00 feet, through a central angle of 43°00'10" (long chord of which bears S04°12'38"E, a distance of 168.60 feet), an arc distance of 172.62 feet to Engineer's Station 29+29.38 PCC;

Thence on a curve to the left, having a radius of 96.00 feet, through a central angle of 93°33'38" (long chord of which bears S72°29'31"E, a distance of 139.92 feet), an arc distance of 156.76 feet to Engineer's Station 30+86.14 PCC;

Thence on a curve to the left, having a radius of 470.00 feet, through a central angle of 31°07'50" (long chord of which bears N45°09'45"E, a distance of 252.23 feet), an arc distance of 255.36 feet to Engineer's Station 33+41.50 PT;

Thence N29°35'50"E, a distance of 26.52 feet to Engineer's Station 33+68.02 PC;

Thence on a curve to the right, having a radius of 140.00 feet, through a central angle of 25°50'38" (long chord of which bears N42°31'09"E, a distance of 62.61 feet), an arc distance of 63.15 feet to Engineer's Station 34+31.17 PT;

Thence N55°26'28"E, a distance of 73.46 feet to Engineer's Station 35+04.63 PC;

Thence on a curve to the right, having a radius of 120.00 feet, through a central angle of 47°25'06" (long chord of which bears N79°09'01"E, a distance of 96.50 feet), an arc distance of 99.31 feet to Engineer's Station 36+03.94PT;

Thence S77°08'26"E, a distance of 97.73 feet to Engineer's Station 37+01.67 PC;

Thence on a curve to the left, having a radius of 790.00 feet, through a central angle of 19°28'48" (long chord of which bears S86°52'50"E, a distance of 267.30 feet), an arc distance of 268.59 feet to Engineer's Station 39+70.26 PT;

Thence N83°22'46"E, a distance of 37.21 feet to Engineer's Station 40+07.47 PC;

Thence on a curve to the right, having a radius of 265.00 feet, through a central angle of 19°51'05" (long chord of which bears S86°41'42"E, a distance of 91.36 feet), an arc distance of 91.81 feet to Engineer's Station 40+99.28 PT;

Thence S76°46'09"E, a distance of 44.59 feet to Engineer's Station 41+43.87 PC;

Thence on a curve to the left, having a radius of 109.00 feet, through a central angle of 44°12'38" (long chord of which bears N81°07'32"E, a distance of 82.04 feet), an arc distance of 84.11 feet to Engineer's Station 42+27.98 PCC;

Thence on a curve to the left, having a radius of 72.00 feet, through a central angle of 101°58'28" (long chord of which bears N08°01'59"E, a distance of 111.89 feet), an arc distance of 128.14 feet to Engineer's Station 43+56.12 PCC;

Thence on a curve to the left, having a radius of 157.00 feet, through a central angle of $39^{\circ}25'26''$ (long chord of which bears $N62^{\circ}39'58''W$, a distance of 105.91 feet), an arc distance of 108.03 feet to Engineer's Station 44+64.15 PT;

Thence $N82^{\circ}22'41''W$, a distance of 41.76 feet to Engineer's Station 45+05.91 PC;

Thence on a curve to the right, having a radius of 160.00 feet, through a central angle of $31^{\circ}55'39''$ (long chord of which bears $N66^{\circ}24'51''W$, a distance of 88.01 feet), an arc distance of 89.16 feet to Engineer's Station 45+95.07 PT;

Thence $N50^{\circ}27'02''W$, a distance of 24.97 feet to Engineer's Station 46+20.04 PC;

Thence on a curve to the left, having a radius of 385.00 feet, through a central angle of $18^{\circ}50'45''$ (long chord of which bears $N59^{\circ}52'25''W$, a distance of 126.07 feet), an arc distance of 126.64 feet to Engineer's Station 47+46.68 PT;

Thence $N69^{\circ}17'47''W$, a distance of 55.31 feet to Engineer's Station 48+01.99 PC;

Thence on a curve to the right, having a radius of 140.00 feet, through a central angle of $51^{\circ}03'58''$ (long chord of which bears $N43^{\circ}45'48''W$, a distance of 120.69 feet), an arc distance of 124.78 feet to Engineer's Station 49+26.77 PT;

Thence $N18^{\circ}13'50''W$, a distance of 43.27 feet to Engineer's Station 49+70.04 PC;

Thence on a curve to the right, having a radius of 180.00 feet, through a central angle of $27^{\circ}34'00''$ (long chord of which bears $N04^{\circ}26'50''W$, a distance of 85.77 feet), an arc distance of 86.60 feet to Engineer's Station 50+56.64 PCC;

Thence on a curve to the right, having a radius of 95.00 feet, through a central angle of $83^{\circ}06'36''$ (long chord of which bears $N50^{\circ}53'28''E$, a distance of 126.03 feet), an arc distance of 137.80 feet to Engineer's Station 51+94.44 PT;

Thence $S87^{\circ}33'14''E$, a distance of 251.42 feet to Engineer's Station 54+45.86 PC;

Thence on a curve to the left, having a radius of 180.00 feet, through a central angle of $41^{\circ}55'33''$ (long chord of which bears $N71^{\circ}28'59''E$, a distance of 128.80 feet), an arc distance of 131.71 feet to Engineer's Station 55+77.57 PT;

Thence $N50^{\circ}31'13''E$, a distance of 39.22 feet to Engineer's Station 56+16.79 PC;

Thence on a curve to the right, having a radius of 550.00 feet, through a central angle of $18^{\circ}36'37''$ (long chord of which bears $N59^{\circ}49'31''E$, a distance of 177.86 feet), an arc distance of 178.65 feet to Engineer's Station 57+95.44 PT;

Thence N69°07'50"E, a distance of 613.19 feet to Engineer's Station 64+08.63 PC, from which a 4" brass disc in concrete post found at the center one-quarter corner of said Section 32 bears N47°28'00"W, a distance of 409.20 feet;

Thence on a curve to the right, having a radius of 500.00 feet, through a central angle of 21°06'41" (long chord of which bears N79°41'10"E, a distance of 183.19 feet), an arc distance of 184.23 feet to Engineer's Station 65+92.86 PT;

Thence S89°45'30"E, a distance of 121.25 feet to Engineer's Station 67+14.11 PC;

Thence on a curve to the left, having a radius of 130.00 feet, through a central angle of 52°29'59" (long chord of which bears N63°59'31"E, a distance of 114.99 feet), an arc distance of 119.12 feet to Engineer's Station 68+33.23 PT;

Thence N37°44'31"E, a distance of 290.89 feet to Engineer's Station 71+24.12 PC;

Thence on a curve to the right, having a radius of 145.00 feet, through a central angle of 59°49'09" (long chord of which bears N67°39'06"E, a distance of 144.60 feet), an arc distance of 151.39 feet to Engineer's Station 72+75.51 PT;

Thence S82°26'19"E, a distance of 83.21 feet to Engineer's Station 73+58.72 PC;

Thence on a curve to the left, having a radius of 155.00 feet, through a central angle of 66°56'17" (long chord of which bears N64°05'32"E, a distance of 170.96 feet), an arc distance of 181.09 feet to Engineer's Station 75+39.81 PT;

Thence N30°37'23"E, a distance of 41.87 feet to Engineer's Station 75+81.68 PC;

Thence on a curve to the right, having a radius of 680.00 feet, through a central angle of 11°08'03" (long chord of which bears N36°11'25"E, a distance of 131.93 feet), an arc distance of 132.14 feet to Engineer's Station 77+13.82 PT;

Thence N41°45'26"E, a distance of 44.93 feet to Engineer's Station 77+58.75 PC;

Thence on a curve to the right, having a radius of 380.00 feet, through a central angle of 32°20'05" (long chord of which bears N57°55'29"E, a distance of 211.62 feet), an arc distance of 214.45 feet to Engineer's Station 79+73.20 PT;

Thence N74°05'31"E, a distance of 89.00 feet to Engineer's Station 80+62.20 PC;

Thence on a curve to the right, having a radius of 675.00 feet, through a central angle of 12°53'56" (long chord of which bears N80°32'29"E, a distance of 151.64 feet), an arc distance of 151.96 feet to Engineer's Station 82+14.16 PT;

Thence N86°59'27"E, a distance of 88.23 feet to Engineer's Station 83+02.39 PC;

Thence on a curve to the left, having a radius of 520.00 feet, through a central angle of 19°08'09" (long chord of which bears N77°25'22"E, a distance of 172.86 feet), an arc distance of 173.67 feet to Engineer's Station 84+76.06 PT;

Thence N67°51'18"E, a distance of 208.49 feet to Engineer's Station 86+84.55 PC, from which a 4" brass disc in concrete post found at the one-quarter corner common to said Sections 32 and 33 bears S31°55'57"E, a distance of 734.10 feet;

Thence on a curve to the left, having a radius of 575.00 feet, through a central angle of 14°59'33" (long chord of which bears N60°21'31"E, a distance of 150.03 feet), an arc distance of 150.46 feet to Engineer's Station 88+35.01 PT;

Thence N52°51'45"E, a distance of 383.34 feet to Engineer's Station 92+18.35 PC;

Thence on a curve to the left, having a radius of 700.00 feet, through a central angle of 16°26'28" (long chord of which bears N44°38'31"E, a distance of 200.18 feet), an arc distance of 200.86 feet to Engineer's Station 94+19.21 PT;

Thence N36°25'17"E, a distance of 130.74 feet to Engineer's Station 95+49.95 PC;

Thence on a curve to the left, having a radius of 775.00 feet, through a central angle of 16°12'35" (long chord of which bears N28°19'00"E, a distance of 218.53 feet), an arc distance of 219.26 feet to Engineer's Station 97+69.21 PT;

Thence N20°12'42"E, a distance of 223.66 feet to Engineer's Station 99+92.87 PC;

Thence on a curve to the right, having a radius of 400.00 feet, through a central angle of 12°48'02" (long chord of which bears N26°36'43"E, a distance of 89.18 feet), an arc distance of 89.37 feet to Engineer's Station 100+82.24 PT;

Thence N33°00'44"E, a distance of 334.33 feet to Engineer's Station 104+16.57 PC, from which a 4" brass disc in concrete post found at the corner common to said Sections 28, 29, 32 and 33 bears N42°17'15"W, a distance of 911.31 feet;

Thence on a curve to the right, having a radius of 170.00 feet, through a central angle of 29°09'58" (long chord of which bears N47°35'43"E, a distance of 85.61 feet), an arc distance of 86.54 feet to Engineer's Station 105+03.11 PT;

Thence N62°10'42"E, a distance of 61.23 feet to Engineer's Station 105+64.34 PC;

Thence on a curve to the left, having a radius of 300.00 feet, through a central angle of 20°28'06" (long chord of which bears N51°56'39"E, a distance of 106.60 feet), an arc distance of 107.17 feet to Engineer's Station 106+71.51 PT;

Thence N41°42'36"E, a distance of 58.59 feet to Engineer's Station 107+30.10 PC;

Thence on a curve to the left, having a radius of 450.00 feet, through a central angle of $10^{\circ}31'38''$ (long chord of which bears $N36^{\circ}26'47''E$, a distance of 82.56 feet), an arc distance of 82.68 feet to Engineer's Station 108+12.78 PT;

Thence $N31^{\circ}10'59''E$, a distance of 172.32 feet to Engineer's Station 109+85.10 PC;
Thence on a curve to the left, having a radius of 500.00 feet, through a central angle of $14^{\circ}07'13''$ (long chord of which bears $N24^{\circ}07'22''E$, a distance of 122.91 feet), an arc distance of 123.22 feet to Engineer's Station 111+08.32 PT;

Thence $N17^{\circ}03'46''E$, a distance of 116.22 feet to Engineer's Station 112+24.54 PC;

Thence on a curve to the right, having a radius of 425.00 feet, through a central angle of $19^{\circ}46'59''$ (long chord of which bears $N26^{\circ}57'15''E$, a distance of 146.02 feet), an arc distance of 146.74 feet to Engineer's Station 113+71.28 PT;

Thence $N36^{\circ}50'45''E$, a distance of 135.63 feet to Engineer's Station 115+06.91 PC;

Thence on a curve to the right, having a radius of 800.00 feet, through a central angle of $17^{\circ}19'48''$ (long chord of which bears $N45^{\circ}30'39''E$, a distance of 241.05 feet), an arc distance of 241.97 feet to Engineer's Station 117+48.88 PT;

Thence $N54^{\circ}10'33''E$, a distance of 37.87 feet to Engineer's Station 117+86.75 PC;

Thence on a curve to the right, having a radius of 83.00 feet, through a central angle of $134^{\circ}58'42''$ (long chord of which bears $S58^{\circ}20'06''E$, a distance of 153.35 feet), an arc distance of 195.53 feet to Engineer's Station 119+82.28 PCC;

Thence on a curve to the right, having a radius of 245.00 feet, through a central angle of $22^{\circ}41'56''$ (long chord of which bears $S20^{\circ}30'14''W$, a distance of 96.43 feet), an arc distance of 97.06 feet to Engineer's Station 120+79.34 PT;

Thence $S31^{\circ}51'16''W$, a distance of 161.13 feet to Engineer's Station 122+40.47 PC;

Thence on a curve to the left, having a radius of 250.00 feet, through a central angle of $29^{\circ}12'36''$ (long chord of which bears $S17^{\circ}14'58''W$, a distance of 126.08 feet), an arc distance of 127.45 feet to Engineer's Station 123+67.92 PCC;

Thence on a curve to the left, having a radius of 90.00 feet, through a central angle of $87^{\circ}23'13''$ (long chord of which bears $S41^{\circ}02'56''E$, a distance of 124.34 feet), an arc distance of 137.27 feet to Engineer's Station 125+05.19 PCC;

Thence on a curve to the left, having a radius of 197.00 feet, through a central angle of $34^{\circ}16'55''$ (long chord of which bears $N78^{\circ}06'59''E$, a distance of 116.12 feet), an arc distance of 117.87 feet to Engineer's Station 126+23.06 PRC;

Thence on a curve to the right, having a radius of 2000.00 feet, through a central angle of 7°18'22" (long chord of which bears N64°37'43"E, a distance of 254.86 feet), an arc distance of 255.03 feet to Engineer's Station 128+78.09 PT;

Thence N68°16'54"E, a distance of 135.02 feet to Engineer's Station 130+13.11 PC;

Thence on a curve to the left, having a radius of 1800.00 feet, through a central angle of 10°23'02" (long chord of which bears N63°05'23"E, a distance of 325.77 feet), an arc distance of 326.22 feet to Engineer's Station 133+39.33 PT;

Thence N57°53'52"E, a distance of 246.75 feet to Engineer's Station 135+86.08 PC;

Thence on a curve to the left, having a radius of 900.00 feet, through a central angle of 7°42'00" (long chord of which bears N54°02'52"E, a distance of 120.86 feet), an arc distance of 120.95 feet to Engineer's Station 137+07.03 PT;

Thence N50°11'52"E, a distance of 189.75 feet to Engineer's Station 138+96.78 PC;

Thence on a curve to the right, having a radius of 575.00 feet, through a central angle of 18°29'09" (long chord of which bears N59°26'26"E, a distance of 184.71 feet), an arc distance of 185.52 feet to Engineer's Station 140+82.30 PCC;

Thence on a curve to the right, having a radius of 79.50 feet, through a central angle of 143°14'58" (long chord of which bears S39°41'31"E, a distance of 150.89 feet), an arc distance of 198.76 feet to Engineer's Station 142+81.06 PCC;

Thence on a curve to the right, having a radius of 675.00 feet, through a central angle of 9°31'26" (long chord of which bears S36°41'41"W, a distance of 112.07 feet), an arc distance of 112.20 feet to Engineer's Station 143+93.26 PT;

Thence S41°27'24"W, a distance of 169.97 feet to Engineer's Station 145+63.23 PC;

Thence on a curve to the left, having a radius of 325.00 feet, through a central angle of 18°11'20" (long chord of which bears S32°21'44"W, a distance of 102.74 feet), an arc distance of 103.17 feet to Engineer's Station 146+66.40 PT;

Thence S23°16'04"W, a distance of 49.54 feet to Engineer's Station 147+15.94 PC;

Thence on a curve to the right, having a radius of 325.00 feet, through a central angle of 15°28'18" (long chord of which bears S31°00'13"W, a distance of 87.49 feet), an arc distance of 87.76 feet to Engineer's Station 148+03.70 PT;

Thence S38°44'22"W, a distance of 49.18 feet to Engineer's Station 148+52.88 PC;

Thence on a curve to the left, having a radius of 105.00 feet, through a central angle of 36°03'13" (long chord of which bears S20°42'45"W, a distance of 64.99 feet), an arc

distance of 66.07 feet to Engineer's Station 149+18.95 PCC, from which a 4" brass disc in concrete post found at the one-quarter corner common to said Sections 28 and 33 bears N49°47'30"W, a distance of 35.92 feet;

Thence on a curve to the left, having a radius of 22.50 feet, through a central angle of 118°23'09" (long chord of which bears S56°30'26"E, a distance of 38.65 feet), an arc distance of 46.49 feet to Engineer's Station 149+65.44 PRC;

Thence on a curve to the right, having a radius of 1000.00 feet, through a central angle of 23°58'53" (long chord of which bears N76°17'26"E, a distance of 415.51 feet), an arc distance of 418.55 feet to Engineer's Station 153+83.99 PT;

Thence N88°16'53"E, a distance of 284.98 feet to Engineer's Station 156+68.97 PC;

Thence on a curve to the right, having a radius of 650.00 feet, through a central angle of 19°22'39" (long chord of which bears S82°01'48"E, a distance of 218.79 feet), an arc distance of 219.83 feet to Engineer's Station 158+88.80 PT;

Thence S72°20'28"E, a distance of 157.37 feet to Engineer's Station 160+46.17 PC;

Thence on a curve to the left, having a radius of 450.00 feet, through a central angle of 18°22'33" (long chord of which bears S81°31'44"E, a distance of 143.70 feet), an arc distance of 144.32 feet to Engineer's Station 161+90.49 PT;

Thence N89°16'59"E, a distance of 114.34 feet to Engineer's Station 163+04.83 PC;

Thence on a curve to the left, having a radius of 900.00 feet, through a central angle of 23°55'52" (long chord of which bears N77°19'03"E, a distance of 373.18 feet), an arc distance of 375.91 feet to Engineer's Station 166+80.74 PT;

Thence N65°21'07"E, a distance of 403.75 feet to Engineer's Station 170+84.49 PC;

Thence on a curve to the right, having a radius of 600.00 feet, through a central angle of 19°51'23" (long chord of which bears N75°16'48"E, a distance of 206.90 feet), an arc distance of 207.93 feet to Engineer's Station 172+92.42 PT;

Thence N85°12'30"E, a distance of 185.31 feet to Engineer's Station 174+77.73 PC;

Thence on a curve to the right, having a radius of 195.00 feet, through a central angle of 41°17'56" (long chord of which bears S74°08'33"E, a distance of 137.53 feet), an arc distance of 140.56 feet to Engineer's Station 176+18.29 PT;

Thence S53°29'35"E, a distance of 74.40 feet to Engineer's Station 176+92.69 PC, from which a 4" brass disc in concrete post found at the corner common to said Sections 27, 28, 33 and 34 bears S11°20'44"W, a distance of 205.74 feet;

Thence on a curve to the left, having a radius of 140.00 feet, through a central angle of 38°12'24" (long chord of which bears S72°35'47"E, a distance of 91.64 feet), an arc distance of 93.36 feet to Engineer's Station 177+86.05 PT;

Thence N88°18'01"E, a distance of 130.80 feet to Engineer's Station 179+16.85 PC;

Thence on a curve to the right, having a radius of 700.00 feet, through a central angle of 9°11'47" (long chord of which bears S87°06'05"E, a distance of 112.24 feet), an arc distance of 112.36 feet to Engineer's Station 180+29.21 PT;

Thence S82°30'12"E, a distance of 143.19 feet to Engineer's Station 181+72.40 PC;

Thence on a curve to the right, having a radius of 225.00 feet, through a central angle of 43°48'43" (long chord of which bears S60°35'50"E, a distance of 167.89 feet), an arc distance of 172.05 feet to Engineer's Station 183+44.45 PT;

Thence S38°41'28"E, a distance of 204.24 feet to Engineer's Station 185+48.69 PC;

Thence on a curve to the left, having a radius of 240.00 feet, through a central angle of 29°36'59" (long chord of which bears S52°55'47"E, a distance of 122.68 feet), an arc distance of 124.06 feet to Engineer's Station 186+72.75 PCC;

Thence on a curve to the left, having a radius of 70.00 feet, through a central angle of 83°15'32" (long chord of which bears N70°37'58"E, a distance of 93.00 feet), an arc distance of 101.72 feet to Engineer's Station 187+74.47 PT;

Thence N29°00'11"E, a distance of 39.78 feet to Engineer's Station 188+14.25 PC;

Thence on a curve to the right, having a radius of 155.00 feet, through a central angle of 53°12'01" (long chord of which bears N55°36'12"E, a distance of 138.81 feet), an arc distance of 143.92 feet to Engineer's Station 189+58.17 PT;

Thence N82°12'13"E, a distance of 230.86 feet to Engineer's Station 191+89.03 and the terminus of Haines Road No. 5019, which equals Engineer's centerline Station 98+25.26 POT of said NE Brower Road.

The heretofore description is written and based on a survey by Robert A. Hovden, Multnomah County Surveyor, recorded as Survey Number 59702, Multnomah County Survey Records, and by said reference is hereby made a part thereof.



Dept. of Business and Community Services

MULTNOMAH COUNTY OREGON

Land Use and Transportation Program

1600 SE 190th Avenue
Portland, Oregon 97233-5910
(503) 988-5050

May 23, 2005

Board of County Commissioners
Multnomah Building
501 SE Hawthorne Blvd., 6th Floor
Portland OR 97214

RE: County Engineer's Report for Legalization of Haines Road No. 5019

Dear Commissioners:

The Department of Business and Community Services' Land Use and Transportation Program has completed preliminary proceedings for legalization of Haines Road. The existing road as traveled and used for more than ten years does not conform to the location of the road as described in the County Road Records. Haines Road was first established in 1892 as County Road No. 573. Maintenance and improvements have changed its location over the years.

A field survey of the current road location has been completed, and the final map and description has been prepared. The Land Use and Transportation Program has sent a map to abutting property owners along the road showing their property in relationship to the current road location.

We have set the right of way at the standard width for a county road at the time that this road was originally established (60 feet wide, 30 feet each side of centerline). No structures are within the proposed right-of-way except for fences and gates, which will be allowed to stay.

Written notice of the proceedings for legalization has been sent to all adjacent property owners by certified mail and notice has been posted along Haines Road, as required by ORS 368.206 (B) (c).

I am requesting that the Board of County Commissioners approve an Order legalizing Haines Road as it is now traveled and shown in its true location on the final survey map.

Sincerely,

Michael Phillips, P.E.
Interim County Engineer

NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO LEGALIZE THE EXISTING ALIGNMENT OF NE HAINES ROAD FROM ITS BEGINNING AT NE LARCH MOUNTAIN ROAD TO ITS END AT NE BROWER ROAD.

HAINES ROAD WAS ORIGINALLY ESTABLISHED AS COUNTY ROAD NO. 573 ON SEPTEMBER 6, 1892 PER MULTNOMAH COUNTY ROAD BOOK 2, PAGES 477-483. THE IMPROVED ROADWAY, AS IT PRESENTLY EXISTS, NO LONGER LIES ENTIRELY WITHIN THE ORIGINALLY ESTABLISHED RIGHT-OF-WAY. THE PRESENT SURVEY SEEKS TO REMEDY THIS BY LEGALIZING THE PRESENT AS-TRAVELED ALIGNMENT OF THE IMPROVED ROADWAY.

THE PROCEDURE USED TO CREATE THE LEGALIZED ALIGNMENT WAS TO TIE THE PAVEMENT EDGES OF THE PRESENT IMPROVED ROADWAY, AND TO HOLD TO THESE AS THE BASIS FOR THIS NEW ALIGNMENT. CENTERLINE TANGENTS WERE FITTED TO THE STRAIGHT PORTIONS OF THE ROADWAY AND GEOMETRICALLY REGULAR CIRCULAR CURVES WERE FITTED TO ACCOMMODATE THE CURVED PORTIONS OF THE ROADWAY. ROAD RIGHT-OF-WAY EXTENDS TO 30' ON EACH SIDE OF THE CENTERLINE.

A FIELD SEARCH WAS CONDUCTED FOR ALL MONUMENTS OF RECORD ALONG THE HAINES ROAD RIGHT-OF-WAY AND THOSE FOUND WERE TIED. FOUND MONUMENTS APPEAR ON THE DRAWING AND ARE DESCRIBED IN THE ACCOMPANYING MONUMENT TABLES.

MONUMENTS HAVE BEEN SET ALONG THE CENTERLINE AND RIGHT-OF-WAY LINES OF THE NEW ALIGNMENT OF HAINES ROAD AS SHOWN ON THE DRAWING. THE ALIGNMENT OF LARCH MOUNTAIN ROAD IN THE VICINITY OF ITS INTERSECTION WITH HAINES ROAD WAS DETERMINED BY HOLDING FOUND RIGHT-OF-WAY P.T. MONUMENT NO. (10) AND FOUND CENTERLINE P.T. MONUMENT NO. (60), AND FITTING THE RIGHT-OF-WAY TO THESE PER DATA SHOWN ON SN A1/11. ROAD RIGHT-OF-WAY EXTENDS TO 30' ON EACH SIDE OF CENTERLINE. THE PRESENT ALIGNMENT OF LARCH MOUNTAIN ROAD WAS ESTABLISHED AS COUNTY ROAD NO. 2098 IN NOVEMBER 1954, AS REPORTED IN SN A1/11.

THE BEST EVIDENCE OF THE ALIGNMENT OF ALEX BARR ROAD IN THE VICINITY OF ITS INTERSECTION WITH HAINES ROAD IS THE GRAVEL SURFACE OF THE PRESENT AS-TRAVELED ROADWAY. ALEX BARR ROAD WAS ORIGINALLY ESTABLISHED AS COUNTY ROAD NO. 648 ON APRIL 18, 1899, AS REPORTED IN MULTNOMAH COUNTY ROAD BOOK 3, PAGES 172-174. IT SHOULD BE NOTED, HOWEVER, THAT PORTIONS OF THE IMPROVED ROADWAY NO LONGER LIE ENTIRELY WITHIN THE ORIGINALLY ESTABLISHED RIGHT-OF-WAY.

THE BEST EVIDENCE OF THE ALIGNMENT OF THOMPSON MILL ROAD IN THE VICINITY OF ITS INTERSECTION WITH HAINES ROAD IS THE PAVED SURFACE OF THE PRESENT AS-TRAVELED ROADWAY. THOMPSON MILL ROAD WAS ORIGINALLY ESTABLISHED AS COUNTY ROAD NO. 854 ON APRIL 24, 1900, AS REPORTED IN MULTNOMAH COUNTY ROAD BOOK 3, PAGES 213-215. IT SHOULD BE NOTED, HOWEVER, THAT PORTIONS OF THE IMPROVED ROADWAY NO LONGER LIE ENTIRELY WITHIN THE ORIGINALLY ESTABLISHED RIGHT-OF-WAY.

THE ALIGNMENT OF BROWER ROAD IN THE VICINITY OF ITS INTERSECTION WITH HAINES ROAD WAS DETERMINED BY HOLDING FOUND CENTERLINE P.T. MONUMENT NO. (20) AND FOUND CENTERLINE P.T. MONUMENT NO. (29) FOR TWO POINTS ON THE CENTERLINE OF THE ROAD, AS SHOWN ON SN 53425. ROAD RIGHT-OF-WAY EXTENDS TO 30' ON EACH SIDE OF CENTERLINE. THE PRESENT ALIGNMENT OF BROWER ROAD WAS LEGALIZED AS COUNTY ROAD NO. 4999 ON FEBRUARY 9, 1993, AS REPORTED IN SN 53425.

BASIS OF BEARINGS

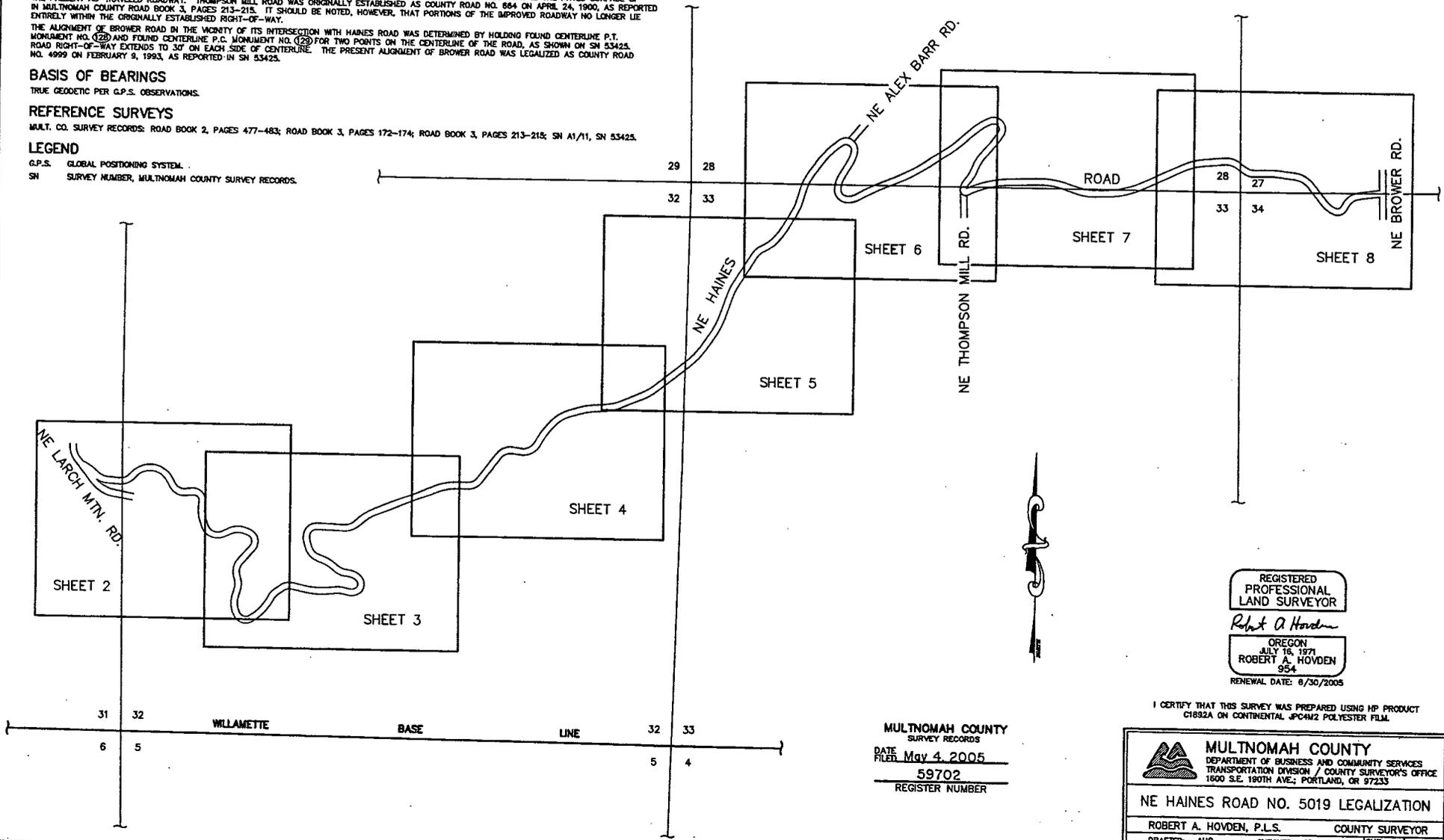
TRUE GEODETIC PER G.P.S. OBSERVATIONS.

REFERENCE SURVEYS

MULT. CO. SURVEY RECORDS: ROAD BOOK 2, PAGES 477-483; ROAD BOOK 3, PAGES 172-174; ROAD BOOK 3, PAGES 213-215; SN A1/11, SN 53425.

LEGEND

G.P.S. GLOBAL POSITIONING SYSTEM.
 SN SURVEY NUMBER, MULTNOMAH COUNTY SURVEY RECORDS.



NE HAINES ROAD NO. 5019

FROM NE LARCH MOUNTAIN ROAD NO. 2098
 TO NE BROWER ROAD NO. 4999

LOCATED IN THE SW 1/4 OF SECTION 27; SW & SE 1/4 SECTION 28;
 SE 1/4 SECTION 31; SW, SE & NE 1/4 OF SECTION 32,
 NW & NE 1/4 SECTION 33 AND NW 1/4 OF SECTION 34;
 TOWNSHIP 1 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN,
 MULTNOMAH COUNTY, OREGON

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Robert A. Hovden

OREGON
 JULY 16, 1971
 ROBERT A. HOVDEN
 954

RENEWAL DATE: 6/30/2005

I CERTIFY THAT THIS SURVEY WAS PREPARED USING HP PRODUCT
 C1832A ON CONTINENTAL JPC42Z POLYESTER FILM.

MULTNOMAH COUNTY
 SURVEY RECORDS

DATE FILED May 4, 2005

59702

REGISTER NUMBER

 MULTNOMAH COUNTY DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES TRANSPORTATION DIVISION / COUNTY SURVEYOR'S OFFICE 1600 S.E. 180TH AVE.; PORTLAND, OR 97233		
NE HAINES ROAD NO. 5019 LEGALIZATION		
ROBERT A. HOVDEN, P.L.S.		COUNTY SURVEYOR
DRAFTED: AHG	CHECKED: SRO, RAH	SHT. <u>1</u> OF <u>8</u>
DATE: 3/1/2005		SCALE: 1" = 600'

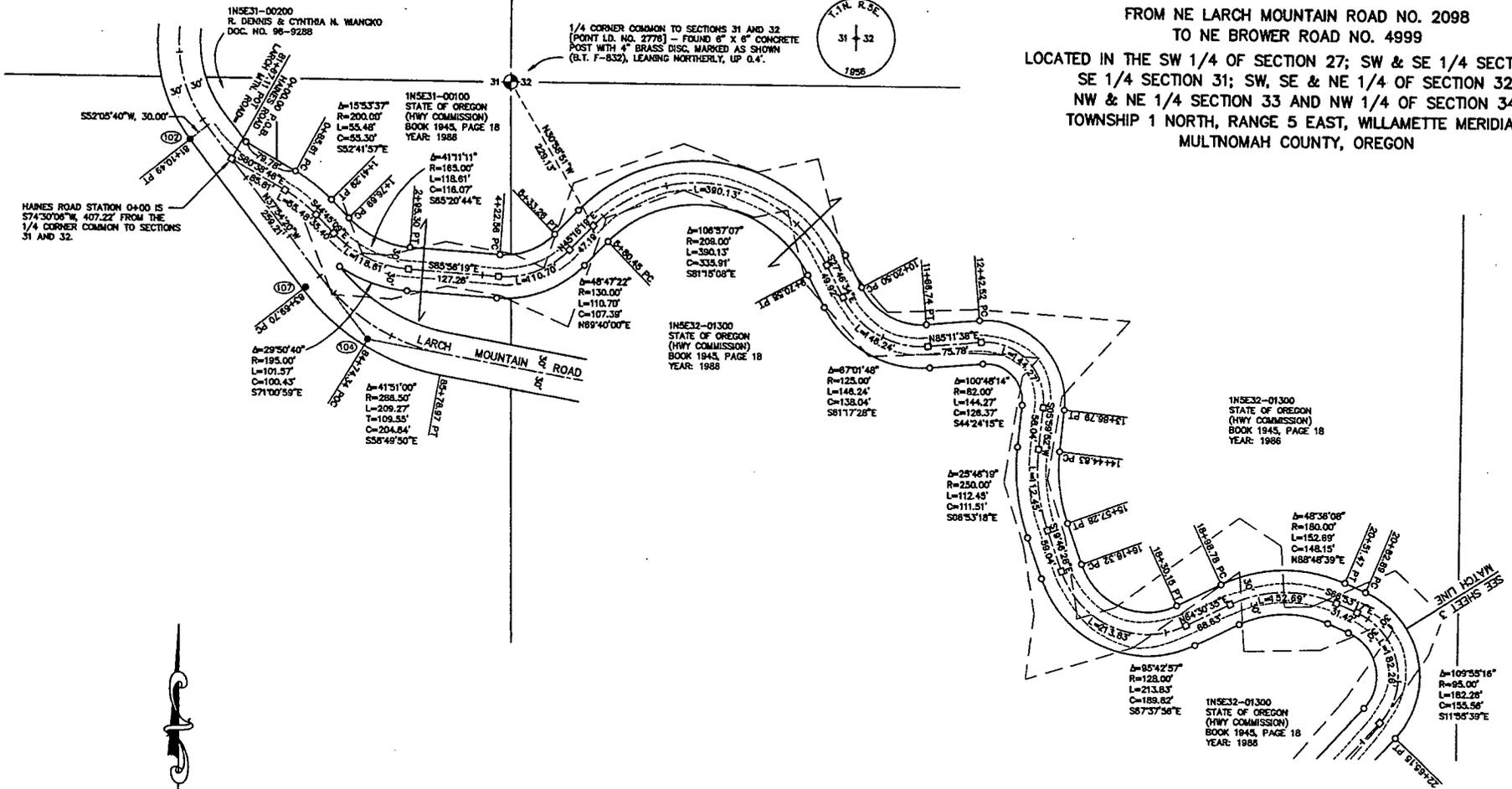
59702

59702

CA702

NE HAINES ROAD NO. 5019
FROM NE LARCH MOUNTAIN ROAD NO. 2098
TO NE BROWER ROAD NO. 4999

LOCATED IN THE SW 1/4 OF SECTION 27; SW & SE 1/4 SECTION 28;
SE 1/4 SECTION 31; SW, SE & NE 1/4 OF SECTION 32,
NW & NE 1/4 SECTION 33 AND NW 1/4 OF SECTION 34;
TOWNSHIP 1 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN,
MULTNOMAH COUNTY, OREGON



MONUMENT TABLE

POINT NUMBER	STATION	OFFSET	MONUMENT DESCRIPTION	REFERENCE
102	81+10.48	30.00' RT.	1/2" IRON PIPE, DOWN 0.5'	SN A1/71
107	83+69.44	25.12' RT.	1/2" IRON PIPE, DOWN 0.5'	SN A1/71
104	84+74.54	20.23' RT.	1/2" IRON PIPE, DOWN 0.4'	SN A1/71

- LEGEND:**
- ⊕ FOUND MULTNOMAH COUNTY MONUMENT AS DESCRIBED.
 - FOUND MONUMENT AS DESCRIBED IN MONUMENT TABLE.
 - SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "MULT. CO. SURVEY".
 - SET 5/8" X 30" IRON ROD WITH 2" ALUMINUM CAP STAMPED "MULTNOMAH COUNTY SURVEYOR" WITH PUNCH MARK.
 - Ⓢ FOUND MONUMENT IDENTIFIER, SEE MONUMENT TABLE.
 - B.T. BEARING TREE BOOK & PAGE REFERENCE, MULTNOMAH COUNTY SURVEY RECORDS.
 - P.O.B. POINT OF BEGINNING.
 - SN SURVEY NUMBER, MULTNOMAH COUNTY SURVEY RECORDS.
 - APPROXIMATE LOCATION OF ORIGINAL RIGHT-OF-WAY OF COUNTY ROAD NO. 573 PER MULT. CO. ROAD BOOK 3, PAGES 477-483.
 - EXISTING EDGE OF PAVEMENT OF AS-TRAVELED ROADWAY.

