



Multnomah County Oregon

Board of Commissioners & Agenda

connecting citizens with information and services

BOARD OF COMMISSIONERS

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February 26 & 28, 2008

BOARD MEETINGS

FASTLOOK AGENDA ITEMS OF INTEREST

Pg 2	9:00 a.m. Tuesday Executive Session
Pg 2	10:00 a.m. Tuesday Transportation Funding
Pg 2	10:30 a.m. Tuesday Public Safety Data Review
Pg 3	9:30 a.m. Thursday Opportunity for Public Comment on non-agenda matters
Pg 3	9:30 a.m. Thursday Proclamation Declaring March, 2008 Purchasing Month in Multnomah County
Pg 4	10:30 a.m. Thursday Opportunity for Board Comment on Non-Agenda Matters
Pg 4	10:45 a.m. Thursday Wapato Discussion

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Thursday, 9:30 AM, (LIVE) Channel 30

Saturday, 10:00 AM, Channel 29

Sunday, 11:00 AM, Channel 30

Tuesday, 8:15 PM, Channel 29

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Tuesday, February 26, 2008 - 9:00 AM
Multnomah Building, Sixth Floor Commissioners Conference Room 635
501 SE Hawthorne Boulevard, Portland

EXECUTIVE SESSION

- E-1 The Multnomah County Board of Commissioners will meet in Executive Session Pursuant to ORS 192.660(2)(d),(e) and/or (h). Only Representatives of the News Media and Designated Staff are allowed to attend. News Media and All Other Attendees are Specifically Directed Not to Disclose Information that is the Subject of the Session. No Final Decision will be made in the Session. Presented by County Attorney Agnes Sowle. 15-55 MINUTES REQUESTED.
-

Tuesday, February 26, 2008 - 10:00 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

WORK SESSION

- WS-1 Transportation Funding. Presented by Karen Schilling. 30 MINUTES REQUESTED.
- WS-2 Public Safety Data Review. Presented by Bill Farver and Invited Others. 90 MINUTES REQUESTED.
-

Thursday, February 28, 2008 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

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

- C-1 Appointment of Elizabeth Cooper, Cheryl Hummon, Emily Gardner and Matt Picio to the Multnomah County BICYCLE AND PEDESTRIAN CITIZEN ADVISORY COMMITTEE

- C-2 Appointment of Dr. George Feldman to the Multnomah County LIBRARY ADVISORY BOARD

DEPARTMENT OF COMMUNITY SERVICES

- C-3 Budget Modification DCS-07 Reclassifying an Animal Control Officer Position in Animal Services to a Animal Control Dispatcher, as Determined by the Class/Comp Unit of Central Human Resources
- C-4 Amendment 1 to Intergovernmental Revenue Local Agency Agreement 0405169 with Clackamas County and Oregon Department of Transportation to Add Rural Surface Transportation Funds to the SE 282nd Road at Stone Road for Safety Improvement Construction Project and Revise Project Cost Estimate

SHERIFF'S OFFICE

- C-5 Intergovernmental Revenue Agreement 0709009 between the Multnomah County Sheriff's Office and the United States Marshal's Service for the Rental of Jail Beds

REGULAR AGENDA

PUBLIC COMMENT - 9:30 AM

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

DEPARTMENT OF COUNTY MANAGEMENT – 9:30 AM

- R-1 PROCLAMATION Proclaiming March, 2008 as Purchasing Month in Multnomah County, Oregon
- R-2 RESOLUTION Exempting the Roof Restoration Project for the Juvenile Justice Complex (JJC) from Administrative Procedure FAC-1 Relating to Construction of Major Facilities Capital Projects

DEPARTMENT OF HEALTH – 9:35 AM

- R-3 Second Reading of Possible Adoption of an ORDINANCE Amending Nuisance Control Law Multnomah County Code Section 15.225 Relating to Area of Application

R-4 NOTICE OF INTENT to Submit a Proposal to the Health Resources and Services Administration HIV/AIDS Bureau *Capacity Building to Develop Standard Electronic Client Information Data Systems for Current Part A Grantees* Grant Competition

DEPARTMENT OF COMMUNITY SERVICES – 9:45 AM

R-5 RESOLUTION Urging the Oregon State Department of Land Conservation and Development to Use the County's Interpretation of its Historic F-2 Zoning District Regulations in Certain State Determinations Under Measure 49

SHERIFF'S OFFICE – 10:15 AM

R-6 Budget Modification MCSO-08 Appropriating \$167,000 General Fund Contingency to Continue to Operate 57 Jail Beds at the Multnomah County Detention Center from March 1, 2008 through March 31, 2008

R-7 if needed RESOLUTION Establishing the Population Capacity and Adopting a Revised Capacity Management Action Plan for the Multnomah County Sheriff's Office Jail Facilities and Repealing Resolution 07-141

BOARD COMMENT – 10:30 AM

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

Thursday, February 28, 2008 - **10:45 AM**
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

WORK SESSION

WS-3 Wapato Discussion. Presented by Bill Farver and Invited Others. 45 MINUTES REQUESTED.



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 02/28/08
Agenda Item #: E-1
Est. Start Time: 9:00 AM
Date Submitted: 02/14/08

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

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

Requested Meeting Date: February 28, 2008 **Amount of Time Needed:** 15-55 minutes
Department: Non-Departmental **Division:** County Attorney
Contact(s): Agnes Sowle
Phone: 503 988-3138 **Ext.** 83138 **I/O Address:** 503/500
Presenter(s): Agnes Sowle and Invited Others

General Information

1. **What action are you requesting from the Board?**
 No final decision will be made in the Executive Session.
2. **Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.**
 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)(d),(e)and/or(h)
5. **Explain any citizen and/or other government participation that has or will take place.**

Required Signature

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

Date: 02/14/08



Lincoln Lease w/ Exercise of Purchase Option

		Base Case	Option 1	Option 2	Option 3
Buildings		McCoy, Mead & Lincoln	Lincoln	Lincoln	Lincoln
Description		Unsustainable Option - Do Nothing Except Ongoing Emergency Work at Mead and McCoy	Amortize all upfront costs over 20 years	Pay \$15.5 million upfront and amortize the remainder over 20 years	Pay \$20 million upfront and amortize the remainder over 20 years
Consistent with 2005 Facilities Strategic Plan		No	Fully	Fully	
County Occupancy in Square Feet		287,574	256,464	256,464	256,464
UPFRONT CAPITAL					
Available Capital from Building Sales	1	\$0	(\$5,566,879)	(\$5,566,879)	(\$5,566,879)
Estimated Purchase Price of Building	2	\$0	\$44,500,000	\$44,500,000	\$44,500,000
Seismic Code Requirements	3	\$0	\$6,100,000	\$6,100,000	\$6,100,000
Deferred Maintenance and Emergency Work	4	\$0	\$0	\$0	\$0
Tenant Improvements (Interior/finishes)	5	\$0	\$16,455,000	\$16,455,000	\$16,455,000
Health Department	6	\$0	\$11,687,000	\$11,687,000	\$11,687,000
DCJ	7	\$0	\$2,430,000	\$2,430,000	\$2,430,000
DCHS	8	\$0	\$2,088,000	\$2,088,000	\$2,088,000
X-Ray Machine	9	\$0	\$250,000	\$250,000	\$250,000
Tenant Improvement Allowance from Landlord	10		(\$3,200,000)	(\$3,200,000)	(\$3,200,000)
Seismic Work Allowance from Landlord	11		(\$1,800,000)	(\$1,800,000)	(\$1,800,000)
1.33 % for the Arts	12	\$0	\$871,715	\$871,715	\$871,715
Furniture, Fixtures, Equipment (FFE) + Move	13	\$0	\$4,500,000	\$4,500,000	\$4,500,000
Total Upfront Capital Outlay	14	\$0	\$61,859,836	\$61,859,836	\$61,859,836
15 YEAR COSTS					
Rent (includes Op Ex)	15	\$39,826,338	\$0	\$0	\$0
Debt Payments	16	\$5,733,111	\$71,377,498	\$53,636,091	\$48,485,360
Income from 3rd Party Tenants	17	\$0	(\$5,668,444)	(\$5,668,444)	(\$5,668,444)
Operating Expenses for Owned	18	\$43,719,940	\$40,543,010	\$40,543,010	\$40,543,010
Total Costs Over 15 Year Term	19	\$89,279,389	\$106,252,064	\$88,510,658	\$83,359,927
Average Annual Cost	20	\$5,951,959.23	\$7,083,471	\$5,900,710.51	\$5,557,328

BASE CASE VS. LINCOLN LEASE PURCHASE

20 Year Amortization of Entire Project Cost

Year	Base Case No Improvement	Lincoln Purchase	Difference	OPTION 1
1	\$4,921,395	\$5,879,791	\$958,397	
2	\$5,108,334	\$6,750,265	\$1,641,931	
3	\$5,308,104	\$6,830,590	\$1,522,486	
4	\$5,516,207	\$6,835,272	\$1,319,065	
5	\$5,452,543	\$6,900,419	\$1,447,876	
6	\$5,677,588	\$6,967,554	\$1,289,966	
7	\$5,281,844	\$7,036,736	\$1,754,892	
8	\$5,465,107	\$7,108,027	\$1,642,920	
9	\$5,733,188	\$7,181,492	\$1,448,304	
10	\$6,014,395	\$7,257,195	\$1,242,799	
11	\$6,309,428	\$7,335,204	\$1,025,776	
12	\$6,619,023	\$7,415,589	\$796,566	
13	\$6,943,961	\$7,498,422	\$554,461	
14	\$7,285,065	\$7,583,777	\$298,712	
15	\$7,643,206	\$7,671,730	\$28,524	
Totals	\$89,279,389	\$106,252,064	\$16,972,676	



**MULTNOMAH COUNTY
OREGON**

BASE CASE VS. LINCOLN LEASE PURCHASE

Upfront Payment of \$15.5 Million - 20 Year Amortization

Year	Base Case Annual Cost	Lincoln Purchase Annual Cost	Difference	OPTION 2
1	\$4,921,395	\$4,697,031	(\$224,364)	
2	\$5,108,334	\$5,567,504	\$459,171	
3	\$5,308,104	\$5,647,830	\$339,726	
4	\$5,516,207	\$5,652,512	\$136,305	
5	\$5,452,543	\$5,717,659	\$265,116	
6	\$5,677,588	\$5,784,793	\$107,205	
7	\$5,281,844	\$5,853,976	\$572,131	
8	\$5,465,107	\$5,925,267	\$460,160	
9	\$5,733,188	\$5,998,731	\$265,543	
10	\$6,014,395	\$6,074,434	\$60,039	
11	\$6,309,428	\$6,152,444	(\$156,984)	
12	\$6,619,023	\$6,232,829	(\$386,194)	
13	\$6,943,961	\$6,315,662	(\$628,299)	
14	\$7,285,065	\$6,401,017	(\$884,049)	
15	\$7,643,206	\$6,488,969	(\$1,154,237)	
Totals	\$89,279,389	\$88,510,658	(\$768,731)	



**MULTNOMAH COUNTY
OREGON**

Revised 2/25/2008



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 02/28/08
Agenda Item #: C-1
Est. Start Time: 9:30 AM
Date Submitted: 02/14/08

Agenda Title: **Appointment of Elizabeth Cooper, Cheryl Hummon, Emily Gardner and Matt Picio to the Multnomah County BICYCLE AND PEDESTRIAN CITIZEN ADVISORY COMMITTEE**

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

Requested Meeting Date: 2/28/2008 **Amount of Time Needed:** Consent Agenda
Department: Non-Departmental **Division:** Chair's Office
Contact(s): Ted Wheeler, Tara Bowen-Biggs
Phone: (503) 988-3308 **Ext.** 83953 **I/O Address:** 503/600
Presenter(s): N/A

General Information

1. What action are you requesting from the Board?

Request board approval of appointment of Elizabeth Cooper, Cheryl Hummon, Emily Gardner and Matt Picio to the Multnomah County Bicycle and Pedestrian Citizen Advisory Committee.

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

The Multnomah County Bicycle and Pedestrian Citizen Advisory Committee advises the Transportation and Land Use Planning Division on matters involving bicycle and pedestrian transportation. The Committee identifies issues, problems and opportunities and assists in evaluating projects for the Bicycle Capital Improvement Plan and Pedestrian Capital Improvement Plan. The Committee serves as a liaison between the Division and organizations represented and serves as a source of volunteers for assisting the Division at public events supporting bicycle and pedestrian issues. The Committee is composed of a minimum of 7 and a maximum of 14 members and up to five alternates all of whom will be appointed by the Chair of the Board with approval of the County Commissioners. Members are appointed to 2-year terms. Mike Lynch of the Land Use and Transportation Planning Division is liaison to the Multnomah County Bicycle and Pedestrian

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

No legal and/or policy issues involved.

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

N/A

Required Signature

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

TED WHEELER

**Date: February 14,
2008**



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 02/28/08
Agenda Item #: C-2
Est. Start Time: 9:30 AM
Date Submitted: 02/14/08

Agenda Title: **Appointment of Dr. George Feldman to the Multnomah County LIBRARY ADVISORY BOARD**

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

Requested Meeting Date: February 28, 2008 **Amount of Time Needed:** Consent Agenda
Department: Non-Departmental **Division:** Chair's Office
Contact(s): Ted Wheeler, Tara Bowen-Biggs
Phone: (503) 988-3308 **Ext.** 83953 **I/O Address:** 503/600
Presenter(s): N/A

General Information

1. What action are you requesting from the Board?

Request the Board approve appointment of Dr. George Feldman to the Multnomah County Library Advisory Board. The appointment will begin on July 1 2008 and end June 30, 2011.

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

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

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

No fiscal impact

Citizen Advisory Committee.

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

No fiscal impact

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

No legal and/or policy issues involved.

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

N/A

Required Signature

Elected Official or
Department/
Agency Director:



Date: 2/14/2008



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (long form)

APPROVED : MULTNOMAH COUNTY
 BOARD OF COMMISSIONERS
 AGENDA # C-3 DATE 2/28/08
 ANA KARNES, ASST BOARD CLERK

Board Clerk Use Only

Meeting Date: 02/28/08
 Agenda Item #: C-3
 Est. Start Time: 9:30 AM
 Date Submitted: 02/12/08

BUDGET MODIFICATION: DCS- 07

**Budget Modification DCS-07 Reclassifying an Animal Control Officer Position
 in Animal Services to a Animal Control Dispatcher, as Determined by the
 Title: Class/Comp Unit of Central Human Resources**

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

Requested Meeting Date:	<u>February 28, 2008</u>	Amount of Time Needed:	<u>N/A</u>
Department:	<u>Community Service</u>	Division:	<u>Animal Services</u>
Contact(s):	<u>Jerry Elliott</u>		
Phone:	<u>(503)988-4624</u>	Ext.	<u>84624</u>
Presenter(s):	<u>Consent Calendar</u>	I/O Address:	<u>455/2/224</u>

General Information

1. What action are you requesting from the Board?

The Department is requesting the Board approve a budget modification for the reclassification of an Animal Control Officer position in Animal Services to an Animal Control Dispatcher as determined by the Class/Comp Unit of Central Human Resources.

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

To increase efficiency, Animal Services has been using an Animal Control Officer to dispatch field officers. This allows increased flexibility in assigning work. However, since this position performs Animal Control Officer tasks less than 50% of the time, it was reclassified downward to an Animal Control Dispatcher. This is a vacant position.

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

Budget modification detail is attached. The General Fund overall wage and related benefits decrease for FY 2008 is \$7,066; it is matched with an increase in Supplies. In future years this position will have increases due to COLA, step increases and increased benefit costs.

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

Management and employees have the right to request evaluation of the appropriateness of classifications. The Classification/Compensation Unit has a formal process for evaluating these requests. The reclassification for which approval is sought in this request has 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 this finding.

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?**

N/A

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

There is zero net increase or decrease. The total increase of \$7,066 in Personnel budget is offset by an equal increase in Supplies.

- **What do the changes accomplish?**

This budget modification implements budget change and position change as described in this document.

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

Reclassification of existing position.

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

Any changes will be covered within existing departmental resources.

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

This change is ongoing, contingent upon Board approval of future program offers related to this program

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

N/A

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

N/A

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

ATTACHMENT B

BUDGET MODIFICATION: DCS - 07

Required Signatures

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



Date: 02/12/08

Budget Analyst:



Date: 02/12/08

Budget Modification ID: DCS-07

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: 2008

Line No.	Fund Center	Fund Code	Func. Area	Internal Order	Accounting Unit		Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
					Cost Center	WBS Element						
1	91-30	1000	0020		903300		60000	0	(5,027)	(5,027)		Decrease Personnel
2	91-30	1000	0020		903300		60130	0	(2,039)	(2,039)		Decrease Fringe
4	91-30	1000	0020		903300		60240	0	7,066	7,066	0	Increase Supplies
5									0			
6									0			
7									0			
8									0			
9									0			
10									0			
11									0			
12									0			
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26									0			
27									0			
28									0			
29									0			
									0	0		Total - Page 1
									0	0		GRAND TOTAL

ANNUALIZED PERSONNEL CHANGE

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

						ANNUALIZED			
Fund	Job #	HR Org	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
1000	6067	61342	Animal Control Officer	702771	(1.00)	(44,099)	(14,151)	(13,753)	(72,003)
1000	6072	61342	Animal Control Dispatcher	702771	1.00	31,533	10,119	12,685	54,337
									0
									0
									0
									0
									0
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TOTAL ANNUALIZED CHANGES					0.00	(12,566)	(4,032)	(1,068)	(17,666)

CURRENT YEAR PERSONNEL DOLLAR CHANGE

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

						CURRENT YEAR			
Fund	Job #	HR Org	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
1000	6067	61342	Animal Control Officer	702771	(0.40)	(17,640)	(5,660)	(5,501)	(28,801)
1000	6072	61342	Animal Control Dispatcher	702771	0.40	12,613	4,048	5,074	21,735
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TOTAL CURRENT FY CHANGES					0.00	(5,027)	(1,612)	(427)	(7,066)



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 02/28/08
Agenda Item #: C-4
Est. Start Time: 9:30 AM
Date Submitted: 02/14/08

Amendment 1 to Intergovernmental Revenue Local Agency Agreement 0405169 with Clackamas County and Oregon Department of Transportation to Add Agenda Rural Surface Transportation Funds to the SE 282nd Road at Stone Road for Title: Safety Improvement Construction Project and Revise Project Cost Estimate

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

Requested Meeting Date: February 28, 2008 **Amount of Time Needed:** Consent Calendar
Department: Community Services **Division:** Land Use & Transportation
Contact(s): Kim Peoples
Phone: 503 988-5050 **Ext.** 26797 **I/O Address:** 425/2nd
Presenter(s): Consent Calendar

General Information

1. What action are you requesting from the Board?

The County's Transportation Division requests the Board approve an amendment to an existing intergovernmental agreement between ODOT, Clackamas County and Multnomah County providing for the funding to construct improvements at the intersection of SE 282nd and Stone Road, county roads in Multnomah County.

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

In August 2005, Multnomah and Clackamas Counties and the State agreed to perform road improvements to eliminate traffic hazards at the intersection of SE Stone Road and SE 282nd Ave. using federal Hazard Elimination Program (HEP) funds along with contributions from each county. Both counties were motivated to construct the road improvement to alleviate the high incidence of crashes occurring at this location. (SE Stone Road serves as the county line, with SE 282nd heading North into Multnomah County and South into Clackamas.)

The initial construction estimate at \$981,000 targeted the realignment of Stone Rd. with the intersection of 282nd Ave., the addition of left turn pockets on 282nd, and associated road widening to

accommodate safer vehicular movement through the intersection. The proximity of the intersection requires addressing a culvert on Johnson Creek, a stream with federally protected fish species. The culvert is a barrier to fish passage including those that are threatened under the Endangered Species Act. The fish passage barrier necessitates the removal and replacement of the deficient culvert structure with a properly sized structure. The scope of the replacement structure and required wetland mitigation requirements were not adequately accounted for in the initial project scope. The project now includes a bridge span over Johnson Creek that will allow for all life stages of threatened salmonids to pass as well as other wildlife that the current culvert does not allow for. The amended project cost to \$2,224,000 covers the design, right of way acquisition, wetland mitigation and construction. This transportation intersection improvement promotes regional livability by improving safety at the intersection, economic vitality and mobility by reducing traffic congestion by improved traffic control intersection design all supporting a thriving economy in Multnomah County.

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

Multnomah County receives an annual allocation of federal funds from ODOT that is dedicated to rural roadway improvements. The approval of this amendment dedicates the County's current share to fully fund the 282nd Ave and Stone Rd intersection. The amendment adds an additional \$678,378 to the project for a total federal contribution of \$1,278,378. Project costs above the federal share come from Clackamas and Multnomah Counties. Multnomah County's project contributions are fulfilled primarily through in-kind labor for design, right of way acquisition, and construction engineering. Multnomah County's road fund pays for the staff in this program.

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

See discussion in No. 2 above.

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

The project is included in the Transportation Capital Improvement Plan and is in the current adopted road fund capital budget. As part of the construction project, the public meetings were held for the project to solicit input and share information.

Required Signature

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



Date: 02/14/08

MULTNOMAH COUNTY CONTRACT APPROVAL FORM (CAF)

Contract #: 0405169

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

Amendment #: 1

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

Department: Community Services Division/Program: Land Use & Transportation Program Date: 2/14/08
 Originator: Kim Peoples Phone: (503) 988-5050 x 26797 Bldg/Room: 425/Yeon
 Contact: Cathy Kramer Phone: (503) 988-5050 x22589 Bldg/Room: 425/Yeon

Description of Contract: Amendment No. 1 to Local Agency Agreement between Multnomah County, Oregon Dept. of Transportation, and Clackamas County to reflect an increase in overall project cost and to stipulate that local Federal-Aid Surface Transportation Program (STP) funds be limited to \$678,386.00, for the SE 282nd Ave. and Stone Road HEP project (No. 22,216). (Revenue Agreement)

RENEWAL: PREVIOUS CONTRACT #(S) _____ EEO CERTIFICATION EXPIRES _____

PROCUREMENT _____ ISSUE _____ EFFECTIVE _____ END _____
 EXEMPTION OR _____ DATE: _____ DATE: _____ DATE: _____
 CITATION # _____

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

Contractor	Oregon Department of Transportation			Remittance address <i>(if different)</i>	
Address	455 Airport Rd. S.E., Bldg. K			Payment Schedule / Terms:	
City/State	Salem OR			<input type="checkbox"/> Lump Sum \$ _____	<input type="checkbox"/> Due on Receipt
ZIP Code	97301-5348			<input type="checkbox"/> Monthly \$ _____	<input type="checkbox"/> Net 30
Phone	(503) 986-6911/Fax: (503) 986-6910 (Patricia Barker)			<input type="checkbox"/> Other \$ _____	<input type="checkbox"/> Other
Employer ID# or SS#	N/A			<input type="checkbox"/> Price Agreement (PA) or Requirements Funding Info:	
Contract Effective Date	09/1/05	Term Date	09/1/2015		
Amendment Effect Date	02/28/08	New Term Date	09/1/2015		
Original Contract Amount	\$ 500,000.00			Original PA/Requirements Amount	\$ _____
Total Amt of Previous Amendments	\$ 0			Total Amt of Previous Amendments	\$ _____
Amount of Amendment	\$ 0			Amount of Amendment	\$ _____
Total Amount of Agreement \$	\$ 500,000.00			Total PA/Requirements Amount	\$ _____

REQUIRED SIGNATURES:

Department Manager _____ DATE _____
 County Attorney _____ DATE _____
 CPCA Manager _____ DATE _____
 County Chair _____ DATE _____
 Sheriff _____ DATE _____
 Contract Administration _____ DATE _____

COMMENTS: (WBS: ROADCES0372D)

AMENDMENT NO. 1
LOCAL AGENCY AGREEMENT
HAZARD ELIMINATION PROGRAM PROJECT
SE 282nd Avenue @ SE Stone Road Intersection

The State of Oregon, acting by and through its Department of Transportation, hereinafter referred to as "State", MULTNOMAH COUNTY, acting by and through its elected officials, hereinafter referred to as "Multnomah", and CLACKAMAS COUNTY, acting by and through its elected officials, hereinafter referred to as "Clackamas", entered into an Agreement on September 21, 2005. Said Agreement covers the realignment of the two (2) approaches of SE Stone Road and widening SE 282nd Ave.

It has now been determined by State, Clackamas and Multnomah that the Agreement referenced above, although remaining in full force and effect, shall be amended to add STP funds available to Multnomah to the Project. Except as expressly amended below, all other terms and conditions of the Agreement, as previously amended, are still in full force and effect.