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Robert A. Hovden
OREGON
JULY 16, 1971
ROBERT A. HOVDEN
954
RENEWAL DATE: 6/30/2005

I CERTIFY THAT THIS SURVEY WAS PREPARED USING HP PRODUCT
C1892A ON CONTINENTAL JPC4M2 POLYESTER FILM.

MULTNOMAH COUNTY
SURVEY RECORDS
DATE FILED May 4, 2005
59702
REGISTER NUMBER

MULTNOMAH COUNTY
DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES
TRANSPORTATION DIVISION / COUNTY SURVEYOR'S OFFICE
1800 S.E. 190TH AVE. PORTLAND, OR 97233

NE HAINES ROAD NO. 5019 LEGALIZATION

ROBERT A. HOVDEN, P.L.S. COUNTY SURVEYOR

DRAFTED: AHG CHECKED: SRO, RAH SH. **2** OF **8**
DATE: 3/1/2005 SCALE: 1" = 100'

59702

59702

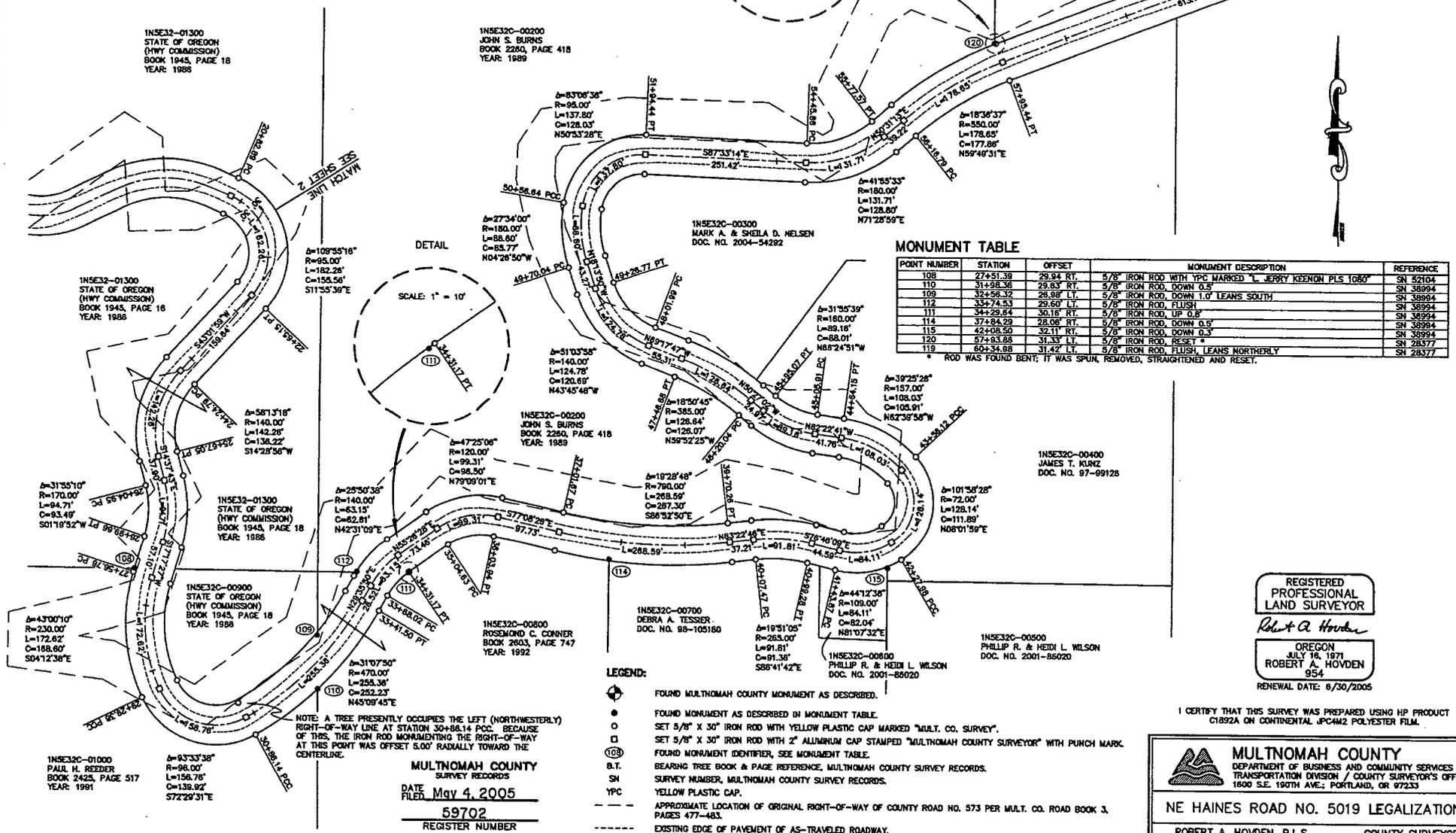
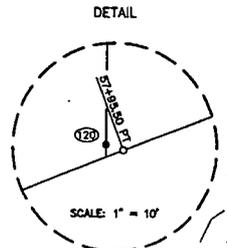
NE HAINES ROAD NO. 5019

FROM NE LARCH MOUNTAIN ROAD NO. 2098
TO NE BROWER ROAD NO. 4999

LOCATED IN THE SW 1/4 OF SECTION 27; SW & SE 1/4 SECTION 28;
SE 1/4 SECTION 31; SW, SE & NE 1/4 OF SECTION 32,
NW & NE 1/4 SECTION 33 AND NW 1/4 OF SECTION 34;
TOWNSHIP 1 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN,
MULTNOMAH COUNTY, OREGON

CENTER 1/4 CORNER OF SECTION 32 (POINT LD. NO. 2766) -
FOUNDED 6" X 6" CONCRETE POST WITH 4-1/4" BRASS DISC,
MARKED AS SHOWN (B.T. C-435).

T.M. R.S.E.
TRUE CENTER
SEC. 32
LS
854 2005
1985



MONUMENT TABLE

POINT NUMBER	STATION	OFFSET	MONUMENT DESCRIPTION	REFERENCE
108	27+51.39	29.34 RT.	5/8" IRON ROD WITH YPC MARKED "L. JERRY KEENON PLS 1980"	SN 52104
110	31+58.36	29.83 RT.	5/8" IRON ROD, DOWN 0.5'	SN 38994
109	32+56.32	28.98 LT.	5/8" IRON ROD, DOWN 1.0' LEANS SOUTH	SN 38994
112	33+74.53	29.60 LT.	5/8" IRON ROD, FLUSH	SN 38994
111	34+29.64	30.18 RT.	5/8" IRON ROD, UP 0.8'	SN 38994
114	37+84.29	28.06 RT.	5/8" IRON ROD, DOWN 0.5'	SN 38994
115	42+08.50	32.11 RT.	5/8" IRON ROD, DOWN 0.3'	SN 38994
120	57+93.88	31.33 LT.	5/8" IRON ROD, RESET *	SN 28377
119	60+34.88	31.42 LT.	5/8" IRON ROD, FLUSH, LEANS NORTHERLY	SN 28377

* ROD WAS FOUND BENT; IT WAS SPUN, REMOVED, STRAIGHTENED AND RESET.

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Robert A. Hovden
OREGON
JULY 16, 1971
ROBERT A. HOVDEN
954
RENEWAL DATE: 8/30/2005

I CERTIFY THAT THIS SURVEY WAS PREPARED USING HP PRODUCT
C1892A ON CONTINENTAL JPC4M2 POLYESTER FILM.

MULTNOMAH COUNTY
DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES
TRANSPORTATION DIVISION / COUNTY SURVEYOR'S OFFICE
1600 S.E. 190TH AVE.; PORTLAND, OR 97233

NE HAINES ROAD NO. 5019 LEGALIZATION

ROBERT A. HOVDEN, P.L.S. COUNTY SURVEYOR
DRAFTED: AHG CHECKED: SRO, RAH SIT. 3 of 8
DATE: 3/1/2005 SCALE: 1" = 100'

- LEGEND:**
- FOUND MULTNOMAH COUNTY MONUMENT AS DESCRIBED.
 - FOUND MONUMENT AS DESCRIBED IN MONUMENT TABLE.
 - SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "MULT. CO. SURVEY".
 - SET 5/8" X 30" IRON ROD WITH 2" ALUMINUM CAP STAMPED "MULTNOMAH COUNTY SURVEYOR" WITH PUNCH MARK.
 - FOUND MONUMENT IDENTIFIER, SEE MONUMENT TABLE.
 - B.T. BEARING TREE BOOK & PAGE REFERENCE, MULTNOMAH COUNTY SURVEY RECORDS.
 - SN SURVEY NUMBER, MULTNOMAH COUNTY SURVEY RECORDS.
 - YPC YELLOW PLASTIC CAP.
 - APPROXIMATE LOCATION OF ORIGINAL RIGHT-OF-WAY OF COUNTY ROAD NO. 573 PER MULT. CO. ROAD BOOK 3, PAGES 477-483.
 - EXISTING EDGE OF PAVEMENT OF AS-TRAVELED ROADWAY.

MULTNOMAH COUNTY
SURVEY RECORDS
DATE FILED May 4, 2005
59702
REGISTER NUMBER

59702

59702

NE HAINES ROAD NO. 5019

FROM NE LARCH MOUNTAIN ROAD NO. 2098
TO NE BROWER ROAD NO. 4999

LOCATED IN THE SW 1/4 OF SECTION 27; SW & SE 1/4 SECTION 28;
SE 1/4 SECTION 31; SW, SE & NE 1/4 OF SECTION 32,
NW & NE 1/4 SECTION 33 AND NW 1/4 OF SECTION 34;
TOWNSHIP 1 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN,
MULTNOMAH COUNTY, OREGON



1N5E32-00600
UNITED STATES OF AMERICA
(U.S.D.A. FOREST SERVICE)
BOOK 2081, PAGE 554
YEAR: 1987

1N5E32-00800
WILLIAM L. & KAY M. FINNEY &
FRANK A. & SUSAN J. WINDUST JR.
BOOK 2855, PAGE 1880
YEAR: 1993

1N5E32-00800
KATE MACKANESS & MATT K. McDONALD
DOC. NO. 97-179602

1N5E32-00900
LONGVIEW FIBRE CO.
BOOK 2083, PAGE 588
YEAR: 1988

1N5E32-00900
LONGVIEW FIBRE CO.
BOOK 2083, PAGE 588
YEAR: 1988

1/4 CORNER COMMON TO SECTIONS 32 & 33 [POINT I.D. NO. 2787] -
FOUND BY X 8" CONCRETE POST WITH 4" BRASS DISC, MARKED AS
SHOWN (B.T. G-460), UP 0.7'.



MONUMENT TABLE

POINT NUMBER	STATION	OFFSET	MONUMENT DESCRIPTION	REFERENCE
116	78+32.75	8.27' LT.	3/4" IRON PIPE, DOWN 0.1'	LONGVIEW*
117	86+78.14	31.98' LT.	5/8" IRON ROD, FLUSH	SN 36129

* ORIGIN UNKNOWN - POSSIBLY THE PERPETUATION OF THE "HEX WRENCH" SET IN SN 36129.

LEGEND:

- FOUND MULTNOMAH COUNTY MONUMENT AS DESCRIBED.
- FOUND MONUMENT AS DESCRIBED IN MONUMENT TABLE.
- SET 5/8" x 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "MULT. CO. SURVEY".
- SET 5/8" x 30" IRON ROD WITH 2" ALUMINUM CAP STAMPED "MULTNOMAH COUNTY SURVEYOR" WITH PUNCH MARK.
- ⑪ FOUND MONUMENT IDENTIFIER, SEE MONUMENT TABLE.
- SN SURVEY NUMBER, MULTNOMAH COUNTY SURVEY RECORDS.
- - - APPROXIMATE LOCATION OF ORIGINAL RIGHT-OF-WAY OF COUNTY ROAD NO. 573 PER MULT. CO. ROAD BOOK 3, PAGES 477-483.
- EXISTING EDGE OF PAVEMENT OF AS-TRAVELED ROADWAY.

MULTNOMAH COUNTY
SURVEY RECORDS

DATE FILED May 4, 2005
59702
REGISTER NUMBER

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Robert A. Hovden

OREGON
JULY 16, 1971
ROBERT A. HOVDEN
954
RENEWAL DATE: 6/30/2005

I CERTIFY THAT THIS SURVEY WAS PREPARED USING HP PRODUCT
C1892A ON CONTINENTAL JPC4M2 POLYESTER FILM.

MULTNOMAH COUNTY
DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES
TRANSPORTATION DIVISION / COUNTY SURVEYOR'S OFFICE
1600 S.E. 190TH AVE., PORTLAND, OR 97233

NE HAINES ROAD NO. 5019 LEGALIZATION

ROBERT A. HOVDEN, P.L.S. COUNTY SURVEYOR

DRAFTED: AHG CHECKED: SRO, RAH
DATE: 3/1/2005 SCALE: 1" = 100'

SHEET 4 OF 8

59702

59702

NE HAINES ROAD NO. 5019

FROM NE LARCH MOUNTAIN ROAD NO. 2098
TO NE BROWER ROAD NO. 4999

LOCATED IN THE SW 1/4 OF SECTION 27; SW & SE 1/4 SECTION 28;
SE 1/4 SECTION 31; SW, SE & NE 1/4 OF SECTION 32,
NW & NE 1/4 SECTION 33 AND NW 1/4 OF SECTION 34;
TOWNSHIP 1 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN,
MULTNOMAH COUNTY, OREGON

SECTION CORNER COMMON TO SECTIONS 28, 29, 32 AND 33
(POINT I.D. NO. 2781) - FOUND 6" X 8" CONCRETE
POST WITH 4" BRASS DISC, MARKED AS SHOWN
(B.T. G-449), DOWN 0.3'



NOTE: A TREE PRESENTLY OCCUPIES THE RIGHT (SOUTHEASTERLY)
RIGHT-OF-WAY LINE AT STATION 105+64.34 PC. BECAUSE
OF THIS, THE IRON ROD MONUMENTING THE RIGHT-OF-WAY
AT THIS POINT WAS OFFSET 0.07' RADIALLY TOWARD THE
CENTERLINE.

1N5E33B-00800
UNITED STATES OF AMERICA
(U.S.D.A. FOREST SERVICE)
BOOK 2393, PAGE 2536
YEAR: 1991

$\Delta=29^{\circ}09'56''$
 $R=170.00'$
 $L=89.84'$
 $C=85.61'$
 $N47^{\circ}35'43''E$

1N5E33B-00500
JEFFERY RITTER, & FARON G. REVELLE
DOC. NO. 2004-16888

1N5E33B-00400
UNITED STATES OF AMERICA
U.S.D.A. FOREST SERVICE
BOOK 2214, PAGE 1158
YEAR: 1989

1N5E33B-01200
ROBERT G. FOSTER & STACEY A. PATTON
DOC. NO. 99-189349

1N5E33B-01300
UNITED STATES OF AMERICA
U.S.D.A. FOREST SERVICE
BOOK 2403, PAGE 919
YEAR: 1991

1N5E32-00700
UNITED STATES OF AMERICA
(U.S.D.A. FOREST SERVICE)
BOOK 2182, PAGE 699
YEAR: 1989

1N5E32-00600
WILLIAM L. & KAY M. FINNEY &
FRANK A. & SUSAN J. WINDUST JR.
BOOK 2633, PAGE 1880
YEAR: 1993

MONUMENT TABLE

POINT NUMBER	STATION	OFFSET	MONUMENT DESCRIPTION	REFERENCE
118	92+11.12	35.15' LT.	5/8" IRON ROD, DOWN 0.6'	SN 36129
122	105+20.13	30.70' LT.	5/8" IRON ROD, DOWN 1.0'	SN 39568

LEGEND:

- FOUND MULTNOMAH COUNTY MONUMENT AS DESCRIBED.
- FOUND MONUMENT AS DESCRIBED IN MONUMENT TABLE.
- SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "MULT. CO. SURVEY".
- ⊠ SET 5/8" X 30" IRON ROD WITH 2" ALUMINUM CAP STAMPED "MULTNOMAH COUNTY SURVEYOR" WITH PUNCH MARK.
- Ⓜ FOUND MONUMENT IDENTIFIER, SEE MONUMENT TABLE.
- B.T. BEARING TREE BOOK & PAGE REFERENCE, MULTNOMAH COUNTY SURVEY RECORDS.
- SN SURVEY NUMBER, MULTNOMAH COUNTY SURVEY RECORDS.
- - - APPROXIMATE LOCATION OF ORIGINAL RIGHT-OF-WAY OF COUNTY ROAD NO. 573 PER MULT. CO. ROAD BOOK 3, PAGES 477-483.
- EXISTING EDGE OF PAVEMENT OF AS-TRAVELED ROADWAY.

MULTNOMAH COUNTY
SURVEY RECORDS

DATE FILED May 4, 2005

59702

REGISTER NUMBER

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Robert A. Hovden

OREGON
JULY 16, 1971
ROBERT A. HOVDEN
954

RENEWAL DATE: 6/30/2005

I CERTIFY THAT THIS SURVEY WAS PREPARED USING HP PRODUCT
C1892A ON CONTINENTAL JPC4M2 POLYESTER FILM.

MULTNOMAH COUNTY
DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES
TRANSPORTATION DIVISION / COUNTY SURVEYOR'S OFFICE
1900 S.E. 190TH AVE., PORTLAND, OR 97233

NE HAINES ROAD NO. 5019 LEGALIZATION

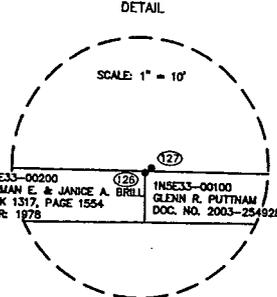
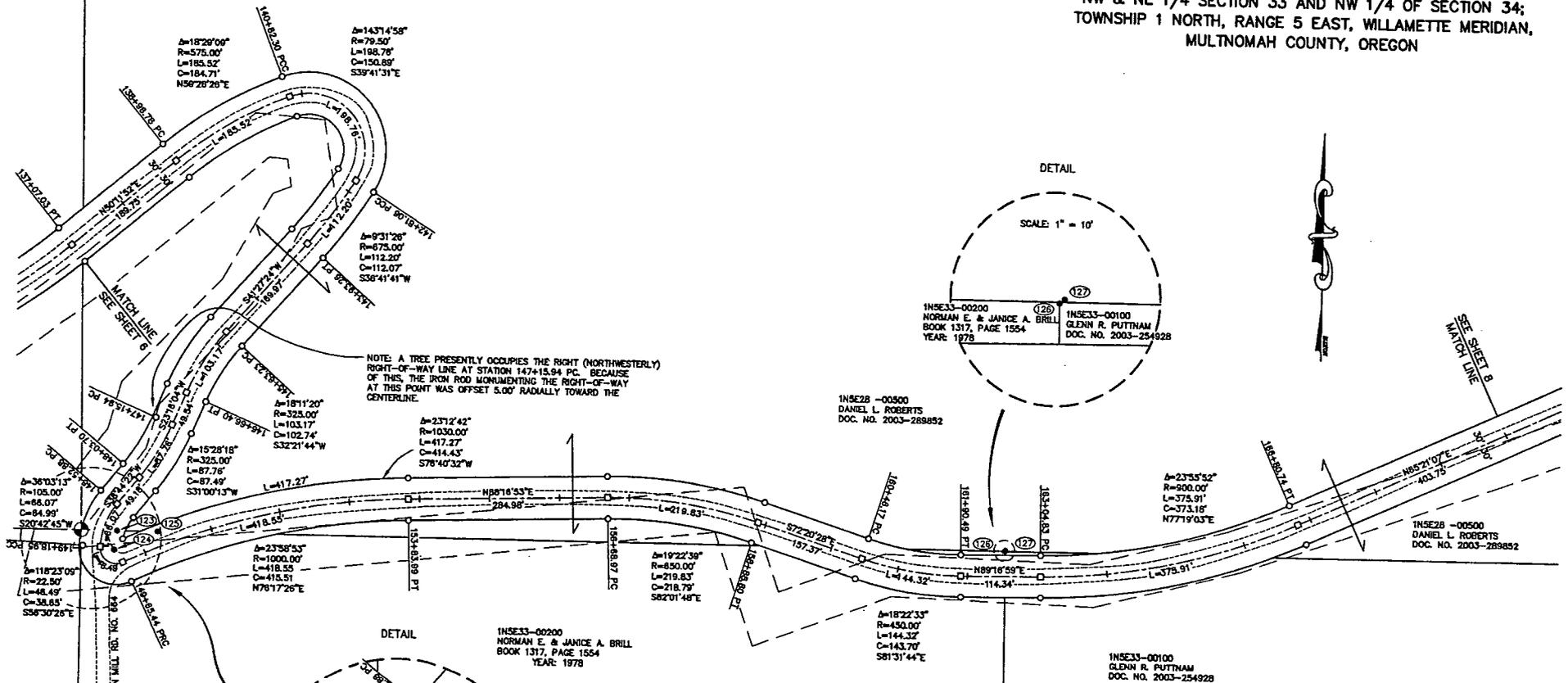
ROBERT A. HOVDEN, P.L.S. COUNTY SURVEYOR

DRAFTED: AHG CHECKED: SRG, RAH SH: 5 OF 8
DATE: 3/1/2005 SCALE: 1" = 100'

59702

59702

NE HAINES ROAD NO. 5019
 FROM NE LARCH MOUNTAIN ROAD NO. 2098
 TO NE BROWER ROAD NO. 4999
 LOCATED IN THE SW 1/4 OF SECTION 27; SW & SE 1/4 SECTION 28;
 SE 1/4 SECTION 31; SW, SE & NE 1/4 OF SECTION 32,
 NW & NE 1/4 SECTION 33 AND NW 1/4 OF SECTION 34;
 TOWNSHIP 1 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN,
 MULTNOMAH COUNTY, OREGON



NOTE: A TREE PRESENTLY OCCUPIES THE RIGHT (NORTHWESTERLY) RIGHT-OF-WAY LINE AT STATION 147+15.94 PC. BECAUSE OF THIS, THE IRON ROD MONUMENTING THE RIGHT-OF-WAY AT THIS POINT WAS OFFSET 5.00' RADIAALLY TOWARD THE CENTERLINE.



MONUMENT TABLE

POINT NUMBER	STATION	OFFSET	MONUMENT DESCRIPTION	REFERENCE
123	148+88.98	18.95' LY	5/8" IRON ROD WITH YPC MARKED "GAYLORD PLS 929" FLUSH	SN 54514
124	149+37.67	18.86' LY	5/8" IRON ROD WITH YPC MARKED "GAYLORD PLS 929" FLUSH	SN 54514
125	150+27.87	20.81' LY	5/8" IRON ROD WITH YPC MARKED "GAYLORD PLS 929" FLUSH	SN 54514
126	162+53.60	35.75' LY	5/8" IRON ROD WITH YPC MARKED "GAYLORD PLS 929" FLUSH	SN 54514
127	162+54.34	36.27' LY	3/4" IRON PIPE, UP 0.5'	UNKNOWN

LEGEND:

- FOUND MULTNOMAH COUNTY MONUMENT AS DESCRIBED.
- FOUND MONUMENT AS DESCRIBED IN MONUMENT TABLE.
- SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "MULT. CO. SURVEY".
- SET 5/8" X 30" IRON ROD WITH 2" ALUMINUM CAP STAMPED "MULTNOMAH COUNTY SURVEYOR" WITH PUNCH MARK.
- FOUND MONUMENT IDENTIFIER, SEE MONUMENT TABLE.
- W.P.A. WORKS PROGRESS ADMINISTRATION BOOK & PAGE REFERENCE, MULTNOMAH COUNTY SURVEY RECORDS.
- SN SURVEY NUMBER, MULTNOMAH COUNTY SURVEY RECORDS.
- YPC YELLOW PLASTIC CAP.
- - - APPROXIMATE LOCATION OF ORIGINAL RIGHT-OF-WAY OF COUNTY ROAD NO. 573 PER MULT. CO. ROAD BOOK 3, PAGES 477-483.
- EXISTING EDGE OF PAVEMENT OF AS-TRAVELED ROADWAY.

1/4 CORNER COMMON TO SECTIONS 28 & 33 (POINT LD. NO. 2782) - FOUND 6" X 6" CONCRETE POST WITH 4" BRASS DISC, MARKED AS SHOWN (E-897), FLUSH.

NOTE: A TREE PRESENTLY OCCUPIES THE RIGHT (WESTERLY) RIGHT-OF-WAY LINE AT STATION 149+18.95 POC. BECAUSE OF THIS, THE IRON ROD MONUMENTING THE RIGHT-OF-WAY AT THIS POINT WAS OFFSET 5.00' RADIAALLY TOWARD THE CENTERLINE.

MULTNOMAH COUNTY
 SURVEY RECORDS
 DATE FILED May 4, 2005.
 59702
 REGISTER NUMBER

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR
Robert A. Hovden
 OREGON
 JULY 16, 1971
 ROBERT A. HOVDEN
 954
 RENEWAL DATE: 6/30/2005

I CERTIFY THAT THIS SURVEY WAS PREPARED USING HP PRODUCT C182A ON CONTINENTAL JPC4M2 POLYESTER FILM.

MULTNOMAH COUNTY
 DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES
 TRANSPORTATION DIVISION / COUNTY SURVEYOR'S OFFICE
 1800 S.E. 190TH AVE.; PORTLAND, OR 97233

NE HAINES ROAD NO. 5019 LEGALIZATION

ROBERT A. HOVDEN, P.L.S. COUNTY SURVEYOR

DRAFTED: AHG CHECKED: SRG, RAH SH. 7 OF 8
 DATE: 3/1/2005 SCALE: 1" = 100'

59702

59702

NE HAINES ROAD NO. 5019
 FROM NE LARCH MOUNTAIN ROAD NO. 2098
 TO NE BROWER ROAD NO. 4999
 LOCATED IN THE SW 1/4 OF SECTION 27; SW & SE 1/4 SECTION 28;
 SE 1/4 SECTION 31; SW, SE & NE 1/4 OF SECTION 32,
 NW & NE 1/4 SECTION 33 AND NW 1/4 OF SECTION 34;
 TOWNSHIP 1 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN,
 MULTNOMAH COUNTY, OREGON

1N5E28-00500
 DANIEL L. ROBERTS
 DOC. NO. 2003-289852

1N5E27C-01200
 LONGVIEW FIBRE CO.
 BOOK 2083, PAGE 568
 YEAR: 1988

1N5E28-00500
 DANIEL L. ROBERTS
 DOC. NO. 2003-289852

1N5E34-00800
 BERTHA C. MAC KAY TR.
 DOC. NO. 97-107878

SECTION CORNER COMMON TO SECTIONS 27, 28, 33 & 34 [POINT I.D. NO. 2830] - FOUND 6" X 6" CONCRETE POST WITH 4" BRASS DISC, MARKED AS SHOWN (B.T. 6-110), UP 0.6'.



MONUMENT TABLE

POINT NUMBER	STATION	OFFSET	MONUMENT DESCRIPTION	REFERENCE
128	95+88.24	0.00'	1/2" IRON PIPE WITH YPC MARKED "MULT. CO. SURVEYOR", FLUSH	SN 53425
129	100+39.27	0.00'	1/2" IRON PIPE WITH YPC MARKED "MULT. CO. SURVEYOR", FLUSH	SN 53425

LEGEND:

- ⊕ FOUND MULTNOMAH COUNTY MONUMENT AS DESCRIBED.
- FOUND MONUMENT AS DESCRIBED IN MONUMENT TABLE.
- SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "MULT. CO. SURVEYOR".
- SET 5/8" X 30" IRON ROD WITH 2" ALUMINUM CAP STAMPED "MULTNOMAH COUNTY SURVEYOR" WITH PUNCH MARK.
- ⑫ FOUND MONUMENT IDENTIFIER, SEE MONUMENT TABLE.
- SN SURVEY NUMBER, MULTNOMAH COUNTY SURVEY RECORDS.
- YPC YELLOW PLASTIC CAP.
- APPROXIMATE LOCATION OF ORIGINAL RIGHT-OF-WAY OF COUNTY ROAD NO. 573 PER MALT. CO. ROAD BOOK 3, PAGES 477-483.
- - - - - EXISTING EDGE OF PAVEMENT OF AS-TRAVELED ROADWAY.

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Robert A. Hovden

OREGON
 JULY 16, 1971
 ROBERT A. HOVDEN
 954
 RENEWAL DATE: 6/30/2005

I CERTIFY THAT THIS SURVEY WAS PREPARED USING HP PRODUCT
 C18924 ON CONTINENTAL JPC4M2 POLYESTER FILM.

MULTNOMAH COUNTY
 DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES
 TRANSPORTATION DIVISION / COUNTY SURVEYOR'S OFFICE
 1600 S.E. 190TH AVE., PORTLAND, OR 97233

NE HAINES ROAD NO. 5019 LEGALIZATION

ROBERT A. HOVDEN, P.L.S. COUNTY SURVEYOR

DRAFTED: AHG CHECKED: SRO, RAH SHT. 8 OF 8
 DATE: 3/1/2005 SCALE: 1" = 100'

59702

59702

MULTNOMAH COUNTY
 SURVEY RECORDS
 DATE FILED: May 4, 2005
 59702
 REGISTER NUMBER

1 In the matter of the legalization)
Haines Road, No. 5019)

AFFIDAVIT OF
ROBERT A. HOVDEN RELATING
TO NOTICE PROCEDURE PURSUANT
TO ORS 368.421

2)
3)
4 1) I, Robert A. Hovden, P.L.S., do hereby state that I am the County Surveyor for
5 Multnomah County, Oregon.

6 2) I certify that notice was served of the public hearing for the legalization of Haines Road,
7 County Road No. 5019, to the following persons or agencies:

8 LONGVIEW FIBRE CO; DANIEL L ROBERTS; FRANK G & BARBARA L BELL; U S D A
9 FOREST SERVICE; WILLIAM L & KAY M FINNEY; FRANK A JR & SUSAN J
10 WINDUST; KATE MACKANESS; MATT K MCDONALD; STATE OF OREGON HWY
11 COMM; JOHN S BURNS; MARK A & SHEILA D NELSEN; JAMES T KUNZ; PHILLIP R &
12 HEIDI L WILSON; DEBRA A TESSIER; ROSEMOND C CONNER; PAUL H REEDER;
13 GLENN R PUTTNAM; NORMAN E & JANICE A BRILL; DAVID A & DAWN M ANGELO;
14 JEFFERY RITTER; FARON G REVELLE; NORMAN E BRILL, JR; GERALD E STOMPS
15 TR; HAZELYNN K STOMPS TR; ROBERT G FOSTER; STACEY A PATTON; BERTHA C
16 MAC KAY TR
17

18 3) The notice was consistent with the requirements of ORS 368.426 and included copies of
19 the Notice of Public Hearing (Resolution No. 05-079) and was served by certified mail return
20 receipt requested, to the parties identified above in Paragraph 2.

21
22 4) I further certify that on May 31, 2005, notice was posted of the public hearing on the
23 legalization of Haines Road, County Road No. 5019, at the following places:
24
25

1 1. Posted on 4" X 4" sign post on the South side of Haines Road near Engineer's
2 Station 1+00.

3 2. Posted on 4" X 4" post with "NARROW BRIDGE" sign on South side of
4 Haines Road near Engineer's Station 41+00.

5 3. Posted on 4" X 4" post with "E HAINES RD" and "NE THOMPSON MILL" signs
6 on North side of Haines Road at its intersection with Thompson Mill Road near
7 Engineer's Station 149+00.

8 5) The posted notice was consistent with the requirements of ORS 368.426 and included
9 copies of the Notice of Public Hearing (Resolution No. 05-079) posted along said road in a
10 manner to facilitate reading by passersby.
11

Robert A. Hovden

Robert A. Hovden, P.L.S., County Surveyor
Department of Business & Community Services
Multnomah County, Oregon

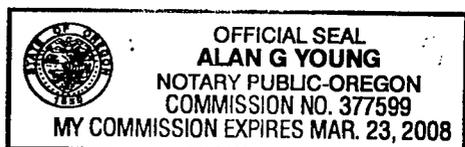
12 Subscribed and sworn to before me this 31st day of May, 2005.

Alan G. Young

Notary Public for Oregon

My commission expires

3-23-08



#1

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 4/30/05
SUBJECT: Haines Rd

AGENDA NUMBER OR TOPIC: R-3 HO 5-079

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: DAN ROBERTS

ADDRESS: 45301 E Haines Rd

CITY/STATE/ZIP: Corbett

PHONE: _____ DAYS: 503-695-5282 EVES: SAME

EMAIL: _____ FAX: _____

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: _____

IF YOU WISH TO ADDRESS THE BOARD:

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

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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

#2

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 6/30/05

SUBJECT: Haines Rd Legalization

AGENDA NUMBER OR TOPIC: R-3

FOR: AGAINST: X THE ABOVE AGENDA ITEM

NAME: NORM BRILL

ADDRESS: 1326 NE THOMPSON MILL RD.

CITY/STATE/ZIP: CORBETT, ORE, 97019

PHONE: DAYS: 503 695 2115 EVES:

EMAIL: FAX:

SPECIFIC ISSUE:

WRITTEN TESTIMONY:

IF YOU WISH TO ADDRESS THE BOARD:

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

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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



**MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST**

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-4 DATE 6-30-05
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only	
Meeting Date:	<u>06/30/05</u>
Agenda Item #:	<u>R-4</u>
Est. Start Time:	<u>9:45 AM</u>
Date Submitted:	<u>06/22/05</u>

BUDGET MODIFICATION: COUNTYWIDE - 02

Agenda Title:	Budget Modification Countywide-02 Appropriating \$2.5 Million General Fund Contingency Transfers for Business Services, the Sheriff's Office and the Department of Community Justice
----------------------	---

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

Date Requested:	<u>June 30, 2005</u>	Time Requested:	<u>10 Minutes</u>
Department:	<u>Finance, Budget and Tax</u>	Division:	<u>Budget</u>
Contact(s):	<u>Mark Campbell</u>		
Phone:	<u>503-988-3312</u>	Ext.	<u>24213</u>
Presenter(s):	<u>Mark Campbell</u>	I/O Address:	<u>503/531</u>

General Information

1. What action are you requesting from the Board?

Board approval to appropriate \$2.5 million General Fund contingency transfers for the following three departments - Business Services, the Sheriff's Office and the Department of Community Justice.

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

The transfers to DCJ and the Sheriff's Office are requested in order to guard against the possibility that those departments will overspend their authorized appropriations in the current fiscal year. Projections indicate that both DCJ and the MCSO should have sufficient savings at year-end but unanticipated events (i.e. vacation payouts, emergencies) could eliminate those balances.

A transfer to the Business Services Fund is requested because service reimbursement revenues will not be adequate to cover program expenses for Human Resources and Finance Operations.

The Business Service Fund is not forecast to exceed its current appropriations. This request is

necessary because the rates being charged to departments for those services were not adjusted to account for a shortfall that was identified following a mid-year review of department expenditures.

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

These are one time transfers from the General Fund contingency. They are being requested as a safeguard against the possibility that DCJ and the MCSO could exceed their current appropriations. It also ensures that revenue will balance to expenditures in the Business Services Fund. Either situation, if unattended, would result in a budget violation. This action will ensure that we meet the legal requirements of Oregon Budget Law. If the appropriations are not necessary, any unspent balances will revert to the General Fund. The transfer to MCSO is \$500,000, to DCJ \$500,000, and to Business Services Fund \$1.5 million.

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

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

ATTACHMENT A

Budget Modification

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

- What revenue is being changed and why?
Add Cash Transfer revenue (\$1.5 million) to Business Services Fund.
- What budgets are increased/decreased?
The general fund appropriations for the following will increase: DCJ \$500,000, MCSO \$500,000.
The Business Services Fund (3506) will increase by \$1.5 million.
- What do the changes accomplish?
These are precautionary measures to guard against potential overspending.
- Do any personnel actions result from this budget modification? Explain.
No
- How will the county indirect, central finance and human resources and departmental overhead costs be covered?
Not applicable
- Is the revenue one-time-only in nature? Will the function be ongoing? What plans are in place to identify a sufficient ongoing funding stream?
Yes, this is a one-time-only appropriation which will be used to resolve a year end issue. Funding will not be needed ongoing.
- If a grant, what period does the grant cover?
Not applicable
- If a grant, when the grant expires, what are funding plans?
Not applicable

Contingency Request

If the request is a **Contingency Request**, please answer all of the following in detail:

- Why was the expenditure not included in the annual budget process?
The events were unanticipated at the time of the adoption of the FY 2005 budget.
- What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?
The Departments have been working to reduce expenditures in areas of the revenue shortfall.
- Why are no other department/agency fund sources available?
Because of the revenue shortfalls, other funds are not available.
- Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account. What are the plans for future ongoing funding?
If the appropriations are not necessary, any unspent balances will revert to the General Fund.

- Has this request been made before? When? What was the outcome?

NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.

ATTACHMENT B

BUDGET MODIFICATION: COUNTYWIDE - 02

Required Signatures

**Department/
Agency Director:**

David G Boyer

Date: 06/22/05

Budget Analyst:

J. Mark Campbell

Date: 06/22/05

Department HR:

Date:

Countywide HR:

Date:

Budget Modification or Amendment ID: **Countywide-02**

EXPENDITURES & REVENUES

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

Budget/Fiscal Year: 05

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center	WBS Element						
1		1000		16			60560	-	1,500,000	1,500,000		XT to Business Services
2	50-00	1000			509600		60240	17,312	517,312	500,000		Supplies
3	60-00	1000			600000		60240	13,040	513,040	500,000		Supplies
4												
5	19	1000			9500001000		60470	3,170,086	670,086	(2,500,000)		GF Contingency
6												
7	71-10	3506			711100		60240	193,612	1,693,612	1,500,000		Supplies
8	71-10	3506			711100		50320	-	(1,500,000)	(1,500,000)		XT Revenue
9												
10												
11												
12												
13												
14												
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20												
21												
22												
23												
24												
25												
26												
28												
30												
										0	0	Total - Page 1
										0	0	GRAND TOTAL



Finance, Budget & Tax Office

MULTNOMAH COUNTY OREGON

Budget Office

501 SE Hawthorne Blvd., Suite 531
Portland, Oregon 97214
(503) 988-3312 Phone
(503) 988-4570 Fax

**CONTINGENCY REQUEST
STAFF REPORT**

TO: Board of County Commissioners
FROM: Mark Campbell, Deputy Budget Director
DATE: June 22, 2005
SUBJECT: **General Fund Contingency Request for Board approval to appropriate \$2.5 million General Fund contingency transfers for the following departments: Business Services, the Sheriff's Office and the Department of Community Justice.**

Summary

Budget Modification Countywide-02 transfers \$2.5 million from the General Fund Contingency to the following departments:

- Business Services \$1,500,000
- Department of Community Justice \$ 500,000
- Sheriff's Office \$ 500,000

These transfers are necessary to ensure that these departments neither overspend their authorized appropriations nor end the year with an imbalance between revenue and expenditures.

Contingency Requirements

The Budget Office is required to inform the Board if contingency requests submitted for Board approval satisfy the general guidelines and policies for using the General Fund Contingency. Those requirements are summarized as follows:

1. Approve no contingency requests for purposes other than "one-time-only" allocations.
2. Limit contingency funding to the following:
 - a. Emergency situations which if left unattended will jeopardize the health and safety of the community.
 - b. Unanticipated expenditures necessary to keep a public commitment of fulfill a legislative or contractual mandate, or which can be demonstrated to result in significant administrative or programmatic efficiencies that cannot be covered by existing appropriations.
3. The Board, may when it adopts the budget for a fiscal year, specify programs which it wishes to review during the year and increase the Contingency account to provide financial capacity to support those programs if it chooses. Contingency funding of such programs complies with this policy.

Background

A one million dollar transfer from the General Fund contingency account is requested in order to guard against the possibility that DCJ (\$500,000) and the Sheriff's Office (\$500,000) will overspend their authorized appropriations in the current fiscal year. The Budget Office has monitored department spending on a monthly basis since we became aware of this situation. We have also consulted with the departments and analyzed year-end forecasts to determine whether these transfers would be required. The most recent projections indicate that both departments should have an adequate level of underspending at year-end. However, unanticipated events that the department may have no control over (i.e. vacation payouts, emergencies) could eliminate those balances.

A \$1.5 million transfer from the General Fund contingency account is requested in order to cover a revenue shortfall in the Business Services Fund. The Business Services Fund was established in FY 04-05. It is primarily funded by service charges to county departments. The rates paid by departments are inadequate to cover the costs associated with the provision of Human Resources and Finance Operations (Accounts Payable, Contracts and Procurement, SAP Support) services. The Business Services Fund is not projected to overspend its' appropriation level.

The following paragraphs briefly highlight the situations that have led us to make these three requests:

Sheriff's Office

In order to be financially prudent, the Sheriff's Office (MCSO) is requesting a **\$500,000** transfer from the GF contingency account to cover any potential MCSO FY 04-05 revenue shortfall associated with the US Marshal (USM) agreement. The budget assumed revenue from leasing 147 beds per day to the USM. Through May, the actual monthly average has been about 125 beds per day. At that level the revenue generated by USM bed leases will fall about \$900,000 short of the budgeted amount.

This step is strictly precautionary in nature, as the MCSO has implemented plans to reduce expenditures to match the forecast reduction in revenue. The MCSO expects to end the year with a sufficient level of underspending to cover the revenue shortfall. However, projections prepared by both the MCSO and the Budget Office suggest there could be as much as a \$500,000 variance in those year-end estimates. Because we acknowledge that the year-end estimate is very close to the level of authorized appropriations a transfer from the GF contingency will ensure the MCSO ends the year with a positive balance.

Department of Community Justice

The Department of Community Justice (DCJ) estimates they will underspend General Fund appropriations by more than \$1 million. This estimate translates to a savings rate of just about 2% of GF appropriations, which is consistent with historical trends. However, most of this underspending has been earmarked to backfill revenue shortfalls in Medicaid sources (both in Juvenile and Adult).

The residential alcohol and drug Medicaid revenues were budgeted for FY 04-05 assuming that 76% of treatment encounters would qualify for Medicaid reimbursement. When the state disallowed new enrollments as of July 1 that eligibility rate dropped significantly. Eligibility levels are currently at 13% for contracted beds and there are no eligible encounters at River Rock. In addition, we do not expect the Federally Qualified Health Centers (FQHC) revenue budgeted as a part of Juvenile Treatment Services programs for Early Intervention, Multi-Systemic Therapy and Youth Development to come in at budgeted levels.

It is important to note that no Medicaid revenue has been budgeted in support of residential alcohol and drug treatment in FY 05-06. Likewise, the process for billing FQHC revenues has been revised and estimates for this revenue source have been reduced in next year's budget.

With the forecast level of underspending in general fund programs the department estimates it will be able to backfill the Medicaid revenue described above. After accounting for the Medicaid backfill DCJ estimates they will end the year with a \$400,000-\$550,000 balance. Again, we believe it is prudent to make the requested contingency transfer to ensure that the department is able to accommodate unanticipated expenditures which may arise during year-end closing.

Business Services

The Business Services transfer is requested due to a shortage in service reimbursement revenues generated from charges to county departments. The Business Service Fund is not forecast to exceed its current appropriation level. This transfer is necessary, however, to account for the way in which chargeback rates were developed.

The Business Services Fund is a new fund for FY 04-05. In preparing the budget we analyzed historic spending patterns to determine how much to bill each department for Human Resources and Financial Operations services. Rates were established that, in theory, would generate sufficient revenue to support the costs established in the Business Services Fund. Previously, those costs had been budgeted primarily in the General Fund.

At the mid-point of the current fiscal year we determined that there would be a revenue shortfall in the Business Services Fund. Our options for dealing with this revenue shortfall were the following:

- Cut spending to match revenues – this would have required an immediate 10% reduction in services provided to departments;
- Adjust rates to departments in order to recover a sufficient amount of revenue to ensure the fund would end the year with a positive balance;
- Charge departments the full budgeted amount for Human Resources and Finance Operations services.

All of these options were discussed and rejected for a variety of, perhaps not so obvious, reasons.

It became apparent to all involved that it would not be possible to make reductions in the Business Services Fund in a timely enough manner to have an impact in the current year. In addition, we could not conceive of a staffing plan that would enable us to spread the workload demands that would result from a 10% mid-year reduction.

We gave serious consideration to adjusting the rates that are being charged to departments. This option was rejected because in some cases it shifted the costs dramatically from department to department. In most cases, the departments did not have flexibility within their budgets to absorb the increases that would result from changing rates at mid-year.

Finally, we decided against charging up to the full budgeted amount because we believed it might raise questions from some of our external funding sources during the audit process. We would, in effect, be charging grants and other intergovernmental sources for services that were not rendered to them.

We decided to make a contingency request only after evaluating all the other options. There is sufficient funding in the GF contingency to accommodate this one time transfer. It does not require the departments to readjust their budgets to accommodate a new rate structure and it allows them to dedicate more of their resources to direct services. It is also true that most of the costs in the Business Services Fund had previously been budgeted in the General Fund. It is reasonable to assume that the General Fund would have covered those costs in previous years.

This transfer is a one time expense. There will be no need to backfill the Business Services Fund in FY 05-06. The Administrative Service Managers (ASM) group approved a change in methodology for next year that will allow us to bill departments for 100% of the budgeted costs for Human Resources and Finance Operations.

Budget Office Recommendation

The Budget Office recommends approval of this budget modification as an appropriate use of one-time-only funding. It will ensure that we meet the legal requirement of Oregon Budget Law (ORS 294) that revenue and expenditures be balanced in all funds. The General Fund contingency account has a current balance of slightly more than \$3.1 million; this request will transfer \$2.5 million for the purposes described above.

It is important to point out, as well, that if the appropriations for the MCSO and DCJ are not necessary there will be no negative impact on the financial position of the General Fund. We do know that the Business Services Fund will require a transfer in order to balance revenue to expenditures. We will transfer only the exact amount that is required to prevent the fund from having a negative ending balance.

These transfers have been factored into the estimate of Beginning Working Capital (BWC) that is budgeted for FY 05-06. At this time the year-end forecast assumes BWC in the General Fund will be at least \$26.5 million – the level that has been budgeted for next year.



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-5 DATE 10:30:05
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 06/30/05
Agenda Item #: R-5
Est. Start Time: 9:50 AM
Date Submitted: 06/06/05

BUDGET MODIFICATION: BCS - 14

Budget Modification BCS-14 Reclassifying One Position in Information Technology, as Determined by the Class/Comp Unit of Central Human Resources

Agenda Title: Resources

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

Date Requested: <u>June 30, 2005</u>	Time Requested: <u>5 minutes</u>
Department: <u>Business and Community Services</u>	Division: <u>FBAT-Office of CFO</u>
Contact(s): <u>Bob Thomas or Rick Jacobson</u>	
Phone: <u>503 988-4283</u> Ext. <u>84283</u>	I/O Address: <u>503/531</u>
Presenter(s): <u>Bob Thomas</u>	

General Information

1. What action are you requesting from the Board?

The Finance Budget and Tax Office recommends the Board approve this request to reclassify one position in Information Technology.

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

This reclassification is the result of an employee's request that Central Class Comp evaluate their position's classification. Class Comp recommended changing the classification of this position from the current Network Administrator level downward to that of a Desktop Support Specialist, Sr. The decision process used by the Classification and Compensation Unit for this request is attached to this agenda placement request. There is no net change in number of positions. The position change is shown below:

Position Title (Old)	Position Title (New)	Position Number
Network Administrator	Desktop Support Specialist, Sr	701718

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

Change to classification is within the pay range of the new position, so there will be no budget impact.

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

Employees have the right to request evaluation of the appropriateness of their classifications. The Classification/Compensation Unit has a formal process for evaluating these requests. The reclassifications for which approval is sought in this request, have been reviewed by the Classification/Compensation Unit and the position has been found to be wrongly classed. By contract and under our personnel rules, we are required to compensate employees appropriately based on these findings.

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

None

ATTACHMENT A

Budget Modification

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

- What revenue is being changed and why?
None
- What budgets are increased/decreased?
No budgets are changed.
- What do the changes accomplish?
Change to existing FTE job classification
- Do any personnel actions result from this budget modification? Explain.
Reclassification of an existing position.
- How will the county indirect, central finance and human resources and departmental overhead costs be covered?
No change
- Is the revenue one-time-only in nature?
N/A
- If a grant, what period does the grant cover?
N/A
- If a grant, when the grant expires, what are funding plans?
N/A

NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.

ATTACHMENT B

BUDGET MODIFICATION: BCS - 14

Required Signatures

**Department/
Agency Director:**

David G Boyer

Date: 06/06/05

Budget Analyst:

Christy

Date: 06/06/05

Department HR:

Shelly Karkosky

Date: 06/06/05

Countywide HR:

David B Bower

Date:

06/06/05

Budget Modification or Amendment ID: **BCS-14**

EXPENDITURES & REVENUES

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

Budget/Fiscal Year: 05

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center	WBS Element						
1	no change--job classificatin only-within pay range											
2												
3												
4												
5												
6												
7												
8												
9									0			
10									0			
11									0			
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25									0			
26									0			
27									0			
28									0			
29									0			
										0	0	Total - Page 1
										0	0	GRAND TOTAL

ANNUALIZED PERSONNEL CHANGE						ANNUALIZED			
Change on a full year basis even though this action affects only a part of the fiscal year (FY).									
Fund	Job #	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
3503	6044	64050	Network Administrator	701718	(1.00)	(50,932)	(14,679)	(10,824)	(76,435)
3503	6409	64050	Desktop Support Spec Sr	701718	1.00	50,932	14,679	10,824	76,435
									0
									0
									0
									0
									0
									0
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									0
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									0
									0
									0
									0
TOTAL ANNUALIZED CHANGES					0.00	0	0	0	0

CURRENT YEAR PERSONNEL DOLLAR CHANGE						CURRENT YEAR			
Calculate costs/savings that will take place in this FY; these should explain the actual dollar amounts being changed by this Bud Mod.									
Fund	Job #	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
3503	6044	64050	Network Administrator	701718	(1.00)	(6,660)	(1,920)	(1,415)	(9,995)
3503	6409	64050	Desktop Support Spec Sr	701718	1.00	6,660	1,920	1,415	9,995
									0
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									0
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									0
									0
TOTAL CURRENT FY CHANGES					0.00	0	0	0	0



MULTNOMAH COUNTY OREGON

Copy for Shelly

DEPARTMENT OF BUSINESS
& COMMUNITY SERVICES
HUMAN RESOURCES
CLASS/COMP UNIT

MULTNOMAH BUILDING
501 SE HAWTHORNE BLVD. Suite 400
PO BOX 14700
PORTLAND OR 97293-0700

PHONE (503) 988-5015 x24422
FAX (503) 988-3048
TDD (503) 988-5170

5.25.2005

To: [Redacted] 503/4
From: Leon Oswalt *LO* Classification/Compensation 503/4
Subject: Reclassification Request #230

A request for reclassification of position 701718 was received 5/19/02. The position was placed in the Network Administrator classification in 2003 during a class/comp study. A reorganization of the department in 2004, led to the current position focus on desktop PC's. The current classification is NETWORK ADMINISTRATOR, JCN: 6409. The requested classification is DESKTOP SUPPORT SPECIALIST SENIOR, JCN 6404. The presented job duties and descriptions and the County classification documents have been analyzed. We have determined that the position best fits within the DESKTOP SUPPORT SPECIALIST SENIOR classification.

The position is reclassified, subject to Board of Commissioners approval. Under County Personnel Rule 5-50-030, the incumbent will be reclassified with it, as the incumbent has performed the duties of a DESKTOP SUPPORT SPECIALIST SENIOR for at least six months.

Summary of position purpose and main job functions.

Performs intermediate duties related to Desktop Services support for end-user systems and critical printing functions. Coordinate PC-related design, configuration, installation, maintenance, intermediate problem resolution, diagnostics, system monitoring and end-user documentation for production systems and desktop systems. Work closely with various application development teams and LAN Services to provide a high level of technical support for complex problems and systems related to desktop functionality and network printing. Function as a technical resource for other Desktop support staff for complex PC problem solving, design, implementation and support. Project planning abilities relevant to current and future Desktop Services projects will be required. Responsible for call resolution, call tracking and maintaining customer service levels using Remedy Helpdesk software. Use remote administration tools such as ADUC, SMS, Citrix clients and Terminal Services to monitor and troubleshoot client problems in a distributed environment. Demonstrates a strong understanding of Layer 1, 2 and 3 networking in the performance of the job. Proper use of the County Change Management system to ensure coordination and planning will be required.

Review of class specifications:

Current Class NETWORK ADMINISTRATOR

Class Definition Designs, implements and maintains voice communication and/or data network systems within the County network.

Distinguishing Characteristics *Applies intermediate-level knowledge of systems technology to evaluate, analyze, plan, design and implement existing and design network systems and/or enhancements. Administers and supports distributed systems and network operations, including hardware and software solutions. Evaluates, recommends, installs, maintains, troubleshoots and documents network operating systems. Coordinates system installations with vendors and/or internal IT staff. Diagnoses problems using network system tools, analyzes solutions and coordinates repairs.*

Fit analysis for class. Positions in this classification focus their work on computer Network Systems. The position being reviewed has a focus on desktop computers. This classification is not a good match.

Proposed Class **DESKTOP SUPPORT SPECIALIST SR.**

Class Definition *Provides technical support services to internal and/or external users of desktop computer systems, including hardware, software, printers and related peripheral equipment.*

Distinguishing Characteristics *Supports, analyzes, troubleshoots and resolves complex PC problems. Handle first-level LAN problems, such as LAN cable connections and network printer definition. Install repairs and configures desktop software and hardware. Identifies and resolves non-routine and second-level problems that are broad in scope with standard or prescribed practices. Escalate complex problems to developers or analysts, or supervisor.*

Fit analysis for class. This is a good fit for this position. It focuses on the identification and resolution of problems with desktop PCs. The position provides design, configuration, installation, maintenance, intermediate problem resolution, and technical support for those PCs. This is a good classification for the work of the position.

Reclassification Details:

The effective date of the reclassification is ~~5/16/2005~~. Your step increase date is unchanged.

Because the position is represented, the Local 88 Collective Bargaining Agreement (Article 15, IV.C) determines the salary level and step increase date.

Date		Class/JCN	Pay Scale Group	Pay Rate	Pay Step	Union
12/19/04	Old	NETWORK ADMINISTRATOR 6049	30	25.22	3	88
5/16/05	Reclass	DESKTOP SUPPORT SPECIALIST SENIOR 6404	26	25.22	7	88

If you have questions, please contact me at extension 24422.

cc: AFSCME Local 88
Supervisor of Position
Position HR Manager
HR Maintainer
File Copy

Stan Johnson
Patti Hollamon
Jaci Burns



**MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST**

Board Clerk Use Only

Meeting Date: 06/30/05
Agenda Item #: R-6
Est. Start Time: 9:55 AM
Date Submitted: 06/06/05

BUDGET MODIFICATION: -

Agenda Title: **RESOLUTION Authorizing Two Title III Forest Related After School Educational Opportunities Projects for County Fiscal Year 2006**

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

Date Requested:	<u>June 30, 2005</u>	Time Requested:	<u>5 minutes</u>
Department:	<u>Business and Community Services</u>	Division:	<u>Finance, Budget & Tax Office</u>
Contact(s):	<u>Bob Thomas</u>		
Phone:	<u>(503) 988-4283</u>	Ext.:	<u>84283</u>
Presenter(s):	<u>Bob Thomas</u>	I/O Address:	<u>503/531</u>

General Information

1. What action are you requesting from the Board?

The Finance, Budget and Tax Office requests approval of a Resolution authorizing two Title III projects to be performed by non-profit organizations.

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

In January, 2005, Board staff expressed interest in opening up the opportunity for Title III funding to non-profit organizations that might qualify under PL 106-393. This legislation provides for Federal Forest Safety Net Payments to Counties. Title III is the specific funding that Counties receive for a variety of eligible projects: Search and rescue on federal lands, Wildfire planning and mitigation, community service work camps, environmental easement purchases, matching funds for urban/community forest programs, and finally for forest related after school opportunities.

Working under the guidance of Commissioner Cruz's staff, our office developed a process that solicited interest from groups to apply for funding. We had two applications for groups proposing projects in Forest Related After School Educational Opportunities.

The two projects are:

\$10,000 - 4 H Forest Stewards - through the Oregon State Extension Service - after school and summer programs;and

\$10,000 - Northwest Youth Corps - summer forest projects.

Both applicants proposed projects that meet the intent of the legislation and will provide opportunities for County youth to learn more about the environment and skills that will be valuable to them in the future. County service contracts are now being negotiated with these two groups, pending the outcome of the Board's vote.

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

There is no adverse impact on any County programs due to this approval of Title III projects. The \$20,000 required to fund the total of these two projects comes from allocations that had previously gone to Title II funds. Title II funds are at the discretion of Resource Advisory Committees (RACs) for the US Forest Service and Bureau of Land Management (BLM). We lowered FY 2006 revenue going to the US Forest Service RAC by \$5,000 and to the BLM RAC by \$15,000 to increase Title III funds coming to the County. The County will use these additional Title III funds to reimburse the two non-profit organizations receiving grants in this approval.

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

No legal issues - the Board of Commissioners have total discretion over the spending of Title III funds, as long as mandates of the legislation are followed. Policy issues - This allocation reduces funds available to the two RACs.

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

A public process was used to solicit interested groups to apply for these "mini grants." A public notice was published and a press release sent to 60 local media outlets to notify groups of this opportunity. The Resource Advisory Committees have been notified that their upcoming Title II allocations have been reduced.

Required Signatures

**Department/
Agency Director:**

David A. Boyer

Date: 06/03/05

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

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

RESOLUTION NO. 1

Authorizing Two Title III Forest Related After School Educational Opportunity Projects for County Fiscal Year 2006

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County receives federal payments under the "*Secure Rural Schools and Community Self-Determination Act of 2000*," commonly referred to as the County Safety Net legislation (Public Law 106-393).
- b. Under Title III of PL 107-393, Multnomah County receives funds to be used for a variety of very specific forest related activities approved by a County's governing body. Title III projects and activities may include expenditures for:
 - Search, rescue and emergency services on federal lands.
 - Staffing of community service work performed on federal lands.
 - Easement purchases (access or conservation).
 - Forest related after-school educational opportunities.
 - Fire prevention and county wildfire planning.
 - Funds matching for Urban/Community Forestry programs under the Cooperative Forestry Assistance Act of 1978.
- c. On March 21, 2005, Multnomah County began a process to solicit "mini-grant" proposals from non-profit organizations that are eligible for Title III funding under PL 106-393.
- d. Press releases describing the mini-grant process were sent out to 60 local media outlets, and a public notice was published in the County's local paper of general circulation. Application packets were sent to interested groups with a deadline submittal of April 29, 2005.
- e. Multnomah County received completed applications from two interested groups. County and Board staff carefully reviewed these applications and found that both were worthy of County funding as Title III projects for County fiscal year 2006, beginning July 1, 2005.
- f. On May 6, 2005, as required by PL 106-393, Multnomah County published a Public Notice describing anticipated Title III County projects for County fiscal years 2005 and 2006, and began a 45 day Public Comment Period that ended on June 21, 2005. There were no public comments received by County staff.
- g. On May 16, 2005, as also required by PL 106-393, County staff notified the appropriate Resource Advisory Committees for the US Forest Service and Bureau of Land Management of the proposed Multnomah County Title III projects described in it May 6th Public Notice.
- h. On May 26, 2005, the Multnomah County Board of Commissioners elected its method for receiving federal forest safety net payments for federal fiscal year 2005, by adopting two Resolutions. These two Resolutions, one for US Forest Service funds and the second for O&C Counties funds (Bureau of Land Management), described the amount of Title III funds to the County from each agency. Included within the Title III allocation was a total \$20,000 to be used for two min-grants approved at a later date by the Board.

The Multnomah County Board of Commissioners Resolves:

1. The Multnomah County Board of Commissioners approves the Title III federal forest payment project submitted by the Northwest Youth Corps in the amount of \$10,000 for the period July 1, 2005 through June 30, 2006.
2. The Multnomah County Board of Commissioners approves the Title III federal forest payment project submitted by the Oregon State University Extension Service, on behalf of 4H Forest Stewards in the amount of \$10,000 for the period July 1, 2005 through June 30, 2006
3. County staff are instructed to negotiate and execute service contracts with each of these organizations for the services described in their Title III project proposals.

Adopted this 30th day of June, 2005.

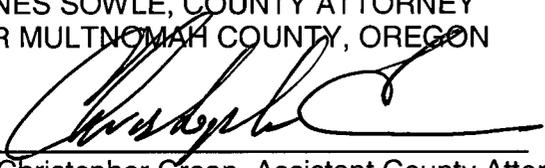
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By


Christopher Crean, Assistant County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 05-122

Authorizing Two Title III Forest Related After School Educational Opportunity Projects for County Fiscal Year 2006

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County receives federal payments under the "Secure Rural Schools and Community Self-Determination Act of 2000," commonly referred to as the County Safety Net legislation (Public Law 106-393).
- b. Under Title III of PL 107-393, Multnomah County receives funds to be used for a variety of very specific forest related activities approved by a County's governing body. Title III projects and activities may include expenditures for:
 - Search, rescue and emergency services on federal lands.
 - Staffing of community service work performed on federal lands.
 - Easement purchases (access or conservation).
 - Forest related after-school educational opportunities.
 - Fire prevention and county wildfire planning.
 - Funds matching for Urban/Community Forestry programs under the Cooperative Forestry Assistance Act of 1978.
- c. On March 21, 2005, Multnomah County began a process to solicit "mini-grant" proposals from non-profit organizations that are eligible for Title III funding under PL 106-393.
- d. Press releases describing the mini-grant process were sent out to 60 local media outlets; and a public notice was published in the County's local paper of general circulation. Application packets were sent to interested groups with a deadline submittal of April 29, 2005.
- e. Multnomah County received completed applications from two interested groups. County and Board staff carefully reviewed these applications and found that both were worthy of County funding as Title III projects for County fiscal year 2006, beginning July 1, 2005.
- f. On May 6, 2005, as required by PL 106-393, Multnomah County published a Public Notice describing anticipated Title III County projects for County fiscal years 2005 and 2006, and began a 45 day Public Comment Period that ended on June 21, 2005. There were no public comments received by County staff.

- g. On May 16, 2005, as also required by PL 106-393, County staff notified the appropriate Resource Advisory Committees for the US Forest Service and Bureau of Land Management of the proposed Multnomah County Title III projects described in its May 6, 2005 Public Notice.
- h. On May 26, 2005, the Multnomah County Board of Commissioners elected its method for receiving federal forest safety net payments for federal fiscal year 2005, by adopting two Resolutions. These two Resolutions, one for US Forest Service funds and the second for O&G Counties funds (Bureau of Land Management), described the amount of Title III funds to the County from each agency. Included within the Title III allocation was a total \$20,000 to be used for two mini-grants approved at a later date by the Board.

The Multnomah County Board of Commissioners Resolves:

- 1. The Multnomah County Board of Commissioners approves the Title III federal forest payment project submitted by the Northwest Youth Corps in the amount of \$10,000 for the period July 1, 2005 through June 30, 2006.
- 2. The Multnomah County Board of Commissioners approves the Title III federal forest payment project submitted by the Oregon State University Extension Service, on behalf of 4H Forest Stewards in the amount of \$10,000 for the period July 1, 2005 through June 30, 2006
- 3. County staff is instructed to negotiate and execute service contracts with each of these organizations for the services described in their Title III project proposals.

ADOPTED this 30th day of June, 2005.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn
Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By *Christopher Crean*
Christopher Crean, Assistant County Attorney



**MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST**

Board Clerk Use Only

Meeting Date: 06/30/05
Agenda Item #: R-7
Est. Start Time: 10:00
Date Submitted: 06/14/05

BUDGET MODIFICATION: -

First Reading and Possible Adoption of an ORDINANCE Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code, Plan and Map Revisions Related to the Adoption of the North Lovejoy Project and the Tree and Landscaping Regulations in Compliance with Metro's
Agenda Title: Functional Plan and Declaring an Emergency

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

Date Requested:	<u>June 30, 2005</u>	Time Requested:	<u>5 minutes</u>
Department:	<u>Business and Community Services</u>	Division:	<u>Land Use & Transportation</u>
Contact(s):	<u>Karen Schilling</u>		
Phone:	<u>503-988-3043</u>	Ext.:	<u>29635</u>
		I/O Address:	<u>455/116</u>
Presenter(s):	<u>Karen Schilling</u>		

General Information

1. What action are you requesting from the Board?

Adopt the ordinance as recommended by the Portland Planning Commission and Portland City Council.

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

On October 11, 2001 the Board adopted Ordinance 967 (effective date January 1, 2002) adopting, in summary, the Portland Comprehensive Plan and zoning ordinance. The County and the City of Portland have been engaged in agreements enabling the City of Portland to provide planning services to achieve compliance with the Metro Functional Plan for those areas outside the City limits, but within the urban growth boundary and urban service boundary of Portland. Since the adoption of Ordinance 967 and subsequently Ordinance 997, the attached ordinances have been passed by the City Council and therefore the County must adopt them pursuant to our

intergovernmental agreement to keep the code up to date. Multnomah County and the City of Portland entered into an Intergovernmental Agreement (IGA) to transfer land use planning responsibilities on January 1, 2002. The IGA lays out a process requiring the County to ensure that any City Council adopted amendments to the City comprehensive plan, zoning code and other regulations adopted by the County Board of Commissioners will be considered by the County Board of Commissioners at the earliest possible meeting. It also states "The County Board of Commissioners shall enact all comprehensive plan and code amendments so that they take effect on the same date specified by the City's enacting ordinance" (unless adopted by emergency). The City will have taken action on all of the above items by the hearing date of this ordinance. If the County does not adopt these amendments, the IGA will be void and the County will be required to resume responsibility for planning and zoning administration within the affected areas.

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

NA

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

State law requires a notice be placed in a newspaper of general circulation 10 days prior (6/20/05) to the BCC hearing. We request adoption of this ordinance by emergency to closely align with the City of Portland effective date (7/1/05) as stated in the IGA. The County Attorney's office was involved in the drafting of the original IGA and has been involved in coordinating our compliance effort through adoption of these code amendments.

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

The City included the County affected property owners in their noticing for these code revisions when required pursuant to the IGA and directed them to the City legislative process.

Required Signatures

**Department/
Agency Director:**

Robert A Maestre

Date: 06/14/06

Budget Analyst:

Date: _____

Department HR:

Date: _____

Countywide HR:

Date: _____

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. ____

Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code, Plan and Map Revisions Related to the Adoption of the North Lovejoy Project and the Tree and Landscaping Regulations in Compliance with Metro's Functional Plan and Declaring an Emergency

The Multnomah County Board of Commissioners Finds:

- a. The Board of County Commissioners (Board) adopted Resolution A in 1983 which directed the County services towards rural services rather than urban.
- b. In 1996, Metro adopted the Functional Plan for the region, mandating that jurisdictions comply with the goals and policies adopted by the Metro Council.
- c. In 1998, the County and the City of Portland (City) amended the Urban Planning Area Agreement to include an agreement that the City would provide planning services to achieve compliance with the Functional Plan for those areas outside the City limits, but within the Urban Growth Boundary and Portland's Urban Services Boundary.
- d. It is impracticable to have the County Planning Commission conduct hearings and make recommendations on land use legislative actions pursuant to MCC 37.0710, within unincorporated areas inside the Urban Growth Boundary for which the City provides urban planning and permitting services. The Board intends to exempt these areas from the requirements of MCC 37.0710, and will instead consider the recommendations of the Portland Planning Commission and City Council when legislative matters for these areas are brought before the Board for action as required by intergovernmental agreement (County Contract #4600002792) (IGA).
- e. On June 9, 2005, the Board amended County land use codes, plans and maps to adopt the City's land use codes, plans and map amendments in compliance with Metro's Functional Plan by Ordinance 1063.
- f. Since the adoption of Ordinance 1063, the City's Planning Commission recommended land use code, plan and map amendments to the City Council through duly noticed public hearings.
- g. The City notified affected County property owners as required by the IGA.

- h. The City Council adopted the land use code, plan and map amendments, set out in Section 1 below and attached as Exhibits 1 through 4. The IGA requires that the County adopt these amendments for the City planning and zoning administration within the affected areas.

Multnomah County Ordains as follows:

Section 1. The County Comprehensive Framework Plan, community plans, rural area plans, sectional zoning maps and land use code chapters are amended to include the City land use code, plan and map amendments, attached as Exhibits 1 through 4, effective on the same date as the respective Portland ordinance:

Exhibit No.	Description	Effective / Hearing Date
1	Ordinance adopting the North of Lovejoy Project and related amendments to the Portland Comprehensive Plan and Zoning Maps (PDX Ord. #179303)	7/1/05
2	Exhibit A - Recommended Zoning Changes; North of Lovejoy Project	March 2005
3	Ordinance adopting the amendments to Tree and Landscaping Regulations (PDX Ord. #179316)	7/8/2005
4	Exhibit A – Amendments to the Tree and Landscaping Regulations of the Portland Zoning Code.	6/8/2005

Section 2. In accordance with ORS 215.427(3), the changes resulting from Section 1 of this ordinance shall not apply to any decision on an application that is submitted before the applicable effective date of this ordinance and that is made complete prior to the applicable effective date of this ordinance or within 180 days of the initial submission of the application.

Section 3. In accordance with ORS 92.040(2), for any subdivisions for which the initial application is submitted before the applicable effective date of this ordinance, the subdivision application and any subsequent application for construction shall be governed by the County's land use regulations in effect as of the date the subdivision application is first submitted.

Section 4. Any future amendments to the legislative matters listed in Section 1 above, are exempt from the requirements of MCC 37.0710. The Board acknowledges, authorizes and agrees that the Portland Planning Commission will act instead of the Multnomah Planning Commission in the subject unincorporated areas using the City's own procedures, to include notice to and participation by County citizens. The Board will consider the recommendations of the Portland Planning Commission when legislative matters for County unincorporated areas are before the Board for action.