Page 1, Paragraph 2, Terms of Agreement, which reads:

2. The Project shall be conducted as a part of the Hazard Elimination System Program under Title 23, United States Code. The total Project cost is estimated at \$981,000. The HEP funds for the Project are limited to \$500,000. Multnomah shall be responsible for the match for the federal funds and any portion of the Project which is not covered by federal funding. The estimate for the total Project cost is subject to change. Multnomah and Clackamas will concurrently execute a supplemental agreement regarding specific obligations as between those two parties relating to this Project, a copy of which is attached hereto, marked Exhibit B, and by this reference made a part hereof.

Shall be deleted in its entirety and amended to read:

2. A portion of the Project work shall be funded as a part of the Hazard Elimination System Program under Title 23, United States Code. The total Project cost is estimated at \$2,224,000. The HEP funds for the Project are limited to \$500,000. Multnomah shall be responsible for the match for the federal funds and any portion of the Project which is not covered by federal funding. The estimate for the total Project cost is subject to change. Multnomah and Clackamas have executed a supplemental agreement regarding specific obligations as between those two parties relating to this Project, a copy of which is attached hereto, marked Exhibit B, and by this reference made a part hereof.

M C & A No. 22,216-1
MULTNOMAH COUNTY & CLACKAMAS COUNTY

A portion of the Project work shall be funded as a part of the Federal-Aid Surface Transportation Program (STP) under Title 23, United States Code. The local STP funds for this Project shall be limited to \$678,386. The Project will be financed with STP funds at the maximum allowable federal participating amount, with Multnomah providing the match and any non-participating costs, including all costs in excess of the available HEP and STP federal funds.

Insert new Paragraph 12, Page 3, to read as follows:

This amendment may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all parties, notwithstanding that all parties are not signatories to the same counterpart. Each copy of this amendment so executed shall constitute an original.

IN WITNESS WHEREOF, the parties hereto have set their hands as of the day and year hereinafter written.

This Project is in the 2004-2007 Statewide Transportation Improvement Program, Key #13163, that was approved by the Oregon Transportation Commission on November 17, 2003.

The Oregon Transportation Commission on June 18, 2003, approved Delegation Order No. 2, which authorizes the Director to approve and execute agreements for day-to-day operations when the work is related to a project included in the Statewide Transportation Improvement Program or a line item in the biennial budget approved by the Commission.

On November 10, 2004, the Director of the Oregon Department of Transportation approved Subdelegation Order No. 2, in which the Director delegates to the Deputy Director, Highways the authority to approve and sign agreements over \$75,000 when the work is related to a project included in the Statewide Transportation Improvement Program or in other system plans approved by the Oregon Transportation Commission or in a line item in the biennial budget approved by the Director.

M C & A No. 22,216-1
MULTNOMAH COUNTY & CLACKAMAS COUNTY

MULTNOMAH COUNTY, by and through its elected officials

By _____
Chair

Date _____

CLACKAMAS COUNTY, by and through its elected officials

By _____
Chair

Date _____

APPROVED AS TO LEGAL SUFFICIENCY

By _____
Multnomah Attorney

Date _____

APPROVED AS TO LEGAL SUFFICIENCY

By _____
Clackamas Attorney

Date _____

Multnomah Contact:
Karen Schilling
1600 SE 190th Ave
Portland, OR 97233
503-988-5050

STATE OF OREGON, by and through its Department of Transportation

By _____
Deputy Director, Highways

Date _____

APPROVAL RECOMMENDED

By _____
Tech Services Manager/Chief Engr

Date _____

By _____
Region 1 Manager

Date _____

APPROVED AS TO LEGAL SUFFICIENCY

By _____
Assistant Attorney General

Date _____

State Contact:
Tom Weatherford
123 NW Flanders
Portland, OR 97209
503-731-8238

Clackamas Contact:
Richard Nys
9101 Sunnybrook Blvd
Clackamas, OR 97015
503-353-4702

MULTNOMAH COUNTY CONTRACT APPROVAL FORM (CAF)

Contract #: 0405169

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

Amendment #: 1

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

Department: Community Services

Division/

Program: Land Use & Transportation Program

Date: 2/14/08

Originator: Kim Peoples

Phone: (503) 988-5050 x 26797

Bldg/Room: 425/Yeon

Contact: Cathey Kramer

Phone: (503) 988-5050 x22589

Bldg/Room: 425/Yeon

Description of Contract: Amendment No. 1 to Local Agency Agreement between Multnomah County, Oregon Dept. of Transportation, and Clackamas County to reflect an increase in overall project cost and to stipulate that local Federal-Aid Surface Transportation Program (STP) funds be limited to \$678,386.00, for the SE 282nd Ave. and Stone Road HEP project (No. 22,216). (Revenue Agreement)

RENEWAL: PREVIOUS CONTRACT #(S) _____

EEO CERTIFICATION EXPIRES _____

PROCUREMENT _____
EXEMPTION OR _____
CITATION # _____

ISSUE _____
DATE: _____

EFFECTIVE _____
DATE: _____

END _____
DATE: _____

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

Contractor: <u>Oregon Department of Transportation</u>		Remittance address (if different): _____	
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ZIP Code: <u>97301-5348</u>		<input type="checkbox"/> Monthly \$ _____	<input type="checkbox"/> Net 30
Phone: <u>(503) 986-6911/Fax: (503) 986-6910 (Patricia Barker)</u>		<input type="checkbox"/> Other \$ _____	<input type="checkbox"/> Other
Employer ID# or SS#	<u>N/A</u>	<input type="checkbox"/> Price Agreement (PA) or Requirements Funding Info:	
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Amendment Effect Date	<u>02/28/08</u>	New Term Date	<u>09/1/2015</u>
Original Contract Amount	\$ <u>500,000.00</u>	Original PA/Requirements Amount	\$ _____
Total Amt of Previous Amendments	\$ <u>0</u>	Total Amt of Previous Amendments	\$ _____
Amount of Amendment	\$ <u>0</u>	Amount of Amendment	\$ _____
Total Amount of Agreement	\$ <u>500,000.00</u>	Total PA/Requirements Amount	\$ _____

REQUIRED SIGNATURES:

Department Manager: [Signature]

County Attorney: [Signature]

CPCA Manager: _____

County Chair: [Signature]

Sheriff: _____

Contract Administration: _____

DATE: 2/14/08

DATE: 2/27/08

DATE: _____

DATE: 2/28/08

DATE: _____

DATE: _____

COMMENTS: (WBS: ROADCES0372D)



AMENDMENT NO. 1
LOCAL AGENCY AGREEMENT
HAZARD ELIMINATION PROGRAM PROJECT
SE 282nd Avenue @ SE Stone Road Intersection

The State of Oregon, acting by and through its Department of Transportation, hereinafter referred to as "State", MULTNOMAH COUNTY, acting by and through its elected officials, hereinafter referred to as "Multnomah", and CLACKAMAS COUNTY, acting by and through its elected officials, hereinafter referred to as "Clackamas", entered into an Agreement on September 21, 2005. Said Agreement covers the realignment of the two (2) approaches of SE Stone Road and widening SE 282nd Ave.

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M C & A No. 22,216-1
MULTNOMAH COUNTY & CLACKAMAS COUNTY

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IN WITNESS WHEREOF, the parties hereto have set their hands as of the day and year hereinafter written.

This Project is in the 2004-2007 Statewide Transportation Improvement Program, Key #13163, that was approved by the Oregon Transportation Commission on November 17, 2003.

The Oregon Transportation Commission on June 18, 2003, approved Delegation Order No. 2, which authorizes the Director to approve and execute agreements for day-to-day operations when the work is related to a project included in the Statewide Transportation Improvement Program or a line item in the biennial budget approved by the Commission.

On November 10, 2004, the Director of the Oregon Department of Transportation approved Subdelegation Order No. 2, in which the Director delegates to the Deputy Director, Highways the authority to approve and sign agreements over \$75,000 when the work is related to a project included in the Statewide Transportation Improvement Program or in other system plans approved by the Oregon Transportation Commission or in a line item in the biennial budget approved by the Director.

M C & A No. 22,216-1
MULTNOMAH COUNTY & CLACKAMAS COUNTY

MULTNOMAH COUNTY, by and through its elected officials

By *RD Wheeler*
Chair

Date 2/28/08

STATE OF OREGON, by and through its Department of Transportation

By _____
Deputy Director, Highways

Date _____

CLACKAMAS COUNTY through its elected officials

By _____
Chair

Date _____



APPROVAL RECOMMENDED

By _____
Tech Services Manager/Chief Engr

Date _____

By _____
Region 1 Manager

Date _____

APPROVED AS TO LEGAL SUFFICIENCY

By *Matthew C. Ryan*
Multnomah Attorney

Date 2/27/08

APPROVED AS TO LEGAL SUFFICIENCY

By _____
Assistant Attorney General

Date _____

APPROVED AS TO LEGAL SUFFICIENCY

By _____
Clackamas Attorney

Date _____

State Contact:
Tom Weatherford
123 NW Flanders
Portland, OR 97209
503-731-8238

Multnomah Contact:
Karen Schilling
1600 SE 190th Ave
Portland, OR 97233
503-988-5050

Clackamas Contact:
Richard Nys
9101 Sunnybrook Blvd
Clackamas, OR 97015
503-353-4702



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (long form)

Board Clerk Use Only

Meeting Date: 02/28/08
Agenda Item #: C-5
Est. Start Time: 9:30 AM
Date Submitted: 02/20/08

Agenda Title: **Intergovernmental Revenue Agreement 0709009 between the Multnomah County Sheriff's Office and the United States Marshal's Service for the Rental of Jail Beds**

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

Requested Meeting Date: February 28, 2008 **Amount of Time Needed:** 10 Minutes
Department: Sheriff's Office **Division:** Business Services
Contact(s): Larry Aab
Phone: (503) 988-4489 **Ext.** 84489 **I/O Address:** 503/350/Aab
Presenter(s): Larry Aab

General Information

1. What action are you requesting from the Board?

Approval of Intergovernmental Agreement between MCSO and the US Marshal's Service (USM) to rent jail beds in the MCSO jail system for federal offenders.

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

Since 1988, the Sheriff's Office has contracted with the USM to rent jail beds for federal offenders. Most of these offenders are in jail on a pre-trial federal charge and are local or regional residents who are awaiting appearance in US District Court. By intergovernmental agreement a rate is set between the County and the USM to pay the costs associated with the housing of a federal offender. The current rate is \$115.90 and has been in place since 1996. If approved by the Board, the rate will increase to \$125 per bed day with a COLA increase in years two and three of the contract. The IGA also includes a rate of \$39 per hour for guarding a federal offender while in the hospital or outside the facility for medical appointments.

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

The per diem rate for jail bed rental will increase from \$115.90 per day to \$125.00 per day for the first full year of the contract. A COLA is based on the consumer price index for the Northwest Region as reported by the United States Bureau of Labor Statistics and will be applied to the rate in years two and three of the agreement. Although the agreement is perpetual, any COLA increases after year three of the contract will have to be negotiated

through a new IGA.

Historically the MCSO has budgeted revenue for an average of 125 beds per day. Actual counts fluctuate above and below that number and are dependent upon bed availability for local offenders and demand by the USM. Any revenue generated beyond the 125 beds per day average is deposited into the general fund as unappropriated revenue and contributes to the County's beginning working capital for the next budget year. Assuming the IGA becomes effective March 15, 2008, the MCSO expects to generate the following revenues:

Year	Beds	Days	Estimated		Total
			Cola	Rate	
2008*	135	258		115.90	4,045,469
2008	125	107		125.00	1,671,875
				Total 2008	5,717,344
2009	125	257		125.00	4,015,625
	125	107	3%	128.75	1,722,031
				Total 2009	5,737,656
2010	125	257		128.75	4,136,094
	125	107	3%	132.61	1,773,692
				Total 2010	5,909,786
2011**	125	365		132.61	6,050,331

* based on January 31 actual extrapolated to March 15, 2008

** COLA agreement expires on 3 year IGA anniversary. Remains at 132.61 unless new contract negotiated

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

It is the Board's policy to negotiate full cost recovery on contracts. Although this contract does not recover full costs, it does recover 100% of direct jail bed costs and 80% of the fixed and marginal costs.

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

N/A

Required Signature

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



Date: 2-20-2008

MULTNOMAH COUNTY CONTRACT APPROVAL FORM (CAF)

Contract #: 0709009

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

Amendment #: _____

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

Department: <u>Sheriff's Office</u>	Division/Program: <u>Corrections</u>	Date: <u>02/11/08</u>
Originator: <u>Larry Aab</u>	Phone: <u>503-988-4300</u>	Bldg/Room: <u>503/350</u>
Contact: <u>Brad Lynch</u>	Phone: <u>503-988-4336</u>	Bldg/Room: <u>503/350</u>

Description of Contract: IGA with the U. S. Marshal Service for the rental of jail beds.

RENEWAL: PREVIOUS CONTRACT #(S) 0111028

EEO CERTIFICATION EXPIRES _____

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

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

Contractor: <u>U. S. Marshals Service</u>	Remittance address (if different): _____
Address: <u>PO Box 15607</u>	
City/State: <u>Arlington, VA</u>	Payment Schedule / Terms:
ZIP Code: <u>22215-0607</u>	<input type="checkbox"/> Lump Sum \$ _____ <input type="checkbox"/> Due on Receipt
Phone: <u>202-307-9823</u>	<input type="checkbox"/> Monthly \$ _____ <input type="checkbox"/> Net 30
Employer ID# or SS# _____	<input checked="" type="checkbox"/> Other \$ <u>125.00/bed</u> <input type="checkbox"/> Other _____
Contract Effective Date: <u>upon sig.</u> Term Date: _____ perpetual: _____	<input type="checkbox"/> Price Agreement (PA) or Requirements Funding Info: _____
Amendment Effect Date: _____ New Term Date: _____	
Original Contract Amount \$ _____	Original PA/Requirements Amount \$ _____
Total Amt of Previous Amendments \$ _____	Total Amt of Previous Amendments \$ _____
Amount of Amendment \$ _____	Amount of Amendment \$ _____
Total Amount of Agreement \$ _____	Total PA/Requirements Amount \$ _____

REQUIRED SIGNATURES:

Department Manager _____	DATE _____
County Attorney _____	DATE _____
CPCA Manager _____	DATE _____
County Chair _____	DATE _____
Sheriff _____	DATE _____
Contract Administration _____	DATE _____

COMMENTS:

**U. S. Department of Justice
United States Marshals Service**

**Detention Services
Intergovernmental Agreement**

1. Agreement Number 65-01-0028	2. Effective Date See Block 19.	3. Facility Code(s) 0HB & 9KU	4. DUNS Number
5. Issuing Federal Agency United States Marshals Service Witness Security & Prisoner Operations Division Programs & Assistance Branch Washington, DC 20530-1000		6. Local Government Multnomah County Sheriff's Office 501 SE Hawthorne, Suite 350 Portland, OR 97214 Tax ID #	
7. Appropriation Data 15X1020		8. Local Contact Person Larry Aab, Director of Business Services	
		9. Tel: 503-988-4489 Fax: 503-988-4316 Email:	
Services		Number of Federal Beds	
Per-Diem Rate			
10. This agreement is for the housing, safekeeping, and subsistence of federal prisoners, in accordance with content set forth herein.		11. 46,625 (Estimated Federal Beds)	12. \$ 125.00
13. Optional Guard/Transportation Services: <input checked="" type="checkbox"/> Medical Services <input type="checkbox"/> U. S. Courthouse		14. Guard/Transportation Hourly Rate: \$39.00 Mileage shall be reimbursed by the Federal Government at the GSA Federal Travel Regulation Mileage Rate.	
15. Local Government Certification <i>To the best of my knowledge and belief, information submitted in support of this agreement is true and correct, this document has been duly authorized by the body governing of the Department or Agency and the Department or Agency will comply with all provisions set forth herein.</i>		16. Signature of Person Authorized to Sign (Local) _____ Signature _____ Name _____ Title _____ Date	
17. Prisoner & Detainee Type Authorized <input checked="" type="checkbox"/> Adult Male <input checked="" type="checkbox"/> Adult Female <input type="checkbox"/> Juvenile Male <input type="checkbox"/> Juvenile Female	18. Other Authorized Agency User <input checked="" type="checkbox"/> BOP <input type="checkbox"/> ICE	19. Signature of Person Authorized to Sign (Federal) _____ Signature <u>Virginia Owens</u> Name <u>Grants Analyst</u> Title _____ Date	

Authority	3
Purpose of Agreement and Security Provided	3
Period of Performance	3
Assignment and Outsourcing of Jail Operations	4
Medical Services	4
Receiving and Discharge of Federal Detainees	5
Optional Guard/Transportation Services to Medical	6
Optional Guard/Transportation Services to U.S. Courthouse	7
Special Notifications	7
Service Contract Act	8
<i>Per-Diem</i> Rate	8
Billing and Financial Provisions	9
Payment Procedures	10
Modifications and Disputes	10
Inspection of Services	10
Litigation	11

Authority

Pursuant to the authority of Section 119 of the Department of Justice Appropriations Acts of 2001 (Public Law 106-553), this Agreement is entered into between the United States Marshals Service (hereinafter referred to as the "Federal Government") and the Multnomah County Sheriff's Office, Portland, Oregon (hereinafter referred to as "Local Government"), who hereby agree as follows:

Purpose of Agreement and Security Provided

The Federal Government and the Local Government establish this Agreement that allows the United States Marshals Service (USMS) to house federal detainees with the Local Government at the Multnomah County Detention Center and the Inverness Jail (hereinafter referred to as "the facility").

The population, hereinafter referred to as "federal detainees," will include individuals charged with federal offenses and detained while awaiting trial, individuals who have been sentenced and are awaiting designation and transport to a BOP facility.

The Local Government shall accept and provide for the secure custody, safekeeping, housing, subsistence and care of federal detainees in accordance with all state and local laws, standards, regulations, policies and court orders applicable to the operation of the facility. Detainees shall also be housed in a manner that is consistent with federal law and the Federal Performance-based Detention Standards.

At all times, the Federal Government shall have access to the facility and to the federal detainees housed there, and to all records pertaining to this Agreement, including financial records, for a period going back 3 years from the date of request by the Federal Government.

Period of Performance

This Agreement is effective upon the date of signature of both parties, and remains in effect unless terminated by either party with written notice. The Local Government shall provide no less than 120 calendar days notice of their intent to terminate. Where the Local Government has received a Cooperative Agreement Program (CAP) award, the termination provisions of the CAP prevail.

Assignment and Outsourcing of Jail Operations

Overall management and operation of the facility housing federal detainees may not be contracted out without the prior express written consent of the Federal Government.

Medical Services

The Local Government shall provide federal detainees with the full range of medical care **inside** the detention facility. The level of care inside the facility should be the same as that provided to state and local detainees. The Local Government is financially responsible for all medical care provided **inside** the facility to federal detainees. This includes the cost of all medical, dental, and mental health care as well as the cost of medical supplies, over the counter prescriptions and, any prescription medications routinely stocked by the facility which are provided to federal detainees. The cost of all of the above referenced medical care is covered by the federal per diem rate. However, if dialysis is provided within the facility, the Federal Government will pay for the cost of that service.

The Federal Government is financially responsible for all medical care provided **outside** the facility to federal detainees. The Federal Government must be billed directly by the medical care provider **not** the Local Government. In order to ensure that Medicare rates are properly applied, medical claims for federal detainees must be on Centers for Medicare and Medicaid (CMS) Forms in order to be re-priced at Medicare rates in accordance with Title 18, USC Section 4006. The Local Government is required to immediately forward all medical claims for federal detainees to the Federal Government for processing.

All **outside** medical care provided to federal detainees must be pre-approved by the Federal Government. In the event of an emergency, the Local Government shall proceed immediately with necessary medical treatment. In such an event, the Local Government shall notify the Federal Government immediately regarding the nature of the federal detainee's illness or injury as well as the types of treatment provided.

Medical care for federal detainees shall be provided by the Local Government in accordance with the provisions of USMS, Publication 100-Prisoner Health Care Standards (www.usmarshals.gov/prisoner/standards.htm) and in compliance with USMS Inspection Guidelines, USM 218 Detention Facility Investigative

Report. The Local Government is responsible for all associated medical record keeping.

The facility shall have in place an adequate infectious disease control program which includes testing of all federal detainees for Tuberculosis (TB) as soon as possible after intake (not to exceed 14 days). When Purified Protein Derivative (PPD) skin tests are utilized, they shall be read between 48 and 72 hours after placement.

TB testing shall be accomplished in accordance with the latest Centers for Disease Control (CDC) Guidelines and the result promptly documented in the federal detainee's medical record. Special requests for expedited TB testing and clearance (to include time sensitive moves) will be accomplished through advance coordination by the Federal Government and Local Government.

The Local Government shall immediately notify the Federal Government of any cases of suspected or active TB or any other highly communicable disease such as Severe Acute Respiratory Syndrome (SARS), Avian Flu, Methicillin-resistant Staphylococcus Aureus (MRSA), Chicken Pox, etc., which might affect scheduled transports or productions so that protective measures can be taken by the Federal Government.

When a federal detainee is being transferred and/or released from the facility, they will be provided with seven days of prescription medication which will be dispensed from the facility. When possible, generic medications should be prescribed. Medical records must travel with the federal detainee. If the records are maintained at a medical contractor's facility, it is the Local Government's responsibility to obtain them before a federal detainee is moved.

Federal detainees may be charged a medical co-payment by the Local Government in accordance with the provisions of Title 18, USC Section 4013(d). The Federal Government is not responsible for medical co-payments and cannot be billed for these costs even for indigent federal prisoners.

Receiving and Discharge of Federal Detainees

The Local Government agrees to accept federal detainees only upon presentation by a law enforcement officer of the Federal Government with proper agency credentials.

The Local Government shall not relocate a federal detainee from one facility under its control to another facility not described in this Agreement without permission of the Federal Government.

The Local Government agrees to release federal detainees only to law enforcement officers of the Federal Government agency initially committing the federal detainee (i.e., Drug Enforcement Administration, Bureau of Immigration and Customs Enforcement, etc.) or to a Deputy United States Marshal (DUSM). Those federal detainees who are remanded to custody by a DUSM may only be released to a DUSM or an agent specified by the DUSM of the Judicial District.

USMS federal detainees sought for a state or local court proceeding must be acquired through a Writ of Habeas Corpus or the Interstate Agreement on Detainers and then only with the concurrence of the district United States Marshal (USM).

Optional Guard/Transportation Services to Medical Facility

If Medical Services in block 13 on page (1) of this Agreement is checked, the Local Government agrees, subject to the availability of its personnel, to provide transportation and escort guard services for federal detainees housed at their facility to and from a medical facility for outpatient care, and transportation and stationary guard services for federal detainees admitted to a medical facility.

These services should be performed by at least two armed qualified law enforcement or correctional officer personnel. If the Local Government is unable to meet this requirement, the Local Government may seek a waiver of this requirement from the local U.S. Marshal.

The Local Government agrees to augment this security escort if requested by the USM to enhance specific requirement for security, prisoner monitoring, visitation, and contraband control.

If an hourly rate for these services has been agreed upon to reimburse the Local Government it will be stipulated on page (1) of this Agreement. After 36 months, if a rate adjustment is desired, the Local Government shall submit a request. Mileage shall be reimbursed in accordance with the current GSA mileage rate.

Optional Guard/Transportation Services to U.S. Courthouse

If U.S. Courthouse in block 13 on page (1) of this Agreement is checked, the Local Government agrees, subject to the availability of its personnel, to provide transportation and escort guard services for federal detainees housed at its facility to and from the U.S. Courthouse.

These services should be performed by at least two armed qualified law enforcement or correctional officer personnel. If the Local Government is unable to meet this requirement, the Local Government may seek a waiver of this requirement from the local U.S. Marshal.

The Local Government agrees to augment this security escort if requested by the USM to enhance specific requirements for security, detainee monitoring, and contraband control.

Upon arrival at the courthouse, the Local Government's transportation and escort guard will turn federal detainees over to a DUSM only upon presentation by the deputy of proper law enforcement credentials.

The Local Government will not transport federal detainees to any U.S. Courthouse without a specific request from the USM who will provide the detainee's name, the U.S. Courthouse, and the date the detainee is to be transported.

Each detainee will be restrained in handcuffs, waist chains, and leg irons during transportation.

If an hourly rate for these services has been agreed upon to reimburse the Local Government it will be stipulated on page (1) of this Agreement. After 36 months, if a rate adjustment is desired, the Local Government shall submit a request. Mileage shall be reimbursed in accordance with the current GSA mileage rate.

Special Notifications

The Local Government shall notify the Federal Government of any activity by a federal detainee which would likely result in litigation or alleged criminal activity.

The Local Government shall immediately notify the Federal Government of an escape of a federal detainee. The Local Government shall use all reasonable means to apprehend the escaped federal detainee and all reasonable costs in connection therewith shall be borne by the Local

Government. The Federal Government shall have primary responsibility and authority to direct the pursuit and capture of such escaped federal detainees. Additionally, the Local Government shall notify the Federal Government as soon as possible when a federal detainee is involved in an attempted escape or conspiracy to escape from the facility.