Section 5. An emergency is declared in that it is necessary for the health, safety and general welfare of the people of Multnomah County for this ordinance to take effect concurrent with the City code, plan and map amendments. Under section 5.50 of the Charter of Multnomah County, this ordinance will take effect in accordance with Section 1.

FIRST READING AND ADOPTION: June 30, 2005

BOARD OF COUNTY COMMISSIONERS,
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By *Sandra Duffy*
Sandra Duffy, Assistant County Attorney

EXHIBIT LIST FOR ORDINANCE

1. Ordinance adopting the North of Lovejoy Project and related amendments to the Portland Comprehensive Plan and Zoning Maps (**PDX Ord. #179303**)
2. Exhibit A - Recommended Zoning Changes; North of Lovejoy Project
3. Ordinance adopting the amendments to Tree and Landscaping Regulations (**PDX Ord. #179316**)
4. Exhibit A – Amendments to the Tree and Landscaping Regulations of the Portland Zoning Code

Prior to adoption, this information is available electronically or for viewing at the Multnomah County Board of Commissioners and Agenda website (www.co.multnomah.or.us/cc/WeeklyAgendaPacket/). To obtain the adopted ordinance and exhibits electronically, please contact the Board Clerk at 503-988-3277. These documents may also be purchased on CD-Rom from the Land Use and Transportation Program. Contact the Planning Program at 503-988-3043 for further information.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1066

Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code, Plan and Map Revisions Related to the Adoption of the North Lovejoy Project and the Tree and Landscaping Regulations in Compliance with Metro's Functional Plan and Declaring an Emergency

The Multnomah County Board of Commissioners Finds:

- a. The Board of County Commissioners (Board) adopted Resolution A in 1983 which directed the County services towards rural services rather than urban.
- b. In 1996, Metro adopted the Functional Plan for the region, mandating that jurisdictions comply with the goals and policies adopted by the Metro Council.
- c. In 1998, the County and the City of Portland (City) amended the Urban Planning Area Agreement to include an agreement that the City would provide planning services to achieve compliance with the Functional Plan for those areas outside the City limits, but within the Urban Growth Boundary and Portland's Urban Services Boundary.
- d. It is impracticable to have the County Planning Commission conduct hearings and make recommendations on land use legislative actions pursuant to MCC 37.0710, within unincorporated areas inside the Urban Growth Boundary for which the City provides urban planning and permitting services. The Board intends to exempt these areas from the requirements of MCC 37.0710, and will instead consider the recommendations of the Portland Planning Commission and City Council when legislative matters for these areas are brought before the Board for action as required by intergovernmental agreement (County Contract #4600002792) (IGA).
- e. On June 9, 2005, the Board amended County land use codes, plans and maps to adopt the City's land use codes, plans and map amendments in compliance with Metro's Functional Plan by Ordinance 1063.
- f. Since the adoption of Ordinance 1063, the City's Planning Commission recommended land use code, plan and map amendments to the City Council through duly noticed public hearings.
- g. The City notified affected County property owners as required by the IGA.

- h. The City Council adopted the land use code, plan and map amendments, set out in Section 1 below and attached as Exhibits 1 through 4. The IGA requires that the County adopt these amendments for the City planning and zoning administration within the affected areas.

Multnomah County Ordains as follows:

Section 1. The County Comprehensive Framework Plan, community plans, rural area plans, sectional zoning maps and land use code chapters are amended to include the City land use code, plan and map amendments, attached as Exhibits 1 through 4, effective on the same date as the respective Portland ordinance:

Exhibit No.	Description	Effective / Hearing Date
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Section 2. In accordance with ORS 215.427(3), the changes resulting from Section 1 of this ordinance shall not apply to any decision on an application that is submitted before the applicable effective date of this ordinance and that is made complete prior to the applicable effective date of this ordinance or within 180 days of the initial submission of the application.

Section 3. In accordance with ORS 92.040(2), for any subdivisions for which the initial application is submitted before the applicable effective date of this ordinance, the subdivision application and any subsequent application for construction shall be governed by the County's land use regulations in effect as of the date the subdivision application is first submitted.

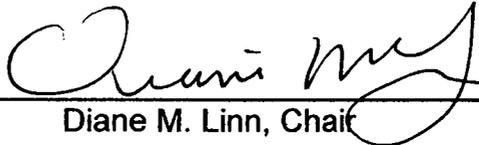
Section 4. Any future amendments to the legislative matters listed in Section 1 above, are exempt from the requirements of MGC 37.0710. The Board acknowledges, authorizes and agrees that the Portland Planning Commission will act instead of the Multnomah Planning Commission in the subject unincorporated areas using the City's own procedures, to include notice to and participation by County citizens. The Board will consider the recommendations of the Portland Planning Commission when legislative matters for County unincorporated areas are before the Board for action.

Section 5. An emergency is declared in that it is necessary for the health, safety and general welfare of the people of Multnomah County for this ordinance to take effect concurrent with the City code, plan and map amendments. Under section 5.50 of the Charter of Multnomah County, this ordinance will take effect in accordance with Section 1.

FIRST READING AND ADOPTION: June 30, 2005



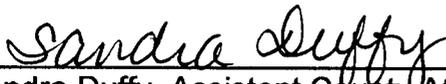
BOARD OF COUNTY COMMISSIONERS,
FOR MULTNOMAH COUNTY, OREGON



Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 

Sandra Duffy, Assistant County Attorney

EXHIBIT LIST FOR ORDINANCE

1. Ordinance adopting the North of Lovejoy Project and related amendments to the Portland Comprehensive Plan and Zoning Maps (**PDX Ord. #179303**)
2. Exhibit A - Recommended Zoning Changes; North of Lovejoy Project
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ORDINANCE No. 179303 As Amended

Adopt *North of Lovejoy Project: Recommended Zoning Changes* to modify existing base zones, floor area ratio allowances, and maximum building heights within River District subdistrict of Central City Plan District. (Ordinance; amend City Code 33.5 10 and amend Comprehensive Plan Map)

The City of Portland Ordains:

Section 1. The Council finds:

General Findings

1. In April 1995, City Council adopted an update to the *Central City Plan* to incorporate amendments proposed by the *River District Plan*. These amendments included the creation of a new subdistrict within the Central City Plan District, the River District; a new River District Policy with related objectives and action items; a new urban design map for the district; and, amendments to other Central City Plan policies to reflect the adoption of the *River District Plan*.
2. In February 1996, City Council adopted the *River District Design Guidelines* to guide Design Commission decisions for development proposals within the subdistrict. These in conjunction with the *Central City Fundamental Design Guidelines* created mandatory approval criteria for new development projects subject to design review in this subdistrict. These additional design guidelines focused on two design sub-areas: Tanner Creek; and Waterfront Area.
3. The River District Urban Renewal Area was created in 1998 to provide public capital in the form of tax-increment financing to assist in the provision of infrastructure necessary to facilitate public and private redevelopment projects in the River District. The River District Urban Renewal Area is projected to reach maximum indebtedness by the year 2020.
4. In 1998 the City of Portland and the Hoyt Street Properties (a significant landowner in the River District) entered into a development agreement via the Portland Development Commission to provide public infrastructure to support private redevelopment efforts in the River District. In return fifteen percent of housing units must be affordable to those earning 0-50% of the Portland region's median family income (MFI); and twenty percent of housing units must be affordable to those earning 51-80% MFI. The development agreement also required escalating levels of density in the subdistrict such that: a minimum of 15 dwelling units was required to be built per acre until the Lovejoy viaduct was replaced; a minimum of 87 dwelling units per acre was required after the Lovejoy viaduct was replaced; a minimum of 109 units per acre was required after completion of Portland Streetcar; and, 131 units per acre following completion of Jamison Square park.
5. In 2001, the *Portland River District Park System Urban Design Framework Study* was commissioned by Portland Parks and Recreation and the Portland Development Commission to elaborate pre-existing recommendations regarding park development within the Tanner Creek design sub-area. This plan, also referred to as the *Peter Walker Master Plan* included: recommendations for the development and location of three parks in the River District (the first of which is Jamison Square); an aspiration for a Riverfront Park on the northeast side of Naito Parkway; and, the development of a "boardwalk" linking the three parks with Riverfront Park along the west side of NW 10th Avenue.
6. In 2001 the *Pearl District Development Plan* was created by the Pearl District Neighborhood Association and the Portland Development Commission to establish a vision and series of actions

intended to enable the district to retain important characteristics related to its architectural, commercial, and employment heritage. The plan included goals for the built environment, neighborhood amenities, housing, arts and culture, economic opportunities, edges and gateways, and transportation/parking. This plan also listed a reexamination of building height and bulk provisions in the area north of NW Lovejoy Street and east of NW 12th Avenue as a priority for future planning efforts by the City.

7. In late 2002, the Bureau of Planning initiated the *North of Lovejoy Project* to address issues related to building scale and park development which eventually was placed on hold in spring of 2003 due to budgetary constraints and uncertainty regarding development along the proposed three-park system identified in the *Peter Walker Master Plan*. This project was reinitiated by the Bureau of Planning in October 2004 and the scope of the project was expanded to include a Urban Design Framework Charrette, an examination of base zones, building heights and floor area ratio allowances within the study area.
8. On February 3-4, 2004, the Bureau of Planning conducted a design charrette to elaborate the desired urban design qualities for the North of Lovejoy study area. The charrette included 18 participants including representatives from the neighborhood, developers, city agencies and the design community. The charrette addressed a broad range of design issues and resulted in further recommendations to be addressed in a subsequent phase of the *North of Lovejoy Project*.
9. Publicly noticed Design Commission briefings were conducted on March 3 and April 17, 2005. The public was provided an opportunity to comment at these briefings.
10. A publicly noticed Planning Commission briefing was conducted on the Charrette on March 8, 2005.
11. On April 12, 2005, the Portland Planning Commission conducted a publicly noticed hearing regarding the *North of Lovejoy Project: Urban Design Assessment and Proposed Zoning Changes*. At this hearing the Commission heard a staff presentation and recommendations and took public testimony on the project and proposed amendments to the Comprehensive Plan Map and Title 33 zoning code amendments. At the end of this hearing, the Planning Commission voted to forward a recommendation to City Council that the amendments proposed by the *North of Lovejoy Project: Urban Design Assessment and Proposed Zoning Changes* be adopted and that the recommendations of the report be accepted by Council.
12. On May 25, 2005, City Council conducted an initial publicly noticed hearing regarding the Planning Commissions recommendations regarding the *North of Lovejoy Project: Urban Design Assessment and Proposed Zoning Changes*.

Findings on Statewide Planning Coals

State planning statutes require cities to adopt and amend comprehensive plans and land use regulations in compliance with state land use goals. Because of the limited scope of the amendments proposed by the *North of Lovejoy Project: Urban Design Assessment and Proposed Zoning Changes* only the state goals addressed below apply.

13. Goal 1, Citizen Involvement, requires provision of opportunities for citizens to be involved in all phases of the planning process. The preparation of these amendments has provided numerous opportunities for public involvement, including:

- a) An urban design charrette was conducted on February 3-4, 2005, involving 18 participants representing neighborhood interests, developers, City agencies, and the design community. The charrette included discussions regarding the community's aspirations for the study area and resulted in the development of a conceptual urban design framework for the area. The concepts developed during the charrette were later shared at a Pearl District Neighborhood Association meeting held February 15, 2005.
 - b) A Notice of Proposed Amendment was sent to DLCD in February regarding the Portland Planning Commission hearing to receive public testimony on the North of Lovejoy project.
 - c) The public notice was sent of a briefing held with the Portland Planning Commission on March 8, 2005, to discuss the results of the design charrette.
 - d) The public notice was sent of two briefings held with the Portland Design Commission on March 3 and April 17, 2005, to discuss the North of Lovejoy Project and the results of the design charrette. At these meetings members of the public had an opportunity to testify before the commission.
 - e) The public notice was sent of a public hearing on April 12, 2005, where the Portland Planning Commission considered the Bureau of Planning's recommendations regarding the *North of Lovejoy Project: Urban Design Assessment and Proposed Zoning Changes* including proposed amendments to the Comprehensive Plan Map and Title 33, Zoning Code amendments. At this hearing the public was given the opportunity to testify regarding the proposed amendments.
 - f) In early May a public notice was sent regarding the Portland City Council's hearing on May 25, 2005, to consider the Planning Commission's recommendations regarding the *North of Lovejoy Project: Recommended Zoning Changes*.
14. **Goal 2, Land Use Planning**, requires the development of a process and policy framework that acts as a basis for all land use decisions and assures that decisions and actions are based on an understanding of the facts relevant to the decision. The amendments support this goal because:
- a) The proposed Comprehensive Plan and Zoning Map amendments comply with the land use process and policy framework for the City of Portland. The regulations of the River District subdistrict of the Central City Plan District remain in effect. Additionally, the proposed map amendments are in conformance with the Comprehensive Plan and the Zoning Code criteria and general purpose and intent of the Central Employment base zone.
 - b) The proposed amendments, staff report for the *North of Lovejoy Project: Urban Design Assessment and Proposed Zoning Change*, and associated support materials have been placed on file and are available to the public. The amended process included coordination with other City bureaus, the Portland Development Commission, Metro, and the Oregon Department of Land Conservation and Development.
15. **Goal 8, Recreational Needs**, requires satisfaction of the recreational needs of both citizens and visitors to the state. The amendments support this goal because:
- a) The three park sites identified in the Peter Walker Master Plan will be rezoned from Central Employment (EX) to Open Space (OS), in part ensuring these areas will be developed and retain as public park space where passive and active recreation needs can be provided.
 - b) The building height provisions proposed by these amendments establish a framework for where additional building height can and can not be placed such that park space will not be impacted by excessive shading.

16. **Goal 10, Housing**, requires provision for the housing needs of citizens of the state. The amendments support this because:

The additional height and FAR allowed on EX zoned properties in the study area provides an opportunity to more residential development in the study area which will balance the loss of potential residential development due to the rezoning of the park sites from EX to OS. Additionally, a slight increase in residential densities would be allowed as result of these map amendments because they allow a net increase in FAR within the portions of the project area subject to these amendments.

17. **Goal 12, Transportation**, requires provision of a safe, convenient, and economic transportation system. The amendments support this goal because:

The Comprehensive Plan Map and Zoning Map amendments may result in a slight increase in residential or employment densities within the study area as they allow a net increase in total FAR available within the area subject to these amendments. However, only a nominal impact to the existing transportation system is likely to occur and a subsequent transportation study is scheduled to occur in 2005 to address overall transportation issues in the River District and north end of the Central City. This study will result in modifications to the transportation network should such changes be necessary following the comprehensive study.

The proposed amendments to the Comprehensive Plan Map and Zoning Map to re-designate the park sites from Central Employment (EXd) to Open Space (OS) and increase the allowed base Floor Area Ratio (FAR) from 2:1 to 4:1 will result in zero net change in allowed base FAR with in the River District.

The project area is currently designated Central Employment (EXd) and will remain so designated with the proposed amendments. The EXd zone allowed for a mix of employment, office, retail and residential uses. Mixed-use development allows a variety of work and housing opportunities and accompanying services to locate in close proximity. The close proximity of these trip origins and destinations better enables these trips to be made by walking, biking or taking transit. This reduced reliance on single occupant vehicles and reduces demand for vehicle lane capacity.

The proposed amendments will result in high density development with trip origins and destinations designed to be principally served by mass transit. The project area is currently served by streetcar and the #77-Broadway/Lovejoy bus route on NW Lovejoy and NW Northrup and limited peak bus service on NW Naito. Bus service is planned to increase as the intensity of development increases in this area.

The proposed amendments will not significantly affect existing or planned transportation facilities. After accounting for the down zoning of the River District park sites from EXd to Open Space (OS) and the number of blocks within the project area that recently redeveloped, the result is zero net increase in allowed base FAR. The proposed amendments would increase the allowed FAR from 2:1 to 4:1 for twelve blocks. However, all but four of the twelve blocks have already developed with full block mixed-use developments, have completed Master Plans with development in process, or are currently in for permit review. The blocks that have already developed are not likely to redevelop in the next twenty to thirty years. In essence, the FAR potential removed from the three park sites within the River District was transferred to the remaining four blocks where redevelopment is likely to occur within the next twenty years.

The increase in allowed base FAR on the eleven blocks is 2:1 base FAR per block. The gross increase would be 22:1 base FAR. The increase in allowed FAR allocated to the seven blocks that recently redeveloped is 14:1 FAR. Since the increase in base FAR allocated to these redeveloped blocks is not likely to be realized in the next twenty years, it too is subtracted from the gross increase in allowed base FAR. The remaining increase in base FAR that may be realized in the district is 8:1.

The re-designation of the three park sites from EXd to OS results in an 8:1 decrease of allowed base FAR. One of the park sites currently has a base FAR of 4:1. Allowed base FAR on the other two park sites is currently 2:1. One of these parks is the size of two standard city blocks, so the decrease in FAR in term of potential square footage is actually double. The 8:1 decrease in allowed base FAR is subtracted from the remaining 8:1 increase in allowed base FAR. The resulting net increase in allowed FAR that is likely to occur in the district is zero.

The proposed modifications to the allowed FARs in the North of Lovejoy area can be accommodated within the current and planned transportation system, and further Goal 12.

18. **Goal 14, Urbanization**, requires provision of an orderly and efficient transition of rural lands to urban use. The amendments support this goal because:

The Comprehensive Plan Map and Zoning Map amendments result in a more defined urban framework for new development adjacent to the River District park system. These amendments allow additional height and FAR in a manner that requires new development to be sculpted in various forms that respect and frame the subdistrict's public open space features.

Findings on Metro Urban Growth Management Functional Plan

Metro has adopted an Urban Growth Management Functional Plan (UGMFP) that requires local jurisdictions to adopt and amend comprehensive plans and land use regulations that are consistent with its provisions. Because of the limited scope of the amendments in this ordinance, only the following findings apply:

19. **Title 1, Requirements for Housing and Employment Accommodation**, requires that each jurisdiction contribute its fair share to increasing the development capacity of land within the Urban Growth Boundary. This requirement is to be generally implemented through citywide analysis based on calculated capacities from land use designations.

The amendments are consistent with this title because they generally increase the development flexibility within the study area to encourage additional housing and commercial development. Also, the re-designation of the three River District park sites from the Central Employment (EX) to Open Space (OS) designation is off-set by map amendments allowing a slight net increase in the total FAR available for residential development within the River District.

20. **Title 4, Retail in Employment and Industrial Areas**, calls for retail development in Employment and Industrial areas that supports these areas and does not serve a larger market area.

The amendments are consistent with this title because changes are within the Central Employment (EX) zone, which is intended for mixed-use development. No changes are proposed for general employment or industrial zones.

21. **Title 7, Affordable Housing**, ensures opportunities for affordable housing at all income levels, and calls for a choice of housing types.

The amendments are consistent with this title because they may lead to more floor space developed to housing, which increases supply and may be a factor in retaining housing affordability.

22. **Title 8, Compliance Procedures**, outlines compliance procedures for amendments to comprehensive plans and implementing ordinances.

These River District amendments enhance implementation of the *Region 2040 Growth Concept Plan* through a process that has included notifications and reviews. Notification of the Design and Planning Commission's consideration of the proposed amendments were sent to Metro.

Findings on Portland's Comprehensive Plan Goals

The City's *Comprehensive Plan* was adopted by the Portland City Council on October 16, 1980, and was acknowledged as being in conformance with the statewide planning goals by the Land Conservation and Development Commission (LCDC) on May 1, 1981. On May 26, 1995 and again on January 25, 2000, the LCDC completed its review of the City's final local periodic review order and periodic review work program and reaffirmed the plan's compliance with the statewide planning goals. Due to the limited scope of the amendments proposed as part of the *North of Lovejoy Project: Recommended Zoning Changes* only the following findings apply regarding compliance with adopted *Comprehensive Plan* goals and policies.

23. **Goal 1, Metropolitan Coordination**, calls for the Comprehensive Plan to be coordinated with federal and state law and to support regional goals, objectives and plans. The amendments support this goal because the regulatory changes enhance the ability of the City to better comply with adopted plan goals and policies.
- a. **Policy 1.1, Urban Growth Boundary**, calls for support of the concept of an urban growth boundary for the Portland metropolitan area. The amendments for the River District support this policy because they will foster the development of additional housing densities and provide additional opportunities for recreation and open space creation within the UGB.
 - b. **Policy 1.5, Compliance with Future Metro Planning Efforts**, calls for the review and update of Portland's *Comprehensive Plan* to comply with the *Regional Framework Plan* adopted by Metro. The amendments for the River District support this policy because they will help to foster the concentration of higher density development within the Central City.
24. **Goal 2, Urban Development**, calls for maintaining Portland's role as the major regional employment and population center by expanding opportunities for housing and jobs, while retaining the character of established residential neighborhoods and business centers. The amendments support this goal because they provide increased development flexibility and the provision of additional urban open space within an area of the Central City that has been experiencing rapid redevelopment.
- a. **Policy 2.1, Population Growth**, calls for accommodating the projected increase in city households. The amendments support this policy because they allow a greater number of households in the area through increased maximum building height and bulk allowances.
 - b. **Policy 2.2, Urban Diversity**, calls for promotion of a range of living environments and employment opportunities for Portland residents. The amendments support this policy

because they recognize that open spaces can serve a variety of uses, and the open spaces that are located in the Central City serve a more urban use and urban population with easy access to transit. The amendments also support greater diversity in urban design, building design and potentially the design of units within the study area.

- c. **Policy 2.6, Open Space**, calls for provision of opportunities for recreation and visual relief by preserving existing open space, establishing a loop trail that encircles the city and promoting recreational use of the city's rivers, creek, lakes and sloughs. The amendments support this policy because they will result in additional lands within the Open Space zoning designation in the Central City Plan District. Additionally, the designate Open Space sites are based on an open space plan that focused on differentiating the three sites to provide a diversity of urbanized park and open space areas and uses.
- d. **Policy 2.9, Residential Neighborhoods**, calls for allowing a range of housing types to accommodate increased population while improving and protecting the city's residential neighborhoods. The amendments for the River District support this policy by enabling the creation of a complete mixed-use neighborhood with opportunities for increased housing densities, as well as retail space, parks and open spaces, centered around an enhanced street grid served by streetcar and other transit uses.
- e. **Policy 2.10, Downtown Portland**, calls for reinforcement of downtown Portland as the principal commercial, service, cultural and high density housing center in the city and the region. Additionally, the policy calls for maintaining downtown as the principal retail center in the city. The amendments for the River District support this policy because they call for development of high-density housing and mixed-use employment opportunities within the Central City Plan District. New residents and employees within the River District will provide a nearby market for downtown's retail center. The amendments also support the development of public transit connections, including the Portland Streetcar linking the downtown area and the rapidly developing South Waterfront District at the south end of the downtown core.
- f. **Policy 2.12, Transit Corridors**, calls for providing a mixture of activities along major transit routes and Main Streets that supports the use of transit and is compatible with the surrounding area. The amendments support this policy because they allow development flexibility within the immediate service area for Portland Streetcar and other transit uses. They also do not affect established City policy regarding designated transit corridors.
- g. **Policy 2.15, Living Closer to Work**, calls for locating greater residential densities, including affordable housing, near major employment centers, to reduce vehicle miles traveled per capita and maintain air quality; and calls for encouraging home-based work where the nature of the work is not disruptive to the neighborhood. The amendments support this policy because the potential for increased residential densities will be allowed in this portion of the Central City. The proposed the urban design provisions also encourage more mixed use development by opening opportunities for more successful mixing of residential and nonresidential building types within the district.
- h. **Policy 2.19, Infill and Redevelopment**, calls for encouraging infill and redevelopment as a way to implement the Livable City growth principles and accommodate expected increases in population and employment. The amendments support this policy because they increase the attractiveness of infill and redevelopment in this portion of the Central City by allowing

additional development flexibility as well as designated open space areas within the downtown core.

- i. **Policy 2.20, Utilization of Vacant Land**, calls for providing for full utilization of existing vacant land except in those areas designated as open space. The amendments support this policy because they increase the attractiveness of infill and redevelopment in this portion of the Central City.
 - j. **Policy 2.25, Central City Plan**, calls for encouraging continued investment within Portland's Central City while enhancing its attractiveness for work, recreation and living through implementation of the Central City Plan. The amendments support this policy because the increased development flexibility they provide is likely to result in continued and increased investment in this portion of the Central City.
25. **Goal 3, Neighborhoods**, calls for the preservation and reinforcement of the stability and diversity of the city's neighborhoods while allowing for increased density. The River District amendments are consistent with this goal as they support a potential for increased residential development around the Portland Streetcar alignment, while providing additional urban open space areas. Also, the amendments do not change the land use and zoning patterns in the nearby existing neighborhoods, providing in effect increased stability to adjacent areas as a result.
- a. **Policy 3.5, Neighborhood Involvement**, provides for the active involvement of neighborhood residents and businesses in decisions affecting their neighborhood. The amendments support this policy because there were numerous opportunities for the Pearl District Neighborhood Association, the business community, landowners, and the public at large, to participate in the planning effort resulting in the proposed amendments. Also, the landowners, community and City are committed to a next phase planning process that will build upon the process that produced these amendments.
26. **Goal 4, Housing**, calls for enhancing Portland's vitality as a community at the center of the region's housing market by providing housing of different types, density, sizes, costs and locations that accommodates the needs, preferences, and financial capabilities of current and future households. The amendments are consistent with this goal because they are likely to result in additional housing opportunities within the River District. Additionally, it is anticipated that a range of new housing types will also be provided.
- a) **Policy 4.1, Housing Availability**, calls for ensuring that an adequate supply of housing is available to meet the needs, preferences, and financial capabilities of Portland's households now and in the future. The amendments support this policy because they include provisions that allow greater development flexibility, that would allow a diversity of floor plate sizes, potentially taller buildings, and generally more development flexibility which is intended to result in additional residential units and housing types.
 - b) **Policy 4.3, Sustainable Housing**, calls for encouraging housing that supports sustainable development patterns by promoting the efficient use of land, conservation of natural resources, easy access to public transit and other efficient modes of transportation, easy access to services and parks, resource efficient design and construction, and the use of renewable energy resources. The amendments support this policy because they allow greater development flexibility within a rapidly growing portion of the River District. This area, which is supported by Portland Streetcar and other transit uses, has seen the recent development of residential development that has received LEED certification and it is likely that future development will also seek such certification.

27. **Goal 5, Economic Development**, calls for the promotion of a strong and diverse economy that provides a full range of employment and economic choices for individuals and families in all parts of the city. The amendments are consistent with this goal because increased development flexibility in the Central Employment (EX) zone, where the amendments are located, are intended to result in vibrant mix of new retail and residential development.

a) **Policy 5.1, Urban Development and Revitalization**, calls for encouraging investment in the development, redevelopment, rehabilitation and adaptive reuse of urban land and buildings for employment and housing opportunities. The amendments support this policy as they allow increased development flexibility on vacant land within the EX designation inside the River District of the Central City Plan District.

b) **Policy 5.4, Transportation System**, calls for promotion of a multi-modal regional transportation system that encourages economic development. The amendments support this policy because they may support an increased number of transit patrons and transit oriented develop within the Portland Streetcar service area.

28. **Goal 6, Transportation**, calls for developing a balanced, equitable, and efficient transportation system that provides a range of transportation choices; reinforces the livability of neighborhoods; supports a strong and diverse economy; reduces air, noise, and water pollution; and lessens reliance on the automobile while maintaining accessibility.

The amendments are consistent with this goal because increased development flexibility in the Central Employment (EX) zone, where the amendments are located, and within an area supported by a range of transit services, including bus and Portland Streetcar. Additionally, pedestrian and bicycle mobility are currently being enhanced within and immediately surrounding the parcels to be rezoned to the Open Space zoning designation. Lastly, these amendments result in only a slight increase to the development potential of the River District because the FAR increases allowed on the EX designated sites is off-set by the re-designation of the three River District park sites to the Open Space Designation. Only a nominal impact to the existing transportation system is likely to occur and a subsequent transportation study is scheduled to occur in 2005 to address overall transportation issues in the River District and north end of the Central City. This study will result in modifications to the transportation network should such changes be necessary following the comprehensive study.

a) **Policy 6.9, Transit-Oriented Development**, calls for increasing residential densities on residentially-zoned lands and encouraging transit-oriented development along Major City Transit Streets and Regional Transit ways, as well as in activity centers, at existing and planned light rail transit stations, and at transit centers, in conformance with the Comprehensive Plan and Zoning Code. The amendments support this policy because changes focus on increased development flexibility in areas along and adjacent to the Portland Streetcar alignment and other transit service.

Policy 6.41, Central City Transportation Management Plan, calls for including portions of the Central City Transportation Management Plan as part of the Comprehensive Plan. The amendments support this policy because the increased development flexibility is likely to result in a more vital and dense urban environment. The City, landowners and community are committed to a subsequent transportation study scheduled to occur in 2005 to address overall transportation issues in the River District and north end of the Central City. This study will result in modifications to the transportation network should such changes be necessary following the comprehensive study.

29. **Goal 7, Energy**, calls for promotion of a sustainable energy future by increasing energy efficiency in all sectors of the city. Although the amendments do not directly support this goal nothing in the amendments promotes development that would conflict with these goals. Additionally, recently LEED certified residential development projects have been construction within the River District as well as within other areas of the Central City. The development of similar development within the River District is likely to occur and the increased development flexibility allowed by these amendments could also facilitate new sustainable residential development.
- a. **Policy 7.3, Energy Efficiency in Residential Buildings**, calls for encouraging energy efficiency in existing residences, focusing on the most energy-wasteful units, by helping to develop and promote public/private partnerships, utility, local, state, and federal programs. The amendments for the River District support this policy as increased development flexibility often facilitates the creation of high-density, high- and mid-rise development projects that better minimize costs for space heating and related energy consumption, through the use of shared or common wall/ceilings and floors. Recent residential development in the River District and Central City in general has focused on LEED certified projects. It is anticipated that increased development and design flexibility can increase the number of LEED certified buildings in the area subject to these amendments.
 - b. **Policy 7.6, Energy Efficient Transportation**, calls for providing opportunities for non-auto transportation and for reducing gasoline and diesel use by increasing fuel efficiency. The amendments for the River District support this policy as they provide development flexibility within an area served by street car and other transit uses, and that is supported by an comprehensive and expanding pedestrian and bicycle network. These factors contribute the “transit oriented development” nature of the River District.
30. **Goal 8, Environment**, calls for the maintenance and improvement of the quality of Portland’s air, water, and land resources, as well as the protection of neighborhoods and business centers from noise pollution. The amendments are consistent with this goal because they allow greater development flexibility in a redeveloping area, which may assist in relieving development pressures on Portland’s natural resource areas. Additionally, the rezoning of several lots to the Open Space zoning designation will allow these areas to be maintained with impervious surfaces and vegetation, contributing to the urban forest canopy, and assisting in urban air and water quality.
- a. **Policy 8.2, Central City Transportation Management Plan**, calls for the Central City Transportation Management Plan to be the guide for future city efforts to maintain air quality standards while allowing for expanded employment and housing opportunities throughout the Central City. The amendments support this policy because changes are limited to allowing greater development flexibility, which is intended to lead to expanded housing opportunities, and potentially employment, within this portion of the Central City.
 - b. **Policy 8.9, Open Space**, calls for the protection of Portland Parks and other open space areas through the use of an Open Space designation on the Comprehensive Map. The amendments support this policy as the Comprehensive Plan Map and Zoning Map would be amended to rezone Jamison Square, North Park Square, and Neighborhood Park from EX to OS. This rezone of these existing and future urban park spaces provides an additional layer of protection ensure these sites will continue to provide an urban open space amenity in the long term.

31. **Goal 9, Citizen Involvement**, calls for improved methods and ongoing opportunities for citizen involvement in the land use decision-making process, and the implementation, review, and amendment of the Comprehensive Plan. The amendments support this goal for the reasons found in the findings for Statewide Planning Goal 1, Citizen Involvement.
32. **Goal 10, Plan Review and Administration**, calls for periodic review of the Comprehensive Plan, for implementation of the Plan, and addresses amendments to the Plan, to the Plan Map, and to the Zoning Code and Zoning Map. These amendments support this goal because they provide for the provision of open space and encourage development flexibility within the context of the existing and adopted land use framework for the River District and Central City Plan District.
- a. **Policy 10.1, Comprehensive Plan Review**, calls for implementing a process for the review of the *Comprehensive Plan* goals, policies, objectives, and implementation provisions on a periodic basis. The amendments are consistent with this policy because they are updates of the River District subdistrict of the Central City Plan District and elements of the *Central City Plan District*.
 - b. **Policy 10.3, Long Range Planning Framework**, calls for adopting the land use goals and policies as the long range planning framework and guide to the development and redevelopment of the city. The amendments are consistent with this policy because they are consistent with long range goals, policies, objectives and actions established for the River District and *Central City Plan*.
 - c. **Policy 10.5, Corresponding Zones and Less Intense Zones**, calls for amending zones to those that generally correspond to those on adjacent parcels or to zones that are less intense with regard to allowed uses. The amendments are consistent with this policy because they will rezone three park parcels from the Central Employment (EX) to Open Space (OS) designation.
 - d. **Policy 10.7, Amendments to the Comprehensive Plan Map**, calls for the Planning Commission to review and make recommendations to the City Council on legislative amendments to the Comprehensive Plan Map. The amendments are consistent with this policy as the Comprehensive Plan Map amendments proposed have been reviewed by the Planning Commission, who forwarded the amendments to City Council for its consideration..
 - e. **Policy 10.8, Zone Changes**, calls for base zone changes to be consistent with the corresponding Comprehensive Plan designations. The amendments are consistent with this policy as the *Comprehensive Plan* is being amended consistent with the applicable base zone changes. Specifically, the park parcels will have a Comprehensive Plan Map and Zoning Map change from Central Employment (EX) to Open Space (OS). Additionally, the additional Zoning Map amendments proposed, those addressing total height and FAR, are consistent with the EX base zone and Comprehensive Plan Map designations.
 - f. **Policy 10.10, Amendments to the Zoning and Subdivision Regulations**, requires amendments to the zoning and subdivision regulations to be clear, concise, and applicable to the broad range of development situations faced by a growing, urban city. The amendments support this policy because they make changes to maps that implement maximum building height and floor area ratio regulations in the Central City Plan District. These amendments also modify the zoning for existing and proposed park spaces from the Central Employment (EX) to Open Space (OS) designation.
33. **Goal 11 A, Public Facilities, General**, calls for provision of a timely, orderly and efficient arrangement of public facilities and services that support existing and planned land use patterns and densities. The amendments support this goal because the Open Space designation that will be

placed on the three park facilities, two of which are developed or under construction, will ensure these sites are reserved for public recreation and park space as additional development occurs within the River District.

34. **Goal 11 F, Parks And Recreation**, calls for maximizing the quality, safety and usability of parklands and facilities. The amendments support this goal by ensuring that Jamison Square, North Park Square, and Neighborhood Park, as identified in the Walker Master Plan, will be protected in the long term by the Open Space zoning and Comprehensive Plan Map designation. Jamison Square is developed, North Park Square is under development, and planning is occurring for Neighborhood Park. These three parks do and will provide a range of active to passive recreation opportunities for current and future residents of the River District and city at large. Thus, the Comprehensive and zoning map changes amending these facilities from the Central Employment (EX) to Open Space (OS) designation are consistent with this goal.
35. **Goal 12.1, Urban Design**, calls for enhancing Portland as a livable city, attractive in its setting and dynamic in its urban character by preserving its history and building a substantial legacy of quality private developments and public improvements for future generations. The amendments support this goal because they introduce greater flexibility for visual punctuation in a portion of the Central City that has been criticized for the perceived similarity of its newer development. Additionally, these amendments will help to frame the urban design context surrounding the three River District parks leading and eventually a pedestrian access route connecting the River District to the shore to the Willamette River.
- a. **Policy 12.1, Portland's Character**, calls for the enhancement and extension of Portland's attractive identity. An emphasis is placed on building on design elements, features, and themes identified by the City. The amendments are consistent with this policy and several of its applicable objectives which state:
- i. **Objective A**, calls for giving form to the City and extending the intimate and human scale that typifies Portland; preserving public access to light and air by managing and shaping the mass, height and bulk of new development; retaining the variety of alternative routes between locations that is produced by using a small block size; and focusing new development at locations where necessary services already exist such as near light rail transit stations and along transit streets. The amendments support this objective because they provide for development flexibility in manner that respects the alignment and development of the three River District parks.
 - ii. **Objective G**, calls for extending urban linear features such as linear parks, park blocks and transit malls; and integrating the growing system of linear features into the City's transportation system, including routes and facilities for pedestrians, bicyclists and boaters. The amendments support this objective because they support the development and long term protection of the parks and alignment proposed by the Walker Master Plan. A key feature of this plan involves a linear progression of parks linked by a pedestrian and bicycle network leading eventually to the Willamette River and its associate trail systems.

36. Subsection 33.500.050.D. The regulations of the plan district must be in conformance with the Comprehensive Plan and continue to meet the general purpose and intent of the base zone and any overlay zones applied in the district and not prohibit uses or development allowed by the base zone without clear justification. These amendments to the regulations of the Central City plan district are in conformance with the Comprehensive Plan as explained above and continue to meet the general purpose and intent of the base zones and any overlay zones applied in the district.

NOW, THEREFORE, the Council directs:

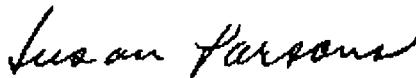
- a. Adopt Exhibit A, *North of Lovejoy Project: Recommended Zoning Changes*, dated March 2005;
- b. Amend Title 33, Portland Zoning Code 33.5 10, as shown in Exhibit A, *North of Lovejoy Project: Recommended Zoning Changes*, dated March 2005;
- c. Amend Comprehensive Plan Map, as shown in Exhibit A, *North of Lovejoy Project: Recommended Zoning*, changes, dated March 2005;
- d. Adopt the commentary in Exhibit A, *North of Lovejoy Project: Recommended Zoning Changes*, dated March 2005, as legislative intent and as further findings.

Passed by the Council: **JUN 01 2005**

Mayor Tom Potter
Troy Doss
May 11, 2005

GARY BLACKMER
Auditor of the City of
Portland.

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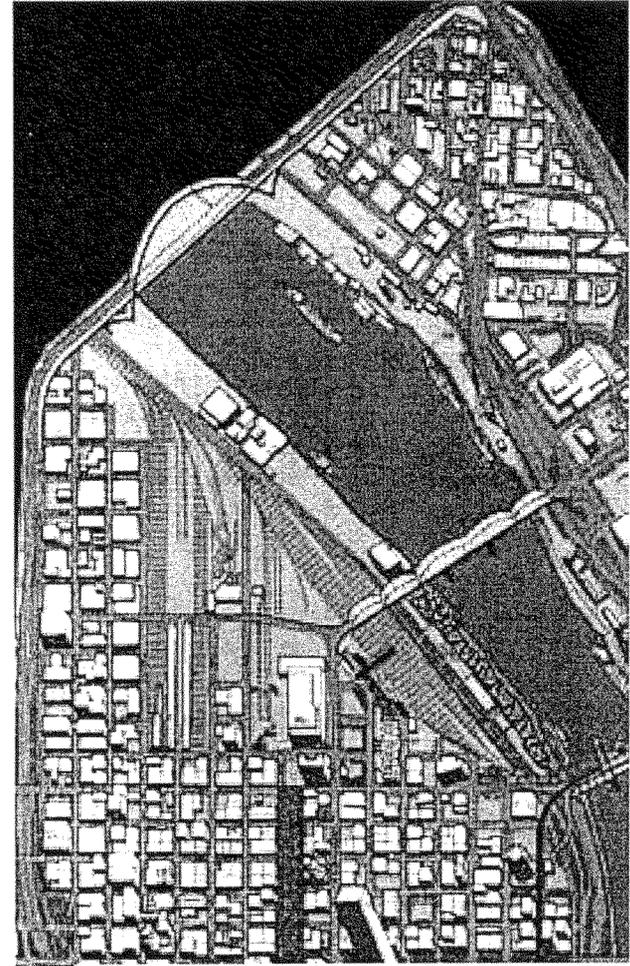
Deputy

North of Lovejoy Project:

Recommended Zoning Changes



City of Portland, Oregon
Bureau of Planning
March 2005



Central City Plan-era illustration, mid-1980s

FOR MORE INFORMATION, PLEASE CONTACT:

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Portland OR 97201-5350
503.823.7815
jzehnder@ci.portland.or.us

The regulatory changes recommended in this document will be presented at a City Council Public Hearing:

Thursday May 26, 2005, 2:00 PM
City Council Chambers, City Hall

Please contact Joe Zehnder (503.823.7815) for further information.

To help ensure equal access to information, the Portland Bureau of Planning offers the following services to disabled citizens:

- Interpreter (please allow two working day's notice);
- Accessible meeting places;
- Hearing assistance devices available with advance notice for public hearings; and
- **Planning documents printed in large type sizes for the visually impaired (two working days' notice required).**

If you have a disability and need accommodations, please call 503/823-7700 (TDDD 503/823-6868). Persons requiring a sign language interpreter must call at least 48 hours in advance.

ACKNOWLEDGMENTS

Portland City Council

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Randy Leonard, Commissioner
Dan Saltzman, Commissioner
Erik Sten, Commissioner

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Executive Summary

The North of Lovejoy Project proposes changes to development regulations that have governed a northern portion of the Pearl District since the *Central City Plan* was adopted in 1988. Then, Hoyt Street Yards, the 34-acre rail yard that dominated the area, appeared likely to become a tilt-up office park. *Central City Plan* zoning allowed such development, but also included incentives for much-desired residential development. Seventeen years later, it is clear that the situation has changed dramatically.



For the purposes of this study, the area is termed "North of Lovejoy." This report posits a series of urban design qualities intended to improve the study area's, briefly describes an unfolding process for implementing these ideas, and proposes three specific revisions to development regulations that will improve the area's near-term development.

The area's ongoing changes raise questions about neighborhood development and character, desirable building types, and specifically the massing, height, and overall form of new buildings. Note that Terminal One South (north of the Fremont Bridge) and the properties to its west across NW Front Avenue are also included within the North of Lovejoy study area.

The North of Lovejoy Project was initiated late in 2002 as the third in a series of refinements to Pearl District development envelopes. The project's narrow scope and budget allowed only building scale and parks issues to be addressed. A draft proposal was developed in spring 2003 in consultation with the Pearl District Neighborhood Association (PDNA), area stakeholders, and those who participated in two North Park Square design workshops. Given the importance of the 2001 *River District Park System Urban Design Framework Study* in creating the area's framework, the proposal was closely tied to the parks' locations. During spring 2003, uncertainties regarding the funding, timeline, and edges of two of the district's parks forced the project to be shelved. Those uncertainties were resolved through various processes by the close of 2003.

The Bureau of Planning reinstituted the North of Lovejoy Project in October 2004 with several meetings with the PDNA, other

stakeholders, and City staff. By January, it was clear that the quantitative regulatory issues addressed in the project were insufficient to describe the urban design framework – the “design story” – and other qualitative aspects desired for the neighborhood as it grows north toward the Willamette River. To fill this void, the Bureau organized a design charrette (an intensive design workshop) as described below.

Urban Design Framework Charrette

A charrette was held February 3-4 to elaborate the desired urban design qualities for this portion of the Pearl District. It included 18 participants including representatives from the neighborhood, developers, city agencies, and the design community. In the charrette, the participants considered design and other qualities desired for the North of Lovejoy area. The results of the charrette touched on broad issues and ideas that could shape the district. The ideas were well received at a subsequent February 15 neighborhood association meeting. Many of these ideas, listed below, require further development and ongoing collaboration with the neighborhood, landowners, and infrastructure bureaus:

- A shift in the north-south/east-west street grid toward the Willamette River in the district’s northernmost reaches – to occur southwest of the Burlington Northern Santa Fe/NW Naito Parkway alignments;
- Re-envisioning Neighborhood Park as a “hinge,” bridging the Pearl District south of the railway and Naito Parkway with future attractions and/or open spaces at the riverfront;
- The need to determine the anchor function that will occur in the proximity of Centennial Mills/Riverfront Park, if the proposed grade-separated pedestrian

crossing of the Burlington Northern railroad tracks and Naito Parkway is to be successful;

- The desire to emphasize the NW 9th & Overton intersection as an urban portal, “wrapped” with active uses and building edges that build on The Pinnacle’s (the nearly-complete building at the intersection’s SW corner) gateway design; and
- The appropriate massing north of NW Overton Street surrounding the park, and at a finer scale, the interface between future buildings and the park. Charrette participants unanimously agreed that if the parks are to be successful, more density appears necessary in the environs.

Bureau of Planning staff and the other charrette participants are currently developing a timeline (including milestones) for advancing these bigger ideas. An urban design framework map is under development for use in evaluating individual future development proposals.

As charrette concepts are further honed, some regulatory changes beyond those proposed in the North of Lovejoy Project may be advanced. In the meantime, the charrette process confirmed that the regulatory changes proposed in the North of Lovejoy Project will enhance the neighborhood in the nearer term.

Zoning Recommendations

At the public hearing on April 12, 2005, the Planning Commission considered the following proposed regulatory changes:

- **Designate the parks as open space.** Rezone and change the Comprehensive Plan designation for the

district's park spaces (Jamison Square, North Park Square, and Neighborhood Park) from Central Employment to Open Space.

- **Allow for additional building height in a way that protects the parks.** To protect the parks from excessive shading and to encourage a sense of enclosure, change maximum building heights on ten blocks at the south, southwest, and west edges of the parks. Limit buildings to 100 feet facing the parks. Allow as much as 225 feet for structures on the far sides of these blocks.
- **Allow additional development capacity.** Increase the base floor area ratio (FAR) to 4:1 on the twelve blocks between NW Overton and Lovejoy Streets, 12th Avenue, and the Burlington Northern railroad tracks. Existing FAR bonus provisions are not impacted – as much as 3:1 additional FAR remains available through the FAR bonus process.

The pages that follow provide detail about the project process, timeline, and proposal.

During the hearing the Planning Commission heard no testimony in opposition to the project and, through staff, heard that the Pearl District Neighborhood Association Land Use Committee had voted to support the project's recommendations.

There was general support among the Planning Commissioners for the proposed changes. However, there also was concern that slab buildings, rather than more slender towers, could result from the increased FAR and height. Such long and tall slab buildings could negatively impact the neighborhood, its design character and views. There was discussion of whether there should be limitation on the length of the slab in addition to requiring buildings to step back from

the street above certain heights. There was discussion of limiting the maximum width of the possible towers as was done in the South Waterfront regulations. There was discussion of how upper floor setbacks and the quality of the massing and design of the buildings could mitigate the possible impacts on the neighborhood from this new larger scale tower. In the end, the majority of Planning Commissioners agreed to support the proposed zoning regulation changes and to depend on the Design Commission and the design review process to ensure that proposed buildings will be attractive and successful additions to the neighborhood.

Planning Commission Recommendation

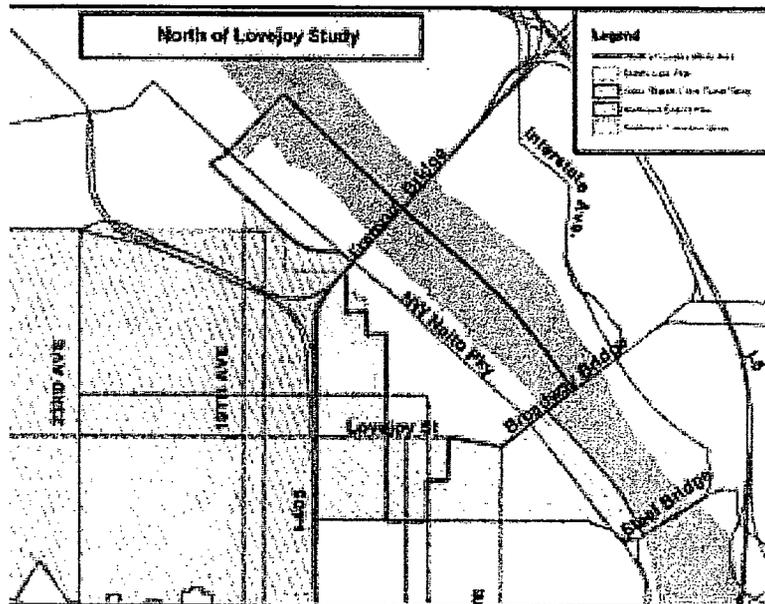
The Planning Commission recommends that City Council adopt the ordinance, recommended report, and proposed Zoning Code amendments proposed by the North of Lovejoy Project.

The Planning Commission also endorsed sending a letter from the Planning Commission to the Design Commission asking that they consider and address the design issues of concern to the Planning Commission when reviewing projects being built under these new provisions.

Study Area and Context

The North of Lovejoy study area is bounded by the more developed areas of the Pearl District (to the south), the “transition area” immediately west (and extending beyond I-405) and the Willamette River to the north and east. The Portland Streetcar pivots near North Park Square (expected completion in summer 2005) in the heart of the study area.

Northward along the waterfront, the former Port of Portland Terminal One South is being redeveloped as River North, a waterfront residential development.



This study considers the area within the Northwest Triangle subdistrict of the Central City Plan.

History and Trends

The area now called the River District is one of the oldest parts of Portland. Added to Portland's original town site in 1865, the area was predominantly residential by the 1880s. However, manufacturing facilities became increasingly common in the late 19th century, including breweries, iron works, stables, lumber mills and other industrial and commercial enterprises. Freight rail operations expanded in conjunction with the growth of the area's industry.

By the 1920s, the district had changed considerably. Residences were less common and industrial and wholesale operations began to dominate, often occupying half and full block sites. Transportation and trans-shipment functions became more firmly entrenched. Three cargo rail depots were located in the area: Union Depot near Union Station; the North Bank depot near NW Hoyt and 11th; and the Northern and Southern Depot on the site of what is now the Main Post Office. Rail lines were extended into the heart of the district along NW 15th, 13th, 12th, 10th, 4th, and Front avenues and NW Flanders Street. A thriving waterfront included grain, flour, coal and other cargo shipping facilities. Excellent rail connections made the district a vital transfer point for raw commodities and a variety of manufactured goods. These advantages, plus proximity to downtown and the concentration of related uses attracted manufacturing operations. Union Station's 1896 completion helped to solidify the district as a major transportation hub.

Industrial, wholesale and transportation land uses dominated the River District for much of the twentieth century. Following World War II, however, economic and land use trends began to affect the character and intensity of inner city industrial areas across the nation. Industry increasingly favored single-

story structures on large tracts of land near truck-friendly outer freeway belts instead of the vertically oriented, multi-story buildings in older, more confined areas such as the River District. Railroad operations consolidations made smaller yard like those in the River District obsolete.

By the early 1980s, people began to consider the declining importance of industrial and wholesale operations in the River District as a unique opportunity for Portland to add to previous Central City revitalization successes. A Regional Urban Design Action Team (RUDAT), a group organized by Portland's local chapter of the American Institute of Architects in 1983, recommended that urban housing become a focus of private and public revitalization efforts. Over time, citizens, property owners and policy makers seized the opportunity to reinvent the River District as a vital mixed-use community with a large resident population and a variety of urban amenities including art galleries, restaurants, and specialty retail. The burgeoning area's adaptable and relatively inexpensive spaces and their close proximity to the central business district made it attractive to non-industrial users.

Action plans like the *River District Development Plan* capitalized on existing infrastructure and honed public and private investments to encourage changes that are transforming the district. Major capital improvements include:

- the Transit Mall extension north of Burnside to Union Station (completed in 1993);
- the replacement of the Lovejoy viaduct with an at-grade street and now shortened Broadway Bridge connection (2001);
- the completion of the Portland Streetcar (2001); and
- the Pearl District's three parks – Jamison Square (complete), North Park Square (to be completed this

summer), and Neighborhood Park (likely to be completed in 2008-09).

This rapid pace of change is particularly notable in the area north of NW Hoyt Street, where redevelopment has been aided by the availability of a large tract of vacant former rail yard and a single dominant ownership.

Central City Plan policies, the *River District Design Guidelines*, and historic resource regulations are in place to help the area retain the flavor of its industrial and transportation heritage. Industry and warehousing, although greatly diminished in intensity, remain in portions of the River District.

Planning and Policy Framework

Four major planning studies in the last several decades have shaped the future in this area. These are:

- the *Downtown Plan* (1972);
- the *Northwest Triangle Study* (1984);
- the *Central City Plan* (1988); and
- the *River District Plan* (1995) and the related *River District Design Guidelines* (1996).

Other studies have helped set the direction in the northern reaches of the Pearl District; these are described following the four major planning studies.

Major Plans

Downtown Plan (1972)

The *Downtown Plan* proposed some future changes for the area then known as "North Downtown" by:

- recognizing the important supportive role played by an existing industrial and distribution center in close proximity to the central business district;
- calling for relocation of some industrial uses in response to market shifts in land use and development patterns;
- promoting mixed use development in portions of the area; and
- expecting that the railyards and waterfront would remain "Transportation Terminal Facilities."

- guard against negative impact resulting from increased land use intensities (floor to site area ratio of 2:1, and 100 ft. building height);
- preserve open space and foster creation of new open space; and
- ensure visual and physical access to the river.

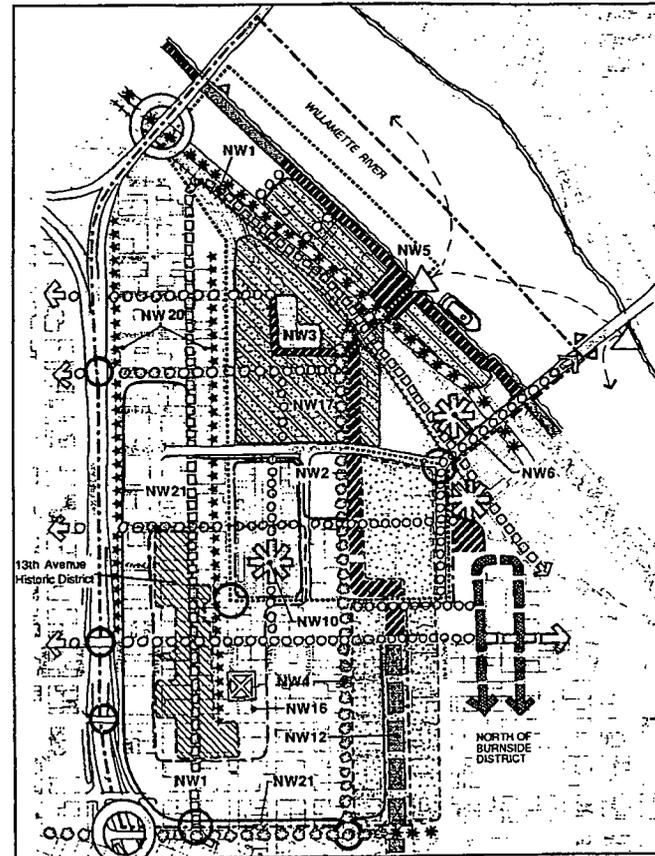
Northwest Triangle Study (1985)

The Northwest Triangle Study built upon the work of the Regional/Urban Design Assistance Team (R/UDAT) project, a joint effort by the American Institute of Architects and the City of Portland. The R/UDAT study, undertaken in 1983, documented the changing character of the area, presented alternative future scenarios, and called for the City to undertake a concerted planning effort for the northwest warehousing area. The R/UDAT team called for the area north of NW Lovejoy to be redeveloped as a business park.

The City's response, *Northwest Triangle Study*, built upon this framework. The North of Lovejoy study area was divided into two subdistricts:

- Railyards: redevelopment was likely, but a broad economic/market analysis was recommended to identify impacts on downtown. Study results were to be folded into the *Central City Plan*.
- Willamette Waterfront (south of the Fremont Bridge): the area, deemed obsolete for marine industrial uses, called for new manufacturing, distribution, office and commercial uses.

To implement the plan, specific zoning was designed to:



Central City Plan (1988)

Central City Plan (1988)

The *Central City Plan* built upon the work of the *Downtown Plan*, embracing a greater geography and expanding its range of policy concerns. The *Central City Plan* encouraged changes to the River District by changing much of the district's zoning to Central Employment (CX). The CX zone is intended to foster a transition from an industrial past to a different future based on mixed-use development. Residential functions are encouraged through FAR bonuses. The plan's Urban Design Concept map illustrated a northward extension of the North Park Blocks, terminating with a water feature/public attraction at NW Front Avenue.

Retaining 2:1 FAR and 100 foot maximum building heights but adding bonuses:

- Up to 3:1 bonus FAR, especially for housing
- As much as 75 feet of additional available building height, through design review process

River District Plan (1995)

In the early 1990s, citizens and landowners in the North Downtown area, cognizant of the challenges and opportunities presented by the changing character of the area, got together and crafted a vision for the transitioning district. The vision statement describes the newly named River District, made up of the former North of Downtown and Northwest Triangle districts, as a vital urban community of connected, diverse, and mixed-use neighborhoods.

The vision also called for the district to accommodate a significant portion of Portland's expected future population growth. Portland City Council acknowledged the *River District Vision* in March 1992 and called for the City and community to

craft strategies for its implementation. City Council endorsed the resulting *River District Development Plan* in May 1994 as the framework for directed change in the district.

The Bureau of Planning led the subsequent update to the *Central City Plan* to incorporate the River District changes. Adopted by City Council in April 1995, the *River District Plan* created:

- a new River District subdistrict (incorporating the former North of Burnside and Northwest Triangle subdistricts);
- a new River District Policy with related objectives and action items.
- a new urban design map for the district; and
- amendments to other *Central City Plan* policies to reflect the adoption of the *River District Plan*.

The new River District subdistrict, which incorporated the former North of Burnside and Northwest Triangle subdistricts, includes policy language that calls for the extension of "downtown development throughout the River District that is highly urban in character." The plan also calls for the district to house a substantial resident population with supporting jobs, services and recreation.

The *Central City Plan* Economic Development policy was updated to target 5,500 new housing units, 1.5 million square feet of new office space, and 500,000 square feet of new retail facilities. Housing objectives called for fostering a mix of housing types, prices and rent levels.

River District Design Guidelines (1996)

The *River District Design Guidelines*, adopted in February 1996, guide Design Commission decisions on the district's development proposals. In conjunction with the *Central City Fundamental Design Guidelines*, the River District guidelines

constitute the mandatory approval criteria for new development projects subject to design review in the River District. The design guidelines recognize two distinct North of Lovejoy sub-areas:

- Tanner Creek Area: Identity for the Tanner Creek area will be established by designing Tanner Creek Park as both a neighborhood park and a key link in the cross-town park blocks corridor (Guideline B5-1)
- Waterfront Area: Identity will be reinforced with design solutions that contribute to the character of the Waterfront and acknowledge its heritage. (Guideline A5-1-8)

The Pearl District Neighborhood Association and others wish to update the *River District Design Guidelines* to incorporate changes to the Tanner Basin concept, to the former Industrial Sanctuary area to the west, and to reflect the building forms the district has produced that were largely unanticipated in the guidelines process.

Other Plans and Studies

Union Station Clock Tower-Related FAR and Height Study (2000)

This study revisited FAR and height limits in the vicinity of Union Station designed to protect the clock tower's visual prominence. Could FAR limits and bonus and associated height be changed to respond to "a decade's worth of district transformation?"

Based on the project's urban design analysis, City Council revised FAR and height limits in an area bounded by NW Hoyt and Lovejoy streets and I-405 and the Willamette River.

Guild's Lake Industrial Sanctuary Plan (2001)

In 1999, City Council provided funding for the Bureau of Planning to review the industrial plan put forth by the Northwest Industrial Neighborhood Association (NINA). NINA sought to strengthen Comprehensive Plan policies that call for the continued industrial use of land in "industrial sanctuaries." In October 2001, City Council adopted the *Guild's Lake Industrial Sanctuary Plan*. New Comprehensive Plan policies and a new Zoning Code chapter limit commercial activities and their impact on industrial areas. The plan district's southern boundary is adjacent to that of the North of Lovejoy Project at Terminal One South/River North.

Northwest Transition Area Project (2001)

In 1999, City Council directed the Bureau of Planning to propose regulatory changes to transition industrially zoned lands south of the Guild's Lake area to employment, residential and mixed-use zoning. The transition area extended between NW Lovejoy and Vaughn streets and 12th and 23rd avenues. City Council adopted *Northwest Transition Zoning Project* changes in August 2001.

East of I-405, the Northwest Transition Area Project changes are generally summarized as follows:

- Areas north of NW Lovejoy and west of NW 12th were changed from the industrial sanctuary Comprehensive Plan designation to a Central Employment designation with a design review overlay (from IG1 to EXd);
- The maximum base height became 100 feet, with a 5:1 floor area ratio (FAR) within one block of the freeway and one block of the streetcar, and a 4:1 FAR for the remaining areas west of NW 12th Avenue;

- Active use and window requirements were adopted for sites located within one block of the streetcar alignment.

Northwest District Plan (2003)

The Northwest District Plan updated the 1977 *Northwest District Policy Plan* with a comprehensive land use, urban design, transportation, housing, and economic development framework adopted in 2003. Further studies were completed by late 2003.

Among other actions, the Northwest District Plan increased allowed land use intensities in the Northwest Transition Area, immediately west of the Pearl District. This area is expected to take advantage of Portland Streetcar service and other locational advantages to intensify as a more vibrant urban district.

The Northwest District Association challenged some of the adopted plan's provisions, taking an appeal to the Oregon Land Use Board of Appeals. LUBA remanded plan provisions that increased land use intensities, informing the City of Portland that transportation system capacity issues were not adequately addressed. On appeal from NWDA, the Oregon Court of Appeals remanded to LUBA part of the plan remanded to LUBA in March 2005. LUBA has not made its final determination.

Urban Renewal Plans and Agreement

River District Urban Renewal Plan (1998)

The River District Urban Renewal Area, created in 1998, provides public capital in the form of tax-increment financing. Portland has used urban renewal to provide the infrastructure necessary to "prime the pump" of the private development that

follows. Within the urban renewal area's boundary, property assessments are "frozen" at the initial year's level. Increases in assessments during the life of the plan go to pay off the bonds that provided the capital for the infrastructure investments. The River District Urban Renewal is projected to reach maximum indebtedness (after which it could finance no more projects) in the year 2020.

Development Agreement between Hoyt Street Properties and the City of Portland (1998)

Development in the North of Lovejoy study area is also guided by a development agreement between the landowner (Hoyt Street Properties) and the City of Portland via the Portland Development Commission. Under this public-private agreement, the City to provide infrastructure to support development, and in return the Hoyt Street Properties provides identified amenities. Specifically the Development Agreement requires the following:

Housing Affordability Components:

- Fifteen percent of housing units must be affordable to those earning 0-50% of the Portland region's median family income (MFI); and
- Twenty percent of housing units must be affordable to those earning 51-80% MFI.

Minimum Density Components:

- At the agreement's onset, a minimum of 15 dwelling units must be built per acre;
- Upon the demolition and replacement of the Lovejoy viaduct, a minimum of 87 dwelling units must be built per acre;

- Upon completion of the Portland Streetcar, a minimum of 109 dwelling units must be built per acre; and
- Upon the completion of the area's first park (now known as Jamison Square), a minimum of 131 dwelling units must be built per acre.

Hoyt Street Properties has met its housing requirements to date, and the City has provided the infrastructure it agreed to provide.

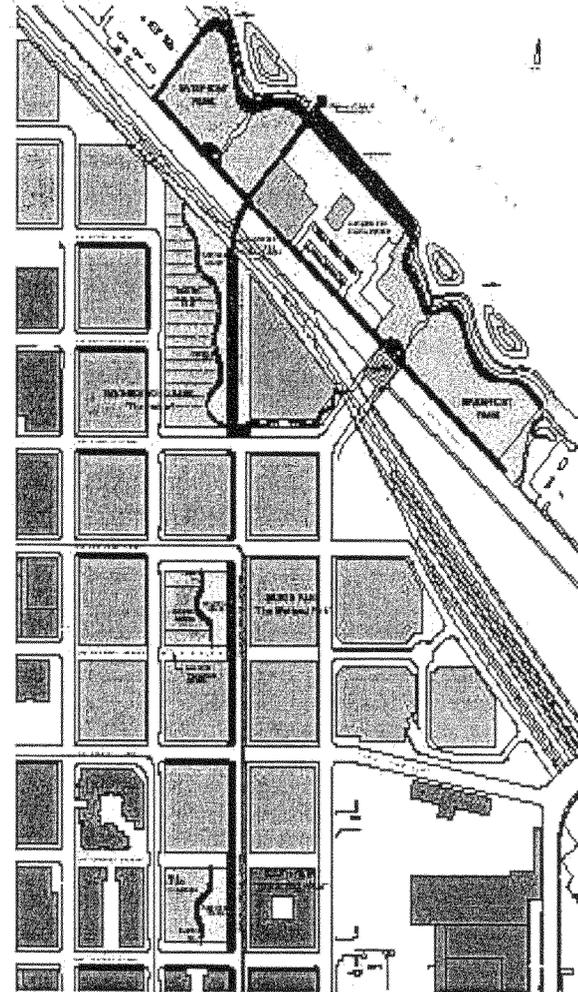
Portland River District Park System Urban Design Framework Study (2001)

To further elaborate the recommendations of the 1998 Tanner Creek Park and Water Feature Steering Committee, Portland Parks and Recreation teamed with the PDC to commission the River District Park System Urban Design Framework Study, which was led by consultant Peter Walker and is commonly referred to as the "Peter Walker Master Plan." The plan was refined in 1998 due to concerns about the feasibility of some elements. The plan as revised identifies:

- the locations of the North of Lovejoy area's three parks – Jamison Square, North Park Square, and Neighborhood Park – all between 10th and 11th avenues;
- the aspiration for a Riverfront Park across NW Naito Parkway characterized by green spaces; and
- a boardwalk along the west side of NW 10th Avenue linking all of these features, including a grade-separated railroad and Naito Parkway crossing.

Jamison Square was completed in 2002. North Park Square will be completed this summer. Boardwalk extensions are completed as their adjacent properties come online; North Park Square's completion this summer will extend the

boardwalk to three blocks, though they are not yet continuous. The design process for Neighborhood Park is likely to get under way in 2006, with park completion by 2008-9.



Park System Urban Design Framework Study (2001)

Pearl District Development Plan (2001)

The Pearl District Development Plan represents a set of priorities for the Pearl District Neighborhood Association and for the Portland Development Commission as the neighborhood continues to change. The plan elaborates a vision and a series of actions that will enable the district to retain important characteristics (especially of architectural, commercial, and employment heritage) in the face of continued change and increasing land values. The plan includes goals for the built environment, neighborhood amenities, housing, arts and culture, economic opportunities, edges and gateways, and transportation/parking.

The PDDP specifically lists a reexamination of building height and bulk provisions in the area north of NW Lovejoy Street and east of NW 12th Avenue as a priority; the North of Lovejoy Project was undertaken partially in response to these desires.

Existing North of Lovejoy Area Development Regulations

The *Comprehensive Plan*, the Planning and Zoning Code (especially the Central City Plan District Chapter 33.510) and the official Zoning Map regulate new development. This section summarizes the regulations most pertinent to the study area. Note that the North of Lovejoy Project focused on zoning/Comprehensive Plan designations, maximum building height, and maximum floor area ratio provisions due to budget and scope limitations.

Area Zoning and Comprehensive Plan Designations

South of the Fremont Bridge, the study area is designated and zoned Central Employment (EX), a zone that allows a wide variety of industrial, commercial and residential uses. The EX zone is intended to foster urban, mixed-use development in central areas that are predominantly industrial in nature.

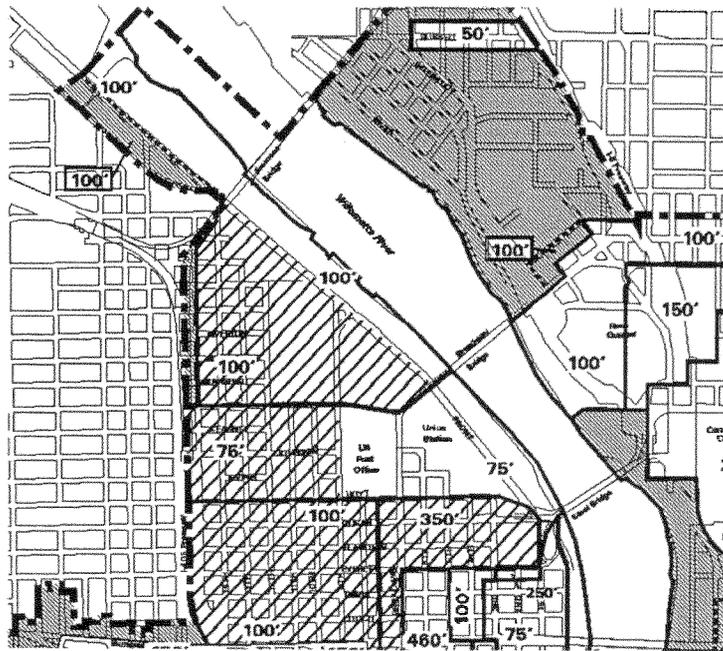
North of Lovejoy areas north of the Fremont Bridge and east of NW Front Avenue are designated and zoned Central Residential (RX), which allows the highest dwelling units density of any residential zone. Density is not regulated by a maximum number of units per acre. Instead, the maximum size of buildings and intensity of use are regulated by floor area ratio (FAR) limits and other development standards.

North of the Fremont Bridge and west of NW Front Avenue, the area is designated Central Employment (EX) but retains Heavy Industrial (IH) zoning. Heavy Industrial zoning implements the *Comprehensive Plan's* Industrial Sanctuary policies. Though this area is outside the Guild's Lake Industrial Sanctuary, the North of Lovejoy Project does not propose amending the zoning to conform to the Comprehensive Plan designation.

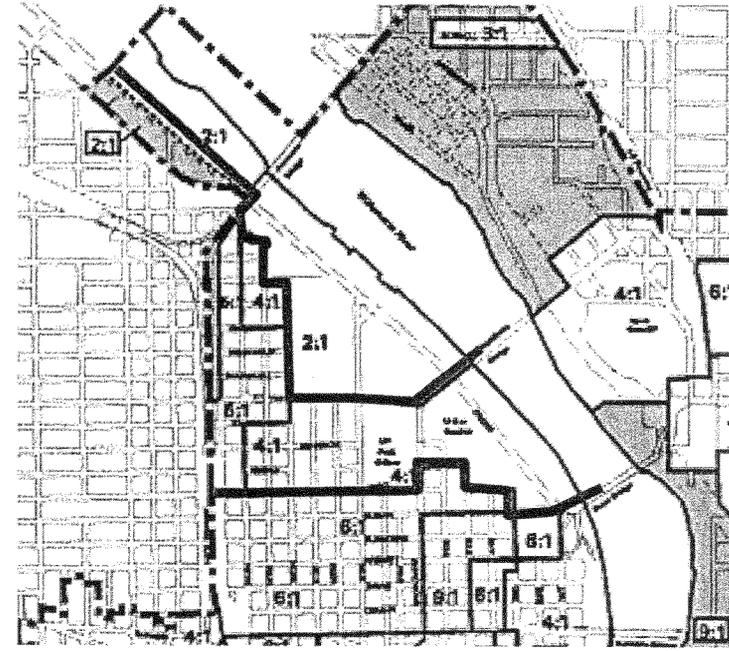
Plan District Regulations

Maximum Building Bulk and Height (33.510.200 and 205)

The study area's current maximum building bulk and height limits were established by the *Central City Plan*. The maps on the following page show the existing building height limits and **shows** the existing building bulk limits, expressed as floor area ratio (FAR). A project's FAR is calculated as the ratio of the total floor area of all buildings on a site to the site's area. For example, a 2-story building that covers its entire site has a



Existing Maximum Height



Existing Maximum FAR

FAR of 2:1; a two-story building that only covers half of its site has an FAR of 1:1. Vehicle parking at or above grade is counted as FAR; below-grade parking is not. Generally, the highest FARs in the Central City are closest to concentrated transit service, especially along the Transit Mall.

Today, the North of Lovejoy area's maximum building height is 100 feet, and the maximum FAR is 2:1 (note that several study area blocks south of NW Lovejoy Street have slightly different regulations).

Bonus Options for Building Height and FAR (33.510.210)

Central City plan district regulations allow additional development potential beyond the base FAR and height limitations under certain circumstances. The additional development potential is granted in exchange for providing amenities that implement the policies of the *Central City Plan*. FAR bonuses available in the North of Lovejoy study area may be awarded for providing housing, day care facilities, rooftop gardens, public art, water features, or locker rooms, among other options. Generally, bonus FAR of up to 3:1 in addition to the base allowed FAR may be awarded for the provision of these amenities. All but one of the study area's completed projects has made use of the residential bonus provision.

In some areas, bonus building height beyond the base allowed height may be awarded in conjunction with earned bonus FAR or for providing housing. Height bonuses may be awarded in the North of Lovejoy area only west of NW Naito Parkway. Area projects that exceed 100 feet have made use of this provision.