In the event of the death or assault of a federal detainee, the Local Government shall immediately notify the Federal Government.

Service Contract Act

This Agreement incorporates the following clause by reference, with the same force and effect as if it was given in full text. Upon request, the full text will be made available. The full text of this provision may be accessed electronically at this address: **www.arnet.gov**.

Federal Acquisition Regulation Clause(s):

52.222-41 Service Contract Act of 1965, as Amended (July 2005)

52.222-42 Statement of Equivalent Rates for Federal Hires (May 1989)

52.222-43 Fair Labor Standards Act and the Service Contract Act – Price Adjustment (Multiyear and Option Contracts) (May 1989)

The current Local Government wage rates shall be the prevailing wages unless notified by the Federal Government.

Per-Diem Rate

The Federal Government will use various price analysis techniques and procedures to ensure the per-diem rate established by this Agreement is considered a fair and reasonable price. Examples of such techniques include, but are not limited to, the following:

1. Comparison of the requested per-diem rate with the independent government estimate for detention services, otherwise known as the Core Rate;
2. Comparison with per-diem rates at other state or local facilities of similar size and economic conditions;
3. Comparison of previously proposed prices and previous Federal Government and commercial contract prices with current proposed prices for the same or similar items;

4. Evaluation of the provided jail operating expense information;

The firm-fixed per-diem rate for services is \$125.00 and shall not be subject to adjustment on the basis of the Multnomah County Sheriff's Office actual cost experience in providing the service for a period of 36 months. The per-diem rate will be adjusted each year, over the term of the agreement, based on the change in the Consumer Price Index (CPI) for the Northwest Region as reported by the United States Bureau of Labor Statistics (BLS). The benchmark for setting the annual rate will be based on the CPI rate, as reported by the BLS, at the end of the month, 3 months prior to the effective date of the latest adjustment. The per-diem rate covers the support of one federal detainee per "federal detainee day", which shall include the day of arrival, but not the day of departure.

After 36 months, if a rate adjustment is desired, the Local Government shall submit a request through the Electronic Intergovernmental Agreements area of the Detention Services Network (DSNetwork). All information pertaining to the jail on DSNetwork will be required before a new per-diem rate can be considered.

Billing and Financial Provisions

The Local Government shall prepare and submit for certification and payment, original and separate invoices each month to each Federal Government component responsible for federal detainees housed at the facility.

Addresses for the components are:

United States Marshals Service
District of Oregon
401 U. S. Courthouse
1000 SW Third Avenue
Portland, OR 97204-2902
(503) 326-2209

Bureau of Prisons
Community Corrections Office
3160 Jackson Federal Building
915 Second Avenue
Seattle, WA 98174
(206) 220-6593

To constitute a proper monthly invoice, the name and address of the facility, the name of each federal detainee, their specific dates of confinement, the total days to be paid, the appropriate per diem rate as approved in the Agreement, and the total amount billed (total days multiplied by the rate per day) shall be listed, along with the name, title, complete address and telephone number of the Local Government official responsible for invoice preparation.

Nothing contained herein shall be construed to obligate the Federal Government to any expenditure or obligation of funds in excess of, or in advance of, appropriations in accordance with the Anti-Deficiency Act, 31 U.S.C. 1341.

Payment Procedures

The Federal Government will make payments to the Local Government on a monthly basis, promptly after receipt of an appropriate invoice. The Local Government shall provide a remittance address below:

Multnomah County Sheriff's Office
501 SE Hawthorne, Suite 350
Portland, OR 97214

Modifications and Disputes

Either party may initiate a request for modification to this Agreement in writing. All modifications negotiated will be effective only upon written approval of both parties.

Disputes, questions, or concerns pertaining to this Agreement will be resolved between appropriate officials of each party. Both the parties agree that they will use their best efforts to resolve the dispute in an informal fashion through consultation and communication, or other forms of non-binding alternative dispute resolution mutually acceptable to the parties.

Inspection of Services

The Local Government agrees to allow periodic inspections of the facility by Federal Government inspectors. Findings of the inspection will be shared with the facility administrator in order to promote improvements to facility operations, conditions of confinement, and levels of services.

Litigation

The Federal Government shall be notified, in writing, of all litigation pertaining to this Agreement and provided copies of any pleadings filed or said litigation within 5 working days of the filing.

The Local Government shall cooperate with the Federal Government legal staff and/or the United States Attorney regarding any requests pertaining to Federal Government or Local Government litigation.

MULTNOMAH COUNTY CONTRACT APPROVAL FORM (CAF)

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

Contract #: 0709009
Amendment #: _____

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

Department: Sheriff's Office Division/Program: Corrections Date: 02/11/08
 Originator: Larry Aab Phone: 503-988-4300 Bldg/Room: 503/350
 Contact: Brad Lynch Phone: 503-988-4336 Bldg/Room: 503/350

Description of Contract: IGA with the U. S. Marshal Service for the rental of jail beds.

RENEWAL: PREVIOUS CONTRACT #(S) 0111028

EEO CERTIFICATION EXPIRES

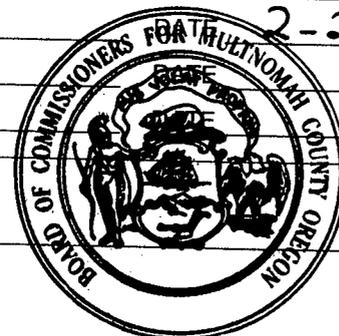
PROCUREMENT EXEMPTION OR CITATION # 46-0130(1)(f) ISSUE DATE: _____ EFFECTIVE DATE: _____ END DATE: _____

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

Contractor	U. S. Marshals Service			Remittance address (if different)	_____
Address	PO Box 15607			Payment Schedule / Terms:	_____
City/State	Arlington, VA			<input type="checkbox"/> Lump Sum \$ _____	<input type="checkbox"/> Due on Receipt
ZIP Code	22215-0607			<input type="checkbox"/> Monthly \$ _____	<input type="checkbox"/> Net 30
Phone	202-307-9823			<input checked="" type="checkbox"/> Other \$ 125.00/bed	<input type="checkbox"/> Other
Employer ID# or SS#	_____			<input type="checkbox"/> Price Agreement (PA) or Requirements Funding Info:	
Contract Effective Date	upon sig.	Term Date	perpetual	Original PA/Requirements Amount	\$ _____
Amendment Effect Date		New Term Date		Total Amt of Previous Amendments	\$ _____
Original Contract Amount	\$			Amount of Amendment	\$ _____
Total Amt of Previous Amendments	\$			Total PA/Requirements Amount	\$ _____
Amount of Amendment	\$				
Total Amount of Agreement	\$				

REQUIRED SIGNATURES:

Department Manager _____ DATE _____
 County Attorney [Signature] _____ DATE 2-28-08
 CPCA Manager _____ DATE _____
 County Chair [Signature] _____ DATE 2-28-08
 Sheriff _____
 Contract Administration _____



COMMENTS: _____



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 02/28/08
Agenda Item #: R-1
Est. Start Time: 9:30 AM
Date Submitted: 02/13/08

Agenda Title: **PROCLAMATION Proclaiming March, 2008 as Purchasing Month in Multnomah County, Oregon**

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

Requested Meeting Date: February 28, 2008 **Amount of Time Needed:** 5 minutes
Department: DCM **Division:** CPCA
Contact(s): Gail Rubin
Phone: 503-988-5111 **Ext.** 22651 **I/O Address:** 503/4
Presenter(s): Gail Rubin

General Information

1. What action are you requesting from the Board?

The Department of County Management, Central Procurement and Contract Administration, requests the Board to proclaim March, 2008, as Purchasing Month in Multnomah County.

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

The purchasing and materials management professions play a significant role in the efficiency and effectiveness of both government and business. Purchasing and materials management professionals, through their combined purchasing power, spend billions of dollars every year and therefore have a significant influence on economic conditions throughout the world. During the month of March, the National Institute of Governmental Purchasing and other professional purchasing associations throughout the world will engage in special efforts to inform the public about the contributions of purchasing professionals in business, industry and government.

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

NA

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

NA

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

NA

Required Signature

Elected Official or
Department/
Agency Director:



Date: 02/12/08

Carol M Ford, Director, Department of County Management

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

PROCLAMATION NO. _____

Proclaiming March, 2008 as Purchasing Month in Multnomah County, Oregon

The Multnomah County Board of Commissioners Finds:

- a. Purchasing and materials management professions play a significant role in the efficiency and effectiveness of both government and business; and
- b. Purchasing and materials management professionals, through their combined purchasing power, spend billions of dollars every year and therefore have a significant influence upon economic conditions throughout the world; and
- c. The Oregon Public Purchasing Association (OPPA) and the National Institute of Governmental Purchasing (NIGP), along with other purchasing associations throughout the world, celebrates Purchasing Month by engaging in special efforts during the month of March to inform the public about the contributions of purchasing professionals in business, industry and government.

The Multnomah County Board of Commissioners Proclaims:

March, 2008
as
Purchasing Month in Multnomah County, Oregon

ADOPTED this 28th day of February, 2008.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, County Chair

Maria Rojo de Steffey,
Commissioner District 1

Jeff Cogen,
Commissioner District 2

Lisa Naito,
Commissioner District 3

Lonnie Roberts,
Commissioner District 4

SUBMITTED BY:
Carol M Ford, Director, Department of County Management

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

PROCLAMATION NO. 08-018

Proclaiming March, 2008 as Purchasing Month in Multnomah County, Oregon

The Multnomah County Board of Commissioners Finds:

- a. Purchasing and materials management professions play a significant role in the efficiency and effectiveness of both government and business; and
- b. Purchasing and materials management professionals, through their combined purchasing power, spend billions of dollars every year and therefore have a significant influence upon economic conditions throughout the world; and
- c. The Oregon Public Purchasing Association (OPPA) and the National Institute of Governmental Purchasing (NIGP), along with other purchasing associations throughout the world, celebrates Purchasing Month by engaging in special efforts during the month of March to inform the public about the contributions of purchasing professionals in business, industry and government.

The Multnomah County Board of Commissioners Proclaims:

March, 2008
as
Purchasing Month in Multnomah County, Oregon

ADOPTED this 28th day of February, 2008.

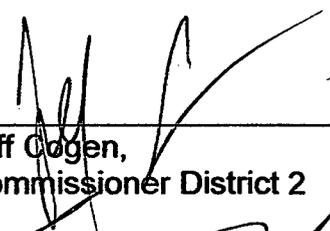
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

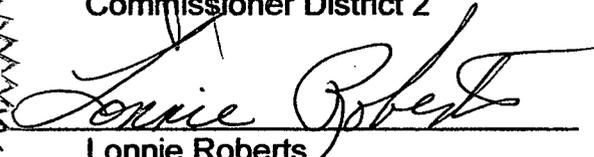


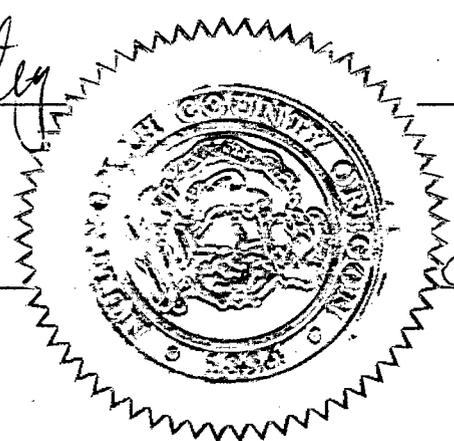
Ted Wheeler, County Chair


Maria Rojo de Steffey,
Commissioner District 1


Lisa Naito,
Commissioner District 3


Jeff Cogen,
Commissioner District 2


Lonnie Roberts,
Commissioner District 4



SUBMITTED BY:
Carol M Ford, Director, Department of County Management



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 02/28/08
Agenda Item #: R-2
Est. Start Time: 9:33 AM
Date Submitted: 02/15/08

Agenda Title: **RESOLUTION Exempting the Roof Restoration Project for the Juvenile Justice Complex (JJC) from Administrative Procedure FAC-1 Relating to Construction of Major Facilities Capital Projects**

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

Requested Meeting Date: February 28, 2008 **Amount of Time Needed:** 5 minutes
Department: Department of County Management **Division:** FPM
Contact(s): John Lindenthal, Alan Proffitt
Phone: 503-988-4213 **Ext.** 84213 **I/O Address:** 274/FPM
Presenter(s): John Lindenthal, Alan Proffitt

General Information

1. What action are you requesting from the Board?

Resolution approving an exemption for the JJC roof project as a major capital maintenance project from Major Facilities Capital Project (MFCP) requirements, pursuant to Resolution 02-136 and FAC-1 administrative procedures.

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

Scope of work is a restoration of the Juvenile Justice Complex Roofs prior to solar power panel installation in the summer/fall of 2008. This work is maintenance in nature but exceeds the \$1,000,000 threshold triggered by FAC-1. Therefore, we are requesting the maintenance exemption as described by FAC-1.

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

None.

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

None.

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

None.

Required Signature

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

Carol M. Ford

Date: 02/15/08

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Exempting the Roof Restoration Project for the Juvenile Justice Complex (JJC) from Administrative Procedure FAC-1 Relating to Construction of Major Facilities Capital Projects

The Multnomah County Board of Commissioners Finds:

- a. On October 17, 2002, by Resolution 02-136, the Board established a policy for construction of major facilities capital projects with budgets greater than \$1 million (major projects). As directed by the Board, Facilities and Property Management (FPM) developed administrative procedure FAC-1 for planning and management of major projects.
- b. As approved by the Chair, FAC-1 defines major projects, identifies participant roles and responsibilities and designates the key milestones for major project control and authorization by the Board. Section II.A.5. of FAC-1 states "If the project has been approved in the Facilities Management budget, a request for exemption from the requirements of Resolution 02-136 may be submitted to the Board for approval."
- c. The Board authorized a total of \$1,500,000 for the JJC Project in the 2007/2008 Budget. Because the JJC Roof Restoration Project work total budget exceeds \$1,000,000, Board review pursuant to Resolution 02-136 and FAC-1 is required.
- d. Because the work required is predominantly maintenance related, it is in the best interests of the County to exempt the JJC Roof Restoration Project from the requirements of Resolution 02-136 and FAC-1 as no purpose would be served by following the procedures set forth therein.

The Multnomah County Board of Commissioners Resolves:

1. The Board approves an exemption from the requirements of Resolution 02-136 and FAC-1 for the JJC Roof Restoration Project.

ADOPTED this 28th day of February, 2008

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
John S. Thomas, Deputy County Attorney

SUBMITTED BY:
Carol M. Ford, Director, Dept. of County Management

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 08-019

Exempting the Roof Restoration Project for the Juvenile Justice Complex (JJC) from Administrative Procedure FAC-1 Relating to Construction of Major Facilities Capital Projects

The Multnomah County Board of Commissioners Finds:

- a. On October 17, 2002, by Resolution 02-136, the Board established a policy for construction of major facilities capital projects with budgets greater than \$1 million (major projects). As directed by the Board, Facilities and Property Management (FPM) developed administrative procedure FAC-1 for planning and management of major projects.
- b. As approved by the Chair, FAC-1 defines major projects, identifies participant roles and responsibilities and designates the key milestones for major project control and authorization by the Board. Section II.A.5. of FAC-1 states "If the project has been approved in the Facilities Management budget, a request for exemption from the requirements of Resolution 02-136 may be submitted to the Board for approval."
- c. The Board authorized a total of \$1,500,000 for the JJC Project in the 2007/2008 Budget. Because the JJC Roof Restoration Project work total budget exceeds \$1,000,000, Board review pursuant to Resolution 02-136 and FAC-1 is required.
- d. Because the work required is predominantly maintenance related, it is in the best interests of the County to exempt the JJC Roof Restoration Project from the requirements of Resolution 02-136 and FAC-1 as no purpose would be served by following the procedures set forth therein.

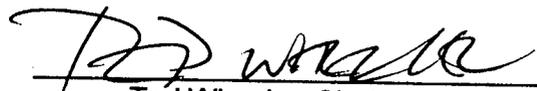
The Multnomah County Board of Commissioners Resolves:

1. The Board approves an exemption from the requirements of Resolution 02-136 and FAC-1 for the JJC Roof Restoration Project.

ADOPTED this 28th day of February, 2008



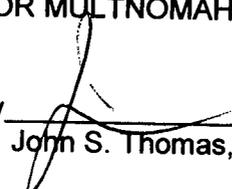
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 

John S. Thomas, Deputy County Attorney

SUBMITTED BY:
Carol M. Ford, Director, Dept. of County Management



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 02/28/08
Agenda Item #: R-3
Est. Start Time: 9:35 AM
Date Submitted: 02/01/08

Agenda Title: **Second Reading of Possible Adoption of an ORDINANCE Amending Nuisance Control Law Multnomah County Code Section 15.225 Relating to Area of Application**

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

Requested Meeting Date:	<u>February 28, 2008</u>	Amount of Time Needed:	<u>1 minute</u>
Department:	<u>Health</u>	Division:	<u>Community Health Services</u>
Contact(s):	<u>Lila Wickham, Chris Wirth</u>		
Phone:	<u>503-988-3400</u>	Ext.:	<u>22404</u>
		I/O Address:	<u>420 - 1 - ENV</u>
Presenter(s):	<u>Lila Wickham, Chris Wirth</u>		

General Information

1. What action are you requesting from the Board?

Approve second reading and adopt an ORDINANCE Amending Nuisance Control Law Multnomah County Code Section 15.225 Relating to Area of Application.

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

The Vector Control and Code Enforcement program protects the public, including vulnerable populations, from emerging and imminent vector-borne diseases and mitigates nuisances. Current strategies include surveillance, analysis, proactive control/abatement of rodent and mosquito populations and public education. The legal authority currently exists to enforce nuisance and public health threats. This ordinance clarifies the area of application of the enforcement process in Multnomah County. (Vector-borne diseases are transmitted from animal to humans).

This change affects Program Offer #40008 and would enhance the current program services and protect community health and livability.

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

There is no fiscal impact for current or future year(s). The enforcement component is already an essential function of the Multnomah County Code Enforcement program and would be absorbed by the Code Enforcement Officer, Administrative and Support staff.

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

Multnomah County is delegated by its authority to abate vectors and their disease through Oregon Revised Statute 452 (ORS 452). The Health Officer currently has authority to reduce the transmission of communicable disease through imposition of a public health measure ORS 433.019. This ordinance amendment will clarify the area of application to include all areas of the county.

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

The Multnomah County Board-appointed citizen advisory group reviewed and approved the final ordinance concept and language as is presented today.

Required Signature

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

Lillian Shirley

Date: 02/01/08

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Amending Nuisance Control Law MCC § 15.225 Relating to Area of Application

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

The Multnomah County Board of Commissioners Finds:

- a. MCC § 15.225 states: "This subchapter shall be known and cited as the county Nuisance Control Law, and shall apply to the unincorporated areas of the county."
- b. The Nuisance Control Law was enacted by the Board by Ordinance 125 in 1976 and amended with respect to vector control by Ordinance 1095 on July 12, 2007.
- c. Under ORS 452.240, the County has the power to take all necessary measures for the control or extermination of public health vectors and "Enter upon all places within the county and adjacent thereto for the purpose of carrying out this section."
- d. It is necessary to amend § 15.225 to apply the County's powers with respect to vector control under state law.

Multnomah County Ordains as follows:

Section 1. MCC § 15.225 is amended as follows:

15.225- Title And Area Of Application.

This subchapter shall be known and cited as the county Nuisance Control Law, and shall apply to the unincorporated and incorporated areas of the county for purposes of control, extermination or abatement of public health vectors as authorized by state law.

FIRST READING:

February 21, 2008

SECOND READING AND ADOPTION:

February 28, 2008

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Jacqueline A. Weber, Assistant County Attorney

SUBMITTED BY:
Lillian Shirley, Director, Health Department

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1111

Amending Nuisance Control Law MCC § 15.225 Relating to Area of Application

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

The Multnomah County Board of Commissioners Finds:

- a. MCC § 15.225 states: "This subchapter shall be known and cited as the county Nuisance Control Law, and shall apply to the unincorporated areas of the county."
- b. The Nuisance Control Law was enacted by the Board by Ordinance 125 in 1976 and amended with respect to vector control by Ordinance 1095 on July 12, 2007.
- c. Under ORS 452.240, the County has the power to take all necessary measures for the control or extermination of public health vectors and "Enter upon all places within the county and adjacent thereto for the purpose of carrying out this section."
- d. It is necessary to amend § 15.225 to apply the County's powers with respect to vector control under state law.

Multnomah County Ordains as follows:

Section 1. MCC § 15.225 is amended as follows:

15.225- Title And Area Of Application.

This subchapter shall be known and cited as the county Nuisance Control Law, and shall apply to the unincorporated and incorporated areas of the county for purposes of control, extermination or abatement of public health vectors as authorized by state law.

FIRST READING:

February 21, 2008

SECOND READING AND ADOPTION:

February 28, 2008



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

R D WHEELER

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

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

SUBMITTED BY:
Lillian Shirley, Director, Health Department



**MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST**

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-4 DATE 2/28/08
ANA KARNES, ASST BOARD CLERK

Board Clerk Use Only

Meeting Date: 02/28/08
Agenda Item #: R-4
Est. Start Time: 9:36 AM
Date Submitted: 02/05/06

NOTICE OF INTENT to Submit a Proposal to the Health Resources and Services Administration HIV/AIDS Bureau *Capacity Building to Develop Standard Electronic Client Information Data Systems for Current Part A Grantees Grant Competition*

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

Requested Meeting Date: February 28, 2008 **Amount of Time Needed:** 5 minutes

Department: Health **Division:** CHS

Contact(s): Marisa McLaughlin, Nicole Hermanns

Phone: 503-988-3663 **Ext.** 26314 **I/O Address:** 160/9

Presenter(s): Marisa McLaughlin, Nicole Hermanns

General Information

1. What action are you requesting from the Board?

Authorize the Director of the Health Department to apply for up to \$200,000 in grant funding for a one-year capacity building project, beginning Sept.1 2008, from the US Department of Health and Human Services Health Resources and Services Administration's Capacity Building to Develop Standard Electronic Client Information Data Systems for Current Part A Grantees grant competition.

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

The Multnomah County Health Department has administered the Ryan White Part A Program for the Portland Transitional Grant Area (TGA) since 1995. The TGA, a status designated by the federal Health Resources and Services Administration, is a six-county area that includes Multnomah, Washington, Clackamas, Columbia, Yamhill and Clark counties. The federal government provides Part A funds to metropolitan areas that have been the most severely affected by the HIV epidemic. These funds help to enhance access to a comprehensive continuum of high quality, community-based care for low-income individuals and families with HIV disease. The Portland TGA receives

approximately \$3.2 million dollars a year in Ryan White Part A funding.

As part of the Ryan White program, we are required to submit a large amount of data, including client demographics, service utilization rates, counseling and testing data, and medical information to HRSA on a regular basis. Though most data is accepted in aggregate form at this time, HRSA is continuing to facilitate a transition that will ultimately require Ryan White grantees to submit client level data.

At this point in time, the Portland TGA has already implemented a store and forward data system, TOURS, at all of our contractors to collect and unduplicated client level data, generate reports, and evaluate Part A-funded programs. While we are now able to collect unduplicated client level data in several areas (client characteristics, service utilization, etc.) we are not able to collect client level data for clinical measures, such as the medical information requested in the Ryan White HIV/AIDS Program Annual Data Report. Though client level medical information is only being requested at this time, we anticipate that it will be required in the near future.

Funding through this grant program will be used to enhance both the electronic health record systems of the Portland TGA medical providers and the TOURS database to capture and collect clinical health indicator data at the client level. This improvement project will not only enhance the TGA's ability to evaluate its program and the health and needs of its clients; it will allow the TGA to fulfill anticipated data requirements from HRSA.

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

This grant would provide one-time funding to cover the costs associated with modifying our current IT data systems, including the electronic medical record systems of MCHD and OHSU and our current data system (TOURS), to collect client level data for clinical measures, such as the medical information that is now being requested in our annual data report.

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

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?**
US Department of Health and Human Services, Health Resources and Services Administration (HRSA), HIV/AIDS Bureau.
- **Specify grant (matching, reporting and other) requirements and goals.**
This is a capacity building project, within the Special Projects of National Significance (SPNS) Program, whose goal is to promote the development of standard electronic client information data systems to improve the ability of Ryan White Part A grantees to report client level data. It is one time funding for a project period of one year, and no match is required. A Financial Status Report (FSR) and progress reports are required.
- **Explain grant funding detail – is this a one time only or long term commitment?**
This is a one year capacity building grant to support the enhancement of current electronic client information data systems.
- **What are the estimated filing timelines?**
The grant application is due on March 10th, 2008. Awards are expected to be announced prior to the September 1 start date.
- **If a grant, what period does the grant cover?**
The grant covers a one-year period and will run from September 1, 2008 through August 31, 2009.
- **When the grant expires, what are funding plans?**
When the grant expires, the project will be completed, and no additional funds will be needed. The costs of maintaining the database and running reports are already included in the HIV program budget.
- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**
All indirect costs will be covered by the grant.