Northwest Triangle Subarea (33.510.245 and 250)

Among the outcomes of the *Northwest Triangle Study* was the requirement for new connections and sufficient open space in areas transitioning from waterfront industrial or rail yard uses. These requirements promote adequate light and air, visual relief, outdoor recreation, and a robust pedestrian network. The frequent connections requirement applies to both areas; waterfront regulations apply only east of NW Naito Parkway.

Overlay Regulations

Greenway Regulations (33.440)

The River General (g) greenway overlay zone applies to North of Lovejoy properties that border the Willamette River. The Greenway Zones chapter (33.440) contains both use restrictions and development standards and a review process. Applicable development standards include:

- setbacks;
- required landscaping;
- recreation trail/required viewpoints; and
- viewpoints and view corridors

Proposed changes are subject to greenway review, which focuses on development riverward of the greenway setback. The greenway setback extends from the top of the bank to a point 25 feet landward of the top of the bank. As part of greenway review, the Willamette Greenway design guidelines are reviewed for compliance.

Design Review (33.420)

North of Lovejoy properties generally are within the Design (d) overlay zone, which indicates areas subject to design review; the exception is the area of Heavy Industrial properties west of NW Front Avenue. Design review is intended to ensure that new development conserves and enhances recognized special design values. Design review is required for all new development and certain modifications to existing development.

Depending on the type of review, the Portland Design Commission and/or the Portland Historic Landmarks Commission serve as the review body for development proposals subject to design review. Several sets of design review approval criteria apply within the study area:

- the *Central City Fundamental Design Guidelines* and Zoning Code development standards apply to all Central City areas outside the Industrial Sanctuary.
- Within the River District, except in historic districts, the River District Design Guidelines apply in addition to the Central City guidelines.
- Proposals involving a recognized historic landmark must satisfy the criteria for historic design review contained in Zoning Code chapter 33.846. Proposals for historic landmarks listed in the National Register of Historic Places must meet certain federal guidelines in addition to applicable local criteria. In the North of Lovejoy study area, only Albers Mill is a listed historic resource.
- In the eastern portion of the study area within the River General (g) overlay zone, the Willamette Greenway Design Guidelines apply in addition to both the River District and Central City guidelines.

Recent Pearl District Development Characteristics

The table in this section summarizes data on Pearl District development since 1996. Research was initiated to provide a framework for understanding the relationships between building mass and height and the space devoted to residential, commercial, and vehicle parking uses.

Two caveats are necessary about of the table's contents:

- Project information is based on information submitted by the project's applicant during the Design Review process. While slight project revisions sometimes occur following design review, these revisions are unlikely to significantly change the project characteristics.
- Several of the projects provide vehicle parking that serves nearby functions – more than just the immediate project. These projects include The Edge, the Louisa, One Waterfront Place, and Station Place.

In very general terms, project size, expressed as FAR, has increased from the mid-1990s as illustrated at right.

Recent Pearl District Project Massing

FAR	1996 or earlier	1997	1998	1999	2000	2001	2002	2003	2004
9-10								The Elizabeth 9.64/175'	
8-9				The Gregory 8.4/141'			The Edge 8.5/145'		
7-8					Marshall Wells Lofts 7.77/110'	The Henry 7.69/173' (13.54 FAR on its 20,000 sf site)	The Louisa 7.25/175'		
6-7								The Pinnacle 6.43/175'	
5-6						Park Place 5.4/150'			
4-5		Riverstone 4.6/72'	Tanner Place 4.86/75'	Lovejoy Station 4.25/56'	Street-car Lofts 4.98/93'	Bridgport 4.71/91' The Lexis 4.25/80'	Burlington Tower 4.93/124' 10th @ Hoyt 4.7/68' The Lexis 4.55/80'	The Sitka 4.3/75'	
3-4	Pearl Court 3.35/40'		Keamey Plaza 3.26/56'			Station Place 3.51/144'			Waterfront Pearl 3.48/115'
2-3						One Waterfront Place 2.92/145'			
Less than 2	Pearl Townhomes West 1.42/35'		Johnson St. Townhouses 1.88/37'					NW Front Townhomes 1.2/35'	

Table 1: Bulk, Height, and Floor Area Characteristics of Recent Pearl District Projects

Project Name	Address	FAR	Building Height	Res. Units	LUR File #	Res. Sq. Ft.	Comm'l Sq. Ft.	Bldg Sq. Ft.	Site Sq. Ft.	Parking
The Avenue Lofts	1415 NW Hoyt	3.76	120'	225	03-106858	270,724	0	270,724	72,000	187
Bridgeport Condominiums	1130-1133 NW 12 th	4.71	91'	124	01-00360	180,587	7,852	188,439	40,000	138
Burlington Tower	900 NW Lovejoy	4.93	124'	163	02-127082	142,723	11,052	211,966	43,000	163
The Edge	805 NW 14 th	8.5	145'	117	02-132006	287,481	40,000	340,000	40,000	N/A
The Elizabeth	NW 9 th & Glisan	9.64	175'	182	03-153965	264,500	15,000	337,326	35,000	213
The Gregory	420 NW 11 th	8.4	141'	145	99-00379	150,000	48,000	336,000	40,000	201
The Henry	128 NW 11 th	7.69	173'	123	01-00632	191,340	14,800	270,731	20,000	159
Johnson St. Townhouses	NW 11 th & Johnson	1.88	37'	13	98-00702	31,068	0	35,582	18,898	13
Kearney Plaza	930 NW 12 th	3.26	56'	131	98-00298	106,000	9,000	140,000	43,000	159
The Lexis	1125 NW 9 th	4.55	80'	139	01-106334	135,561	9,000	182,883	40,000	143
The Louisa	1201 NW Couch	7.25	175'	244	02-154552	258,346	~32,000	290,346	40,000	3 levels
Lovejoy Station	915 NW Lovejoy	4.25	56'	177	99-00897	164,000	6,000	170,000	40,000	88
Marshall Wells Lofts	1420 NW Lovejoy	7.77	110'	164	00-00637	179,000	5,180	310,800	40,000	179
NW Front Townhomes	NW Riverside	1.2	35'	71	03-102995	159,246	0	159,246	130,897	137
One Waterfront Place	701 NW Naito Pkwy	2.92	145'	0	01-00165	0	256,000	418,000	143,090	700
Park Place	NW 10 th & Lovejoy	5.4	150'	124	01-00431	172,010	14,800	216,000	43,000	134
Pearl Court	920 NW Kearney	3.35	4 levels	194	96-00233	134,000	0	134,000	40,000	18
Pearl Townhomes West	601-637 NW 11th	1.42	35'	10	93-00279	29,135	0	29,135	20,500	6
The Pinnacle	NW 9 th & Overton	6.43	175'	179	03-100642	238,000	6,950	257,200	40,000	205
Riverstone	1030 NW Johnson	4.62	72'	122	97-00238	175,000	10,000	185,000	40,000	130
The Sitka	NW 11 th & Overton	4.3	75'	217	03-168997	160,000	12,000	172,000	40,000	130
Station Place	NW 9 th & Marshall	3.51	144.5'	175	01-00776	150,000	28,200	185,765	52,857	500
Streetcar Lofts	1030 NW 12 th	4.98	93.5'	152	00-00021	123,395	10,960	199,110	40,000	146
Tanner Place	809 NW 11 th	4.86	75'	122	98-00866	187,900	11,350	199,250	41,000	146
10 th @ Hoyt	911 NW Hoyt	4.7	68.5'	175	02-125719	135,194	12,997	188,000	40,000	160
Waterfront Pearl	1200-1300 NW Naito	3.48	115'	370	04-036771	602,535	3,250	673,683	193,561	843

Project Process

The North of Lovejoy Project was initiated late in 2002, as the third in a series of refinements to Pearl District development entitlements and standards. The project was scoped and funded only to consider building scale and parks issues. A draft proposal was developed in spring 2003 in consultation with the Pearl District Neighborhood Association (PDNA), area stakeholders, and those who participated at two North Park Square design workshops.

The location and nature of the park blocks described in the 2001 *River District Park System Urban Design Framework* are among the most critical parts of the area's ongoing development. During spring 2003, uncertainties regarding the funding, timeline, and other aspects of the district's parks forced the project to be shelved. These issues were resolved by the close of 2003. The Bureau of Planning reinitiated the North of Lovejoy Project in October 2004.

By January, it was clear that the quantitative regulatory issues addressed in the project were insufficient to describe the urban design framework – the “design story” – and other qualitative aspects desired for the neighborhood as it grows north toward the Willamette River. These included growing questions on how best to relate development to the waterfront, and questions about the overall composition and form of the emerging neighborhood. To fill this void, the Bureau organized a design charrette (an intensive design workshop) as described below.

The North of Lovejoy Charrette

A charrette was held February 3-4 to consider current and future neighborhood qualities and development in the northern portion of the Pearl District generally and in a more focused way for the North of Lovejoy area including the waterfront. Eighteen participants including neighborhood representatives, developers, city agencies and the design

community attended. In the charrette, the participants considered community aspirations for the North of Lovejoy area. The event's opening session consisted of an afternoon spent discussing larger hopes for the Pearl District and the North of Lovejoy area. This was done by examining the area both internally and within the larger context of the district's immediate edges.

The charrette concluded with collective clarity on broad issues and ideas that could shape the district. These ideas were subsequently well received at a February 15 neighborhood association meeting. Identified in the charrette only as broad approaches and concepts, many of these ideas (listed below) require further development and ongoing collaboration with the neighborhood, land owners, and infrastructure bureaus. Day one of the charrette was spent placing North of Lovejoy in its context. Highlights of that discussion are as follows:

- **The North of Lovejoy study area** presents a real opportunity to envision how the northward expansion of the Pearl District is completed as it nears the BNSF tracks, Naito Parkway, and riverfront properties.
- **The NW Pearl**, west of the North of Lovejoy study area, is expected to continue the Pearl's transition from industrial use to more mixed use residential and commercial uses. Regarding this western part of the Pearl, charrette participants expressed a desire to preserve jobs, allow larger buildings against I-405, retain and improve connections beneath the freeway, and explore recreational or other uses for the parcels beneath the freeway.
- **The Pearl waterfront** (Centennial Mills and of the area the Peter Walker Master Plan identifies as Riverfront Park) has an uncertain future, but charrette participants uniformly agreed that this riverfront site must be an important destination and amenity for downtown – a

counterpoint to the focus of the Brewery Blocks to the south.

- **The U.S. Main Post Office site** should not be redeveloped to be more of the same street grid and uses that predominate the area. It is a unique and major opportunity to add to the Central City in a different, distinct and supporting way.
- **Enhanced connectivity** to Union Station, under I-405 and on alternative paths through the neighborhood were considered important characteristics for the future of the area.
- **Focused Retail Corridors** with local serving emphasis on Overton between 9th and 13th, area serving emphasis on Lovejoy between 9th and 13th and better use of the boardwalk extending along 10th Avenue from Jamison Square to the waterfront. Strategies for achieving such focus were not developed.

Having set the larger context for the neighborhood, the event's second day was devoted to a more focused discussion of the area between Northrup and the waterfront. The area's design story was described in terms of use, form, and amenities. The discussion raised the importance of considering creating hierarchies of movement and open space; creating shifts in scale; and maintaining diversity. Specific ideas discussed include:

- **Orientation to the waterfront:** Participants supported re-envisioning the Neighborhood Park as a "hinge," shifting its orientation and that of the street grid the south of the railway and Naito Parkway to better connect the Pearl with future attractions and/or open spaces at the riverfront;

- **The future of the waterfront:** There was concern about the need to determine the nature of Centennial Mills/Riverfront Park, whether any of the buildings would be reused and the implications of this for the proposed pedestrian crossing over the railroad tracks and Naito Parkway;
- **Gateway to the Pearl:** Participants shared an interest in emphasizing NW 9th & Overton as a portal, "wrapped" with active uses and building edges that build on The Pinnacle's (the nearly-complete building at the intersection's SW corner) gateway design;
- **Buildings on the park:** There was interest in treating the buildings along the Neighborhood Park differently than the blocks to the south in terms of massing, fineness of scale, the interface between buildings and the park, i.e., buildings with residential entrances directly on the park and the possibility of vacating parts of streets.
- **Markers for the park:** Block 19 and a future taller "iconic" feature at the northern terminus of 11th should be treated as visual landmarks for the park and neighborhood.
- **Future development intensity:** Charrette participants agreed that residential density in the vicinity would greatly support a vibrant park and that this together with larger considerations of diversity in family structure, mix of housing types and focused retail corridors could open consideration for increased development capacity in the final phases of North of Lovejoy development.

The diagram on the previous page summarizes the charrette's results. These are initial ideas that will require further development and collaboration with the neighborhood, landowners, and infrastructure bureaus.

Public Reaction

The charrette created enthusiasm among the event participants and at a subsequent February 15 neighborhood association meeting. On March 1, the Pearl District Neighborhood Association's Land Use and Transportation Committee voted to support the North of Lovejoy development regulation changes as summarized in this report with the proviso that work on the urban design framework be continued and concluded prior to any additional changes.

Next Steps

Bureau of Planning staff is developing a timeline for the continued review and development of ideas from the charrette. This will produce an urban design framework map for use in evaluating future individual development proposals. As charrette concepts are further honed, there may be some more regulatory changes proposed. In the meantime, the charrette findings confirmed that the changes proposed in the current North of Lovejoy Project will enhance the neighborhood in the nearer term.

Out of the charrette, there was agreement that increased density in the blocks north of NW Overton Street could contribute to the success of the Neighborhood Park and of the Riverfront Park/Centennial Mill. However, this cannot be considered without evaluating the area's transportation issues through a transportation modeling process. The area has three constraints that taken together may prove serious:

- Relatively distant access to the regional freeway system and even to major city traffic streets;
- Relatively distant transit service (the Portland Streetcar service only reaches Lovejoy and Northrup and bus service is limited to infrequent service along NW Naito Parkway and Lovejoy or the Transit Mall at Union Station).
- The BNSF railway line limits the street grid connections to NW Naito Parkway intersections with NW 9th and 14th avenues. No other crossing points are available to the north/east; thus, vehicle demand is concentrated on these two intersections.

The transportation system analysis process could begin in summer 2005 and by fall, transportation modeling results should help form the outlines of the transportation system's ability to handle density, as well as the steps that could be undertaken, including transit enhancements, to improve the transportation situation in the area.

The charrette also confirmed that the North of Lovejoy regulatory proposal is appropriate. It will improve the neighborhood in the short term while broader charrette issues are further developed and advanced. Rezoning the parks to open space needs to occur, despite uncertainty about the eventual edges on the northern half of Neighborhood Park. Maximum building height provisions around the parks should be changed to protect the parks from excessive shadowing and to promote a sense of enclosure. And maximum floor area ratio limits should be increased to allow somewhat larger buildings, but with FARs no more than 4:1 (7:1 with bonuses), the height envelope will be much larger than the available FAR can fill.

North of Lovejoy – Recommended Changes

The Bureau recommends several limited regulatory changes that the Planning Commission will consider at the public hearing scheduled for April 12. The recommended changes are as follows:

- **Designate the parks as open space:** Rezone and change the Comprehensive Plan designation for the district's park spaces (Jamison Square, North Park Square, and Neighborhood Park) from Central Employment to Open Space.
- **Allow for additional building height in a way that protects the parks:** To protect the parks from excessive shading and to encourage a sense of enclosure, change maximum building heights on ten blocks at the south, southwest, and west edges of the parks. Limit buildings to 100 feet facing the parks. Allow as much as 225 feet for structures on the far sides of these blocks.
- **Allow additional development capacity:** Increase the base floor area ratio (FAR) to 4:1 on the twelve blocks between NW Overton and Lovejoy streets, 12th Avenue, and the Burlington Northern railroad tracks. Existing FAR bonus provisions are not impacted – as much as 3:1 additional FAR remains available through the FAR bonus process.

Rezoning the Parks

The Central Employment (EX) zoning on the district's three parks – Jamison Square, North Park Square, and Neighborhood Park – was put in place by the Central City Plan in 1988. Rezoning these parks is merely recognizing

them for their new purposes. In chapter 22.100, the Portland Zoning Code describes the purpose of the Open Space (OS) zone:

The Open Space zone is intended to preserve and enhance public and private open, natural, and improved park and recreational areas identified in the Comprehensive Plan. These areas serve many functions including:

- *Providing opportunities for outdoor recreation;*
- *Providing contrasts to the built environment;*
- *Preserving scenic qualities;*
- *Protecting sensitive or fragile environmental areas;*
- *Preserving the capacity and water quality of the stormwater drainage system; and*
- *Providing pedestrian and bicycle transportation connections.*

The edges of Jamison and North Park squares are certain – the park properties will end at the street right-of-way. In the case of Jamison Square, the NW Kearney Street pedestrianway forms the northern edge; the pedestrianway is not proposed for rezoning.

The edges of Neighborhood Park are somewhat more fluid. Portland Parks and Recreation owns the property bounded by NW Overton Street, 11th Avenue, a line between Raleigh and Quimby streets, and a line near the extended centerline of 10th Avenue, which is not intended to become a public street. The total parcel is 90,200 square feet, or about 2.2 acres. But the Peter Walker Master Plan depicts the park extending northward to the BNSF railway tracks; an agreement for a triangular parcel about 26,000 square feet that would fulfill that intention has not been completed. Further, the charrette considered a “hinge” function where

the park's orientation would shift from north-south, instead toward the river, somewhere just north of Pettygrove Street. Other property transactions would be necessary to fulfill this change in orientation. However, rezoning the property now owned by Portland Parks and Recreation (the two parcels that end just south of NW Quimby Street) is warranted to reflect the site's future.

Changing Maximum Building Height

The North of Lovejoy Project proposes to amend maximum building height provisions around the Parks' South, Southwest, and West Edges. This approach has been applied elsewhere in the Central City; the nearby example is the North Park Blocks, where building heights are limited to 100 feet on the parks' west edge. The Central City Plan limits maximum building heights on these edges to limit shadowing during times when the parks are intensively used. Buildings along Jamison Square's south, southwest, and west edges vary from 75 feet to 35 feet and back to 75 feet.

Buildings along North Park Square's southwest and west edges are approximately 90 feet.

Zoning Code provisions require any proposed incursion into these edges to analyze the shadow conditions at both Noon and 3:00 PM on April 21.

Increasing Maximum FAR

The district's allowed building mass as expressed by floor area ratio (FAR) today is 2:1, which is the lowest in the Central City. Recent housing projects in the area indicate continued market enthusiasm for living in this part of the Pearl District. The completion of North Park Square and, later, Neighborhood Park, are both likely to extend this enthusiasm. An increase to 4:1 will match properties to the south and west, both of which were updated in the last several years. Analysis of the district's development characteristics as captured on Table 1 (pg. 15) indicates that 1 FAR may yield approximately 25 housing units.



LEGEND

X = Gross sq. ft. of building	 Area where Floor Area Ratio (FAR) is determined by Base Zone
Y = Square ft. of site	 FAR area boundary
X:Y Maximum FAR	 Boundary of allowable FAR when rezoned to EX
[X:Y] Residential Maximum FAR (33.510.56.200.5)	
X:Y Allowable FAR when rezoned to EX	

Map Revised xxx. xx, 2004

NORTH

0' 1350' 2700'

Scale in Feet

Central City
Plan District Boundary

Proposed right-of-way

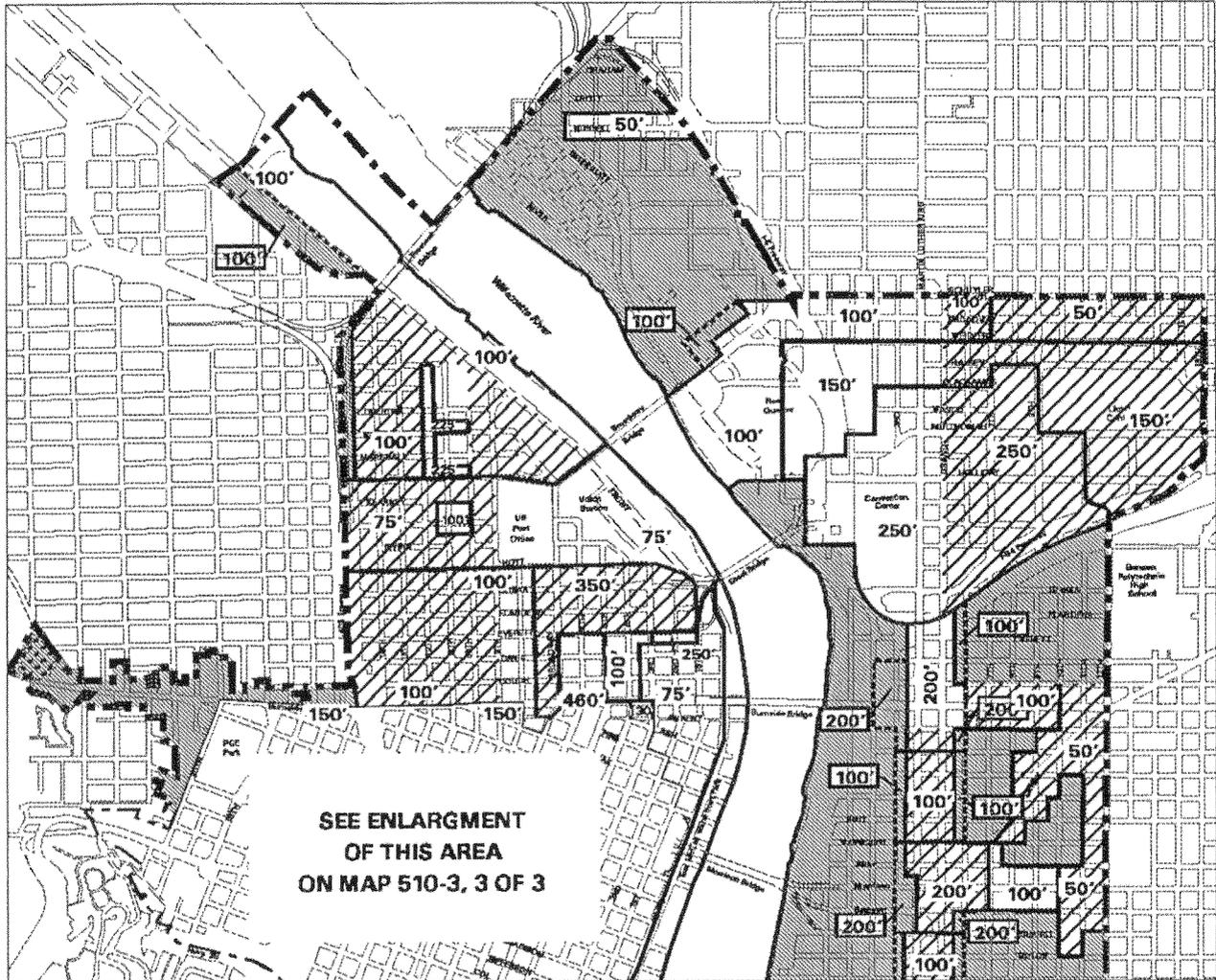
o-o-o-o-o

Proposed Accessway

Map 510-2

Proposed Floor Area Ratios

Map 1 of 2



SEE ENLARGMENT
OF THIS AREA
ON MAP 510-3, 3 OF 3

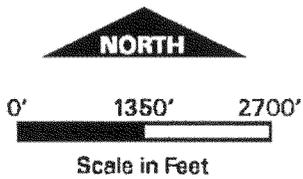
LEGEND

-  Area where maximum height is determined by Base Zone
-  Area eligible for general and housing height bonuses
-  Maximum heights area boundary

-  Area eligible for housing height bonus only
-  Allowable building height when rezoned to EX or CX
-  Boundary of area where building heights area tied to rezoning to EX or CX

X' Maximum building height

Map Revised xxx. xx, 2005

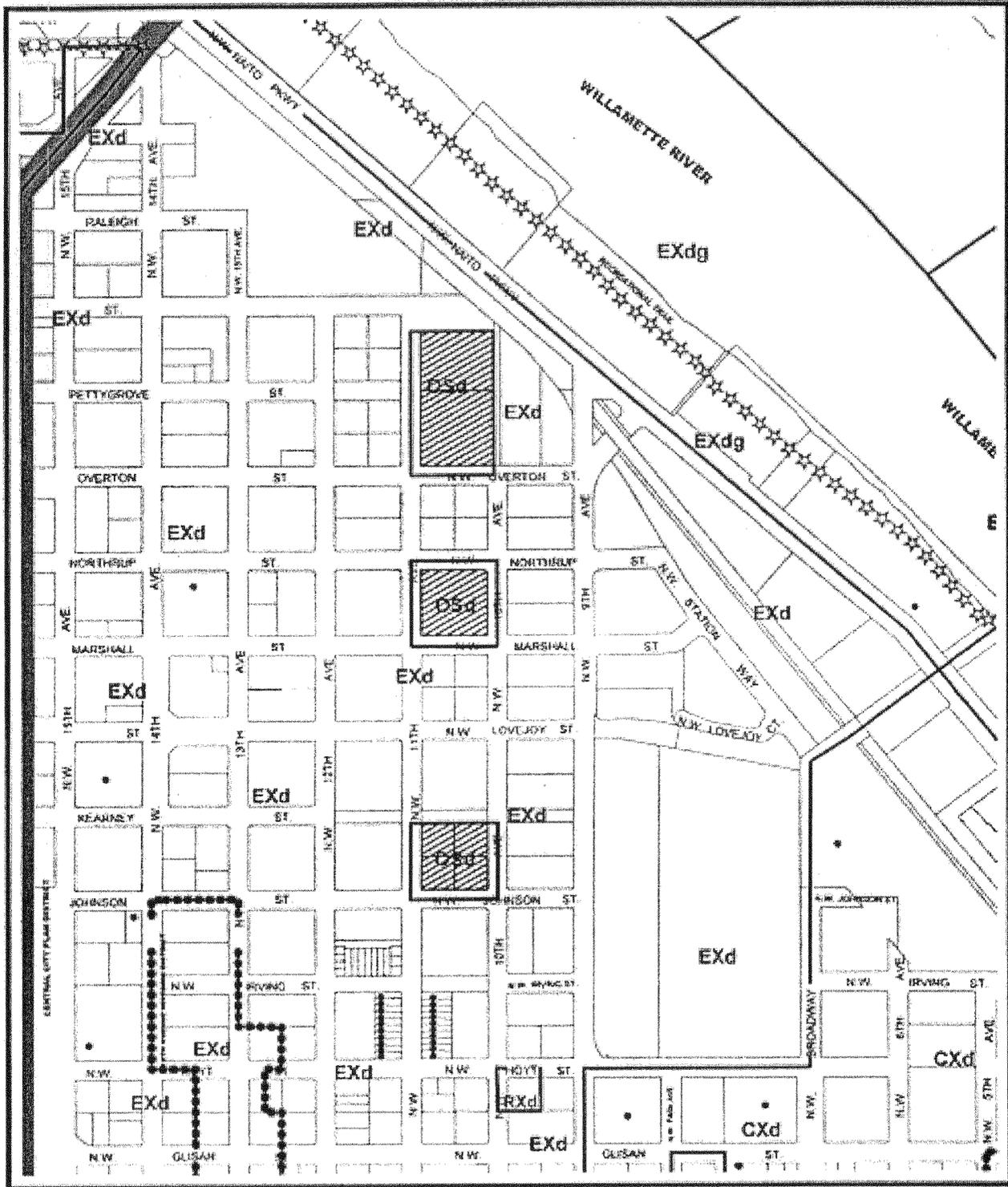


 Central City Plan District Boundary

Map 510-3

Proposed Maximum Heights

Map 1 of 3



PROPOSED ZONING



Site



Historic Landmark

This site lies within the:
CENTRAL CITY PLAN DISTRICT



File No.	North of Lovejoy Project
1/4 Section	2929, 2928
Scale	1 inch = 400 feet
State-Id	1N1E34BB 2641+
Exhibit	B (Apr 12, 2005)

8. On January 21, 2005, the Bureau of Development Services issued the Proposed Draft of the Amendments to the Tree and Landscaping Regulations of the Zoning Code to be considered by the Portland Planning Commission.
9. On February 22, 2005, the Portland Planning Commission heard the proposed amendments, and voted 5-0 to recommend that the Portland City Council adopt the report and code amendments presented in Exhibit A.
10. The recommended amendments remove overlapping landscaping requirements in the Zoning Code, simplify the affected sections, and provide a basis for quick approval of alternate landscaping methods in many situations.

Statewide Planning Goals Findings

11. State planning statutes require cities to adopt and amend comprehensive plans and land use regulations in compliance with the state land use goals. Because of the limited scope of the amendments in this ordinance, only the state goals addressed below apply.
12. **Goal 1, Citizen Involvement**, requires provision of opportunities for citizens to be involved in all phases of the planning process. The preparation of these amendments has provided numerous opportunities for public involvement. Portland Comprehensive Plan findings on Goal 9, Citizen Involvement, and its related policies and objectives also support this goal. The amendments are supportive of this goal in the following ways:
 - a) On March 31 and April 1, 2003, the Bureau of Development Services held two public meetings intended to develop the scope of the amendments to be proposed. Fifteen citizens attended these meetings and provided comments. In addition, staff briefed the City's Development Review Advisory Committee in Spring 2003.
 - b) On March 15, 2004, a Citizens' Advisory Committee met for the first time to review and comment on project proposals. The Committee met four more times between April and October to consider successive modifications to the proposals. This committee consisted of seven citizens with interest in or professional involvement with landscaping or stormwater issues. Members were selected to represent different interests and included the land use chair of a neighborhood association, the executive director of a native plant society, a stormwater management professional, the representative of a contractors' association, a small commercial real estate developer, an urban forestry advocate, and a landscape architect.
 - c) Bureau of Development Services staff made a presentation to the Citywide Land Use Group in April 2004 and sent members of the group a draft of a proposal in June 2004 for comment. Staff received comments from the group.
 - d) Staff presented the project to the Urban Forestry Commission in June 2004 and received comments. Staff also briefed the Planning Commission in June 2004.

- e) The Bureau of Development Services issued the Public Discussion Draft of the project on July 30, 2004, and held two public open houses to receive comment on August 18 and August 19, 2004. Seven people attended the public meetings.
 - f) Staff made presentations to neighborhood association representatives at the East Portland Neighborhood Office and at the Southeast Uplift office in September 2004 and received comments on the proposals at both meetings.
 - g) Staff met with a committee of the Urban Forestry Commission in November 2004 and received comments on the proposal.
 - h) The Bureau issued the Proposed Draft of the Amendments to the Tree and Landscaping Regulations of the Zoning Code on January 21, 2005.
 - i) Staff made a presentation of the project to the Citywide Land Use Group in January 2005 and the Development Review Advisory Committee in February 2005. Staff received comments from both groups.
 - j) The Planning Commission heard the project on February 22, 2005. One citizen testified and supported the proposal. The draft was approved by a 5-0 vote.
13. **Goal 2, Land Use Planning**, requires the development of a process and policy framework which acts as a basis for all land use decisions and assures that decisions and actions are based on an understanding of the facts relevant to the decision. The amendments are supportive of this goal because they follow the City's legislative process and are based on factual research and analysis that is presented and explained in the accompanying report and commentary. Portland Comprehensive Plan findings on Goal 1, Metropolitan Coordination, and its related policies and objectives also support this goal.
14. **Goal 5, Open Space, Scenic and Historic Areas, and Natural Resources**, requires the conservation of open space and the protection of natural and scenic resources. The amendments are consistent with this goal because by enhancing the diversity of plant species used and prohibiting the use of nuisance plants in required landscaping, they contribute to better plant health and habitat throughout Portland, thereby helping to protect the City's natural resources.
15. **Goal 6, Air, Water and Land Resource Quality**, requires the maintenance and improvement of the quality of air, water and land resources. The amendments are consistent with this goal because they will promote better plantings in required landscaping. These plantings contribute to maintaining and improving air and stormwater runoff quality in Portland. Portland Comprehensive Plan findings on Goal 8, Environment, and its related policies and objectives also support this goal.
16. **Goal 9, Economic Development**, requires provision of adequate opportunities for a variety of economic activities vital to public health, welfare, and prosperity. The amendments are consistent with this goal because streamlining of landscaping regulations will reduce the time and cost for applicants to develop landscaping plans and the time and cost for the City to review and approve them. These reduced costs will in turn reduce

regulatory barriers to development and redevelopment. Portland Comprehensive Plan findings on Goal 5, Economic Development, and its related policies and objectives also support this goal.

17. **Goal 11, Public Facilities and Services**, requires planning and development of timely, orderly and efficient public service facilities that serve as a framework for urban and rural development. The amendments are consistent with this goal because they will have the effect of improving the City's tree canopy. Improved tree canopy will contribute to better stormwater runoff quality and reduced volumes of stormwater runoff, which will in turn help to maintain the efficiency and effectiveness of the City's stormwater management infrastructure. Portland Comprehensive Plan findings on Goals 11 A through I, Public Facilities, and related policies and objectives also support this goal.
18. **Goal 13, Energy Conservation**, requires development of a land use pattern that maximizes the conservation of energy based on sound economic principles. The amendments are consistent with this goal because the amendments will improve landscaping and the amount of shade in Portland. Improved landscaping and shade will help reduce the "heat island" effect in Portland and will contribute to a reduction in the use of energy for cooling. Portland Comprehensive Plan findings on Goal 7, Energy, and its related policies and objectives also support this goal.
19. The amendments do not affect **Goal 3, Agricultural Lands, Goal 4, Forest Lands, Goal 7, Areas Subject to Natural Disasters, Goal 8, Recreational Needs, Goal 10, Housing, Goal 12, Transportation, Goal 14, Urbanization, or Goal 15, Willamette River Greenway**. This is because the amendments concern the selection of plant materials for required landscaping, do not change the average amount of landscape materials required, and do not affect the amount of area to be landscaped or the situations in which landscaping is required. Therefore, the amendments have no effect on the listed statewide planning goals.
20. **Goals 16, 17, 18, and 19 deal with Estuarine Resources, Coastal Shorelines, Beaches and Dunes, and Ocean Resources**, respectively, and are not applicable to Portland as none of these resources are present within the city limits.

Metro Urban Growth Management Functional Plan Finding

21. The amendments do not affect **Title 1, Requirements for Housing and Employment Accommodation, Title 2, Regional Parking Policy, Title 3, Water Quality and Flood Management Conservation, Title 4, Retail in Employment and Industrial Areas, Title 5, Neighbor Cities and Rural Reserves, Title 6, Regional Accessibility, Title 7, Affordable Housing, or Title 8, Compliance Procedures**, because the amendments focus on how to determine the types and amounts of landscaping materials required. The amendments will change how the regulations are administered, and will require approximately the same amounts, types, and locations of landscaped areas as are currently required.

Portland Comprehensive Plan Goals Findings

22. The City's Comprehensive Plan was adopted by the Portland City Council on October 16, 1980, and was acknowledged as being in conformance with the statewide planning goals by the Land Conservation and Development Commission on May 1, 1981. On May 26, 1995 and again on January 25, 2000, the LCDC completed its review of the City's final local periodic review order and periodic review work program, and reaffirmed the plan's compliance with the statewide planning goals.
23. This ordinance amends the Zoning Code. The amendments do not change the Comprehensive Plan, Comprehensive Plan Map, Zoning Maps, or any land use regulation other than the Zoning Code. Therefore, the following Comprehensive Plan goals, policies and objectives apply to the amendments and the amendments satisfy the applicable goals, policies and objectives for the reasons stated below.
24. During the course of public hearings, the Bureau of Planning, the Planning Commission, and the City Council provided all interested parties opportunities to identify, either orally or in writing, any other Comprehensive Plan goal, policy or objective that might apply to the amendments. No additional provisions were identified.
25. **Goal 1, Metropolitan Coordination**, calls for the Comprehensive Plan to be coordinated with federal and state law and to support regional goals, objectives, and plans. The amendments are consistent with this goal because on August 25, 2005, the Bureau of Development Services notified both the Oregon Department of Land Conservation and Development and Metro of the proposals under consideration by this project. This notification took place more than 45 days in advance of the first scheduled public hearing for this project.
26. **Policy 4.15, Regulatory Costs and Fees**, calls for considering the impact of regulations and fees in the balance between housing affordability and other objectives such as environmental quality, urban design, maintenance of neighborhood character, and protection of public health, safety, and welfare. The amendments support this policy because the amendments will streamline and simplify the regulations, making it faster and less expensive for customers to develop landscaping plans and for the City to review them.
27. **Goal 5, Economic Development**, calls for promotion of a strong and diverse economy which provides a full range of employment and economic choices for individuals and families in all parts of the city. The amendments are consistent with this goal because they will make it faster and less expensive for customers to develop landscaping plans and for the City to review them. This in turn will reduce regulatory barriers to development and redevelopment in the City, thereby promoting a strong economy.
28. **Policy 5.1, Urban Development and Revitalization**, calls for encouraging investment in the development, redevelopment, rehabilitation and adaptive reuse of urban land and buildings for employment and housing opportunities. The amendments support this policy because they will reduce the costs and time required to develop landscaping plans

and for the City to review them. The reduced costs and time reduce regulatory costs and barriers to the development, redevelopment, rehabilitation, and adaptive reuse of urban land and buildings. **Objective F** calls for recognizing and supporting environmental conservation and enhancement activities for their contribution to the local economy and quality of life for residents, workers and wildlife in the city. The amendments support this objective because they will lead to enhanced tree canopy, greater species diversity, and the prohibition of nuisance plants in required landscaping. These factors support the conservation and enhancement of the City's wildlife habitat and natural environment.