ATTACHMENT B

Required Signatures

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

Lillian Shirley

Date: 02/04/08

Budget Analyst:

Angela Burdine

Date: 02/04/08



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 02/28/08
Agenda Item #: R-5
Est. Start Time: 9:45 AM
Date Submitted: 02/14/08

**RESOLUTION Urging the Oregon State Department of Land Conservation and
 Agenda Development to Use the County's Interpretation of its Historic F-2 Zoning
 Title: District Regulations in Certain State Determinations Under Measure 49**

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

Requested Meeting Date:	<u>February 28, 2008</u>	Amount of Time Needed:	<u>30 mins</u>
Department:	<u>Community Services</u>	Division:	<u>Land Use & Transportation</u>
Contact(s):	<u>Derrick Tokos, Karen Schilling</u>		
Phone:	<u>503-988-3043</u>	Ext.	<u>22682</u>
		I/O Address:	<u>455/116</u>
Presenter(s):	<u>Derrick Tokos, Jed Tomkins</u>		

General Information

1. What action are you requesting from the Board?

Approval of the proposed resolution advising the State of Oregon of the County's interpretation of its historic F-2 zoning district regulations to assist in certain State determinations under Measure 49.

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

Under Measure 49, the State of Oregon is reevaluating Measure 37 claims filed prior to the close of the last legislative session, where they involve property that is outside an Urban Growth Boundary. As part of that process, they will look at local land use regulations in effect when properties were purchased to confirm that additional home sites were permitted at the time. Because the State lacks familiarity with local regulations from this timeframe, they will be seeking assistance from counties in understanding whether or not the regulations allowed the number of dwellings, lots, or parcels sought in a particular claim.

Multnomah County adopted a Development Pattern (later called a Comprehensive Plan) and zoning districts in 1958. These land use regulations applied to all unincorporated areas within the County. Most of the zoning districts contained clear and objective approval criteria. However, in the most rural district, the F-2 Agricultural zone, the County applied discretion to ensure that development

was consistent with its policy objective of preserving rural lands for agriculture and open space uses at densities appropriate to the limited infrastructure in these areas. This practice continued until the mid 1970's when the Statewide Planning program went into effect and the County changed its rules to be consistent with State requirements for preserving farm and forest lands.

Specifically, the F-2 district allowed homes for the owner, operator, or help required to carry out farm or timber uses. The district had a two acre minimum lot size. When permitting the construction of a home, the County did not require a land owner demonstrate that it was for someone engaged in farming or timber operations. It was presumed to be associated or at least compatible with these uses by virtue of its location. The County approved modest land divisions, some with lots as small as two acres, but denied larger subdivisions as inconsistent with its rural lands policy. The Multnomah County Circuit Court considered the F-2 zoning in a Measure 37 claim (*Hall v. Multnomah County*). The court's decision in that case can be interpreted to mean that the F-2 district required a showing that new dwellings were associated with a farm or timber use, notwithstanding the County's practice.

The State of Oregon is aware of the Hall case and the County's past practice and will need to decide what the F-2 rules allowed. The County has an opportunity to provide its view of how the rules should be interpreted in the context of Measure 49. This will assist the State in deciding claims. It will also help claimants who are weighing their options under the new law. The F-2 zoning is an issue in about 1/3 of the claims filed with the County.

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

There are no fiscal impacts.

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

There are no legal issues as the proposed resolution is advisory only and meant to assist the State in making certain determinations under Measure 49. There is a choice between two policies. One option is to interpret the F-2 code as requiring a showing that new dwellings are associated with a farm or timber use. This option is supported by a narrow interpretation of the recent decision by the Multnomah County Circuit Court in *Fred Hall v. Multnomah County*, but is not supported by the County's historic implementation of the F-2 regulations. The other option, recommended by staff, reconciles both the County's historic implementation of the F-2 regulations and the decision in *Hall*. The recommended option is a policy statement recognizing the reduced number of home sites available as relief under Measure 49 as consistent with what would have been approved under and in accordance with the F-2 zoning district from 1958 to 1975 without a showing that such dwellings were required to carry out a farm or timber use. This policy choice is supported by the Comprehensive Plan as implemented through the F-2 regulations.

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

Staff is coordinating with the State of Oregon and will provide advance notice of the hearing to claimants and neighborhood associations in areas where claims have been filed.

Required Signature

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



Date: 02/14/08

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Urging the Oregon State Department of Land Conservation and Development to Use the County's Interpretation of its Historic F-2 Zoning District Regulations in Certain State Determinations Under Measure 49

The Multnomah County Board of Commissioners Finds:

- a. On November 6, 2007, voters in the State of Oregon approved Measure 49, which substantially amends Measure 37. The new law went into effect December 6, 2007.
- b. For areas outside an Urban Growth Boundary, the Oregon State Department of Land Conservation and Development (DLCD) will be evaluating claims that were filed prior to the end of the last legislative session to determine if they are eligible for relief in the form of a specific number of home sites.
- c. Under Measure 49, DLCD is charged with determining whether, on the claimant's acquisition date, the claimant lawfully was permitted to establish the number of home sites requested. To make this determination, DLCD will review and interpret both state and local regulations.
- d. It is in the best interests of the County to share its interpretation of its own regulations with DLCD.
- e. In particular, the County should share with DLCD the County's interpretation of its historic F-2 zoning district regulations in effect from 1958 to 1975 because those regulations apply to approximately one-third of the claims filed in Multnomah County that are now subject to review by DLCD under Measure 49.
- f. The F-2 zoning district implemented the County's planning policy to preserve rural lands for agriculture and open space uses at densities appropriate to the limited infrastructure in these areas.
- g. In relevant part, the F-2 district regulations permitted a dwelling or dwellings for the owner, operator and/or help required to carry out grazing, agriculture, horticulture or the growing of timber.
- h. **The F-2 district regulations did not incorporate a test for determining whether a dwelling was required to carry out a farm or timber use.**
- i. **The County presumed, within limits, that new dwellings in the F-2 district were associated with farm or timber uses given the rural location of the district and viewed this presumption as sufficient to implement its rural lands policy.**
- j. Multnomah County planning records establish the existence and application of the presumption. Within the F-2 district, the County approved permits for dwellings and subdivisions of modest size without requiring a showing that such dwellings were required for a farm or forest use. For example, the largest subdivision approved and developed in the F-2 district without a showing of its necessity for a farm or forest use consisted of 19 lots.

- k. Multnomah County planning records establish further that the presumption was limited—larger scale development and residential subdivisions were denied as inconsistent with the County’s rural land policy. The fact that the presumption is limited is further supported by the 2007 decision of the Multnomah County Circuit Court in *Fred Hall v. Multnomah County*, in which the court determined that the County would not have approved a 62-lot subdivision in the F-2 district in 1971.
- l. The evidence shows that even the maximum relief per property under Measure 49—ten new home sites—does not exceed the number of new dwellings that would have been approved by the County under and in accordance with the F-2 zoning district regulations without a showing that such dwellings were required to carry out a farm or timber use.
- m. Restrictions on new dwellings under Measure 49 operate to ensure further that, where applicable, relief under the Measure will be consistent with the historic F-2 zoning district regulations. The restrictions include a three home site cap on high value farm and forest land; a prohibition on new claims challenging historic regulations; and the limitation that a claimant cannot ask for more units than they listed in their original claim.

The Multnomah County Board of Commissioners Resolves:

- 1. When interpreting the County’s F-2 zoning district regulations for purposes of implementing Measure 49, the Board urges the DLCD to employ the same presumption used by the County and to find a request by a claimant for ten or fewer home sites to be consistent with the F-2 regulations and County Comprehensive Plan. To that end, the Board urges DLCD to refrain from incorporating into the F-2 zoning district regulations a test for determining whether a dwelling was required to carry out a farm or timber use.
- 2. In accordance with Section 8(4) of Measure 49, the Multnomah County Division of Land Use and Transportation will send a copy of this Resolution together with supporting documentation to DLCD.

ADOPTED this 28th day of February, 2008.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Jed R. Tomkins, Assistant County Attorney

SUBMITTED BY:

Ted Wheeler, County Chair



**LAND USE & TRANSPORTATION
PLANNING PROGRAM**
1600 SE 190TH Avenue Portland, OR 97233
PH: 503-988-3043 FAX: 503-988-3389
<http://www.co.multnomah.or.us/landuse>

MEMORANDUM

To: Board of Commissioners

From: Derrick Tokos, Principal Planner 

Date: February 21, 2008

RE: Historic County F-2 Zoning and its Impact on Measure 49 Claims

This memo provides an overview of how Multnomah County implemented its F-2 Agricultural zoning district regulations in effect from 1958 to 1975, considering historical records. It also includes information about the type and scale of residential development possible under Measure 49 and how that compares with what was approved in the district.

PART 1: HISTORIC IMPLEMENTATION OF F-2 ZONING

Multnomah County adopted a Development Pattern (later called a Comprehensive Plan) and zoning districts in 1958 (Exhibit 1). These land use regulations applied to all unincorporated areas within the County. Most of the zoning district regulations contained clear and objective approval criteria. However, in the most rural district, the F-2 Agricultural zone, the County applied discretion to ensure that development was consistent with its policy objective of preserving these lands for agriculture and open space uses at densities appropriate to the limited infrastructure in these areas.¹ This practice continued until the mid 1970's when the Statewide Planning program went into effect and the County changed its rules to be consistent with State requirements for preserving farm and forest lands.

Specifically, the F-2 district allowed homes for the owner, operator, or help required to carry out farm or timber uses (§3.112, Exhibit 2). The district had a two acre minimum lot size (§2.10). When permitting the construction of a home, the County did not require a land owner demonstrate that it was for someone engaged in farming or timber operations. It was presumed to be associated or at least compatible with these uses by virtue of its location. This is apparent when examining building permit records for new home construction. Staff examined records between 1963 and 1974 (Exhibit 3). The records include permit cards listing basic information about the type, location and value of the construction, and microfilm copies of permits illustrating how the zoning was applied. The documents show that the County reviewed new home construction to ensure that basic dimensional

¹ F-2 zoning applied to land designated in the County Comprehensive Plan as agriculture/open space. The Plan was a wall map and the Planning Commission maintained general policies for the various uses. While we have not been able to locate specific policy language for the agriculture/open space designation, decisions and court cases from this timeframe indicate that the County's objective was to preserve the lands for agriculture, open space, and other low density uses appropriate to the limited infrastructure and services available in the area.

requirements such as setbacks and lot area were satisfied. The County also confirmed that access was available and that there were provisions for sewage disposal. Nowhere on the documents is there analysis that dwellings were required to carry out farm or timber uses.

In addition to homes on existing lots, the County approved a small number of subdivisions of modest size in the F-2 district, some with lots as small as two acres. In July of 2006, the County Attorney's Office reviewed subdivision approvals granted by the County on F-2 zoned lands between 1959 and 1974 (Exhibit 4). Their review shows that the County approved subdivisions in excess of 30 lots in 1959. The subdivisions were not developed because of sanitation issues. Subdivisions approved in the 1960's and 70's were smaller in scope. Suitability of properties for on-site waste disposal systems continued to be a limiting factor, as did the expense of constructing public roads. The largest subdivision approved and developed in the F-2 zone district during this timeframe was 19 lots.² The decision for the 19 lot subdivision, platted as "Big Cedar Tracts," was issued without a showing that the lots were necessary for farm or forest uses (Exhibit 5). The same held true for the comparably sized McNamee Ridge View Acres subdivisions approved at 7 and 11 lots respectively (Exhibit 6).

Few applications for large subdivisions or residential development requests were submitted in the F-2 district. This is likely due to the fact that most of these lands were well removed from the urban area with limited infrastructure and services. When the County did receive large development requests it found them to be inconsistent with its Comprehensive Plan. An example is a houseboat moorage proposed on property west of Sauvie Island. The County evaluated a number of land use applications on the property, including a 53 unit moorage in 1971 and a 70 unit moorage in 1973. The Planning Commission and Board of Commissioners denied the applications, noting that the use was inappropriate to the area in terms of density, services, and the Comprehensive Plan (Exhibit 7). The County's decision was challenged in court and ultimately upheld by the Court of Appeals in a case called *Auckland v. Board of Commissioners of Multnomah County* (Exhibit 8). Another example occurred in 1975 on Sauvie Island, when the County received 13 applications from different property owners totaling 705 new lots. The applications, submitted in anticipation of changes to zoning as a result of the new Statewide Planning laws, were denied by the County in part as inconsistent with its existing Comprehensive Plan (Exhibit 9).

The Multnomah County Circuit Court recently considered the F-2 zoning district in a Measure 37 case called *Hall v. Multnomah County*. In its decision, the court found that the County would not have approved anything near the scope of a 62 lot, high-density, residential subdivision in the area. The court was presented with similar information about how the County applied its F-2 zoning code and interpreted its Comprehensive Plan between 1958 and 1975. The court's decision serves as further evidence that the County's presumption that new dwellings and modest subdivisions were consistent with farm and timber uses had its limits, and that urban scale development would not have been approved.

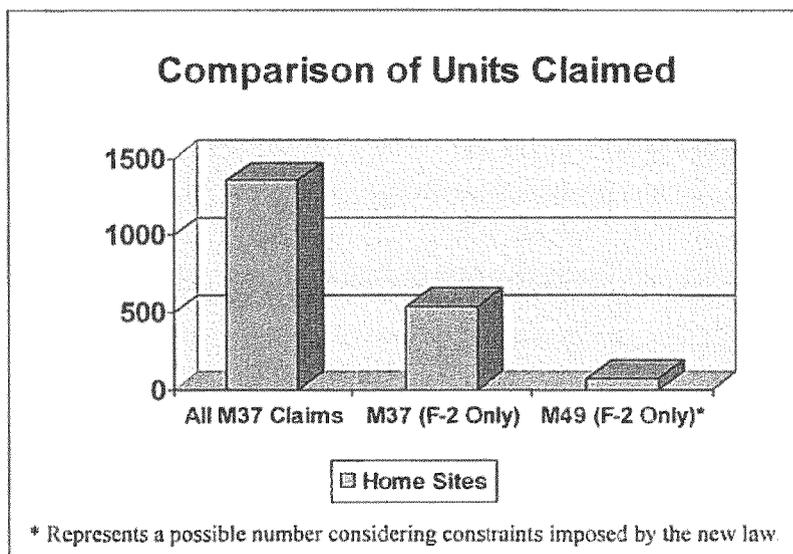
PART II: IMPACT OF MEASURE 49

Under Measure 37, the County received just over 100 claims seeking monetary compensation or relief from land use regulations in the form of development rights (i.e. waivers). The claims involved about

² The County Planning Commission approved Big Cedar Tracts as a 19 lot subdivision on February 6, 1973 (File M65-70). The subdivision was not platted until 5 years later in 1978. Prior to the plat being recorded a new approval was granted authorizing two additional lots. That decision was issued September 6, 1977 under different zoning (File M65-70-C). The subdivision plat was then recorded with 21 lots.

170 properties distributed throughout the unincorporated portions of the County. This amounted to a little more than 3,600 acres. Most claims sought residential subdivisions, with the total for all of them exceeding 1,300 lots. A smaller number of claims were for homes on existing properties. The State and County granted waivers for all valid claims of this nature, for a total of 46 homes. Only one of the homes was constructed. The County also received a few non-residential claims, including auto repair, commercial moorages, and a gravel quarry.

Measure 49 substantially revised Measure 37. The new law went into effect on December 6, 2007 and set new rules for evaluating claims that were filed prior to the close of the last legislative session. All but one of the County's claims was submitted before this date. The new rules restrict claims to loss of residential uses, and limit the scale of development to a maximum of 3 home sites on high-value farm and forest land or 10 units on lands that do not have high value soils. Claimants are also prevented from seeking more units than they sought in their original claim and new claims cannot be filed challenging historic land use regulations (i.e. rules adopted prior to January 1, 2007). Also, claimants are only eligible for relief if they filed claims with both the County and the State. Given these limitations, the amount of development that can occur as a result of relief under Measure 37 is substantially less than what potentially could have occurred under Measure 37.



Of the 3,600 acres involved in Measure 37 claims, approximately 3,000 are comprised of high-value farm or forest soils. Most properties that were under F-2 zoning fall into this category considering their rural location. F-2 zoning is a factor in 33 claims. Under Measure 37 these claims sought about 540 home sites. That number is likely to be less than 80 under Measure 49, considering the limitations listed above. That is just under 15% of what the claimants sought.

Lastly, it is relevant to note that not all claims filed with the County are eligible for relief. This is due to a variety of factors. Some claimants have been able to meet their needs through current rules. Others were not permitted to have additional home sites under rules in effect when they acquired their property. The dual filing requirement and prohibition on non-residential claims under Measure 49 also impact a number of claims.

PART III: CONCLUSIONS

Considering limitations imposed under Measure 49, in particular the restriction on the maximum amount of relief to 10 or fewer home sites, the type and scale of development likely to result under the new law is consistent with what the County authorized in the F-2 district between 1958 and 1975.

EXHIBITS:

- 1 - Chronology of Comprehensive Plan Adoption and Revisions -- past actions, dated August 9, 1976 with resolutions from 1958 and 1964
- 2 - F-2 Zoning District Standards from Ordinance #100, effective November 15, 1962
- 3 - Sample Building Permit Records from 1963 to 1974
- 4 - Memo from Kaori Tanabe to Sandy Duffy, dated July 25, 2006
- 5 - Plat and decision for Big Cedar Tracts subdivision
- 6 - Plats and decision for McNamee Ridge View Acres subdivision
- 7 - Decision on 70 unit moorage, dated July 3, 1973 (File ZC 36-73)
- 8 - Court of Appeals decision in Auckland v. Board of County Commissioners of Multnomah County
- 9 - County decisions involving 13 applications for a total of 705 new lots on Sauvie Island (Files M 8-17, 27 and 28-75)
- 10 - Circuit Court decision in Hall v. Multnomah County

Multnomah County Oregon

INTER-OFFICE MEMORANDUM

TO: Larry Kressel

SUBJECT: Comprehensive Plan
Adoption and Revisions
--past actions

FROM: Bob Baldwin

DATE: 9 August 1976

The original Comprehensive Plan (Development Pattern) for Multnomah County was adopted by the Board of County Commissioners, upon recommendations of the Planning Commission. The Plan was adopted in ten segments, following public hearings held by the Planning Commission and the Board each time. The sequence was as follows, with the dates being those of the Board orders:

Northeast	April 19, 1955
Southeast	July 3, 1956
Southwest	November 27, 1956
East	July 11, 1957
North	May 8, 1958
Northwest	July 10, 1958
Columbia Gorge	July 10, 1958
Far East	July 18, 1958
Orient	July 18, 1958
Springdale-Corbett	December 11, 1958

There is a separate file for each of these segments, including a copy of the Planning Commission resolution and the Order of the Board. Specific legal descriptions of each area are included in the files.

The Development Pattern was revised by Board Order of April 15, 1960 on recommendation of the Planning Commission of April 5, 1960 (C 14-59). This change affected industrial use of the Mentone area, around S. E. 109th and Knight Street.

A series of revisions were made in the Development Pattern on action of the Planning Commission on June 5, 1962 (C 6-62). These changes were not adopted by the Board of County Commissioners on advice of the District Attorney that the Board was without statutory authority to enact or revise a Development Pattern. At the request of the Planning Commission, the Board "recognised" these revisions in the Board Order of June 20, 1962.

The Development Pattern was again revised by the Planning Commission on October 6, 1964 and the name was changed to "Comprehensive Plan" to accord with changes in ORS 215. The Board was notified of these changes but, as advised by the District

If reply requested -- submit in duplicate.



torney, was not requested to adopt them.

The Plan for the area around 102nd and Prescott was revised by Planning Commission action of July 5, 1966 (C 20-66). The Board was advised.

The Planning Commission adopted numerous revisions of the Comprehensive Plan on March 4, 1969 (C 1-69) and again notified the Board of these changes.

The Comprehensive Plan for the areas around Gresham and Troutdale was revised by the Planning Commission on September 1, 1970 (C 13-70). The Planning Commission informed the Board of this action.

On June 5, 1973, the Planning Commission approved a Plan revision for the vicinity of S. E. 129th and Foster Road ((C-24-73). Again, the Board was advised.

The 1973 legislature amended ORS 215.050 to provide that the county governing body adopt or revise the Comprehensive Plan rather than the Planning Commission. The Act took effect on October 5, 1973. After that date, Plan revisions were made by the Board:

On October 30, 1973, the Board approved the Park and Ride report as a revision of the Comprehensive Plan, as recommended by the Planning Commission (C 31-71).

The Board adopted a revision of the Plan for the vicinity of N. E. 162nd and Halsey on August 13, 1974 (C 17-74), as proposed by the Planning Commission.

The Waterfront Commercial/Recreation revision of the Plan was enacted by the Board on March 11, 1975 (C 23-74), upon recommendation of the Planning Commission.

The revised Comprehensive Plan for the east end of Hayden Island was approved as a Plan change by action of the Board on March 16, 1976. The Board accepted the recommendation of the Planning Commission in making this revision.

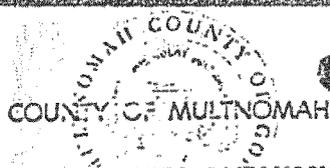
For all of the above actions, public hearings were held for which notice was given as required by the statute and the Charter, as appropriate.

RSB/mm

cc: Martin Cramton

file - Northwest Co.

COMMISSIONERS
M. JAMES GLEASON
AL. L. BROWN
JACK BAIN



BOARD OF COUNTY COMMISSIONERS

COUNTY COURTHOUSE
PORTLAND 4, OREGON
July 11, 1958

JUL 11 1958
RECEIVED DEPT. OF HEALTH

Mr. ~~Alvin~~ Walstrom,
Chairman
Multnomah County Planning Commission
Court House

Dear Sir:

Be it remembered, that at a meeting of the Board of County Commissioners held July 10, 1958, the following action was taken:

Reiter, Mult Co Plan Com submitting prop development pattern, zoning map & zoning text for the Northwest County area, which pattern has been appvd by said com, with rec that the same be adopted by the Board and that the matter be heard on July 10, 1958, at 10:30 A M

At this time, a hearing was had on the above entitled matter. Commissioner Gleason moved the adoption of said proposed development pattern, zoning map and zoning text for the Northwest County Area. Commissioner Brown refrained from voting. Commissioner Bain concurred in the move made by Commissioner Gleason and it was so

ORDERED.

Yours very truly,

BOARD OF COUNTY COMMISSIONERS

By W. L. (K) O'Neil
Clerk of Board

CT

PART OF THE ABOVE MATTER RECEIVED FROM THE BOARD OF COUNTY COMMISSIONERS

October 28, 1964

C12-64

Honorable Board of County Commissioners
Room 605 County Courthouse
Portland, Oregon

Dear Sirs:

This is to advise your Board that at the regular meeting of October 6, 1964, the Planning Commission passed the attached resolution adopting the revised Development Pattern as the Comprehensive Plan for unincorporated Multnomah County.

The term "Comprehensive Plan" is in accordance with ORS 215.050 enacted at the 1963 session of the Oregon Legislature.

Revisions of the Development Pattern contained in the Comprehensive Plan are those which have been approved previously by the Planning Commission and your Board.

The Comprehensive Plan now consists of one map, made up of eighteen panels, covering the entire area of Multnomah County.

Very truly yours,

MULTNOMAH COUNTY PLANNING COMMISSION

Robert S. Baldwin, Planning Director

RSB:rm

BEFORE THE PLANNING COMMISSION FOR
MULTNOMAH COUNTY, OREGON

In the Matter of the Adoption of the revised)
Development Pattern as the Comprehensive Plan)
for Unincorporated Multnomah County.)

RESOLUTION

WHEREAS, the Planning Commission in a public meeting, notice of which has been published in a newspaper of general circulation in Multnomah County more than 10 days prior to said public meeting, has reconsidered in light of present conditions the Development pattern previously adopted and

WHEREAS, it is apparent that for the purpose of furthering the health, safety and general welfare of the people of Multnomah County, changes are at this time necessary to be made in the maps, charts and descriptive matter forming the said Development Pattern NOW, THEREFORE,

BE IT RESOLVED that the Multnomah County Planning Commission adopts the revised Development Pattern as the Comprehensive Plan of Unincorporated Multnomah County, being the following described panels, together with all descriptive matter appearing thereon:

COMPREHENSIVE PLAN OF
UNINCORPORATED MULTNOMAH COUNTY

1. Panels T-1 through T-9
2. Panels B-1 through B-9

Passed the 6th
day of October, 1964.

Dated this 20th day of October, 1964

[Signature]
Chairman

[Signature]
Secretary

[Signature]

[Signature]

2.00 DISTRICTS. The County of Multnomah, outside incorporated cities is hereby divided into the following districts, in each of which the uses, height, and area regulations are uniform:

2.10 DISTRICT NAMES

SHORT TITLE

DISTRICT

F-2	Agriculture, grazing, horticulture, and timber growing district, with a minimum lot size of two (2) acres.
S-R	Suburban-Residential district, with a variable lot size depending upon services available to each lot.
R-40	Single family residential district, with a minimum lot size of forty thousand (40,000) square feet.
R-30	Single family residential district with a minimum lot size of thirty thousand (30,000) square feet.
R-20	Single family residential district, with a minimum lot size of twenty thousand (20,000) square feet.
R-10	Single family residential district, with a minimum lot size of ten thousand (10,000) square feet.
R-7.5	Single family residential district, with a minimum lot size of seven thousand five hundred (7,500) square feet.
R-7	Single family residential district, with a minimum lot size of seven thousand (7,000) square feet.
R-4	Two-family residential district.
A-2	Apartment residential district.
A-1-B	Apartment residential - business office district.
C-4	Local Commercial district.
C-3	Retail Commercial district.
C-2	General Commercial district.
M-4	Manufacturing-Industrial Park district.
M-3	Light Manufacturing district.



M-2 General Manufacturing district.

M-1 Heavy Manufacturing district.

2.20 OTHER DISTRICTS

SHORT TITLE

DISTRICT

L-F Airport Landing Field district.

O-P Off-Street Parking and Loading district.

2.3 The designations, locations and boundaries of the respective districts and certain combinations thereof described in this ordinance are established as shown by appropriate color designations, symbol or short title identification upon the "Multnomah County Zoning Map," which consists of a series of bound and indexed sectional zoning maps numbered sheets one (1) through eight hundred and twenty-eight (828). The zoning map and all pertinent information shown thereon is incorporated herein and is to be deemed as much a part of this Ordinance as if fully set forth; however, if a conflict appears between the Zoning Map and the written portion of this Ordinance, the written portion shall control.

2.31 The Zoning Map and each amendment thereto shall be and remain on file in the office of the Multnomah County Planning Commission.

3.00 RESIDENTIAL DISTRICTS.

-8-

3.10 AGRICULTURAL DISTRICTS. F-2

3.11 USE. No building, structure or land shall be used and no building or structure shall be hereafter erected or altered in this district except for the following uses:

3.111 Grazing, agriculture, horticulture, or the growing of timber.

3.112 Dwelling or dwellings for owner, operator and/or help required to carry out grazing, agriculture, horticulture or the growing of timber.

3.113 Accessory buildings.

3.114 Special uses, such as parks, playgrounds or community centers, churches, schools, golf courses and other uses of a similar nature as provided in the Community Service Section (7.00), when approved by the Planning Commission.

3.115 Signs. The following signs shall be permitted in this district:

(a) A sign advertising the sale or rental of a premises; not artificially illuminated, of a temporary nature, with a maximum area on one side of eight (8) square feet, when erected at least ten (10) feet behind the front property line.

(b) A sign advertising the sale of a tract of land or a legally approved subdivision or development; not artificially illuminated, of a temporary nature, with a maximum area on one side of eighty (80) square feet, when erected to be at least ten (10) feet behind the front property line. Any such sign shall be approved by the Building Inspector as to location in regard to health, safety, view obstruction, or other such conditions, before erection.

(c) A sign stating the name of the owner or occupant of the property; with a maximum area on one side of two (2) square feet.

(d) A sign advertising the sale of agricultural products raised or grown on the premises.

3.12 RESTRICTIONS.

3.121 All other uses shall be subject to the other requirements of this Ordinance which apply.

Date 4/3/63 Permit No. 29681
 Cost \$20,000 Zone F-2
 Use: Single family residence with attached double garage 7-1S-4E

Address SECTION LINE ROAD
 Legal East 165' of W 185' of TL '4' Sec 7-1S-4E

Owner C.F. DeBois 1311 N.E. 181
 Contractor same

	DATE COMPLETE
Parking Spaces _____ Surface _____	
Screening _____	
Other Conditions: Ordinance, Hearings, Special Etc, _____	

MULTNOMAH COUNTY PERMIT FILE CARD

FORM 23

Address <u>ON SECTION LINE ROAD</u>	PERMIT NUMBER <u>38042</u>
Legal <u>West 320' of TL '7' Sec. 7, 1S-4E</u>	VALUATION <u>\$20,000</u>
Prop Owner <u>William Strebin Rt 2, Troutdale, Oregon</u>	MAP NUMBER
Occupant _____	ZONE <u>F-2</u>
Contractor <u>Walter E. Armstrong Rt 2, Box 1057, Troutdale</u>	OCC GROUP
Use of Bldg. <u>residence/attached garage/3</u>	CONST TYPE
Work to be done <u>new construction 26' x 81'</u>	FIRE ZONE
_____	DATE ISSUED <u>10/25/65</u>
Special Conditions _____	

MULTNOMAH COUNTY PERMIT FILE CARD

FORM 23



SKELTON

Multnomah County Planning Commission Residential Building Permit Application

Permit No. 29881
Fee 14.50
Receipt No. 27508
Zone F-B

Site LR-23 Height 30'
 New Construction Stories 2
 Addition No. of Units 1
 Alteration No. of Bed Rooms 1

R

Map Number 7-13-AE
Neighborhood No. Oriente
School District 4

Address Route and Box to be secured from Postman

Sewer District _____
Water District _____
Fire District _____

Section 11th Range

Legal Description East 165' 0" x W 185' 0" x 1/2
West 1/2 of Tax Lot 4 Section 7 1 S 4 E

Health Dept. Approved
By [Signature]
Date 7-3-63

Lot _____ Stock _____ Addition _____
Use: (Check one) Garage Carport Utility Building
 Single Family Res. Duplex Apartment - no. units _____

Building Plans Approved [Signature]
Date _____

Owner C. F. DeBois
Address 1111 N. E. 181st

Permit Issued
By [Signature]
Date 4-3-63

Builder SAIR
Address _____

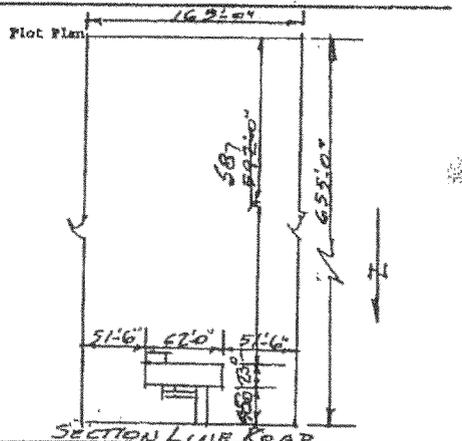
Plans By C. F. DeBois Architect Designer Other
 Engineer Builder Other

	Lot Provides	Lot Requires
Lot Area	108,000'	220
Lot Width	165'	
Lot Depth	655'	
Front Yard	40' 45"	30' + 15"
Side Yard	51' 6"	
Side Yard	51' 6"	
Rear Yard	587' 50"	

Garage or Carport:
 Attached Detached No Provision
Parking Space:
 One Two Three or more
Sewage Disposal: Tank and drainfield as required
 Sanitation Septic tank Sewer
 Cesspool
Street Dedicated Sub-Standard
Width 60 Easement Sub-standard

Valuation \$20,000.00

Description Two story residence with basement



I hereby acknowledge that I have read this application and state that the information given above is correct. I agree to build in a workman-like manner and in accordance with the above description, approved plans, specifications and all applicable codes and orders of Multnomah County.

Date 4-3-63 Signature C. F. DeBois Phone ED 5-5027

Permit is required prior to performing any work within the right of way of any public street. Contact Permit Supervisor, County Road Department, 3100 NE Oregon Street, Multnomah County, Oregon 97031.

29.5

multnomah county planning commission
residential building permit application

TYPE II group I

PENDING
R

Permit No. 38042
Fee
Receipt No. 36267
Zone F-2

Size 24 x 31' Height
 New Construction Stories 1
 Addition No. of Rooms 1
 Alteration No. of Bed Rooms 3

Map Number 7-15-45
Neighborhood No. CUCIGAIT
School District 4

Address #12 SECTION LINE ROAD

Sewer District
Water District
Fire District

Between Truitt Rd and Section Line Rd

Legal Description WEST 320' OF T.L. (7)

Health Dept. Approved
By SEE PROT
Date PLAN

Lot Block Addition SEC 7, 15-4E

Use: (Check One) Garage Carport Utility Building
 Single Family res. Duplex Apartment- no. units

Building Plans Approved
By Mattie J. [Signature]
Date 10-25-65

Owner William Strider
Address #12 Truitt Rd

Permit Issued
By [Signature]
Date 10-25-65

Builder Mattie J. [Signature]
Address #12 Box 1057 Truitt Rd

Plans By Architect Designer Owner
 Engineer Builder Other

	Lot Provides	Lot Requires
Lot Area		
Lot Width	320'	
Lot Depth	135'	
Front Yard	153'	
Side Yard N	209'	
Side Yard E	30'	
Rear Yard	217'	
Valuation	\$20,000	

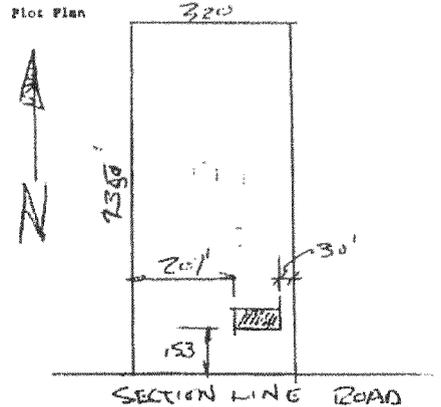
Garage or Carport:
 Attached Detached No Provision

Parking Space:
 One Two Three or more

Sewage Disposal:
 Cesspool Septic tank Sewer

Street
Width 60' Dedicated Sub-Standard
 Easement Sub-standard

Description
see Plans & Specs.



Permit is required prior to performing any work within the Right of Way of any public street. Contact-Permit Supervisor, County Road Department, CA. 7-8441.

I hereby acknowledge that I have read this application and state that the information given above is correct. I agree to build in a workman-like manner and in accordance with the above description, approved plans, specifications and all applicable codes and orders of Multnomah County.

Date _____ Signature Mattie J. [Signature] Phone 663-4517

30

Address	on S.E. 302 (Kerlake Road)	PERMIT NUMBER	730974
Legal	TL '24' Section 8, 1S-4E 1972 Map	VALUATION	\$24,000
Prop. Owner	James Spinks 121 N.E. Vista, Gresham	MAP NUMBER	3361
Occupant		ZONE	F-2
Contractor	William J. Armstrong 16248 S.E. Yamhill	OCC GROUP	
Use of Bldg	residence	CONST TYPE	
Work to be done	new construction 1451 sq. ft.	FIRE ZONE	
		DATE ISSUED	5/11/73
Special Conditions			

*DUPD
VIC V1170.27*

MULTNOMAH COUNTY PERMIT FILE CARD

FORM 23

Address	on HURLBURT ROAD	PERMIT NUMBER	742051
Legal	Lot 64 & 65, Section 3, 1S-4E	VALUATION	\$40,500
Prop. Owner	Lloyd Katzberg	MAP NUMBER	679
Occupant		ZONE	F-2
Contractor	Case Const. Co. Box 22051, Milwaukie	OCC GROUP	I & J
Use of Bldg	residence	CONST TYPE	
Work to be done	new construction 28' x 99'	FIRE ZONE	
		DATE ISSUED	11/27/74
Special Conditions			

MULTNOMAH COUNTY PERMIT FILE CARD

FORM 23

4-155-R
 Multnomah County Planning Commission
 1207 S.W. 4th Avenue Portland, Oregon 97204

residential building permit application

Size: 145' 3" FT Height _____
 New Construction Stories 1
 Addition No. of Rooms 9
 Alteration No. of Bed Rooms 3

R

Address: 121 NE VISTA GRESHAM, OREGON
 Between Section line and BASELINE

Legal Description: S&C 08-15 46 T229 2.42 ACRES
 Lot _____ Block _____ Addition 1972 ARISSON Major

Use: (Check One) Garage Carport Utility Building
 Single Family res. Duplex

Owner: JAMES & MARY SPINKE
 Address: 121 NE VISTA GRESHAM, OREGON

Builder: William J. ARMSTRONG 5097
 Address: 16244 SE Yamhill

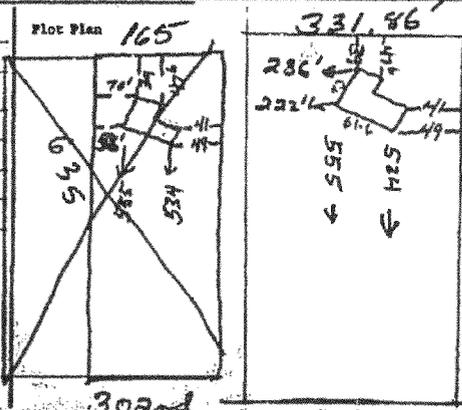
Planned By: L.M. BRUNIER
 Architect Engineer Designer Owner

Description: M-25-67

Permit No. 730974
 Permit Fee 86.40
 Receipt No. 63865
 Plan Check Fee 43.00
 Receipt No. 63645
 Valuation 24,000
 Map No. 3361
 Zone F2
 Occupancy Group _____
 Const. Type _____
 Fire Zone _____
 Neighborhood _____
 School District _____
 Fire District _____
 Issued By: FRANK L. BEYER, Permit Supervisor
 Date: 4-27-73
 Health _____
 Date _____
 Revising 1149
 Date 5-10-73
 Engineer _____
 Date _____
 Building 2 Ranch
 Date 5-11-73
 Issued 2 Ranch
 Date 5-11-77

NOTICE: Permit is required prior to performing any work within the right-of-way of any public street. Contact Permit Supervisor, Department of Public Works, 248-3503

	Lot Provides	Lot Requires
Lot Area	<u>2 1/4 ACRES</u>	
Lot Width	<u>165 FT</u>	
Lot Depth	<u>635 FT</u>	
Front Yard	<u>534'</u>	<u>30' 7 1/2" = 35'</u>
Side Yard	<u>47'</u>	<u>10'</u>
Side Yard	<u>47'</u>	<u>10'</u>
Rear Yard	<u>37'</u>	<u>25'</u>



Garage or Carport: Attached Detached No Provision
 Parking Spaces: One Two Three

I hereby acknowledge that I have read this application and state that the information given above is true and correct. I agree to build in a workman-like manner and in accordance with the above description, approved plans, specifications and all applicable codes and orders of Multnomah County.
 Date 4-19-73 Signature John Bairdwell Phone 255-1093

Subject to 104 electric code to SE 302-4472
 Only April 26 1973
 Permit OK per ESS 25 APR 73

Multnomah County Planning Commission
 1107 S.W. 4th Avenue Portland, Oregon 97204

Residential Building Permit Application 11-137-R

Size: 37x24 Height: _____
 New Construction Stories: One
 Addition No. of Rooms: 8
 Alteration No. of Bed Rooms: 3

R

Address: On Hurlburt Rd
 Subdiv: _____ and _____

Legal Description: _____
 Lot: 64465 Block: _____ Addition: Sec 3-15-4E

Use: (Check One) Garage Carport Utility Building
 Single Family Res. Duplex _____

Owner: Lloyd Katsberg
 Address: Troutdale, Or 97222

Builder: Case Const Co # 4779
 Address: Box 22051, Milwaukie

Plans By: Home Building Plans
 Architect Engineer Designer Owner

Description: SFR

11-27-74

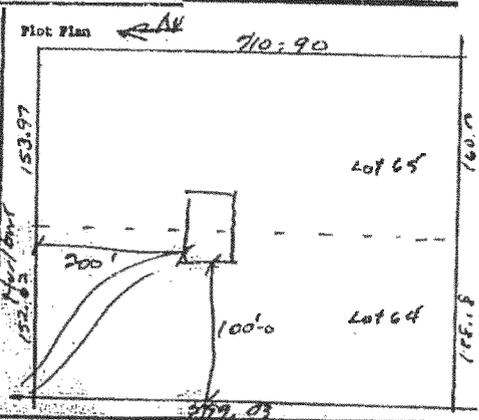
Permit No. 742051
 Permit Fee 160.00
 Receipt No. 69290
 Plan Check Fee 20.00
 Receipt No. 69278
 Valuation 40,500
 Map No. 677
 Zone F-2
 Occupancy Group 14J
 Const. Type 5N
 Para Zone 3
 Neighborhood _____
 School District _____
 Fire District _____
 Prod. See Plot Plan
 Date _____
 Health See Large
 Date Plot Plan
 Zoning E-2
 Date 11-27-74
 Engineer _____
 Date _____
 Building E-2
 Date 11-27-74
 Insured E-2
 Date 11-27-74

Permit is required prior to performing any work within the Right-of-Way of any public street. Contact: Permit Supervisor, Department of Public Works, 248-3583

	Lot Provides	Lot Requires
Lot Area		
Lot Width		
Lot Depth		
Front Yard		
Side Yard		
Side Yard		
Rear Yard		

Garage or Carport:
 Attached Detached No Provision

Parking Space:
 One Two Three



I hereby acknowledge that I have read this application and agree that the information given above is correct. I agree to build in a workman-like manner and in accordance with the above description, approved plans, specifications and all applicable codes and orders of Multnomah County.
 Date 11-26-74 Signature: Paul C. Biller, Paul C. Biller Phone 771-3388

Address On HURLBURT ROAD	PERMIT NUMBER
	50822
Legal westerly 158.0 of easterly 581.90' of northerly 600 Sec. 3, 1S-4E	VALUATION
	\$12,500
Prop. Owner Kenneth W. MacKenzie 16300 E. Burnside	MAP NUMBER
Occupant	ZONE
	F-2
Contractor owner	OCC GROUP
Use of Bldg. residence	CONST. TYPE
Work to be done new construction 2100 sq. ft.	FIRE ZONE
	DATE ISSUED
	4/13/70
Special Conditions	

MULTNOMAH COUNTY PERMIT FILE CARD

Multnomah county planning commission
residential building permit application

Type IN group I

Size 2100^{sq ft} Height 19'
 New Construction Stories 2
 Addition No. of Rooms 7 up
 Alteration No. of Bed Rooms 3

R

Address On Hurlburt Rd
 Between Henkle Rd and Gordon Creek

Legal Description W 158.0 of Partly 581.90' of North 600.0' of Partly 158.0 of Partly 581.90' of North 600.0' of Partly 158.0 of Partly 581.90' of North 600.0'
 Lot 3 Addition 2

Use: (Check One) Garage Carport Utility Building
 Single Family Res. Duplex Apartment Bldg. with

Owner Kenneth W. MacKenzie
 Address 16300 E. Burnside P.M.D. No. 27233

Builder Kenneth W. MacKenzie
 Address 16300 E. Burnside P.M.D. No. 27233

Plans By Leon M. Roivick & Assoc Architect Designer Owner
 Engineer Builder Other

	Lot Provided	Lot Required
Lot Area	26,500 ^{sq ft}	
Lot Width	165'	
Lot Depth	600'	
Front Yard	240'	
Side Yard	50'	
Back Yard	50'	
Garage Yard	325'	

Garage or Carport: Attached Detached No Provision

Parking Space: One Two Three or more

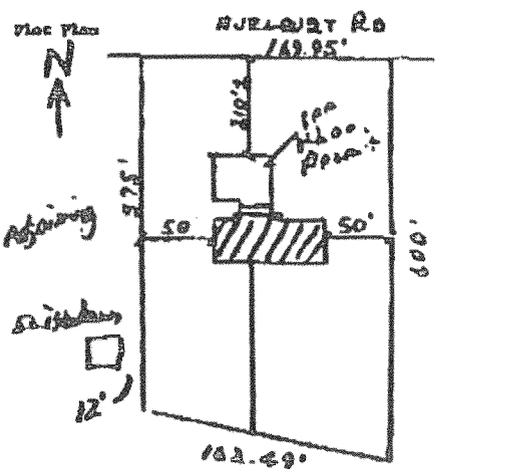
Garage Disposal: Conventional Explo. comb Screen

Street: Paved Sub-standard

Width 60' Standard Sub-standard

Valuation 112,500

Description SFR PER PLANS



Permit No. 50822 ✓
 Fee 42.00
 Receipt No. 51966
 Zone F2
 Map Number Sec 3-15-4E
 Neighborhood No. ORAIN
 School District ORAIN
 Street District _____
 Color District _____
 Fire District _____
 Health Dept. Approved
 By Shelley
 Date 3/31/70
 Building Plans Approved
 By Robert
 Date 4-13-70
 Permit Issued
 By Robert
 Date 4-13-70

Permit is required prior to performing any work within the Right-of-Way of any public street. Contact Permit Supervisor, Department of Public Works, 333-5861

NOTICE:

I hereby acknowledge that I have read this application and state that the information given above is correct. I agree to build in a workman-like manner and in accordance with the above description, approved plans, specifications and all applicable codes and orders of Multnomah County.

Address ON S.E. 302	PERMIT NUMBER 56901
Legal TL '21' Section 7, 1S-4E	VALUATION \$990
Prop. Owner Mary Lou Pearson 1404 S.E. Tenino	MAP NUMBER 3460
Occupant	ZONE F-2
Contractor George Andrews dba Cork Del Const. 20075 S.W. Boones Ferry Rd., Tualatin	OCC. GROUP
Use of Bldg. garage	CONST TYPE
Work to be done new construction 12' x 20'	FIRE ZONE
	DATE ISSUED 5/30/72
Special Conditions see C 17-70 and C 16-69	

MULTNOMAH COUNTY PERMIT FILE CARD

FORM 23

Address 302 Avenue	PERMIT NUMBER 56900
Legal TL '71' Section 7, 1S-4E	VALUATION \$17,000
Prop. Owner Mary Lou Pearson 1404 S.E. Tenino	MAP NUMBER 3460
Occupant	ZONE F-2
Contractor George Andrews dba Cork Del Const.	OCC GROUP
Use of Bldg. residence	CONST TYPE
Work to be done pre-cut log const. with single garage	FIRE ZONE
	DATE ISSUED 5/30/72
Special Conditions C 17-70 for easement approval also C 16-69	

MULTNOMAH COUNTY PERMIT FILE CARD

5/30/72
C.K.
Certified

multnomah county planning commission residential building permit application

56000 ✓
Permit No. 6585
Fee 59907
Receipt No. 59907
Zone F-2

Map Sheet 3160
Neighborhood No. CR1E1T
School District _____

Water District _____
Cable District _____
Fire District _____

Health Dept. Approval
By SK
Date 4/12/72

Building Plans Approved
By JK
Date 5-20-72

Permit Issued
By JK
Date 5-30-72

Size 24' x 31' 6" Depth 13'
 New Construction Stories 1
 Addition No. of Units 1
 Alteration No. of Old Units 2

R

Address 302nd Ave
Between DIVINA ST and Lusted Road

Legal Description Section 07 1S-4E
T4(71)
Lot _____ block _____ addition _____

Use: (Check One) Garage Carport Utility Building
 Single Family Res. Duplex Apartment - no. units _____

Owner MARY LOU PEARSON
Address 1404 SE. TENNIS ST. PORTLAND, OREG.

Builder George Andreas - Iba Cordal Construction
Address 20975 SW. BRANES FERRY RD. TUALATIN, OREG.

Plans by PAUL ABRADE, Inc.
 Architect Designer Owner
 Engineer Builder Other

	Lot Provide	Lot Require
Lot Area	2 Acres	2 Acres
Lot Width	202.32 Ft.	
Lot Depth	430.91 Ft.	
Front Yard	90 Ft.	55 Ft.
Side Yard N.	250 Ft.	10 Ft.
Side Yard S.	87 Ft.	10 Ft.
Back Yard	316 Ft.	

Garage or Carport:
 Attached Detached No Provision

Parties Know:
 One Two Three or more

Storage Disposal:
 On-site Recycle tank Other

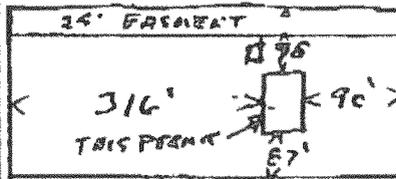
Street
AD
Width 30 Standard Sub-standard

Valuation ~~18,000~~ Home: \$ 18,000

Description Pre-cut log house
with single garage.
One floor, concrete foundation
(no basement), with brick
fireplace; 2 bedrooms.

Plumbing in Conformance with
M.U.C. Code Chapter 21.10
Provisions

RE. C 17-70 FOR RECORDS
BASEMENT APPROVAL
ALSO C 16-69



Permit is required prior to performing any work within the right-of-way of any public street. Contact Permit Supervisor, Department of Public Works, 233-5861

32 50 59907
32 50 59907
32 50 59907
32 50 59907

I hereby acknowledge that I have read this application and state that the information given above is correct. I agree to build in a workman-like manner and in accordance with the above description, approved plans, specifications and all applicable codes and orders of Multnomah County.

Date March 30, 1972 Signature Mary Lou Pearson Phone 232-7265

multnomah county planning commission residential building permit application

565411 ✓

Form No. 565411
 Fee 10.00
 Parcel No. 59407
 Zone F2

Map Sheet 3460
 Neighborhood No. ORIENT
 School District _____
 Sewer District _____
 Water District _____
 Fire District _____

Single Insp. Approved
 By SEE #
 Date _____

Building Plans Approved
 By SEE # 38900
 Date 8.7.5-39

Permit Issued
 By [Signature]
 Date 5-30-72

Size 12x20 Height 17'

New Construction Stories 1

Addition No. of Stories 1

Alteration No. of Additions _____

R

Address 211 302ND AVE

Between _____ and _____

Legal Description
 Lot (71) Block _____ Addition SEC. 2 15-4E

Use: (Check One)

Single Family Res. Garage Carport Utility Building

Duplex Apartment or units

Owner MARY LOU PEARSON

Address 1404 S.E. TENINO ST.

Address GEORGE ANDREWS DBA OAK DEL CAST

Address 20075 S.W. BOONE'S FERRY RD., TUALATIN

Plans By PAN-A-PADE, INC

Architect Designer Other

Engineer Builder Other

	Lot Provides	Lot Requires
Lot Area		
Lot Width		
Lot Depth		
Front Yard		
Side Yard		
Back Yard		
Other Yard		

Garage or Carport:

Attached Detached In Foundation

Parking Space:

One Two Three or more

Driveway Disposal:

Concrete Asphalt Cover

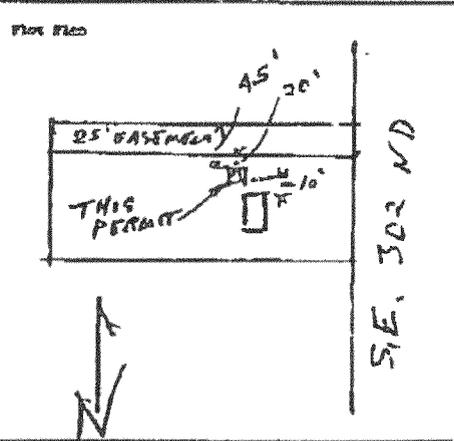
Street Width 90' Paved Not Paved

Standard Sub-standard

Valuation 9900

Description GARAGE AS PER PLAN

FE: C-17-70 FOR EASEMENT
APPROVAL ALSO C-16-69



I hereby acknowledge that I have read this application and state that the information given above is correct. I agree to build in a workman-like manner and in accordance with the above description, approved plans, zoning ordinances and all applicable codes and orders of Multnomah County.

Date 4-13-72 Signature [Signature] 232-7265

Permit is required prior to performing any work within the Right-of-Way of any public street. Contact Permit Supervisor, Department of Public Works, 233-5861.

MEMORANDUM

TO: Sandy Duffy
FR: Kaori Tanabe
DT: 07/25/2006
RE: Measure 37 and Subdivision Applications prior to 1975

Findings:

The Legislative Assembly enacted zoning ordinances to promote land use conservation and a coordinated development of the state. Senate Bill 100, Section 1 (1973). Prior to the passage of the 1975 Oregon zoning ordinance, the agricultural district (F-2) required that the land be used for farming purposes and to conform to a requirement that each proposed lot had a minimum size of two (2) acres. Thus, ORS 215.203 stated that the areas designated as agricultural districts must be used exclusively for farm use unless exempted under ORS 215.213.

Most subdivision applications involved of relatively small sized lands, ranging from 2.5 acres to 60 acres. In addition, the applications requested subdivisions of small number of lots, and they generally satisfied the two-acre requirement of F-2 districts. The applications that asked for subdivisions of lots smaller than two acres also requested for a change in the zoning district [i.e. from agricultural (F-2) to suburban residential (S-R)]. Many requests were approved on the condition that the landowners dedicate public roads built in compliance with the established regulations. However, many of the lands were not developed because the landowners were reluctant to build public roads, notwithstanding the Board of County Commissioner's approval of their plans.

Moreover, some applications involved lands that were larger 60 acres, but the requests were for small number of lots. For example, in 1959, a landowner applied for a subdivision of his 189.5 acres land into 39 lots. M 69-59. That property was located in the agricultural district, and



the subdivision plan satisfied the two-acre minimum requirement. The application was granted on the condition that the applicant dedicated a public road and that it met the criteria established by the Public Health Department. Nevertheless, the plan was never carried out.

In determining whether to approve an application or not, the Board relied heavily on the findings by the County Planning Commission, which considered different factors in delivering its decision. The Commission staff looked at factors such as whether the proposed plan conserved the character of the district, whether the proposed subdivision was in the public interest or consistent with the comprehensive plan, whether the land was suitable to the proposed subdivision, and so on. *See e.g.* M 3-74; M 19-68; M 12-69; M 24-69.

Changes occurred in 1975 after the Oregon Legislature promulgated an amendment of the state's zoning ordinance. Under the proposed amendment, the F-2 zone subdivision applications had to satisfy a minimum of twenty (20) acres per lot. As a result, the landowners of Sauvie Island, who became acquainted with the proposed amendment, submitted massive subdivision applications. Thirteen Sauvie Island applicants sought to apply the two-acre requirement to their subdivision plans before the 1975-twenty acre requirement was officially adopted. However, the Board had made effective the 1975 amendment through an emergency clause, and all thirteen requests were denied under it. The Commissioner's main reasons for recommending denial of the requests were that the plans conflicted with the F-2 zoning classification, and were fully or partially inconsistent with the Comprehensive Plan. Subsequent to the denial, the applicants sought to appeal the Commissioner's finding, but the Board dismissed their appeal. In sum, the County's interest in protecting the agricultural character of the property in Sauvie Island prevailed over the applicants' ownership interests.

File Number	Size (acres)	"Zoning Ordinance"	Proposal	Result	Notes
M 26-59	11.82	F-2	Change from F-2 to R-7 (residential zoning). Subdivision of 33 lots.	Approved with conditions	There is a lot of records regarding problems with sewage.
M 50-59	50	F-2	33 lots – Change from F-2 to S-R	Approved in part and denied in part. Approval to split 5 acre lot into two lots.	Strange Case – denial was based on public health findings.
M 69 - 59	189.5	F-2 (Near Sandy River)	39 lots, all 2 acres or larger lots and street dedication.	Approved but didn't develop	Commission required that the property meet the Public Health Dept criteria See attachment
M 72-59	50.40	F-2 (Crown Point Hwy)	21 lots of 2 acres or larger and street dedication	Approved.	Drainage easement had to be worked out and required to dedicate hwy widening in future
M 76-59	4.02	F-2 (Crown Point Hwy – Rooster Rock Rd)	Two lots of 2 acres or larger	Approved and became "Rooster's View"	
M 25-60	Approx 16 ac.	F-2 (Sauvie Island)	Change from F-2 to S-R	Approved w/ condition to satisfy the S-R requirements	Problems with sewage system
M 19-63	19.41	S-R	9 lots all larger than 2 acres & request for future subdivision into 70 lots. Change from S-R to R-40	Conditionally approved 8 lots	This case was re-opened later on
M 3-66	22.21	F-2 & R-10 (Crown Point Hwy)	12 lots. Lots 1-7 are ≥ 2 acres. All others satisfy R-10 requirement	Approved	
M 6-67	60.31	F-2 (Summit Drive, West. Near Columbla River Hwy)	12 tracks of approx 5 acres each. Future subdivision plan prepared, which provides for lots smaller than 1 acre.	Approved and became "McNamee Ridge View" Didn't expressly deny the future subdivision plan	Subdivided into 10 lots total
M 22- 67	91.54	F-2 (McNamee Rd – East Side)	14 lots	Approved and became "McNamee Ridge View Acres"	Each lot satisfied ≥ 2 acres requirement
M 19-68	7.8	R-10 & F-2 (Interlachen Lane)	Subdivide into 28 lots		Property at issue was located next to already subdivided area – "Fairview County Club" (R-7) and "Lake End Estate" (R-10).
M 19-68-A (re-opened in 1974)			25 lots subdivision	Approved and became "Lachen View"	Allowed subdivision ONLY of the R-10 zone but not for the F-2 part. Complicated case – struggle between County and applicant It is an URBAN area today See Attachment
M 39-68	39.7	F-2 (NW Old German Town)	7 lots	Com'r Staff recommended denial	
M 53-68	27.03	F-2 (SW Larch Mt Rd)	7 lots	Became "Laura"	
M 12-69	20	F-2 (South of Huriburt Rd – Sandy River)	Subdivide into 4 full depth lots w/ future potential division (i.e. 4 and future 4)	Approved w/ conditions and became "Sandy River"	Com'r stated that plan endangers scenic value of the Sandy River Corridor. See Attachment

M 14-69	12.74	R-7 & R-4 (West of SE 212 between SE Morrison & Salmon)	55 lots all 4.38 acres lots	Approved and became "Beechaven"	Not located in rural location
M 24-69	91.45	F-2 (NE Odgen Rd)	37 lots of .44 acres per lot. Future development of remaining 140.55 acres	Denying preliminary design	Staff recommended conservation of valuable site. See attachment
M 12-70	7.34	S-R	Subdivide into 4 parcels and a greenway strip	Approved	Staff noted that activities altered the natural status of greenway must be prohibited
M 61-70	21.88	S-R & F-2 (Sauvie Island. Rd. NE side N of Reeder Rd	10 lots yielding larger than ½ acre per lot	Approved & became "Circus Estates"	Staff approved as an "estate-type" development with restrictions prohibiting future re-subdivision into smaller lots See Attachment
M 65-70	69.75	F-2 (between Crownpoint Hwy and Smith Rd - NE 348 th Dr)	19 lots of ≥ 2 acres	Became "Big Cedar Tracts"	The property owner made illegal sales of lots before getting approval by the Board to subdivide the property. Subsequent History: M 65-70-B, M 65-70 C See attachment
M 34-71	11.47	S-R (between Dodge Park Bivd & Carpenter Ln East of Atman Rd)	34 lots & future subdivision into smaller lots	Approved 6 lots with conditions but didn't seem to have developed	
M 08-73	75 more or less	F-2 (between Krierlem & Howard Rds, from Littlepage Rd East)	14 lots of 5 acres	Allowed subdivision of 5 lots only	
M 3-74	2.94	F-2 (between Oxbow Parkway at Homer Terrace)	Plat one lot	Became "Mar Vista" upon approval	Talked about scenic value



**LAND USE & TRANSPORTATION
PLANNING PROGRAM**
1600 SE 190TH Avenue Portland, OR 97233
PH: 503-988-3043 FAX: 503-988-3389
<http://www.co.multnomah.or.us/landuse>

MEMORANDUM

To: Board of Commissioners

From: Derrick Tokos, Principal Planner 

Date: February 21, 2008

RE: Historic County F-2 Zoning and its Impact on Measure 49 Claims

This memo provides an overview of how Multnomah County implemented its F-2 Agricultural zoning district regulations in effect from 1958 to 1975, considering historical records. It also includes information about the type and scale of residential development possible under Measure 49 and how that compares with what was approved in the district.

PART 1: HISTORIC IMPLEMENTATION OF F-2 ZONING

Multnomah County adopted a Development Pattern (later called a Comprehensive Plan) and zoning districts in 1958 (Exhibit 1). These land use regulations applied to all unincorporated areas within the County. Most of the zoning district regulations contained clear and objective approval criteria. However, in the most rural district, the F-2 Agricultural zone, the County applied discretion to ensure that development was consistent with its policy objective of preserving these lands for agriculture and open space uses at densities appropriate to the limited infrastructure in these areas.¹ This practice continued until the mid 1970's when the Statewide Planning program went into effect and the County changed its rules to be consistent with State requirements for preserving farm and forest lands.

Specifically, the F-2 district allowed homes for the owner, operator, or help required to carry out farm or timber uses (§3.112, Exhibit 2). The district had a two acre minimum lot size (§2.10). When permitting the construction of a home, the County did not require a land owner demonstrate that it was for someone engaged in farming or timber operations. It was presumed to be associated or at least compatible with these uses by virtue of its location. This is apparent when examining building permit records for new home construction. Staff examined records between 1963 and 1974 (Exhibit 3). The records include permit cards listing basic information about the type, location and value of the construction, and microfilm copies of permits illustrating how the zoning was applied. The documents show that the County reviewed new home construction to ensure that basic dimensional

¹ F-2 zoning applied to land designated in the County Comprehensive Plan as agriculture/open space. The Plan was a wall map and the Planning Commission maintained general policies for the various uses. While we have not been able to locate specific policy language for the agriculture/open space designation, decisions and court cases from this timeframe indicate that the County's objective was to preserve the lands for agriculture, open space, and other low density uses appropriate to the limited infrastructure and services available in the area.

requirements such as setbacks and lot area were satisfied. The County also confirmed that access was available and that there were provisions for sewage disposal. Nowhere on the documents is there analysis that dwellings were required to carry out farm or timber uses.

In addition to homes on existing lots, the County approved a small number of subdivisions of modest size in the F-2 district, some with lots as small as two acres. In July of 2006, the County Attorney's Office reviewed subdivision approvals granted by the County on F-2 zoned lands between 1959 and 1974 (Exhibit 4). Their review shows that the County approved subdivisions in excess of 30 lots in 1959. The subdivisions were not developed because of sanitation issues. Subdivisions approved in the 1960's and 70's were smaller in scope. Suitability of properties for on-site waste disposal systems continued to be a limiting factor, as did the expense of constructing public roads. The largest subdivision approved and developed in the F-2 zone district during this timeframe was 19 lots.² The decision for the 19 lot subdivision, platted as "Big Cedar Tracts," was issued without a showing that the lots were necessary for farm or forest uses (Exhibit 5). The same held true for the comparably sized McNamee Ridge View Acres subdivisions approved at 7 and 11 lots respectively (Exhibit 6).

Few applications for large subdivisions or residential development requests were submitted in the F-2 district. This is likely due to the fact that most of these lands were well removed from the urban area with limited infrastructure and services. When the County did receive large development requests it found them to be inconsistent with its Comprehensive Plan. An example is a houseboat moorage proposed on property west of Sauvie Island. The County evaluated a number of land use applications on the property, including a 53 unit moorage in 1971 and a 70 unit moorage in 1973. The Planning Commission and Board of Commissioners denied the applications, noting that the use was inappropriate to the area in terms of density, services, and the Comprehensive Plan (Exhibit 7). The County's decision was challenged in court and ultimately upheld by the Court of Appeals in a case called *Auckland v. Board of Commissioners of Multnomah County* (Exhibit 8). Another example occurred in 1975 on Sauvie Island, when the County received 13 applications from different property owners totaling 705 new lots. The applications, submitted in anticipation of changes to zoning as a result of the new Statewide Planning laws, were denied by the County in part as inconsistent with its existing Comprehensive Plan (Exhibit 9).

The Multnomah County Circuit Court recently considered the F-2 zoning district in a Measure 37 case called *Hall v. Multnomah County*. In its decision, the court found that the County would not have approved anything near the scope of a 62 lot, high-density, residential subdivision in the area. The court was presented with similar information about how the County applied its F-2 zoning code and interpreted its Comprehensive Plan between 1958 and 1975. The court's decision serves as further evidence that the County's presumption that new dwellings and modest subdivisions were consistent with farm and timber uses had its limits, and that urban scale development would not have been approved.

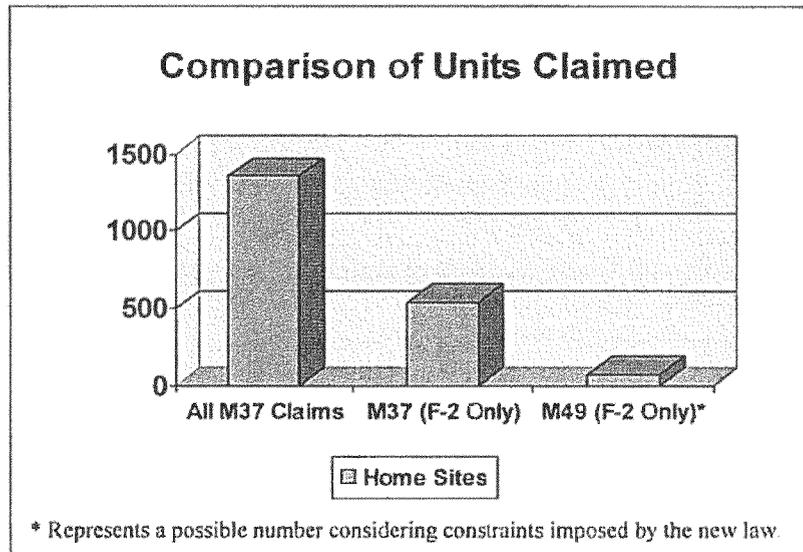
PART II: IMPACT OF MEASURE 49

Under Measure 37, the County received just over 100 claims seeking monetary compensation or relief from land use regulations in the form of development rights (i.e. waivers). The claims involved about

² The County Planning Commission approved Big Cedar Tracts as a 19 lot subdivision on February 6, 1973 (File M65-70). The subdivision was not platted until 5 years later in 1978. Prior to the plat being recorded a new approval was granted authorizing two additional lots. That decision was issued September 6, 1977 under different zoning (File M65-70-C). The subdivision plat was then recorded with 21 lots.

170 properties distributed throughout the unincorporated portions of the County. This amounted to a little more than 3,600 acres. Most claims sought residential subdivisions, with the total for all of them exceeding 1,300 lots. A smaller number of claims were for homes on existing properties. The State and County granted waivers for all valid claims of this nature, for a total of 46 homes. Only one of the homes was constructed. The County also received a few non-residential claims, including auto repair, commercial moorages, and a gravel quarry.

Measure 49 substantially revised Measure 37. The new law went into effect on December 6, 2007 and set new rules for evaluating claims that were filed prior to the close of the last legislative session. All but one of the County's claims was submitted before this date. The new rules restrict claims to loss of residential uses, and limit the scale of development to a maximum of 3 home sites on high-value farm and forest land or 10 units on lands that do not have high value soils. Claimants are also prevented from seeking more units than they sought in their original claim and new claims cannot be filed challenging historic land use regulations (i.e. rules adopted prior to January 1, 2007). Also, claimants are only eligible for relief if they filed claims with both the County and the State. Given these limitations, the amount of development that can occur as a result of relief under Measure 37 is substantially less than what potentially could have occurred under Measure 37.



Of the 3,600 acres involved in Measure 37 claims, approximately 3,000 are comprised of high-value farm or forest soils. Most properties that were under F-2 zoning fall into this category considering their rural location. F-2 zoning is a factor in 33 claims. Under Measure 37 these claims sought about 540 home sites. That number is likely to be less than 80 under Measure 49, considering the limitations listed above. That is just under 15% of what the claimants sought.

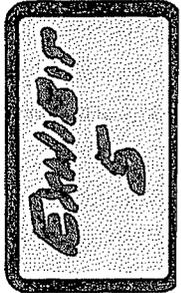
Lastly, it is relevant to note that not all claims filed with the County are eligible for relief. This is due to a variety of factors. Some claimants have been able to meet their needs through current rules. Others were not permitted to have additional home sites under rules in effect when they acquired their property. The dual filing requirement and prohibition on non-residential claims under Measure 49 also impact a number of claims.

PART III: CONCLUSIONS

Considering limitations imposed under Measure 49, in particular the restriction on the maximum amount of relief to 10 or fewer home sites, the type and scale of development likely to result under the new law is consistent with what the County authorized in the F-2 district between 1958 and 1975.

EXHIBITS:

- 1 - Chronology of Comprehensive Plan Adoption and Revisions – past actions, dated August 9, 1976 with resolutions from 1958 and 1964
- 2 - F-2 Zoning District Standards from Ordinance #100, effective November 15, 1962
- 3 - Sample Building Permit Records from 1963 to 1974
- 4 - Memo from Kaori Tanabe to Sandy Duffy, dated July 25, 2006
- 5 - Plat and decision for Big Cedar Tracts subdivision
- 6 - Plats and decision for McNamee Ridge View Acres subdivision
- 7 - Decision on 70 unit moorage, dated July 3, 1973 (File ZC 36-73)
- 8 - Court of Appeals decision in Auckland v. Board of County Commissioners of Multnomah County
- 9 - County decisions involving 13 applications for a total of 705 new lots on Sauvie Island (Files M 8-17, 27 and 28-75)
- 10 - Circuit Court decision in Hall v. Multnomah County

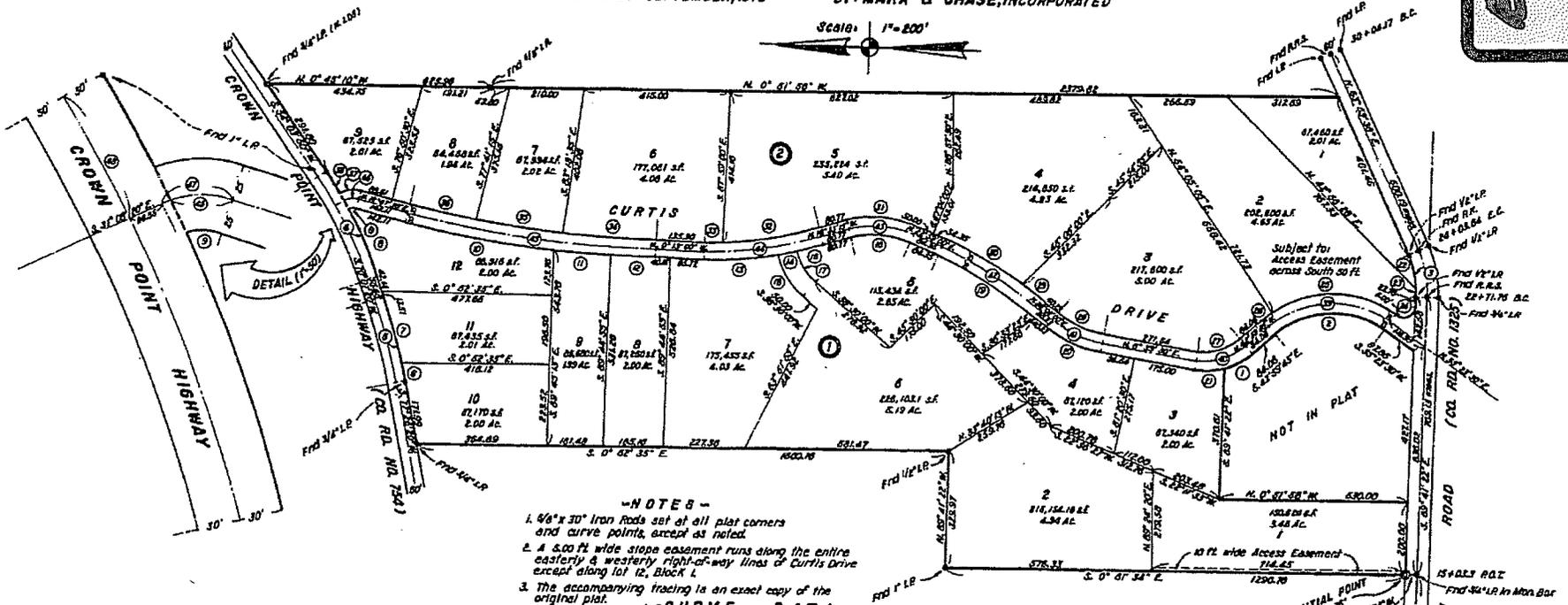
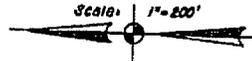


BIG CEDAR TRACTS

SITUATED IN THE WEST 1/2 SECTION 34, T. 1 N., R. 4 E., W. M.
MULTNOMAH COUNTY, OREGON

SURVEYED SEPTEMBER, 1978

BY: MARK B CHASE, INCORPORATED



-NOTES-

- 1/4" x 30" Iron Rods set at all plat corners and curve points, except as noted.
- A 5.00 ft wide slope easement runs along the entire easterly & westerly right-of-way lines of Curtis Drive except along lot 12, Block 1.
- The accompanying tracing is an exact copy of the original plat.