29. **Policy 7.4, Energy Efficiency through Land Use Regulations**, calls for promoting residential, commercial, industrial, and transportation energy efficiency and the use of renewable resources. **Objective E** calls for promoting tree planting as a way to reduce summer cooling loads and air pollution, making sure the trees do not cause the need for additional street lighting. The amendments support this policy and objective because the amended tree planting regulations will promote enhanced tree canopy and shade in required landscaping on private property. The enhanced tree canopy will contribute to reducing summer cooling loads and air pollution.
30. **Goal 8, Environment**, calls for maintenance and improvement of the quality of Portland's air, water, and land resources, as well as protection of neighborhoods and business centers from noise pollution. The amendments are consistent with this goal because they will promote enhanced tree canopy and shade in required landscaping on private property. The enhanced tree canopy and shade will contribute to improved stormwater quality and quantity management. They will also contribute to reduced air temperatures and "heat island" effects, which will help maintain better air quality in Portland.
31. **Goal 9, Citizen Involvement**, calls for improved methods and ongoing opportunities for citizen involvement in the land use decision-making process. The amendments are consistent with this goal because the Bureau of Development Services solicited citizen involvement throughout the project as detailed in the finding concerning Statewide Planning **Goal 1, Citizen Involvement**.
32. **Policy 9.1, Citizen Involvement Coordination**, calls for encouraging citizen involvement in land use planning projects through coordination with community organizations, availability of planning reports and notice of public hearings. The project was consistent with this policy because the Bureau of Development Services coordinated with community organizations by meeting with neighborhood representatives at the East Portland Neighborhood Office and the Southeast Uplift office, the Citywide Land Use Group, and the Urban Forestry Commission. Successive drafts of the planning reports have been available for viewing or downloading on the Bureau of Development Services website and have also been distributed either electronically or as hard copies to those who have requested copies. Thirty-day notice was posted on the Internet, and mailed to interested parties for public meetings held in March and April 2003 and in August 2004. Thirty-day notice was posted on the Internet and mailed to the Bureau of Planning's legislative notice list for the Planning Commission hearing of February 22, 2005. Notice

of the City Council hearing was given to interested parties at least 10 days in advance of the hearing.

33. **Policy 10.6, Amendments to the Comprehensive Plan Goals, Policies, and Implementing Measures**, requires that all proposed amendments to implementing ordinances be reviewed by the Planning Commission prior to action by the City Council. The amendments support this policy because the Planning Commission reviewed all of the proposed amendments at a hearing on February 22, 2005. The Planning Commission recommendation is presented as part of Exhibit A, the Recommended Draft of the Amendments to the Tree and Landscaping Regulations of the Zoning Code.
34. **Policy 10.10, Amendments to the Zoning and Subdivision Regulations**, requires amendments to the zoning and subdivision regulations to be clear, concise, and applicable to the broad range of development situations faced by a growing urban city. The amendments support this policy because they streamline the Zoning Code by eliminating overlapping and repetitive provisions of the Zoning Code and simplifying the organization of regulations in the Zoning Code concerning landscaping standards.
35. **Goal 12, Urban Design**, calls for the enhancement of Portland as a livable city, attractive in its setting and dynamic in its urban character by preserving its history and building a substantial legacy of quality private developments and public improvements for future generations. The amendments are consistent with this goal because the requirements for greater plant species diversity and the improved approach to creating tree canopy will result in more natural-appearing landscaping and better tree canopy that reflect Portland's setting and natural history.
36. **Policy 12.1, Portland's Character**, calls for enhancing and extending Portland's attractive identity by building on design elements, features, and themes identified within the city. Objective C calls for enhancing the sense Portlanders have that they are living close to nature; improving access to the City's rivers, lakes, creeks and sloughs; establishing a system of trails that connect Portland's urbanized areas with nearby woods, forests, meadows, wetlands and riparian areas; increasing the degree to which natural areas and public open spaces penetrate the City; extending forest and water corridors and join them to provide a network of fish and wildlife habitat areas that mesh with the City's parks, open spaces and circulation system for pedestrians; and designing new development to enhance the natural environment that is so much a part of Portland's character. The amendments support this objective because they prohibit nuisance plants that invade natural environments, require greater plant species diversity, including native plants, and will result in better tree canopy. The resulting landscaping will support Portland's "nature in the city" character.

NOW, THEREFORE, the Council directs:

- a. Adopt the Planning Commission Report and Recommendation on the Amendments to the Tree and Landscaping Regulations of the Zoning Code, labeled Exhibit A and dated April 12, 2005.
- b. Amend Title 33, Planning and Zoning as shown in Exhibit A, the Planning Commission Report and Recommendation on the Amendments to the Tree and Landscaping Regulations of the Zoning Code, dated April 12, 2005.
- c. Adopt the commentary in Exhibit A, the Planning Commission Report and Recommendation on Amendments to the Tree and Landscaping Regulations of the Zoning Code, dated April 12, 2005, as legislative intent and as further findings.

JUN 08 2005

Passed by the Council,

Mayor Tom Potter
Tom Carter, Sr. Planner
June 1, 2005

GARY BLACKMER
Auditor of the City of Portland

By *Alicia Parsons*
Deputy

Exhibit A

AS ADOPTED

**Amendments to the
Tree and Landscaping
Regulations of the
Zoning Code**

**TREE AND LANDSCAPING
COMPLIANCE PROJECT**



**City of Portland
Bureau of Development Services**

June 8, 2005

For more information on the Amendments to the
Tree and Landscaping Regulations of the Zoning
Code, please contact:

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Bureau of Development Services
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The City of Portland is committed to providing
equal access to information and hearings. If
you need special accommodations, please call
(503) 823-7700 (TTY (503) 823-6868).



CITY OF PORTLAND, OREGON PLANNING COMMISSION

c/o Bureau of Planning
1900 S.W. 4th Ave., Suite 4100
Portland, OR 97201-5350
Telephone: 503-823-7700
Fax: 503-823-7800

March 10, 2005

Mayor Tom Potter and Members of the Portland City Council
Portland City Hall
1221 SW Fourth Avenue
Portland, OR 97204

Re: Amendments to the Tree and Landscaping Regulations of the Zoning Code project

Dear Mayor Potter and City Commissioners:

On behalf of the Portland Planning Commission, I am forwarding our recommendation regarding the Amendments to the Tree and Landscaping Regulations of the Zoning Code project. This proposal contains a limited number of amendments focused primarily on specific aspects of Chapter 33.248, Landscaping and Screening, and Chapter 33.266, Parking and Loading.

The amendments are intended to contribute to better compliance with the city's tree and landscaping regulations. The amendments will simplify and streamline elements of the Zoning Code, provide greater flexibility in meeting the code, and encourage better landscaping outcomes. At the same time, the city's customers should find it easier to prepare landscape plans, and city staff should find it faster to review them. As an adjunct to the code amendments, the Bureau of Development Services has prepared a Tree and Landscaping Manual that provides clear illustrations and plain-language guidance to the regulations. Information in the manual will assist both the city's development customers and staff.

Only one citizen testified at the Planning Commission hearing. A representative of the Urban Forestry Commission expressed that commission's support for the proposal. The Planning Commission voted 6-0 to recommend the proposed amendments for adoption.

Earlier phases of the project considered two issues that the Planning Commission believes are important, though they are not part of the current proposal. We urge you to consider further pursuing these issues in future:

- The project explored two approaches to code consolidation. Early on, the project considered consolidating all site development codes (codes dealing with everything outside the building envelope) into a single code. Later, the project considered a single tree and landscaping code. Both approaches were dropped because of the difficulty of resolving conflicting policy goals, administrative approaches, and enforcement policies.
- The project proposed that BDS hire a Landscape Inspector to provide expertise to all aspects of administering, inspecting, and enforcing landscaping regulations. In the

current budget situation, it appears impractical to fill this position, but the Planning Commission feels that such a person would provide valuable customer service and staff support while ensuring better landscaping outcomes.

Although it is not to be adopted by ordinance, the Tree and Landscaping Manual is integral to successfully improving compliance with the city's tree and landscaping codes. As conditions of its approval, the Planning Commission directed BDS staff to make the following improvements to the manual:

- Create a worksheet at the front of the manual for customers to use in identifying their landscaping requirements and developing their plans,
- Add of one or more illustrations and explanation of how to maintain sight lines and avoid encroachment of plants onto walkways and vehicle areas, and
- Expand the "frequently asked questions" section to include guidance to additional common questions, such as tree cutting rules.

Recommendation

The Planning Commission recommends that the City Council adopt this ordinance and Recommended Draft and amend the Zoning Code as shown in the Recommended Draft. We also recommend that the City Council direct staff to make improvements to the Tree and Landscaping Manual as indicated in this letter.

In addition, the Planning Commission recommends that the City Council direct the affected city bureaus to jointly produce a report on the challenges, opportunities, and potential efficiencies presented by consolidating 1) the city's site development codes, and 2) the city's tree and landscaping codes.

Thank you for considering the recommendations of the Portland Planning Commission.

Sincerely,



Ingrid Stevens, President
Portland Planning Commission

c: Portland Planning Commission

Acknowledgements

Portland City Council

Tom Potter, Mayor
Sam Adams, Commissioner
Randy Leonard, Commissioner
Dan Saltzman, Commissioner
Erik Sten, Commissioner

Portland Planning Commission

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PROPOSED DRAFT

AMENDMENTS TO THE TREE AND LANDSCAPING REGULATIONS OF THE ZONING CODE

Project Summary

Purpose of the Proposed Amendments

The Bureau of Development Services recognizes that compliance with landscaping and other site development regulations has been inadequate. Through this project, the Bureau is seeking to improve compliance with the tree and landscaping regulations of the Zoning Code.

Compliance differs from enforcement. Compliance refers to meeting code requirements routinely in the ordinary course of permitting and inspection. Enforcement refers to taking actions beyond ordinary permitting and inspection in order to compel the meeting of code requirements.

This project is intended to improve administration of and compliance with the portions of the Zoning Code that deal with trees and landscaping. It will achieve this by simplifying the Zoning Code, streamlining the administration of the code, creating better public information, and adding flexibility to the ways the technical aspects of the code can be met while still satisfying the purposes of the landscaping requirements. At the same time, this project proposes code improvements that will lead to better landscaping outcomes, both environmentally and aesthetically.

This proposal involves amending the Zoning Code and creating a new Tree and Landscaping Manual. While the regulations will remain in the Zoning Code, the Tree and Landscaping Manual will provide easy-to-understand explanations, lists, and illustrations of plant materials, planting densities, maintenance requirements, and other technical requirements. The manual will provide guidance to both staff and the public.

Proposed changes to the code

First, this project proposes to move landscaping provisions governing plant materials out of Chapter 33.266, Parking and Loading, and into Chapter 33.248, Landscaping and Screening. The code provisions dealing with parking lot layout will remain in Chapter 33.266.

Many of the provisions to be moved were adopted by City Council in 2001 to improve parking lot landscaping and to help the Zoning Code's landscaping requirements conform with the city's stormwater management regulations. The code changes were successful in achieving improved parking lot landscaping, but several features of the new code have proven time-consuming or difficult to administer. In addition, as stormwater management technology has advanced, the city's stormwater management planting requirements have changed. As result, some aspects of the Zoning Code's landscaping requirements no longer match the city's stormwater management regulations.

TREE AND LANDSCAPING CODE AMENDMENTS

Second, in addition to moving some landscaping regulations, it is proposed to modify several provisions in order to simplify administration of the code. The most significant changes are proposed in calculating the required amount of interior parking lot landscaped area and the required number of trees. The proposed changes will both simplify the calculations and enhance the resulting tree canopy.

Third, it is proposed to expand the city's plant diversity requirements. Current code requires the use of more than one species of tree only in parking lots. Because using multiple species contributes to plant health, habitat values, and aesthetics, a tree and shrub diversity standard is proposed for all landscaping installations that exceed a certain size. The proposed diversity standard is found in 33.248.030.E, and discussion is presented in the Commentary on the page facing the standard.

The following table summarizes the most significant proposed changes. The changes are explained in the Commentary on pages facing the proposed code amendments.

<i>Requirement</i>	<i>Current Code</i>	<i>Proposed Code</i>
Amount of interior parking lot landscaping	10% of the parking and loading area, with exceptions for Employment and Industrial zones.	45 square feet of landscaping per parking space.
Trees required	1 tree per 120 square feet of landscaped area	1 large tree per 4 parking spaces, 1 medium tree per 3 parking spaces, or 1 small tree per 2 parking spaces.
Shrubs required	1 shrub per 30 square feet.	1.5 shrubs per parking space.
Screening	High-screen or low-screen plantings depending on the zone. Screening shrubs required in addition to other shrubs in planted areas deeper than 5 feet. Requirements detailed in 33.266.	L2 or L3 landscaping depending on the zone. Requirements detailed in 33.248, and are the same as screening in other situations.
Ground cover plants	Plants must be in 4-inch pots spaced 1 foot apart in triangular spacing.	Plants must be in 4-inch pots spaced according to their mature size in triangular spacing.
Tree diversity	At least 20 per cent evergreen trees in parking lots.	If more than 8 trees, no more than 40 percent of one species. If more than 24 trees, no more than 20 per cent one species.
Shrub diversity	None.	If more than 25 shrubs, no more than 75 per cent one species.

June 8, 2005

Adopted Draft

TREE AND LANDSCAPING CODE AMENDMENTS

The Tree and Landscaping Compliance Project

The current proposal is part of a larger project called the Tree and Landscaping Compliance Project. The Compliance Project grew out of the "Site Development Process Review," (SDP Review) completed by the Bureau of Development Services in August 2002. The SDP Review proposed a number of process and code improvements aimed at improving compliance with Portland's site development regulations, such as erosion control, stormwater management, and landscaping.

Many of the SDP Review proposals have already been implemented, while others are still in progress or have been dropped. The changes include pre-permit-issuance on-site meetings for sites with steep slopes or environmental zoning, third party or self-certification of landscape installations, and several internal procedural improvements.

The proposed amendments to the Zoning Code and the Tree and Landscaping Manual are meant to work in concert with the other changes to improve compliance with tree and landscaping regulations. The changes including the proposed amendments and manual will:

- Provide enhanced guidance to applicants;
- Streamline plan review by simplifying parts of the Zoning Code and providing enhanced information to staff planners and reviewers;
- Become the basis for inspection staff training in landscape inspection; and
- Enhance the consistency of landscaping inspections.

Frequently Asked Questions***Why is the Bureau proposing these changes?***

In combination with other improvements the bureau is making, the Bureau of Development Services expects this project to provide greater flexibility in landscape design, provide improved information for city staff and the public, streamline certain landscaping requirements, and improve compliance with tree and landscaping regulations.

How will compliance improve?

This project will improve compliance in several ways:

- Public information. The manual will provide easy-to-follow guidance that will make it easier for applicants to understand and apply the City's landscape rules.
- Streamlined code. The streamlined code, along with the information in the manual, will support speedier plan checking and review.
- Staff guidance. The new manual will provide guidance to staff in reviewing plans and inspecting landscaping.
- Enhanced inspection. Site inspectors, who already conduct a Permanent Measures erosion control inspection at each site, will also conduct a brief landscape inspection to look for obvious deficiencies.

How will the changes provide greater flexibility?

The manual will contain both performance standards for plant materials and lists of suggested plants. Landscape designers may select any plant materials they desire by

June 8, 2005

TREE AND LANDSCAPING CODE AMENDMENTS

providing the Bureau of Development Services data that show that the plants meet the performance standards. For those who prefer, plants may be selected from the lists of suggested plants, which list the performance specifications for each plant.

In addition, the Bureau of Development Services will be exploring additional approaches to improve customer service. For example, it may be possible to develop procedures to allow field inspectors to make limited revisions to approved plans under certain circumstances. Today, inspectors cannot allow field revisions to elements of a development that are regulated by the Zoning Code. Any such changes must be reviewed and approved by a planner back in the office.

A common situation is for a developer to be unable to get the exact plants that have been approved. For situations where plant materials are approved as generally meeting the standards, the inspector could approve substitutions that still meet the standards. On the other hand, where plant species are specifically approved in the plans, no substitutions would be allowed without using the appropriate land use review. This is similar to the authority that building inspectors have with regard to the building codes.

The new Tree and Landscaping Manual would support such field revision procedures by providing an objective source of information about trees and plants with similar characteristics. Inspectors could use the manual to ensure that proposed plant substitutions would give equivalent performance in meeting the standards.

What does this project do to improve inspections?

The recommended code amendments support the following programs and procedures that are intended to improve landscaping inspections and compliance:

- For smaller landscape installations, the Site Inspector will inspect the landscaping during the Permanent Measures erosion control inspection.
- For larger installations, the City has instituted a Landscape Certification program. At these sites, a qualified party must certify that the landscaping was installed according to the approved plans. The qualified party will normally be the landscape designer of record. The Permanent Measures erosion control inspection will not be performed until the landscaping is certified, and the permit will not be closed out without this inspection.
- At sites where the landscaping is certified, the Site Inspector will spot-check the landscaping during the Permanent Measures erosion control inspection. This will not be a detailed inspection, but is intended to reveal significant discrepancies between the Landscape Certification and the actual landscape installation. The Permanent Measures inspection is conducted after long-term soil stabilization is in place.
- The new Tree and Landscaping Manual will provide easy-to-follow guidance for staff to use in reviewing, inspecting, and enforcing landscaping regulations.

TREE AND LANDSCAPING CODE AMENDMENTS

If the inspector can approve changes in the field, how can neighbors be sure that developers will provide the landscaping that was approved?

Today, when developers or owners wish to change landscape materials from the approved plans, they must submit a revision to the Bureau of Development Services. A staff planner reviews the proposed revisions. As long as the changes still meet the standards, they are approved.

This project considered approaches to granting the inspector authority to approve such changes in the field. The Bureau of Development Services will further evaluate and may develop procedures to allow field revisions when meeting landscaping standards. In any case, the owner or developer will still have to submit the amended drawings to the Bureau of Development Services for the final record.

On the other hand, if the landscape materials were specified as a condition of approval or as a specific part of a land use review, changes cannot be approved without an adjustment or other land use review. This will not change.

Will the Manual contain regulations? How can it be changed?

The Tree and Landscaping Manual will not contain regulations. The manual will be a guidance document issued by the Bureau of Development Services. It will not have any regulatory force, but instead will help both the public and city staff understand the landscaping regulations in the Zoning Code. As a guidance document, it must reflect the requirements of the Zoning Code, and will be changed if the Zoning Code is amended.

The suggested plant lists will be updated periodically to include additional trees and plants. Although the city does not intend to seek out additional plants to add to the lists, when applicants supply the Bureau of Development Services with the necessary plant information, the bureau will update the list. The bureau's new landscape inspector will be responsible for updating the lists.

Summary

Adoption of the proposed amendments to the Zoning Code and creation of the Tree and Landscaping Manual are two of several procedural and code improvement measures intended to improve compliance with the City's tree and landscaping regulations.

If adopted, the recommended amendments will provide for better compliance with the city's Tree and Landscaping regulations in the Zoning Code and enhance meeting their purposes. The amendments will simplify and streamline portions of the Zoning Code, making those portions easier for customers to understand and implement. They will also facilitate the work of Bureau of Development Services staff in reviewing and approving landscape plans, provide guidance to inspectors in the field, and will provide better public information, all of which will promote better compliance with landscaping rules and regulations.

June 8, 2005

Adopted Draft

TREE AND LANDSCAPING CODE AMENDMENTS

History of Public Involvement for this Project

On October 20, 2002, City Council included the improvements to tree and landscaping standards as one of the 2002-2003 "Top Ten" projects to be pursued by the Regulatory Improvement Project (Resolution #36102). It was recognized at that time that work on the tree and landscaping standards would require more than one year to complete. The Tree and Landscaping Compliance Project is the outcome of that regulatory improvement effort.

In Spring 2003, the Bureau of Development Services held two public meetings seeking input concerning the concept of moving "technical" landscaping standards out of the Zoning Code and into a manual. The comments received at that time helped shape the issues to be considered as the project moved forward. Through the summer and fall of 2003, the Bureau of Development Services worked with staff from other city bureaus to evaluate the public input and reach agreement on the scope of this project.

In January 2004, the Bureau of Development Services staff began work with a consultant preparing potential code revisions and illustrations. In March 2004, two advisory committees were convened to give input to staff as proposals were developed and refined. The Citizens' Advisory Committee consisted of citizens interested in tree and landscape issues and professionals working with landscaping or stormwater. This committee met five times between March and October 2004. The Technical Advisory Committee consisted of City of Portland staff representing affected bureaus. This committee met four times between March and October 2004.

Citizens' Advisory Committee

(Affiliations indicate members' interests, not official representation.)

Steve Adamson, PlantNative Society	Roslyn Hill, Developer
Amanda Fritz, West Portland Park Neighborhood Association	Michael O'Brien, ASLA, Veridian Environmental Design, LLC
Kathi Futornick, Environmental Consulting Associates, Stormwater Advisory Committee	Debbie Stoller, Neighborhood Tree Liaison
Tammy Hawkes, Associated Builders and Contractors of the Pacific Northwest	

Note: Participation in the CAC does not necessarily imply agreement with the proposals contained in this report.

Technical Advisory Committee

Marisol Caron, Bureau of Development Services	Mike Hayakawa, Bureau of Development Services
Mary Anne Cassin, Parks Bureau	Dawn Hottenroth, Bureau of Environmental Services
Rob Crouch, Parks Bureau	Rick Lapp, Water Bureau
Troy Doss, Planning Bureau	Brian McNerney, Parks Bureau
Steve Fancher, Bureau of Environmental Services	Stacey Wenger Castleberry, Bureau of Development Services

June 8, 2005

Adopted Draft

TREE AND LANDSCAPING CODE AMENDMENTS

Bureau of Development Services staff made a presentation about the project to the Citywide Land Use Chairs Group in April 2004 and sent its members an advance draft of the proposals in May 2004. The group was invited to submit comments on the draft. Bureau of Development Services staff also presented the project concepts to the Urban Forestry Commission in June 2004 and received comments. Project staff also briefed the Development Review Advisory Committee in Spring 2003 and the Planning Commission in November 2003 and June 2004.

After the Proposed Draft was issued, BDS staff returned to the Citywide Land Use Chairs Group in January 2005 to brief them in advance of the first Planning Commission hearing of February 22, 2005.

At the February 22, 2005, Planning Commission hearing, one citizen testified: a representative of the Urban Forestry Commission supported approval of the proposed amendments. The Planning Commission unanimously approved the amendments as presented, and added three conditions for improvement of the Tree and Landscaping Manual. The improvements are:

- Creation of a worksheet for customers to use in identifying their landscaping requirements and developing their plans,
- Addition of one or more illustrations of maintaining sight lines and avoiding encroachment of plants onto walkways and vehicle areas, and
- Expansion of the "frequently asked questions" section to include guidance to additional common questions, such as tree cutting rules.

COMMENTARY

Deletions are shown in ~~striketrough~~.

Additions are underlined.

Many unchanged paragraphs of the Zoning Code are included to provide context for the proposed amendments.

Staff commentary is on left-hand pages in Comic Sans font.

TREE AND LANDSCAPING CODE AMENDMENTS

**CHAPTER 33.248
LANDSCAPING AND SCREENING**

Sections:

- 33.248.010 Purpose
- 33.248.020 Landscaping and Screening Standards
- 33.248.030 Plant Materials
- 33.248.040 Installation and Maintenance
- 33.248.050 Landscaped Areas on Corner Lots
- 33.248.060 Landscape Plans
- 33.248.065 Tree Preservation Plans
- 33.248.068 Tree Protection Requirements
- 33.248.070 Completion of Landscaping
- 33.248.080 Street Trees
- 33.248.090 Mitigation and Restoration Plantings

33.248.010 Purpose

The City recognizes the aesthetic, ecological, and economic value of landscaping and requires its use to:

- Preserve and enhance Portland's urban forest;
- Promote the reestablishment of vegetation in urban areas for aesthetic, health, and urban wildlife reasons;
- Reduce stormwater runoff pollution, temperature, and rate and volume of flow;
- Establish and enhance a pleasant visual character which recognizes aesthetics and safety issues;
- Promote compatibility between land uses by reducing the visual, noise, and lighting impacts of specific development on users of the site and abutting uses;
- Unify development, and enhance and define public and private spaces;
- Promote the retention and use of existing vegetation;
- Aid in energy conservation by providing shade from the sun and shelter from the wind;
- Restore natural communities through re-establishment of native plants; and
- Mitigate for loss of natural resource values.

This chapter consists of a set of landscaping and screening standards and regulations for use throughout the City. The regulations address materials, placement, layout, and timing of installation. Specific requirements for mitigation plantings are in 33.248.090.

The Portland Tree and Landscaping Manual contains additional information about ways to meet the regulations of this chapter.

COMMENTARY

A. General landscaping.

2. **Required materials.** This paragraph introduces the use of tree size categories. The categories are based on the expected canopy spread of a typical specimen at maturity. Refer to 33.248.030 (OR .025) for more discussion of size categories.

The current code only requires one tree per 30 lineal feet, no matter the size of the tree. As a result, tree canopy is often inadequate to provide the shade, stormwater management, aesthetic, and other benefits intended by the regulations.

The proposed code language requires smaller trees to be more closely spaced than larger, which will provide an enhanced tree canopy. Using predetermined size categories (documented for many species in the Tree and Landscaping Manual) allows this improvement to be made while keeping the review and approval process streamlined.

TREE AND LANDSCAPING CODE AMENDMENTS

33.248.020 Landscaping and Screening Standards

Subsections A through H name the different landscaping and screening standards to be applied throughout the City and the intent of each standard. Subsections A. through H. state the different levels of landscaping and screening standards to be applied throughout the City. The locations where the landscaping or screening is required and the depth of the landscaping or screening are stated in various places throughout the Code. **All** landscaping and screening required by this Title must comply with all of the provisions of this chapter, unless specifically superseded. The landscaping standards are generally in a hierarchical order. The landscaping standards are minimums; higher standards can be substituted as long as all fence or vegetation height limitations are met. Crime prevention and safety should be remembered when exceeding the landscaping standards (height and amount of vegetation may be an issue).

A. L1, general landscaping.

1. Intent. The L1 standard is a landscape treatment for open areas. It is intended to be applied in situations where distance is used as the principal means of separating uses or development, and landscaping is required to enhance the area in-between. While primarily consisting of ground cover plants, it also includes a mixture of trees, high shrubs, and low shrubs.
2. Required materials. The L1 standard has two different requirements for trees and shrubs. Ground cover plants must fully cover the remainder of the landscaped area. ~~See Figure 248-1.~~
 - a. Where the area to be landscaped is less than 30 feet deep, the standard is one large tree per 30 linear feet, one medium tree per 22 lineal feet, or one small tree per 15 lineal feet. Trees of different sizes may be combined to meet the standard. Trees may be grouped.
 - b. Where the area is 30 feet deep or greater, the requirement is ~~one tree per 800 square feet and~~ either two high shrubs or three low shrubs per 400 square feet of landscaped area in addition to the trees required in 2.a, above. The shrubs and trees may be grouped.

COMMENTARY

B. L2, low screen

For the L2 standard, the requirement that shrubs be 95% opaque year-round is changed to require that screening shrubs be evergreen. In practice, the opacity standard has resulted in the near-universal planting of evergreen shrubs. When a permit is reviewed, the planner can directly determine whether a shrub is evergreen or not, but cannot determine whether a shrub will be 95% opaque three years in the future.

The changes to the L2 standard also call for different spacing for large, medium, and small trees. The purpose of this change is to provide enhanced tree canopy in the city. Currently, trees are planted 30 feet apart, which allows for growth of large trees with abundant canopy. Most trees planted in required landscaping are species that will never become large or fill in the available space, so the environmental and aesthetic purposes of tree canopy are not achieved. This standard calls for planting smaller trees closer together, thus providing a greater degree of canopy coverage when smaller trees are used.

Tree sizes are specified in the Portland Tree and Landscaping Manual using a formula that considers ultimate height, ultimate crown spread or width, and growth rate. These factors interact to determine whether a tree quickly provides a high degree of canopy cover or not. For details of the formula and lists of large, medium, and small trees, refer to the Portland Tree and Landscaping Manual.

Figures 248-1 through 248-5

The current figures 248-1 through 248-5 are being removed from the Zoning Code. These figures do not accurately reflect the actual requirements of the current code, and new illustrations are needed. Larger, more detailed, accurate figures are being included in the Portland Tree and Landscaping Manual, where they are being reproduced at a size that will be much easier to read. It is not proposed to include the new figures in the Zoning Code itself.

TREE AND LANDSCAPING CODE AMENDMENTS

B. L2, low screen.

1. Intent. The L2 standard is a landscape treatment which uses a combination of distance and low level screening to separate uses or development. The standard is applied where a low level of screening is adequate to soften the impact of the use or development, or where visibility between areas is more important than a total visual screen. It is usually applied along street lot lines.
2. Required materials. The L2 standard requires enough low shrubs to form a continuous screen 3 feet high ~~and 95 percent opaque year around.~~ The shrubs must be evergreen. In addition, one large tree is required per 30 lineal feet of landscaped area, one medium tree per 22 lineal feet of landscaped area, or one small tree per 15 lineal feet of landscaped area. ~~or as appropriate to provide a tree canopy over the landscaped area. Trees of different sizes may be combined to meet the standard.~~ Ground cover plants must fully cover the remainder of the landscaped area. A 3 foot high masonry wall or a berm may be substituted for the shrubs, but the trees and ground cover plants are still required. When applied along street lot lines, any required or nonrequired screen, wall, or fence is to be placed along the interior side of the landscaped area. ~~See Figure 248-2.~~

Figure 248-1
L1 - General Landscaping

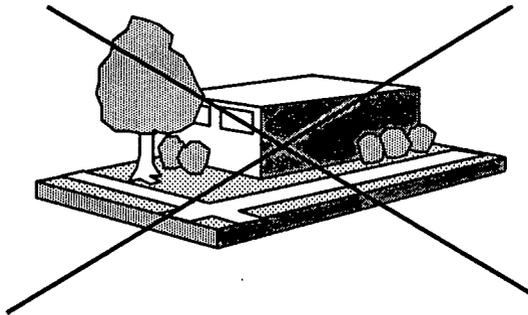
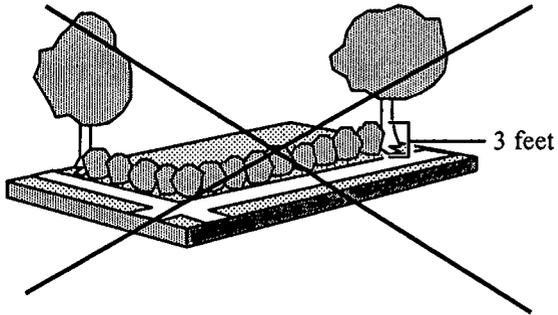


Figure 248-2
L2 - Low Screen Landscaping



COMMENTARY

C. L3, High screen

The L3 standard calls for evergreen shrubs and variable tree spacing, just as the L2 standard does.

D. L4, High wall

The L4 standard calls for variable tree spacing.

TREE AND LANDSCAPING CODE AMENDMENTS

C. L3, high screen.

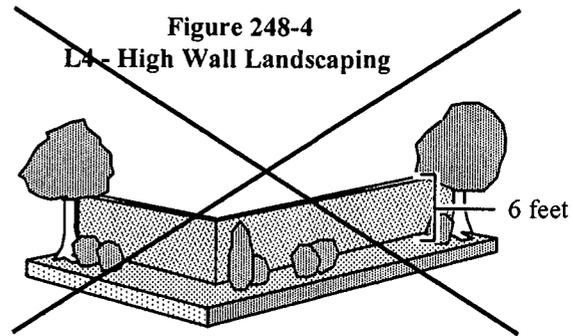
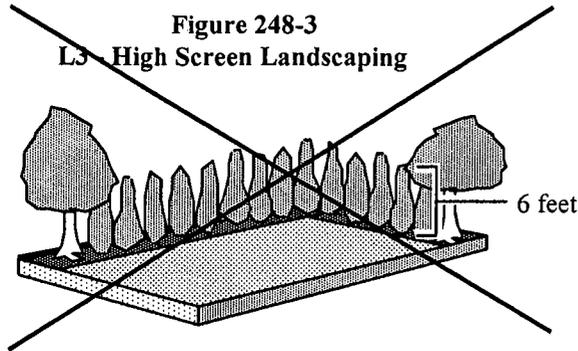
1. Intent. The L3 standard is a landscape treatment which uses screening to provide the physical and visual separation between uses or development. It is used in those instances where visual separation is required.
2. Required materials. The L3 standard requires enough high shrubs to form a screen 6 feet high ~~and 95 percent opaque year around.~~ The shrubs must be evergreen. In addition, one large tree is required per 30 lineal feet of landscaped area, one medium tree per 22 lineal feet of landscaped area, or one small tree per 15 lineal feet of landscaped area, or as appropriate to provide a tree canopy over the landscaped area. Trees of different sizes may be combined to meet the standard. Ground cover plants must fully cover the remainder of the landscaped area. A 6 foot high masonry wall may be substituted for the shrubs, but the trees and ground cover plants are still required. When applied along street lot lines, any required or nonrequired screen, wall, or fence is to be placed along the interior side of the landscaped area. ~~See Figure 248-3.~~

D. L4, high wall.

1. Intent. The L4 standard is intended to be used in special instances where extensive screening of both visual and noise impacts is needed to protect abutting sensitive uses in areas and where there is little space for separation.
2. Required materials. The L4 standard requires a 6 foot high masonry wall along the interior side of the landscaped area. One large tree is required per 30 lineal feet of wall, one medium tree per 22 lineal feet of wall, or one small tree per 15 lineal feet of wall, or as appropriate to provide a tree canopy over the landscaped area. Trees of different sizes may be combined to meet the standard. In addition, four high shrubs are required per 30 lineal feet of wall. Ground cover plants must fully cover the remainder of the landscaped area. ~~See Figure 248-4.~~

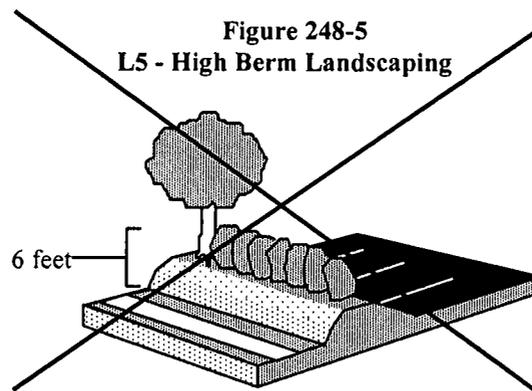
E. L5, High berm

The L5 standard calls for variable tree spacing. By referencing L2, it also requires use of evergreen shrubs.



E. L5, high berm.

1. Intent. The L5 standard is intended to be used in special instances where extensive screening of both visual and noise impacts is needed to protect abutting sensitive uses, and where it is desirable and practical to separate a use by distance as well as sight-obscuring materials.
2. Required materials. The L5 standard requires a berm between 4 and 6 feet high. If the berm is less than 6 feet high, low shrubs that meet the L2 standard must be planted on top of the berm to assure that the overall screen height is 6 feet. In addition, one large tree is required per 30 lineal feet of berm, one medium tree per 22 lineal feet of berm, or one small tree per 15 lineal feet of berm. or as appropriate to provide a tree canopy over the landscaped area. Trees of different sizes may be combined to meet the standard. Ground cover plants must fully cover the remainder of the landscaped area. ~~See Figure 248-5.~~



No changes are proposed to these sections.