- CURVE DATA -

CURTIS DRIVE											
① Δ= 27°07'18" R= 107.18 T= 42.45 L= 65.60 CH= 67.78 S. 25°28'08"E	② Δ= 15°23'15" R= 67.84 T= 202.09 L= 339.07 CH= 313.34 S. 3°48'07"E	③ Δ= 27°07'18" R= 107.18 T= 42.45 L= 65.60 CH= 67.78 S. 25°28'08"E	④ Δ= 1°35'55" R= 1939.91 T= 22.19 L= 68.39 CH= 59.39 N. 70°39'23"E	⑤ Δ= 2°58'28" R= 3116.10 T= 89.90 L= 181.77 CH= 151.75 S. 3°33'38"W	⑥ Δ= 35°48'37" R= 200.00 T= 72.37 L= 116.85 CH= 126.08 S. 68°23'14"W	⑦ Δ= 24°37'57" R= 407.10 T= 40.15 L= 80.15 CH= 79.63 S. 3°10'28"E	⑧ Δ= 7°04'51" R= 237.84 T= 18.43 L= 38.81 CH= 38.78 N. 30°27'20"W	⑨ Δ= 35°32'15" R= 295.00 T= 106.02 L= 203.57 CH= 189.85 N. 3°12'53"E	⑩ Δ= 3°33'02" R= 3008.10 T= 65.07 L= 150.00 CH= 189.97 N. 11°01'00"E	⑪ Δ= 18°23'15" R= 272.85 T= 222.47 L= 373.28 CH= 344.06 N. 3°45'01"W	⑫ Δ= 10°20'15" R= 1170.81 T= 120.07 L= 335.55 CH= 332.72 N. 8°23'03"W
⑬ Δ= 25°25'00" R= 252.43 T= 50.29 L= 110.25 CH= 117.82 N. 77°00'08"E	⑭ Δ= 3°39'38" R= 1178.01 T= 102.82 L= 205.12 CH= 204.83 N. 63°07'32"E	⑮ Δ= 10°17'18" R= 1155.81 T= 107.63 L= 214.73 CH= 214.64 S. 3°21'35"E	⑯ Δ= 30°12'15" R= 245.00 T= 88.05 L= 169.00 CH= 155.73 S. 3°12'53"W	⑰ Δ= 6°41'15" R= 258.48 T= 12.97 L= 148.54 CH= 144.34 S. 0°25'00"W	⑱ Δ= 29°22'30" R= 300.00 T= 125.81 L= 125.81 CH= 125.81 N. 23°20'45"E	⑲ Δ= 3°31'37" R= 1291.25 T= 43.52 L= 87.00 CH= 86.95 N. 30°08'12"E	⑳ Δ= 4°52'48" R= 3088.10 T= 130.68 L= 281.12 CH= 281.04 N. 28°34'42"E	㉑ Δ= 3°37'10" R= 1115.01 T= 37.18 L= 74.29 CH= 74.28 S. 53°32'13"W	㉒ Δ= 29°22'30" R= 310.83 T= 81.27 L= 159.36 CH= 157.82 N. 23°20'45"E	㉓ Δ= 15°03'00" R= 1266.25 T= 127.27 L= 332.81 CH= 331.60 N. 30°30'30"E	㉔ Δ= 38°54'00" R= 65.00 T= 22.35 L= 44.13 CH= 43.29 N. 6°39'00"W
㉕ Δ= 7°18'00" R= 1939.91 T= 124.03 L= 247.73 CH= 243.68 S. 3°33'48'00"W	㉖ Δ= 7°44'09" R= 3116.10 T= 210.48 L= 422.73 CH= 420.40 S. 0°55'20"W	㉗ Δ= 2°58'28" R= 1155.81 T= 89.90 L= 181.77 CH= 151.75 S. 1°43'11"E	㉘ Δ= 3°30'08" R= 1185.81 T= 88.03 L= 172.18 CH= 170.30 S. 23°20'45"W	㉙ Δ= 3°18'28" R= 497.84 T= 213.63 L= 370.67 CH= 347.21 N. 0°01'42"W	㉚ Δ= 11°17'23" R= 1291.25 T= 125.43 L= 252.18 CH= 251.78 N. 28°34'42"E	㉛ Δ= 4°54'48" R= 3088.10 T= 122.87 L= 285.00 CH= 284.94 N. 6°37'07"E	㉜ Δ= 30°32'15" R= 270.00 T= 97.04 L= 186.32 CH= 182.64 N. 3°12'53"E				

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Mark B. Chase

DATE: JULY 9, 1980
JAMES W. CHASE
310

notice of subdivision review

'UNABRIDGED'
AGENDAS
ACTION
M 65-70

room 680
multnomah
county
courthouse

multnomah county planning commission	Date February 6, 1973 Meeting Time 2:00 p.m. Line Number I <small>time may vary either way</small>	B
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SUBDIVISION FILE NUMBER 65-70 19 lots @ F-2 density
(New Application)
SITE LOCATION Between Crown Point Highway and Smith Road
LEGAL DESCRIPTION Part of Tax Lot 3 plus all of Tax Lots 9,
69, 72, 73, 74, 77, 80, 81, 82, & 83 as of
January 1, 1972, in the west half of Sec.
34, T 1 N, R 4 E, W 11.
SITE SIZE
PRESENT ZONING F-2 (Agricultural)
SPONSOR G. Raymond Smith
Route 1, Box 493
Corbett,
Oregon 97019
PROPOSAL Sponsor proposes to plat 19 lots, all two
or more acres in area. Part of the site
between Blocks 1 and 2 is proposed to be
excluded from the plat.
RECOMMENDATION The staff recommends approval of this sub-
division subject to the following condit -
ions:
1. Dedication of the north-south street to
a 60' right-of-way to allow for possible
slope conditions and to provide suffi -
cient right-of-way for this collector
street.
a. acceptance of this dedication sub-
ject to evidence of the applicant
acquiring quit-claim deeds to access
by easements previously granted to
adjoining property owners.
b. storm drainage works to be constructed
by the developer per Public Works'
requirements.
c. applicant securing a performance bond
from a surety company for drainage
works, street improvement costs, and
related engineering fees, with amount
of bond to be determined by Public
Works.

Recommendation (continued)

2. Construction of a public sewer system connecting to a treatment plant meeting State and County standards including creation of a local improvement district or Homeowners Association to provide continuing and periodic maintenance of the system. Approval of the sewer system by State and local agencies to be secured by applicant prior to recording of final plat

OR as an alternative:

conduct the following tests for all lots in this subdivision, to be accomplished by a qualified Soils Engineer certifying their compliance or non-compliance with soil conservation soil classifications (see attached SCS chart) as related to drainage. All of these tests are to be conducted in areas contemplated/proposed for drainfields or already being used as drainfields. At least one test per drainfield.

- a. Water table test - one test hole, at least 60" deep conducted between January 1st and March 31st.
- b. Soil texture - to meet State and Soil Conservation Service soil classification chart.
- c. Percolation test - this test should be conducted per State Board of Health standards between January 1st and March 31st.

THESE TESTS TO BE MADE AND CERTIFIED BEFORE PLATTING

and:

covenants restricting building locations and establishing drainfield areas per the above tests and as restricted to 10% slope areas for each lot in the subdivision.

3. Showing on a revised preliminary plat, for staff approval, the existing permanent building on concrete foundation somewhat north of the trailer, on Lot 3, Block 3 as related to lot lines. This will permit the staff to determine if this structure complies with the yard requirements of this district.
4. Showing on the preliminary plat all grades in excess of 5% with 5' contours from a field survey conducted by a Land Surveyor registered in the State of Oregon as required by the Multnomah County Subdivision Regulations. (This will enable determination of suitable drainfield areas per #2 above and assist in engineering of the Public roads).

Recommendations (continued)

5. Recording of staff approved deed restrictions prior to issuing of building permits that:
 - a. prohibit future division of any lot in this current subdivision without approval of the Planning Commission for compliance with zoning, drainage, yard and sewage disposal requirements.
 - b. Establish Homeowners Association or commitment to join L.I.D. as required by #2 above.
 - c. Prohibit occupancy of any lot by a trailer as a residence for more than one year from date of recording of plat.
6. Showing on the face of the plat:
 - a. all lot areas in square feet
 - b. all utility easements
 - c. all access easements
 - d. all 1' strips or tracts deeded to the County as ordinary conveyances to insure the continuation of the east-west streets.
7. Submission by applicant of a title search showing all current owners of land within this subdivision by contract or in fee simple (deed, title).
8. Signature of owners of all property being platted on face of final plat.
9. Inclusion of the property west of Lots 1 and 4 of Block 1 in the plat and dedication of the 50' wide portion of this parcel as a public road extended to the west boundary of this lot.
10. Application for building permits and drainfield permits for all existing structures built without approval prior to final platting. Issuance of building permits to be based on legal descriptions by lot and block as established by the final plat, after recording.
11. Naming of the dedicated streets to be selected by the Planning Commission from a list submitted by the applicant.
12. Approval by State Health Division of the public water supply.

MULTNOMAH COUNTY PLANNING COMMISSION
 RECORD OF VOTING

AGENDA 3

Case Number 65-70 Line No. 1

Date of Planning Commission Hearing February 6, 1973

NAME	APPROVAL	DENIAL	TABLED	ABSENT
Bouneff				II
Connall	II			
Gilliland	S			
Haggin				I
Koch	II			
Shoemaker	II			
Storch				I
Wessinger	I			
Windust	I			
FINAL VOTE	6	0	0	3

ACTION: Grant preliminary approval to the proposal for subdivision of the described property subject to the 12 staff recommended conditions, amended as follows:

Item #2 Amended to read "sewage disposal facilities shall be provided in accordance with plans and systems approved by the County and State Health Departments. Such plans shall be developed and approved by the above agencies prior to platting."

Item #5c Amended to read "The staff is directed to secure an opinion from County Counsel as to the extent of regulation of trailers on lots in the subject subdivision."

(Continued)

Recommendation of approval for zone change requires a majority of the entire Commission.

All other votes by simple majority

February 6, 1973

Item #9 Amended to read "Inclusion of the property west of Lots 1 & 4 of Block 1 within the plat as an acreage tract with appropriate deed restrictions to be reviewed and approved by the Planning Department and designed to prohibit future subdivisions or occupancies which are incompatible with drainage needs or sewage disposal requirements."

The final plat shall be in substantial accordance with this preliminary plan as modified, the above conditions and applicable standards of the Subdivision Regulations and the standards contained in the letter from the Department of Public Works dated February 6, 1973.

notice of land division review

Multnomah
County
Planning
Commission

room 680 multnomah county courthouse

date April 17, 1973

meeting time 2:30 pm

line number II

B

SUBDIVISION FILE

M 65-70-A (re-opened)

SITE LOCATION

Between Crown Point Highway & Smith Road.

TAX ROLL DESCRIPTION

Part of Tax Lot 3 plus all of Tax Lots 9, 69, 72, 73, 74, 77, 80, 82, & 83, all as of January 1, 1972, in the west half of Section 34, T 1 S, R 4 E, W M.

SITE SIZE

PRESENT ZONING

F-2 (Agricultural)

SPONSOR

G. Raymond Smith
Route 1, Box 493
Corbett,
Oregon 97019

PROPOSAL

An affected property owner requests the Planning Commission review and amendment of conditions of approval made February 6, 1973, on this proposal. He recommends adding the following conditions:

- (1) Setting 30-to 60-day time limit for submission and recording of final plat.
- (2) If 30-to 60-day time limit is not met, then previous subdivision proposal to become null and void whereupon the staff will be instructed to request County Counsel to proceed to enforce the Subdivision Regulations and Statutory requirements.

February 6, 1973

Planning Commission Actions: Grant preliminary approval to the proposal for subdivision of the described property subject to the 12 staff recommended conditions, as amended as follows:

- Item #2 Amended to read "sewage disposal facilities shall be provided in accordance with plans and systems approved by the County and State Health Departments. Such plans shall be developed and approved by the above agencies prior to platting."
- Item #5 Amended to read "The staff is directed to secure an opinion from County Counsel as to the extent of regulation of trailers on lots in the subject subdivision."
- Item #9 Amended to read "Inclusion of the property west of Lots 1 & 4 of Block 1 within the plat as an acreage tract approved by the Planning Department and designed to prohibit future subdivisions or occupancies which are incompatible with drainage needs or sewage disposal requirements."

The final plat shall be in substantial accordance with this preliminary plan as modified, the above conditions and applicable standards of the Subdivision Regulation and the standards contained in the letter from the Department of Public Works dated February 6, 1973.

PLANNING COMMISSION ACTIONS (April 17, 1973)

The Planning Commission acts to modify the previous conditions of approval for this subdivision to add the following:

The applicant shall present to the Division of Land Use Planning ready for recording the subdivision plat required by this action within 30 days following approval by the State Health Department of the sewage disposal system for the subject properties. Further, the applicant shall apply for such State approval no later than April 20, 1973.

notice of land division review

Multnomah
County
Planning
Commission

room 680 multnomah county courthouse

date Sept. 18, 1973

meeting time 2:40p.m.

line number 2

B

SUBDIVISION FILE

M 65-70-A

SITE LOCATION

Between Crown Point Highway and Smith Road

TAX ROLL DESCRIPTION

Part of Tax Lot 3, plus all of Tax Lots 9, 69, 72, 73, 74, 77, 80, 81, 82, 83, 84, 85, 86, 87 & 91, all as of January 1, 1973, all in the west half of Section 34, T-1S, R-4-E, WM.

PRESENT ZONING

F-2, agricultural

SPONSOR

G. Raymond Smith
Route 1, Box 493
Corbett, Oregon 97019

PROPOSAL

Sponsor, by letter dated August 27, 1973, is requesting reconsideration of subdivision proposal M 65-70-A, reviewed by the Planning Commission on February 6, 1973 and again on April 17, 1973. Specifically, sponsor is requesting previous conditions required by Planning Commission be dropped. These conditions are:

1. That the North-South street be 60 feet right-of-way. This was required since the street is potentially a collector in the neighborhood and the County standard for such streets is a 60 feet right-of-way. Additionally, this street extends through steep topography that needs a 60 feet right-of-way or slope easements to accommodate standard County improvements.
2. Inclusion of the property immediately west of the plat between Blocks 1 and 2. This sponsor sold this property. According to opinion of the County counsel on applicable statutes, this property must be included in the plat. Additionally, this property would be without access if not included in the plat because of County ownership of a tract of land at the edge of the street being created within the plat. (The County secures these tracts to ensure future street extensions.)

4
Action Services
mailed to 9-20-73
by pc
Actions mailed
to whom?
NOTE: 4 NEED

Planning Commission Action on Attached Sheet

RECOMMENDATION

Staff recommends the Planning Commission deny the request to drop these two conditions and re-affirm their previous conditions of approval as consistent with the needs of the neighborhood and recognition that any "hardship" created is self-imposed.

PLANNING COMMISSION ACTION:

Deny applicant's request for variation from previously approved standards on the basis that no hardship exists except that which is self-imposed.

The Planning Commission approves the following:

- (1) The street is to be dedicated as a 50-foot right-of-way together with appropriate slope easements as required by the Division of Public Works plus an additional five-foot easement on each side for the entire roadway length, with appropriate deed restrictions which shall require each individual owner to dedicate said five-foot area on demand of Multnomah County when traffic or construction needs warrant, and when sanitary conditions permit; and
- (2) The question of including the property immediately west of the proposed plat between Blocks 1 and 2 in the final plat shall be subject to opinion from the Multnomah County Counsel and recognizing that the Planning Commission cannot waive the State subdivision requirements.

Wessinger	X	X		
Wessinger				
FINAL VOTE	6	6	0	2

12 SEP 73

ACTION:

Deny applicant's request for variation from previously approved standards on the basis that no hardship exists except that which is self-imposed.

The Planning Commission approves the following:

- (1) The street is to be dedicated as a 50-foot right-of-way together with appropriate slope easements as required by the Division of Public Works plus an additional five-foot easement on each side for the entire roadway length, with appropriate deed restrictions which shall require each individual owner to dedicate said five-foot area on demand of Multnomah County when traffic or construction needs warrant, and when sanitary conditions permit

Recommendation of approval for CONTINUED zone change requires a majority of the entire Commission.

All other votes by simple majority

Action Continued:

- (2) The question of including the property immediately west of the proposed plat between Blocks 1 and 2 in the final plat shall be subject to opinion from the Multnomah County Counsel and recognizing that the Planning Commission cannot waive the State subdivision requirements.

notice of land division review

Multnomah
County
Planning
Commission

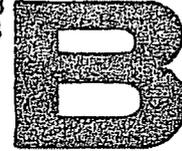
room 680 multnomah county courthouse

November 20, 1973

date ~~11/11/1973~~

meeting time

line number 4



SUBDIVISION FILE

M 65-70-A (re-opened)

SITE LOCATION

Between Crown Point Highway & Smith Road.

TAX ROLL DESCRIPTION

Part of Tax Lot 3 plus all of Tax Lots 9, 69, 72, 73, 74, 77, 80, 82, & 83, all as of January 1, 1972, in the west half of Section 34, T 1 S, R 4 E, W M.

SITE SIZE

PRESENT ZONING

F-2 (Agricultural)

SPONSOR

G. Raymond Smith
Route 1, Box 493
Corbett,
Oregon 97019

PROPOSAL

An affected property owner requests the Planning Commission review and amendment of conditions of approval made February 6, 1973, on this proposal. He recommends adding the following conditions:

- (1) Setting 30-to 60-day time limit for submission and recording of final plat.
- (2) If 30-to 60-day time limit is not met, then previous subdivision proposal to become null and void whereupon the staff will be instructed to request County Counsel to proceed to enforce the Subdivision Regulations and Statutory requirements.

***Actions on attached page.

-continued-

February 6, 1973

Planning Commission Actions: Grant preliminary approval to the proposal for subdivision of the described property subject to the 12 staff recommended conditions, as amended as follows:

- Item #2 Amended to read "sewage disposal facilities shall be provided in accordance with plans and systems approved by the County and State Health Departments. Such plans shall be developed and approved by the above agencies prior to platting."
- Item #5 Amended to read "The staff is directed to secure an opinion from County Counsel as to the extent of regulation of trailers on lots in the subject subdivision."
- Item #9 Amended to read "Inclusion of the property west of Lots 1 & 4 of Block 1 within the plat as an acreage tract approved by the Planning Department and designed to prohibit future subdivisions or occupancies which are incompatible with drainage needs or sewage disposal requirements."

The final plat shall be in substantial accordance with this preliminary plan as modified, the above conditions and applicable standards of the Subdivision Regulation and the standards contained in the letter from the Department of Public Works dated February 6, 1973.

PLANNING COMMISSION ACTIONS (April 17, 1973)

The Planning Commission acts to modify the previous conditions of approval for this subdivision to add the following:

The applicant shall present to the Division of Land Use Planning ready for recording the subdivision plat required by this action within 30 days following approval by the State Health Department of the sewage disposal system for the subject properties. Further, the applicant shall apply for such State approval no later than April 20, 1973.

November 20, 1973

This item is brought back for further discussion and direction from the Planning Commission. The 30-day time limit established in previous action has expired. The staff requests guidance as to whether this matter should be turned over to the County Counsel for legal action or whether a final plat can eventually be accomplished. Sponsors have been notified.

notice of land division review

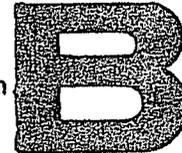
Multnomah
County
Planning
Commission

room 680 multnomah county courthouse

date Dec. 4, 1973

meeting time 2:30 p.m.

line number 2



SUBDIVISION FILE

M 65-70-A (re-opened)

SITE LOCATION

Between Crown Point Highway & Smith Road

TAX ROLL DESCRIPTION

Part of Tax Lot 3 plus all of Tax Lots 9, 69, 72, 73, 74, 77, 80, 82, & 83, all as of January 1, 1972, in the west half of Section 34, T 1 S, R 4 E, W M.

SITE SIZE

PRESENT ZONING

F-2 (agricultural)

SPONSOR

G. Raymond Smith
Rt. 1 Box 493
Corbett,
Oregon 97019

PROPOSAL

An affected property owner requests the Planning Commission review and amendment of conditions of approval made February 6, 1973, on this proposal. He recommends adding the following conditions:

- 1) setting 30- to 60-day time limit for submission and recording of final plat.
- 2) If 30-to 60-day time limit is not met, then previous subdivision proposal to become null and void whereupon the staff will be instructed to request County Counsel to proceed to enforce the Subdivision Regulations and Statutory requirements.

***ACTIONS on attached page.

-continued-

Multnomah County Planning Commission

Agenda B - Subdivisions

M 65-70.....page 2

PLANNING COMMISSION ACTIONS (February, 1973): Grant preliminary approval to the proposal for subdivision of the described property subject to the 12 staff recommended conditions as amended as follows:

- Item #2 Amended to read "sewage disposal facilities shall be provided in accordance with plans and systems approved by the County and State Health Departments. Such plans shall be developed and approved by the above agencies prior to platting."
- Item #5 Amended to read "The staff is directed to secure an opinion from County Counsel as to the extent of regulation of trailers on lots in the subject subdivision."
- Item #9 Amended to read "Inclusion of the property west of Lots 1 & 4 of Block 1 within the plat as an acreage tract approved by the Planning Department and designed to prohibit future subdivisions or occupancies which are incompatible with drainage needs or sewage disposal requirements."

The final plat shall be in substantial accordance with this preliminary plan as modified, the above conditions and applicable standards contained in the letter from the Department of Public Works dated February 6, 1973.

PLANNING COMMISSION ACTIONS (April 17, 1973): The Planning Commission acts to modify the previous conditions of approval for this subdivision to add the following:

The applicant shall present to the Division of Land Use Planning ready for recording the subdivision plat required by this action within 30 days following approval by the State Health Department of sewage disposal system for the subject properties. Further, the applicant shall apply for such State approval no later than April 20, 1973.

PLANNING COMMISSION ACTIONS (November 20, 1973): This item held over at the request of the applicant to December 4, 1973.

December 4, 1973:

This item is brought back for further discussion and direction from the Planning Commission. The 30-day time limit established in previous action has expired. The staff requests guidance as to whether this matter should be turned over to the County Counsel for legal action or whether a final plat can be eventually accomplished. Sponsors have been notified.

Agenda B - Subdivisions

Line 2 M 65-70-A, continued.....page 3

PLANNING COMMISSION ACTIONS: Due to difficulties in obtaining sanitation approval of individual lots in this development, the Planning Commission grants an extension to December 21, 1973, as the deadline for presenting the final plat ready for recording, with the stipulation that Planning Commission approval shall expire if the required material is not so presented. Further, the Planning Commission recognizes the situation that one or more lots in the tract may not have sanitation approval until additional engineering studies are completed. Finally, the Planning Commission notes for the record that it cannot assure the suitability for buildability of any of the lots in this subdivision, as intended by State platting laws and the Multnomah County Subdivision Regulations, since substantial commitments as to lot sizes, locations, access and other features of the development were determined prior to any application for Planning Commission review.

notice of land division review

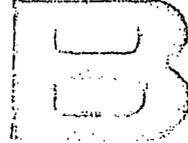
Multnomah
County
Planning
Commission

room 680 multnomah county courthouse

date May 7, 1974

meeting time 4:00 pm

line number 1



SUBDIVISION FILE M 65-70-B 19 lots at F-2 density

SITE LOCATION Between Crown Point Highway and Smith Road

TAX ROLL DESCRIPTIONS Tax Lots 9, 89, 72, 73, 74, 77, 80, 81, 82, 83, 84, 85, 86, 87, 91, 94, 95, & 96, as of 1 January 1974, all in the west half of Section 34, T 1 N R 4 E, W M

SITE SIZE 69.75 Acres

PRESENT ZONING F-2 (agricultural)

SPONSORS G. Raymond Smith, pres. Harry E. Fowler, Jr.
Scenic Sites Country Realty
Route 1, Box 493 Route 3, Box 67
Corbett, Oregon 97019 Troutdale, Oregon 97001

Ruben Lenske
Attorney
1014 S. W. 2nd Avenue
Portland, Oregon 97204

PROPOSAL This proposal is being brought back to the Planning Commission at this time by the Staff for direction as to whether this matter should now be turned over to the County Council for legal action.

STAFF COMMENT: Planning Commission action on December 4, 1973 was to grant an extension of time to December 21, 1973 as the deadline for presenting the final plat ready for recording.

Final plat was submitted for circulation on that date, but in the 4 months since has not been placed of record.

PLANNING COMMISSION ACTIONS: Refer to staff for submission to County Council for legal action.



MULTNOMAH COUNTY OREGON

Department of Environmental Services/Division of Planning and Development/2115 S.E. Morrison St /Portland, Oregon 97214 • 248-3043

DECISION OF MULTNOMAH COUNTY HEARINGS COUNCIL

Meeting of September 6, 1977

IN THE MATTER OF:

M 65-70-C, #658, #660 / BA 186-77, Subdivision & Lots of Exception

Applicant proposes to plat 21 lots varying in size from 1.99 acres to 5.0 acres and dedicate a 50 foot public right-of-way between Crown Point Highway and Smith Road to be constructed to County standards.

Applicant requests deletion of the "stub street" dedication shown on preliminary plat as N. E. Couch Street. Also, that N. E. 348th Drive be officially designated as "N. E. Curtis Drive".

Applicant also requests approval of these parcels as Lots of Exception according to subsection 3.1243 of the Zoning Ordinance.

LOCATION: Between Crown Point Highway and Smith Road at N. E. 348th Drive

LEGAL: Tax Lots 9, 69, 72, 73, 74, 77, 80, 81, 82, 83, 84, 85, 86, 87, 91, 94, 95, 96, 97 and 98 as of January 1, 1977, in the west half of Section 34, T 1 N, R 4 E, W. M.

SITE SIZE: 70 Acres
PROPERTY OWNERS: Aasve, David J. Alelyunas, Paul and Carol
Route 3, Box 117 Corbett - 97019
Troutdale - 97060

Danielson, Kurt Foote, Edward and Helen
6240 N. E. Simpson Street P. O. Box 10
Portland - 97213 Corbett - 97019

Griffith, Arthur and Alice Heathcoate, Maxine C
7225 Minter Place Route 1, Box 125
Tahama Park Corbett - 97019
Maryland - 20012

Hooker, Thomas P. Jackson, Richard and Earlene
Route 3, Box 1160
Corbett - 97019 Troutdale - 97060

Smith, Curtis and Rita
Route 3, Box 112C
Corbett - 97019

Notices
39 Action Notices
mailed on 9-15-77
by Betsy

-over-

Kelly, William and Isabelle
Route 1, Box 132
Corbett - 97019

Kimes, Newman and Barbara
Route, Box 120
Corbett - 97019

Kingsbury, Alton and Marion
Route 1, Box 134
Corbett - 97019

Nowak, Fred and Annette
P. O. Box 11
Corbett - 97019

Nowak, Mathew and Dorothy
440 S. E. 181st Avenue
Portland - 97233

Rasmussen, Ole
Route 3, Box 116-B
Troutdale - 97060

Reinger, David and Meron
Route 3, Box 116
Troutdale - 97060

Smith, Raymond
Route 1, Box 493
Corbett - 97060

Whelen, Bill and Sharon
4832 Hamer Drive
Placentia, California - 90017

Wrech, Faith and Kathryn
P. O. Box 842
Loma Linda, California - 92354

APPLICANT:

Raymond Smith
Route 1, Box 493
Corbett - 97019

COMPREHENSIVE PLAN:

Single-family residential along Crown Point Highway and F-2, agricultural for the remainder south to Smith Road.

PRESENT ZONING:

F-2, Agricultural District (20-Acre Minimum Lot Size)

COUNCIL DECISION:

#1 Approve the proposed subdivision, subject to the following conditions, and adopt the Staff Report.

COUNCIL DECISION:

#2 Approve the designation of the proposed north-south street as "N. E. Curtis Drive".

COUNCIL DECISION:

#3 Approve lot sizes as proposed, pursuant to the provisions of Subsection 3.1243 of Ordinance #100, on condition that an approved subdivision plat be recorded.

Conditions

1. Record a plat within one year which will be in substantial conformance with the approved preliminary plat, and applicable standards of the Subdivision Regulations and the Zoning Ordinance, and show the following items on the face of the plat:
 - A. All lot areas.
 - B. All utility easements.

- C. Dedication of the north-south road (Curtis Drive) as a 50-foot right-of-way.
 - D. Slope easements along the north-south road, as required by Engineering Services.
 - E. Modify the proposal as follows: delete the proposed east-west street (N. E. Couch Street).
2. Improvements within the public right-of-way shall meet the following:
 - A. No surface water from the sites shall be disposed of onto any public right-of-way.
 - B. Construction of N. E. Curtis Drive shall be completed to standards approved by Engineering Services and shall include necessary storm drainage facilities.
 3. Submission of a written commitment from the Corbett Water District (per ORS 92.044) that public water is or will be available to each lot. This is to be done prior to the endorsement of the final plat.
 4. Provide for the proper disposal of sewage as prescribed by the County Sanitarian, prior to the obtaining of each building permit for a residence.
 5. Approval of Lots of Exception pursuant to the provisions of Subsection 3.1243 of Ordinance #100.

Findings of Fact

1. Proposal - Applicant proposes to plat 21 lots varying in size from 1.99 acres to 5.0 acres and dedicate a 50 foot public right-of-way between Crown Point Highway and Smith Road to be constructed to County standards.

Applicant requests deletion of the "stub street" dedication shown on preliminary plat as N. E. Couch Street. Also, that N. E. 348th Drive be officially designated as "N. E. Curtis Drive".

Applicant also requests approval of these parcels as Lots of Exception according to subsection 3.1243 of the Zoning Ordinance.

2. Comprehensive Plan - The area is designated as Single Family Residential along Crown Point Highway and agricultural for the remainder south to Smith Road. The Draft Framework Plan designates the area as multiple use forest. The Springdale rural center is adjoining on the east.
3. Existing Zoning - F-2, Agricultural District (20-Acres Minimum Lot Size)
4. History and Trends - The area is primarily rural but has experienced modest residential growth. Several acreage tracts less suited to

agricultural use have been divided into 2-5 acres tracts. This property was divided beginning in 1971, without benefit of subdivision approval, and most lots have been sold off. Previous Planning Commission approval of a preliminary subdivision plat has expired. Rezoning to 20-acre lots occurred after the expiration of subdivision approval.

5. Surrounding Conditions - Lands in the area are of mixed capabilities and developments. Some to the west and north are agricultural; those to the east include the Corbett rural center. The rural residential area to the south is wooded and of rolling topography. This site is traversed by two creeks, has two ridges of up to 80-foot elevation and is wooded with hardwood trees of no commercial value.
6. Services -
 - A. Water is supplied by the Corbett Water District.
 - B. Fire - Rural Fire Protection District #14 serves the area.
 - C. Access - Crown Point Highway is a State scenic highway of 60-foot right-of-way and two lanes of pavement. Smith Road is a two lane County Road.
 - D. Sewage Disposal - The County Sanitarian has approved 17 of the lots for septic tank systems. The balance of the lots remain to be tested for subsurface disposal suitability. Such approval should be a prerequisite to the granting of any building permit.
7. Ordinance Considerations - The property is currently zoned F-2, Agricultural, requiring a minimum lot size of 20 acres. Proposed zoning, recommended by the Planning Commission, is MUF-20, also requiring a minimum 20-acre lot size. Approval of Lots of Exception, pursuant to subsection 3.1243, is required.

According to the subsection, the Council must find that the proposal will:

- a. Substantially maintain or support the character and stability of the overall land use pattern of the area;
- b. If non-agricultural, utilize land topographically, dimensionally, economically or otherwise unsuited for agricultural use, considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, and the location or size of the tract;
- c. Be compatible with accepted farming practices on adjacent lands;
- d. Be consistent with the intent and purposes of the ordinance; and
- e. Satisfy the applicable standards of water supply, sewage disposal and minimum access.

As to the above, the Council finds:

- a. That the properties have already been divided and sold as 2-5 acre parcels and several have been developed and occupied. Some nearby tracts have also been divided into smaller parcels of similar size.
 - b. The land is non-agricultural and has never been utilized for that purpose. This property is within a narrow strip imposed to be rezoned MUF-20 (Multiple Use Forest). The strip is adjoined on the east and west by proposed MUA-20 (Multiple Use Agriculture) zoning. These proposed zones are based upon a thorough analysis of area characteristics. This land has grade changes of 80 feet in 1,000 feet, is crossed by two streams and covered with non-commercial hardwood trees. Additionally, the land divisions already made preclude agricultural use.
 - c. Adjoining farm practices consist mostly of grazing and grain/hay production. No conflict with these practices is foreseen.
 - d. The proposal is consistent with area character, is within the natural resource capacities and the scale of public services available.
 - e. Standards of water supply, sewage disposal and minimum access are all satisfied, as noted above.
8. LCDC Goals & Guidelines -
The following goals apply to this proposal:
- Goals 3 & 4 - To conserve agricultural and forest lands.
- Goal #10 - To provide for the housing needs of citizens of the State.
9. CRAG Land Use Goals -
- A. The subject site is within an area designated as Natural Resource by the CRAG Land Use Framework Element.
 - B. Article VI, Section 2, of the CRAG Plan includes in the Natural Resource areas:

Housing at densities compatible with the character of designated Natural Resource Areas. Minimum residential site sizes for all housing types are to be determined by local jurisdictions based upon the following planning considerations:
 - (1) The need to preserve and conserve all agricultural and forest lands not otherwise exempted through exception procedures of Statewide Goal 2, Part II, of the Land Conservation and Development Commission.
 - (2) That designated wilderness and wildlife management areas be maintained.

- (3) That designated watersheds or other areas known to be necessary for water supply systems be protected.
- (4) That mineral and aggregate resources determined necessary to support future development be protected.
- (5) That land for parks and open space be retained.
- (6) The sufficiency of the physical resource base to accommodate housing in Natural Resource Areas, considering such factors as soil limitations for septic tanks, permeability or flooding problems, and slopes and groundwater supply and quality.

As to the above, the Council finds:

- a. The subject land is neither agricultural or forest land.
 - b. The land is not within a wildlife management or wilderness area.
 - c. The land is not within nor necessary to a water supply watershed.
 - d. There are no mineral or aggregate resources involved.
 - e. The land is not within nor adjacent to a park and does not offer significant open space.
 - f. As demonstrated above, the land is generally suited for the proposed use in relation to sewage disposal, slopes, freedom from flooding, etc.
10. The proposed east-west street is not necessary since adjoining property has other road frontage.

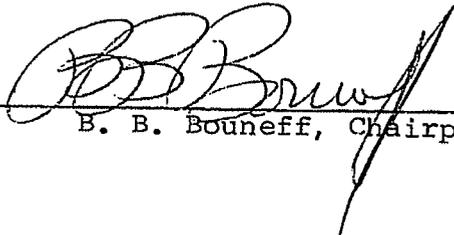
Conclusions

1. The proposal is consistent with the CRAG Land Use Framework Element.
2. The proposal relates to applicable LCDC Goals as follows:
 - a. The land has neither agricultural nor forest capabilities.
 - b. The proposal provides for additional housing.
3. The proposal is consistent with the Comprehensive Plan.
4. Dedication of the north-south street, with slope easements, drainage facilities and improvements to meet County maintenance standards is necessary to assure proper access, public services including fire protection and prevention of erosion or flooding.
5. The division into 21 lots requires preliminary subdivision approval and the recording of an approved subdivision plat.
6. The proposal meets the applicable standards of the Subdivision Regulations.

7. Approval of Lots of Exception is required as the lots are less than the 20-acre minimum size. The criteria for approval, pursuant to subsection 3.1243, are satisfied.
8. "N. E. Curtis Drive" is a satisfactory name for the north-south street and does not duplicate another in Multnomah County.
9. The tract is or can be served with adequate utilities to support the residential density proposed, although soil tests of some lots will be needed to establish sewage disposal limitations.
10. Subdivision of the property will clear owner's rights to individual lots, now clouded by previous failure to record a plat.
11. The proposed east-west street is not needed to serve this or adjoining properties.

IN THE MATTER OF M 65-70-C

Signed September 6, 1977

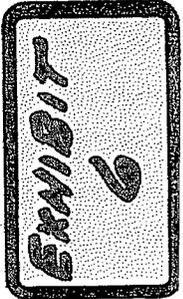
By  B. B. Bouneff, Chairperson

September 16, 1977
Filed with Clerk of the Board

Appeal to Board of County Commissioners

Any party may file Notice of Review with the Planning Director within 10 days of the date the Decision is filed with the Clerk of the Board.

The decision on this item will be reported to the Board of County Commissioners for review at 9:30 a.m., Tuesday, September 27, 1977, in Room 602, Multnomah County Courthouse. For further information, call the Multnomah County Land Development Division, 248-3043.



M'NAMEE RIDGE VIEW ACRES

IN THE S.E. QTR., SEC. 19, TWP. 2N., RNG. 1W., W.M. 20

SURVEYED JUNE, 1967 BY VAUGHN W. COCHRAN

DEDICATION:

KNOW ALL MEN BY THESE PRESENTS: That Carl O. Johnson, a widower, does hereby make, establish and declare the annexed map of M'NAMEE RIDGE VIEW ACRES as described in the accompanying surveyor's certificate to be a true and correct map and plat thereof, all the lots being of the dimensions shown and all the streets and avenues of the widths hereon set forth, and we do dedicate to the use of the public as public ways forever, all streets shown on said map.

Carl O. Johnson
Carl O. Johnson

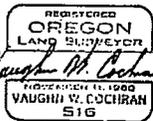
ACKNOWLEDGMENT:

STATE OF OREGON } ss.
COUNTY OF MULTNOMAH }

THIS IS TO CERTIFY: that on this 22 day of June 1967, before me, a Notary Public in and for said state and county, personally appeared Carl O. Johnson, a widower, who being first duly sworn, did say that he is the identical person named in and described in the foregoing instrument and this, the certificate thereto, and he did declare that his signature affixed to the said instrument is his own free act and deed.

Robert C. Kintman
Notary Public in and for Oregon

My Commission expires:
Dec. 7 1970



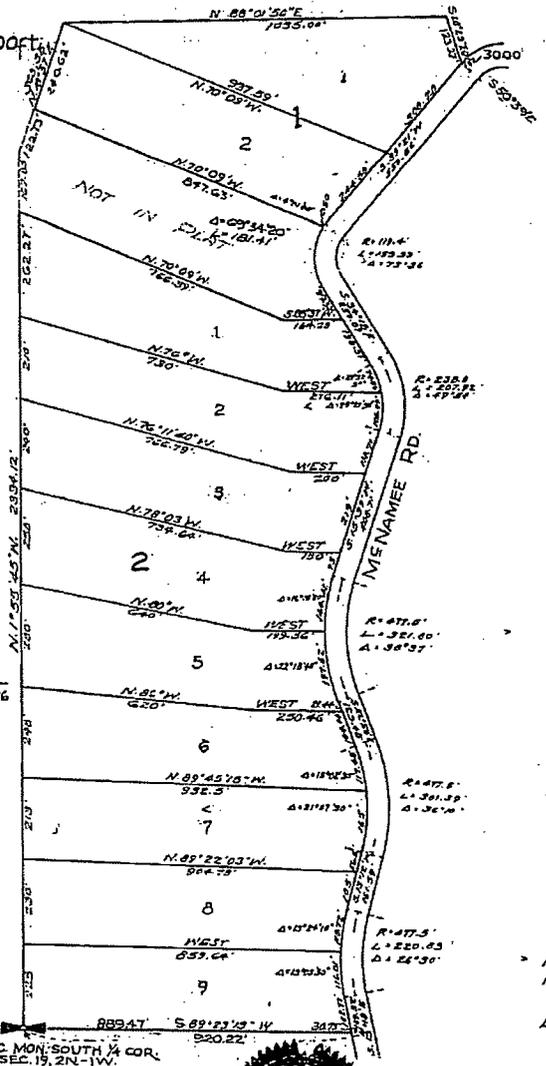
Vaughn W. Cochran
Reg. Prof. Land Surveyor No. 516

SURVEYOR'S CERTIFICATE:

I, Vaughn W. Cochran, being first duly sworn, depose and say that I have correctly surveyed and marked with proper monuments the land represented in the annexed map of M'NAMEE RIDGE VIEW ACRES, and at the Initial Point of said survey I found a concrete monument with brass cap being the south 1/4 cor. of Sec. 19, Twp. 2N., Rng. 1W., W.M. and the true point of beginning; thence N. 155° 45' W. along the west line of the S.E. 1/4 of Sec. 19, 2394.12' to the Ref. Pt. of the Spokane, Portland and Seattle R.R. thence N. 19° 37' E. along said R.R. 363.35' to a point on the north line of the S.E. 1/4 of Sec. 19; thence N. 88° 01' 50" E. along said north line, 1035.00'; thence S. 20° 23' 20" E. 123.27'; thence S. 50° 59' E. 50' to the centerline of M'Namee Rd., a 60' Rd. (Mica Rd. Dept. Sta. 197+22.11 B.C.); thence along the centerline of said Rd. the following courses and distances: S. 39° 21' W. 552.54'; thence along the arc of a 19.4' radius curve left, 159.33'; thence S. 34° 15' E. 237.89'; thence along the arc of a 238.8' radius curve right, 207.92'; thence S. 15° 35' W. 428.71'; thence along the arc of a 477.5' radius curve left, 321.80'; thence S. 22° 58' E. 125.48'; thence along the arc of a 477.5' radius curve right, 501.35'; thence S. 15° 12' W. 161.59'; thence along the arc of a 477.5' radius curve left, 220.83'; thence S. 13° 18' E. 109.52' to a point on the south line of said Section 19; thence S. 89° 23' 15" W. along the south line of said Section 19, 920.22' to the point of beginning.

The accompanying tracing is an exact duplicate of the original plot of M'NAMEE RIDGE VIEW ACRES.

SCALE: 1 in. = 200 ft.



APPROVALS:

Approved: *Aug. 24 1967*

John Weldon
Director of Records and Elections

McNamee
Board of County Commissioners

Approved: *July 11 1967*
Department of Public Works
R. C. Northrop, Director

By: *Herbert A. Perry*
Deputy

All taxes, assessments, fees or other charges as provided by OES 92.095 have been paid as of: *DECEMBER 28, 1967*
Department of Finance,
Herbert A. Perry, Director

By: *John Weldon*
Deputy

Attest:
John Weldon,
Director of Records and Elections
By: *M. J. ...*
Deputy

Approved: *August 26, 1967*
Multnomah Co. Planning Comm.
Robert D. Allegre
By: *Robert D. Allegre*

1199
90
9/1/67

DEDICATION:

Know all men by these presents: that Carl O. Johnson, a widower, does hereby make, establish and declare the annexed map of McNamee Ridge View Acres, Blk. 3, as described in the accompanying surveyor's certificate to be a true and correct map and plat thereof, all the lots being of the dimensions shown and all the streets and avenues of the widths hereon set forth, and we do dedicate to the public forever all streets shown on said map.

Carl O. Johnson
Carl O. Johnson

ACKNOWLEDGMENT:

State of Oregon } S.S.
County of Multnomah }
This is to Certify: that on this 22 day of Dec., 1967, before me, a Notary Public in and for said State and County, personally appeared Carl O. Johnson, who being first duly sworn, did say that he is the identical person named in and described in the foregoing instrument and this the certificate thereto, and he did declare that his signature affixed to the said instrument is his own free act and deed.

Jesse Fisher
Notary Public in and for Oregon
My Commission expires:
11-10-71



SURVEYOR'S CERTIFICATE:

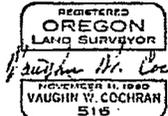
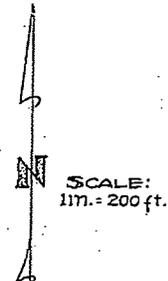
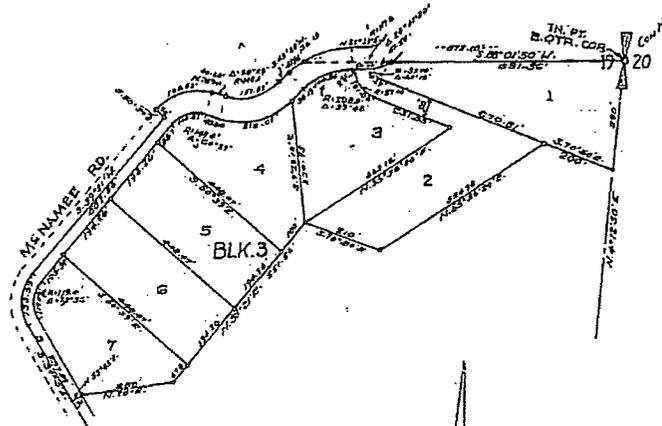
I, Vaughn W. Cochran, being first duly sworn, depose and say that I have correctly surveyed and marked with proper monuments the land represented in the annexed map of McNamee Ridge View Acres, Blk. 3, and that at the initial point of said survey I found a concrete monument with brass cap, being the east 1/4 cor. of Sec. 19, Twp. 2N., Rng. 1W., W.M. and the true point of beginning; thence S. 88° 01' 50" W. along the centerline of said section, 872.18' to the westerly R/W line of McNamee Road; thence along the westerly R/W line of said road the following courses and distances: along the arc of a 268.8' radius curve left, 41.96'; the chord bearing S. 50° 06' 20" W., 41.85'; thence S. 45° 38' W., 36.13'; thence along the arc of a 149.1' radius curve right 151.89'; thence N. 75° W., 40.64'; thence along the arc of a 149.4' radius curve left, 168.58'; thence S. 80° 39' E., 30.00' to the centerline of said road; thence along said centerline the following courses and distances: S. 39° 21' W., 552.96'; along the arc of a 119.4' radius curve left, 153.33'; S. 34° 15' E., 237.89'; thence N. 55° 45' E., 30.00' to the easterly R/W line of said road; thence N. 78° E., 250.00'; thence N. 39° 21' E., 551.32'; thence S. 70° 50' E., 210.00'; thence N. 55° 36' 20" E., 524.78'; thence S. 70° 50' E., 210.00'; thence N. 55° 36' 20" E., 524.18'; thence S. 70° 50' E., 200.00' to the east line of said Sec. 19; thence N. 41° 50' E. along said east line, 290.00' to the true point of beginning.

The accompanying tracing is an exact duplicate of the original plat of McNamee Ridge View Acres, Blk. 3.

**MCNAMEE RIDGE VIEW ACRES
BLK. 3**

IN THE S.E. QTR., SEC. 19, TWP. 2N., RNG. 1W., W.M.

SURVEYED DEC., 1967, BY VAUGHN W. COCHRAN



Vaughn W. Cochran
Reg. Prof. Land Surveyor NR 516



APPROVALS:

Approved: Dec 27, 1967

James Blason
Mad. Jahn
R. W. Adair
Board of County Commissioners

Approved: Dec 27, 1967

Dept. of Public Works,
P.C. Northrup, Director
By: J. L. Bennett
Deputy

All taxes, assessments, fees or other charges as provided by O.R.S. 92.095 have been paid as of: December 22, 1967

Department of Finance,
Herbert A. Perry, Director
By: J. L. Bennett
Deputy

Attest:
John Weldon,
Director of Records & Elections
By: Bob MacKenzie
Deputy

Approved: December 27, 1967
Mult. County Planning Comm.

By: Robert D. Allegre
by Robert D. Allegre

Subscribed and sworn to before me this 22 day of Dec., 1967

Jesse Fisher
Notary Public in and for Oregon

11/22/67
12/23/67 Mc-10-1

MULTNOMAH COUNTY PLANNING COMMISSION
INSTRUCTION SHEET TO SUBDIVIDER

M ~~22-67 (a)~~
Date ~~July 14, 19~~

Chapter 624 Oregon Law 1963 requires that notice of intent to subdivide properties be submitted to the Real Estate Department, State of Oregon. For your convenience we are enclosing the form for this purpose and an endorsed copy of the approved preliminary plat, both of which are to be submitted directly to the Salem office of the Real Estate Department.

All proposed subdivisions in the unincorporated area of Multnomah County require County Planning Commission approval before the final plat is recorded. The County Subdivision Regulations requirements for approval of the final plat include:

Roads

- a. Streets must be built to minimum County standards established by the County Roadmaster, and based upon population density as follows:
 - (1) Three or more lots per gross acre - hard surfaced streets, curbs, and sidewalks required - estimated cost per lineal foot: \$17.93.
 - (2) Between two and three lots per gross acre - hard surfaced streets, curbs, but no sidewalks required - estimated cost per lineal foot: \$13.75.
 - (3) Less than two lots per gross acre - hard surfaced streets, but no curbs or sidewalks required - estimated cost per lineal foot: \$11.00.

The cost figure on the above standards include the 10% approximate engineering cost established by County Road Department.

- b. The preliminary approved plat of your proposed subdivision contains approximately .410 lineal feet of street and 13 lots, or 0.5 lots per gross acres. Based upon this item and A-3 above we estimate your approximate street cost to be \$5,475. As a condition of approval of the final plat it is required that a personal surety bond agreement be furnished, which may be arranged without charge at the Planning Commission office. This bond requires that the signature of the subdivider as principle and any other responsible person as surety other than husband and wife. The exact amount of the bond will depend upon the total lineal footage of street appearing on the final plat.
- c. Street alignments should be checked through the Road Department, (2115 S.E. Morrison Street) prior to the drawing of the final plat.
- d. A permit is required from the Road Department prior to any road construction.

FILL M 22-67a

Lot Size and Setback Requirements

The lots as approved on this preliminary plat are designed to satisfy applicable Multnomah County Zoning Ordinance requirements, which are:

Minimum lot size 2 acres square feet. Front yard setback feet.
Side yard setback feet. Rear yard setback feet.

Water Supply and Sewage Disposal

- a. County Health Department requirements for the individual method of sewage