TREE AND LANDSCAPING CODE AMENDMENTS

F. F1, partially sight-obscuring fence.

1. Intent. The F1 fence standard provides a tall, but not totally blocked visual separation. The standard is applied where a low level of screening is adequate to soften the impact of the use or development, or where visibility between areas is more important than a total visual screen. It is applied in instances where landscaping is not necessary and where nonresidential uses are involved.
2. Required materials. Fences must be 6 feet high and at least 50 percent sight-obscuring. Fences may be made of wood, metal, bricks, masonry or other permanent materials. See Figure 248-6 1.

G. F2, fully sight-obscuring fence.

1. Intent. The F2 fence standard provides a tall and complete visual separation, and is intended to be used in special instances where complete screening is needed to protect abutting uses, and landscaping is not practical. It is usually applied in nonresidential situations.
2. Required materials. Fences must be 6 feet high and 100 percent sight-obscuring. Fences may be made of wood, metal, bricks, masonry or other permanent materials. See Figure 248-7 2.

Figure 248-6 1
F1 - Partially Sight-Obscuring

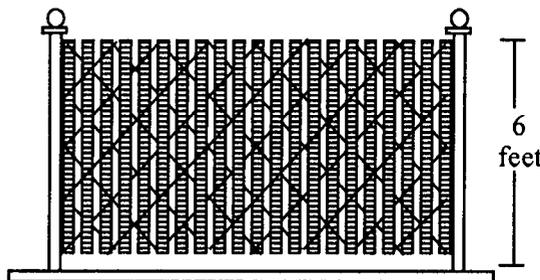
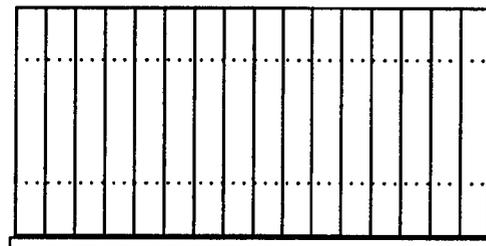


Figure 248-7 2
F2 - Totally Sight-Obscuring



COMMENTARY

I. P1, parking lot interior landscaping

The P1 standard eliminates the need for separate planting standards in Chapter 33.266.

A significant change from current practice is that the number of trees and shrubs required will be based on the number of parking spaces, rather than the size of the area to be landscaped.

One tree is currently required for every 120 square feet of parking lot landscaping. This tree requirement applies to both perimeter and interior landscaping. Where the landscaped area is 4 feet wide (the minimum for interior landscaping), trees are spaced at 30 feet. When the landscaping is 5 feet wide (the usual minimum for perimeters), trees are spaced at 24 feet. As the landscaped area becomes wider, the spacing of the trees becomes tighter. This has created situations where it is difficult to meet the standards. In addition, the code provides no incentive for using larger trees. Applicants often select small or columnar trees, which provide less environmental and aesthetic benefit in parking lots.

This project proposes to require one large tree per 4 parking spaces, one medium tree per 3 spaces, or one small tree per 2 spaces. These figures are based on a review of eight parking lots recently constructed under the current code. The parking lots ranged from 395 stalls to 9 stalls. The number of parking spaces per tree ranged from 1.8 to 3.3. The parking lots were in different zones, serving different uses, and had a variety of layouts.

Today's standards call for 10 per cent of the parking and loading area to be devoted to interior parking lot landscaping, and also require perimeter landscaping. This project proposes to change this standard to 45 square feet of landscaped area per parking space (see 33.266.130.G.3 for commentary).

The intent is to achieve a similar level of landscaping while improving the resulting tree canopy. Applicants will have the flexibility to select the trees that they desire. Because of the proposed standard, smaller trees will be planted closer together, better achieving the benefits envisioned by the Zoning Code. In effect, one small tree will be required for each 90 square feet of landscaping, one medium tree per 135 square feet of landscaping, or one large tree per 180 square feet of landscaping.

TREE AND LANDSCAPING CODE AMENDMENTS

H. T1, Trees. (No changes)

I. P1, Parking Lot Interior Landscaping

1. Intent. The P1 standard is a landscape treatment which uses a combination of trees, shrubs, and ground cover to provide shade, stormwater management, aesthetic benefits, and screening to soften the impacts of large expanses of pavement and vehicle movement. It is applied to landscaped areas within parking lots and associated vehicle areas.
2. Required materials.
 - a. Trees. The P1 standard requires one large tree per 4 parking spaces, one medium tree per 3 parking spaces, or one small tree per 2 parking spaces. At least 20 percent of trees must be evergreen. Trees of different sizes may be combined to meet the standard.



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-8 DATE 6-30-05
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 06/30/05
Agenda Item #: R-8
Est. Start Time: 10:05 AM
Date Submitted: 06/21/05

PROJECT REALLOCATION: FPM 06-01

**Project Reallocation FPM 06-01 Approving Project Authorization Increase of
Agenda \$250,000 of Facilities Capital Project Funds for the Combined Upgrade Project
Title: (Phase One) at the County-owned Elections Building**

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

Date Requested: <u>June 30, 2005</u>	Time Requested: <u>15 min</u>
Department: <u>Business and Community Services</u>	Division: <u>Facilities & Property Mng.</u>
Contact(s): <u>Steve Pearson, John Lindenthal</u>	
Phone: <u>503 988 3278</u> Ext. <u>83278</u> I/O Address: <u>274</u>	
Presenter(s): <u>John Lindenthal, Clark Jurgemeyer, John Kauffman</u>	

General Information

1. What action are you requesting from the Board?

The requested Board action is to approve an increase in project authorization of \$250,000 for CP10.04.21 - Combined Upgrade Project (Phase One) at the County-owned Elections Building located at 1040 SE Morrison Street in Portland Oregon. Existing projects expected to be delayed or substantively carried over to FY07 have been identified. Their budget authority is not needed for FY06 and is requested for transfer to implement the Combined Upgrade Project (Phase One).

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

The Board included the following Budget Note in the FY05 Adopted Budget: "No reallocation of funds from capital or maintenance projects shall occur without review and approval from the Chief Financial Officer. Projects that will exceed their budgeted appropriation in excess of five percent up to \$25,000 will need to be approved by the Chief Financial Officer; over \$25,000 will need to be brought back to the Board for approval. Facilities shall report to the Board on a semi annual basis the progress of capital projects and the financial status of capital and maintenance projects." This

request for Board action responds to that requirement and complies with new County Administrative Procedure, FIN-15, created to implement the review and approval process.

On September 18 2003, the Board reviewed the Combined Upgrade Project as a Major Facilities Capital Project (MFCP) for the Elections Building and adopted Resolution 03-132 approving the Project Plan. At that time, FPM proposed to consolidate several projects previously authorized by the Board with new building maintenance work and new federally-funded mandates into one project that would exceed one million dollars in total cost.

In January 2005, it became apparent that federal funds from the Help America Vote Act (HAVA) may not be forthcoming in the near future. Therefore, Elections and FPM revised the project scope of work so that the County could address the most urgent work now (Phase One) and delay the remainder of work (Phase Two) until federal funds are in hand. Phase One will fall below the one million dollar cap, so further MFCP reviews are not required. If and when Phase Two is federally funded, FPM will return to the Board to revise the previous MFCP reviews approved by the Board.

Phase One will include the original elevator work (CP10.04.21), some ADA work (CP10.05.01C), some asset preservation work (CP10.05.24), and some security work (CP10.05.02). FPM has obtained firm costs to complete Phase One (\$850,000, including a 10% contingency), but without previously anticipated federal funds FPM needs to modify the FY06 Facilities Capital Project Funds to reallocate \$250,000 to complete funding requirements for this work.

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

FPM considers the Phase One scope of work to be necessary and appropriate, the project schedule to be timely with completion prior to May 2006 Primary Elections, and the remaining cost to be reasonable and acceptable. Elections considers the project an important step toward facilitating voter access at the polling place and supporting part-time staff whose an average age is 78 years.

Overall fund balance in the Asset Preservation Fund (Fund 2509) will remain the same. Projects targeted for deferral or carryover will be reviewed for fund reimbursement with new capital in FY07 (as opposed to Beginning Working Capital).

1. \$ 50,000 from Juvenile Justice Complex, Project CP10.45.03 B - Waterproofing.
2. \$ 50,000 from Project CP10.05.03 – A&E Building System Evaluations.
3. \$ 50,000 from Project CP10.05.02 – Security Upgrades.
4. \$100,000 from Project CP10.05.01 – ADA Funds for Tier 1 Buildings.

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

None

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

None

ATTACHMENT A

Budget Modification

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

- What revenue is being changed and why?
N/A
- What budgets are increased/decreased?
No budget change except at project level
- What do the changes accomplish?

- Do any personnel actions result from this budget modification? Explain.
No
- How will the county indirect, central finance and human resources and departmental overhead costs be covered?
N/A
- Is the revenue one-time-only in nature? Will the function be ongoing? What plans are in place to identify a sufficient ongoing funding stream?
N/A
- If a grant, what period does the grant cover?
N/A
- If a grant, when the grant expires, what are funding plans?
N/A

NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.

ATTACHMENT B

PROJECT REALLOCATION: FPM-04

Required Signatures

**Facilities &
Property
Management
Director:**



Date: 06/21/05

**Chief Financial
Officer:**



Date: 06/21/05

Budget Director:



Date: 06/21/05



**MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST**

Board Clerk Use Only

Meeting Date: 06/30/05
 Agenda Item #: R-9
 Est. Start Time: 10:15 AM
 Date Submitted: 06/22/05

BUDGET MODIFICATION: -

Agenda Title: RESOLUTION Amending Resolution 05-088 to Change the Sales Method for the Peninsula Building from a RFP to a Market Sales Approach

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

Date Requested:	<u>June 30, 2005</u>	Time Requested:	<u>5 Minutes</u>
Department:	<u>Business and Community Services</u>	Division:	<u>Facilities & Property Mgmt</u>
Contact(s):	<u>Doug Butler</u>		
Phone:	<u>503 988-6294</u>	Ext.:	<u>86294</u>
		I/O Address:	<u>274</u>
Presenter(s):	<u>Doug Butler & Lynn Dingler</u>		

General Information

1. What action are you requesting from the Board?

To amend the sales method in Resolution 05-088 for the Peninsula Building from a Request For Proposal (RFP) to a Market sale approach.

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

The Board of County Commissioners resolved to sell the Peninsula Building in Resolution No. 05-088. Section 2 of the Resolution directed Facilities and Property Management to sell the property through an RFP process.

Through the disposition process, community input has been gathered and the concern for a sale to a user that would create a problem for the community was found to be minimal. Also, the RFP process has been found to limit the market response to the sale of County owned buildings. Consequently, Facilities is asking the Board to authorize a change in the sales approach for the Peninsula Building.

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

1. Selling the Peninsula Building through a market approach will potentially increase the interested buyers and the revenue the County receives from the sale of the property.

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

No known legal and/or policy issues.

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

Outreach was undertaken for property in accordance with the requirements in the Surplus Property Policy Resolution #04-185 adopted December 12, 2004.

Required Signatures

**Department/
Agency Director:**



Date: 06/21/05

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Amending Resolution 05-088 to Change the Sales Method for the Peninsula Building From a RFP to a Market Sales Approach

The Multnomah County Board of Commissioners Finds:

- a. By Resolution 03-114 the Multnomah County Board of County Commissioners declared the Peninsula Building at 7220 N. Lombard, Portland, Oregon to be a surplus property.
- b. By Resolution 05-088 the Multnomah County Board of Commissioners approved the sale of the Peninsula Building through a Request For Proposals Process.
- c. Pursuant to the County's Surplus Property policy (Resolution Number 04-185) public comment was solicited and community concern over prospective uses was limited.
- d. The RFP approach to selling property potentially limits market appeal.
- e. The RFP approach to selling property potentially has negative impact on the revenue the County realizes from a sale.
- f. It is in the best interests of the County to sell the Peninsula Building through a Market approach.

The Multnomah County Board of Commissioners Resolves:

1. The Board approves the sale of the Peninsula Building at 7220 N. Lombard, Portland, Oregon through use of a broker to market the property rather than by the process set forth in Resolution 05-088.
2. Facilities will present each offer to purchase to the Board for review together with a recommendation whether to accept the offer.

ADOPTED this 30th day of June, 2005.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
John S. Thomas, Deputy County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 05-123

Amending Resolution 05-088 to Change the Sales Method for the Peninsula Building from a RFP to a Market Sales Approach

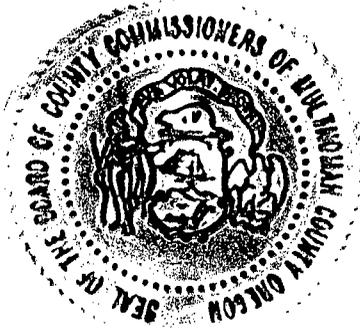
The Multnomah County Board of Commissioners Finds:

- a. By Resolution 03-114 the Multnomah County Board of County Commissioners declared the Peninsula Building at 7220 N. Lombard, Portland, Oregon to be a surplus property.
- b. By Resolution 05-088 the Multnomah County Board of Commissioners approved the sale of the Peninsula Building through a Request for Proposals Process.
- c. Pursuant to the County's Surplus Property policy (Resolution Number 04-185) public comment was solicited and community concern over prospective uses was limited.
- d. The RFP approach to selling property potentially limits market appeal.
- e. The RFP approach to selling property potentially has negative impact on the revenue the County realizes from a sale.
- f. It is in the best interests of the County to sell the Peninsula Building through a Market approach.

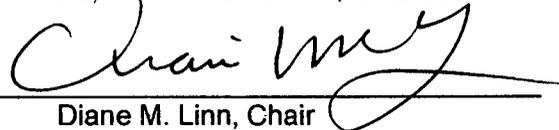
The Multnomah County Board of Commissioners Resolves:

1. The Board approves the sale of the Peninsula Building at 7220 N. Lombard, Portland, Oregon through use of a broker to market the property rather than by the process set forth in Resolution 05-088.
2. Facilities will present each offer to purchase to the Board for review together with a recommendation whether to accept the offer.

ADOPTED this 30th day of June, 2005.

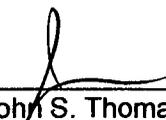


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
John S. Thomas, Deputy County Attorney



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 06/30/05
Agenda Item #: R-10
Est. Start Time: 10:20 AM
Date Submitted: 06/22/05

BUDGET MODIFICATION: -

RESOLUTION Setting a Public Hearing and Directing Notice Regarding the Proposed Vacation of the Right-of-Way through Multnomah County's Edgefield

Agenda Title: **Property (Portions of NE 242nd Connector, County Road No. 5007 and NE 238th Connector, County Road No. 5008)**

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

Date Requested: <u>June 30, 2005</u>	Time Requested: <u>10 minutes</u>
Department: <u>Business and Community Services</u>	Division: <u>Facilities & Property Mgmt.</u>
Contact(s): <u>Doug Butler</u>	
Phone: <u>(503) 988-6294</u> Ext. <u>86294</u>	I/O Address: <u>#274</u>
Presenter(s): <u>Doug Butler & Lynn Dingler</u>	

General Information

1. What action are you requesting from the Board?

In continuation of the proceedings necessary to vacate the 242nd Connector right-of-way, the Multnomah County Land Use and Transportation Program (LUTP) requests the Board accept the County Road Officials Report as provided under ORS 368.346(1); schedule Thursday, July 28, 2005 as the date for next and final hearing pursuant to ORS 368.346(2); and finally direct staff to provide all appropriate notice of the July 28th hearing as required under ORS 368.346(3).

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

The 242nd Connector right-of-way proposed for vacation is established as a county road but it has not been constructed. While the need has been identified to provide additional traffic capacity, between I-84 and US 26, there remain several viable options, some of which may be more cost effective than building the proposed 242nd and 238th Connectors. System improvements to NE 257th; to the existing NE 238th and NE 242nd streets; to S.E. Burnside and NE 181st are a few of the potential options for meeting the needs of increasing traffic capacity demands.

The 242nd Ave Connector (Connector), between I-84 and Stark St. is included in the Multnomah

County Fiscal Years 2005-2009 Transportation Capital Improvement Plan and Program (CIP), adopted by the Multnomah County Board of Commissioners, February 24, 2005. The Connector is included in the Capital Plan, but not the Capital Program, because additional analysis is needed. As noted in the CIP (Table 2), the Connector requires a corridor study before a proposed project can move forward.

A corridor study undertaken by Multnomah County and the Oregon Department of Transportation was suspended in 2001 because the Transportation Analysis did not demonstrate a need for the Connector given the land use and transportation conditions at that time. County Board Resolution No. 01-097 set forth in more detail the reasons the corridor study was suspended, but it also provided for the preservation as right-of-way the area now proposed to be vacated. Accordingly, LUTP will be asking the Board at the July 28th hearing to revisit Board Resolution No. 01-197, to clarify that the Board no longer supports the preservation of the existing Connector as right-of-way. The County will continue to carry the concept of a connector road between I-84 and US 26 in its Capital Plan pending the results of any future completed corridor study.

Already out of date cost estimates for constructing the 242nd Connector, between I-84 and NE Glisan, exceed \$25,000,000.00. It must be noted that the loss of the right-of-way by this vacation would increase that cost, because the real property interests would have to be acquired. But even if the right-of-way was not vacated, cost estimates for constructing the portion from NE Glisan to US 26, exceed \$75,000,000.00. There are presently no funds available to support this project and the LUTP anticipates no available funding for building the Connector option in the foreseeable future.

Finally and of great importance, LUTP has not received support from the local community, including the Cities of Wood Village, Fairview and Troutdale for the construction of the existing NE 238th Connector and NE 242nd Connector.

For all these reasons, the County Road Official finds the public interest is best served by the vacation of all of the right of way for NE 238th Connector, as established by Board Order 95-111 and all of NE 242nd Connector, right of way and easements, as established by said Order, lying northerly of Centerline Station 11+45, as more particularly described in Exhibit A to the above referenced Resolution to be heard before the Board on June 30, 2005. It must be noted that this right-of-way now proposed for vacation is slightly reduced in size from the area originally proposed for vacation on June 23, 2005 by the Resolution 05-118 identified as agenda item R-15, adopted by the Board on June 23, 2005.

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

Multnomah County is the majority owner of property (aka the Edgefield property) abutting NE 238th Connector and NE 242nd Connector. Multnomah County also owns fee title to the property that this road right of way occupies. Multnomah County is contemplating the sale of the abutting property, the Edgefield property. It is estimated by Multnomah County Facilities & Property Management Section that the vacation of these two roads, enhances the value of the abutting Edgefield property by approximately \$1,800,000.

Multnomah County Facilities & Property Management will recover 100 % of the administrative costs associated with the street vacation proceedings, through the sale of the Edgefield property.

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

The roads proposed for vacation are situated entirely within the City of Troutdale. Before the vacation proceedings are finalized, the City of Troutdale must, by Order or Resolution, concur with the findings of the county governing body that the proposed vacation is in the public interest, pursuant to ORS 368.361(3).

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

Multnomah County Transportation has received comments from the Oregon Department of Transportation; the cities of Troutdale, Wood Village, Fairview, Gresham and the Port of Portland.

While there does not appear to be consensus regarding the need to preserve this particular right of way, there is consensus that the funding to develop this transportation corridor is not available in the foreseeable future.

This proposed vacation has been initiated by Resolution No. 05-118, agenda item No. R-15, adopted by the Board on June 23, 2005.

A Public hearing will be scheduled for July 28, 2005, during which time public comment will be heard, pursuant to ORS 368.346.

Notice of this public hearing shall be provided in accordance with ORS 368.401 to 368.426 by posting and publication and service on each person with a recorded interest in the property proposed to be vacated; any improvement constructed on public property proposed to be vacated and any real property abutting public property proposed to be vacated.

Required Signatures

Department/
Agency Director:

Robert A. Maestre

Date: 06/21/05

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Setting a Public Hearing and Directing Notice Regarding the Proposed Vacation of the Right-Of-Way Through Multnomah County's Edgefield Property (Portions of N.E. 242nd Connector, County Road No. 5007 and N.E. 238th Connector, County Road No. 5008)

The Multnomah County Board of Commissioners Finds:

- a On June 23, 2005, by resolution (Agenda Item R-15), the Board declared its intent to vacate the right-of-way through Multnomah County's Edgefield property (portions of N.E. 242nd Connector, County Road No. 5007 and N.E. 238th, County Road No. 5008), and directed the Manager of Engineering Services to prepare a report as required under ORS 368.346.
- b The Board has received the Manager's report and is now required pursuant to ORS 368.346 to provide for notice and a public hearing on the proposed vacation.
- c The Manager's report recommends the total area of the right-of-way to be vacated be slightly reduced in size from the area originally proposed for vacation on June 23, 2005. The right-of-way area the Manager's report proposes for vacation is described in the attached Exhibit A.

The Multnomah County Board of Commissioners Resolves:

- 1. The Board will hold a hearing on Thursday, July 28, 2005 at 9:30 a.m. in the Multnomah Building, First Floor Commissioners Boardroom 100, 501 SE Hawthorne Boulevard, Portland, Oregon.
- 2. The purpose of the hearing is to consider whether the proposed vacation of portions of N.E. 242nd Connector, County Road No. 5007 and N.E. 238th, County Road No. 5008 as more particularly described in the attached Exhibit A, is in the public interest.
- 3. Facilities & Property Management is directed to provide notice of the hearing in the manner required under ORS 368.346.

ADOPTED this 30th day of June, 2005.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By


Matthew O. Ryan, Assistant County Attorney

EXHIBIT A

To Resolution Accepting the County Road Officials Report; Initiating Public Notice and Setting a Hearing Date Regarding the Vacation of N.E. 242nd Connector, County Road No. 5007 and N.E. 238th Connector, County Road No. 5008

PROPOSED RIGHT OF WAY PROPERTY TO BE VACATED:

1. All real properties identified in that certain Multnomah County Board Order No. 95-111 recorded at Multnomah County Deed Records No. 95-97067.
2. All real properties identified in that certain "Deed of Dedication" recorded at Multnomah County Deed Records No. 95-97068, excepting therefrom that portion more particularly described as follows:

Commencing at a brass cap at the Northeast corner of the A. Taylor D.L.C., being Engineer's Centerline Station 0+00 for N.E. 242nd Drive, County Road No. 3085, also being Engineer's Centerline Station 52+45.81 for N.E. Glisan Street, County Road No. 2326; thence S1°19'38"W along the centerline of said N.E. 242nd Drive, a distance of 164.80 feet to a point being Engineer's Centerline Station 1+64.80 of N.E. 242nd Drive, said point also being the true point of beginning of the centerline of N.E. 242nd Connector, County Road No. 5007 (Engineer's Centerline Station 0+00), being a 100.00 foot wide right-of-way, 50.00 feet in width on each side of the following described centerline; thence N4°03'04"E, a distance of 404.96 feet to a point being Engineer's Centerline Station 4+04.96; thence northeasterly along the arc of a 2,747.63 foot radius tangent curve to the right, the chord of which bears N11°46'02"E, 737.81 feet, an arc distance of 740.04 feet to a point being Engineer's Centerline Station 11+45.00.

3. All real properties identified in that certain "Easement" recorded at Multnomah County Deed Records No. 95-97069, excepting therefrom that portion more particularly described as follows:

Commencing at a brass cap at the northeast corner of the A. Taylor D.L.C., being Engineer's Centerline Station 0+00 for N.E. 242nd Drive, County Road No. 3085, also being Engineer's Centerline Station 52+45.81 for N.E. Glisan Street, County Road No. 2326; thence S1°19'38"W along the centerline of said N.E. 242nd Drive, a distance of 164.80 feet to a point being Engineer's Centerline Station 1+64.80 of N.E. 242nd Drive, said point also being the true point of beginning of the centerline of N.E. 242nd Connector, County Road No. 5007 (Engineer's Centerline Station 0+00), being a 100.00 foot wide right-of-

way, 50.00 feet in width on each side of the following described centerline; thence N4°03'04"E, a distance of 404.96 feet to a point being Engineer's Centerline Station 4+04.96; thence northeasterly along the arc of a 2,747.63 foot radius tangent curve to the right, the chord of which bears N11°46'02"E, 737.81 feet, an arc distance of 740.04 feet to a point being Engineer's Centerline Station 11+45.00.

The width in feet, when measured at right angles to centerline, of the above described vacation of easements are as follows:

<u>Station</u> <u>to</u>	<u>Station</u>	<u>Width on</u> <u>Westerly</u> <u>Side of</u> <u>Centerline</u>	<u>Width on</u> <u>Easterly</u> <u>Side of</u> <u>Centerline</u>
0.00		0	0
1+64.80	4+04.96		70
4+04.96	7+00		80
7+00	11+45		105
9+75	11+45	100	

4. All real properties identified in that certain "Deed of Dedication" recorded at Multnomah County Deed Records No. 95-97070.
5. All real properties identified in that certain "Easement" recorded at Multnomah County Deed Records No. 95-97074.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 05-124

Setting a Public Hearing and Directing Notice Regarding the Proposed Vacation of the Right-of-Way through Multnomah County's Edgefield Property (Portions of NE 242nd Connector, County Road No. 5007 and NE 238th Connector, County Road No. 5008)

The Multnomah County Board of Commissioners Finds:

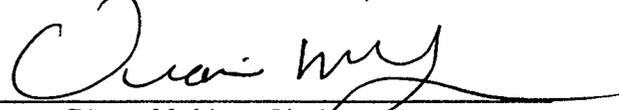
- a On June 23, 2005, by Resolution No. 05-118, the Board declared its intent to vacate the right-of-way through Multnomah County's Edgefield property (portions of NE 242nd Connector, County Road No. 5007 and NE 238th, County Road No. 5008), and directed the Manager of Engineering Services to prepare a report as required under ORS 368.346.
- b The Board has received the Manager's report and is now required pursuant to ORS 368.346 to provide for notice and a public hearing on the proposed vacation.
- c The Manager's report recommends the total area of the right-of-way to be vacated be slightly reduced in size from the area originally proposed for vacation on June 23, 2005. The right-of-way area the Manager's report proposes for vacation is described in the attached Exhibit A.

The Multnomah County Board of Commissioners Resolves:

1. The Board will hold a hearing on Thursday, July 28, 2005 at 9:30 a.m. in the Multnomah Building, First Floor Commissioners Boardroom 100, 501 SE Hawthorne Boulevard, Portland, Oregon.
2. The purpose of the hearing is to consider whether the proposed vacation of portions of NE 242nd Connector, County Road No. 5007 and NE 238th, County Road No. 5008 as more particularly described in the attached Exhibit A, is in the public interest.
3. Facilities & Property Management is directed to provide notice of the hearing in the manner required under ORS 368.346.

ADOPTED this 30th day of June, 2005.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

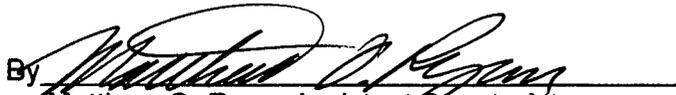
By 
Matthew O. Ryan, Assistant County Attorney

EXHIBIT A

To Resolution Setting a Public Hearing and Directing Notice Regarding the Proposed Vacation of the Right-of-Way through Multnomah County's Edgefield Property (Portions of NE 242nd Connector, County Road No. 5007 and NE 238th Connector, County Road No. 5008)

PROPOSED RIGHT OF WAY PROPERTY TO BE VACATED:

1. All real properties identified in that certain Multnomah County Board Order No. 95-111 recorded at Multnomah County Deed Records No. 95-97067.
2. All real properties identified in that certain "Deed of Dedication" recorded at Multnomah County Deed Records No. 95-97068, excepting therefrom that portion more particularly described as follows:

Commencing at a brass cap at the Northeast corner of the A. Taylor D.L.C., being Engineer's Centerline Station 0+00 for NE 242nd Drive, County Road No. 3085, also being Engineer's Centerline Station 52+45.81 for NE Glisan Street, County Road No. 2326; thence $S1^{\circ}19'38''W$ along the centerline of said NE 242nd Drive, a distance of 164.80 feet to a point being Engineer's Centerline Station 1+64.80 of NE 242nd Drive, said point also being the true point of beginning of the centerline of NE 242nd Connector, County Road No. 5007 (Engineer's Centerline Station 0+00); being a 100.00 foot wide right-of-way, 50.00 feet in width on each side of the following described centerline; thence $N4^{\circ}03'04''E$, a distance of 404.96 feet to a point being Engineer's Centerline Station 4+04.96; thence northeasterly along the arc of a 2,747.63 foot radius tangent curve to the right, the chord of which bears $N11^{\circ}46'02''E$, 737.81 feet, an arc distance of 740.04 feet to a point being Engineer's Centerline Station 11+45.00.

3. All real properties identified in that certain "Easement" recorded at Multnomah County Deed Records No. 95-97069, excepting therefrom that portion more particularly described as follows:

Commencing at a brass cap at the northeast corner of the A. Taylor D.L.C., being Engineer's Centerline Station 0+00 for NE 242nd Drive, County Road No. 3085, also being Engineer's Centerline Station 52+45.81 for NE Glisan Street, County Road No. 2326; thence $S1^{\circ}19'38''W$ along the centerline of said NE 242nd Drive, a distance of 164.80 feet to a point being Engineer's Centerline Station 1+64.80 of NE 242nd Drive, said point also being the true point of beginning of the centerline of NE 242nd Connector, County Road No. 5007 (Engineer's Centerline Station 0+00); being a 100.00 foot wide right-of-way, 50.00 feet in width on each side of the following described centerline; thence $N4^{\circ}03'04''E$, a distance of 404.96 feet to a point being Engineer's Centerline Station 4+04.96; thence northeasterly along the arc of a 2,747.63 foot radius tangent curve to the right, the chord of which bears $N11^{\circ}46'02''E$, 737.81 feet, an arc distance of 740.04 feet to a point being Engineer's Centerline Station 11+45.00.

The width in feet, when measured at right angles to centerline, of the above described vacation of easements are as follows:

<u>Station to</u>	<u>Station</u>	<u>Width on Westerly Side of Centerline</u>	<u>Width on Easterly Side of Centerline</u>
0.00		0	0
1+64.80	4+04.96		70
4+04.96	7+00		80
7+00	11+45		105
9+75	11+45	100	

4. All real properties identified in that certain "Deed of Dedication" recorded at Multnomah County Deed Records No. 95-97070.
5. All real properties identified in that certain "Easement" recorded at Multnomah County Deed Records No. 95-97074.



**MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST**

Board Clerk Use Only

Meeting Date: 06/30/05
Agenda Item #: R-11
Est. Start Time: 10:25 AM
Date Submitted: 06/21/05

BUDGET MODIFICATION: -

**NOTICE OF INTENT to Apply for a U.S. Department of Housing and Urban
 Agenda Development Public Housing Resident Opportunities and Self-Sufficiency
 Title: Program Grant**

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

Date Requested:	<u>June 30, 2005</u>	Time Requested:	<u>5 minutes</u>
Department:	<u>Dept. of County Human Services</u>	Division:	<u>ADSD</u>
Contact(s):	<u>Traci Goff</u>		
Phone:	<u>503-988-5464</u>	Ext.	<u>28409</u>
		I/O Address:	<u>167/620</u>
Presenter(s):	<u>Traci Goff and Tanya Colie-McGee</u>		

General Information

1. What action are you requesting from the Board?

The Aging and Disability Services Division (ADSD) requests approval to submit a grant proposal to the U.S. Department of Housing and Urban Development (HUD). Department of County Human Services recommends that the request be approved. The Aging and Disability Services Division will be the lead agency on this project. Its partners will be the Developmental Disabilities Services Division (DDSD) and the Housing Authority of Portland (HAP).

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

Research has shown that the quality of life for seniors and people with disabilities is greatly diminished when they are placed in a long-term care facility. However, research has also shown that seniors and people with disabilities are more like to remain living independently, and thus have a higher quality of life, if they are able to access social services that assist them with meeting their basic needs (i.e., meals, shopping, cleaning, transportation, etc.). In fact, for some seniors and people with disabilities, social services are the only way they can avoid institutionalization. To meet this

need, HUD is offering grant funds to collaborative and innovative projects that will provide and/or coordinate supportive services for seniors and people with disabilities so that they can continue to live independently.

To address this issue in Multnomah County, ADSD will partner with DDSD and HAP to provide linkages to social services for seniors and people with disabilities. Grant funding will specifically target seniors and/or people with disabilities who reside in one of HAP's housing units and do not qualify for State-funded case management services through the Oregon Project Independence program.

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

This is a three-year grant that will begin on January 1, 2006 and end on December 31, 2008. The Department of County Human Services and its project partners will request a total of \$450,000 for the entire project. This amount includes both direct and indirect costs. The continuation of the project during years two and three will depend on the availability of funds, the project's progress in meeting its goals and objectives and the timely submission of all required data and progress reports.

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

There are no legal and/or policy issues associated with applying for this grant.

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

The proposal is being developed collaboratively between ADSD, DDSD and HAP, with ADSD acting as the lead agency.

ATTACHMENT A

Grant Application/Notice of Intent

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

- Who is the granting agency?
The granting agency is the U.S. Department of Housing and Urban Development (HUD).
- Specify grant (matching, reporting and other) requirements and goals.
HUD requires that all applicants provide a 25% match that can be met with in-kind support or with cash. Aging and Disability Services Division is planning on meeting the match amount by donating existing staff time as in-kind support.
- Explain grant funding detail – is this a one time only or long term commitment?
This is one-time only grant that will last for up to three years.
- What are the estimated filing timelines?
The proposal is due by 8:30 p.m., Wednesday, July 6, 2005.
- If a grant, what period does the grant cover?
The grant will begin on January 1, 2006 and end on December 31, 2008.
- When the grant expires, what are funding plans?
There are no plans to continue the project once the funding ends.
- How will the county indirect, central finance and human resources and departmental overhead costs be covered?
The county indirect, central finance and human resources, and departmental overhead costs will be covered through grant funds.

ATTACHMENT B

Required Signatures

**Department/
Agency Director:**



Date: 06/21/05

Budget Analyst:



Date: 06/22/05

Department HR:

Date:

Countywide HR:

Date:

BOGSTAD Deborah L

From: BOGSTAD Deborah L
Sent: Tuesday, June 28, 2005 8:31 AM
To: GOFF Traci M
Cc: SOWLE Agnes; Diane Linn; Lisa Naito; Lonnie Roberts; Maria ROJO DE STEFFEY; Serena Cruz; Andy Smith; Carol WESSINGER; Chuck Martin; Darcy Miles; Delma FARRELL; Gary Walker; Iris BELL; John Ball; Joseph BAESSLER; Judith Shiprack; Kathryn GORDON; Kristen WEST; Laura BAUM; Mary Carroll; Matthew LASHUA; Mike BEARD; Rob FUSSELL; Robert Walker; Shelli Romero; Tara BOWEN-BIGGS; Terri Naito
Subject: RE: Removing an item from the BCC agenda
Importance: High

Hi Traci! Sorry I was out yesterday. Since R-11 is already on the agenda, it cannot be "removed". By copy of this email I am letting the Commissioners and Board Staff know your Department has decided not to pursue the HUD grant. On Thursday when the Board gets to that item they will move, second and vote to "postpone indefinitely" which disposes of the agenda item without prejudice. Should you wish to pursue this grant in the future, simply submit a new Agenda Placement Request. You do NOT need to be in the Boardroom Thursday. Thanks for the heads up!!

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

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

From: GOFF Traci M
Sent: Monday, June 27, 2005 9:53 AM
To: BOGSTAD Deborah L
Subject: Removing an item from the BCC agenda

Deb,

I have a NOI presentation at this Thursday's board meeting. However, we have decided not to pursue the grant. What do I need to do now? Do I still need to present to the Board on Thursday? Should I send an e-mail to the agenda review team?

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Development Director
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(503) 988-5905 (fax)
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**MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST**

Board Clerk Use Only

Meeting Date: 06/30/05
Agenda Item #: E-1
Est. Start Time: 10:30 AM
Date Submitted: 06/22/05

BUDGET MODIFICATION:

Agenda Title: **Executive Session Pursuant to ORS 192.660(2)(h)**

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

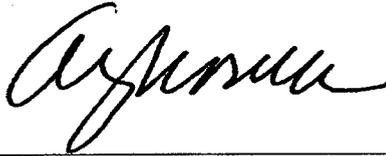
Date Requested:	<u>June 30, 2005</u>	Time Requested:	<u>15-30 mins</u>
Department:	<u>Non-Departmental</u>	Division:	<u>County Attorney</u>
Contact(s):	<u>Agnes Sowle</u>		
Phone:	<u>503 988-3138</u>	Ext.	<u>83138</u>
		I/O Address:	<u>503/500</u>
Presenter(s):	<u>Agnes Sowle and Staff</u>		

General Information

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

Required Signatures

**Department/
Agency Director:**



Date: 06/22/05

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date: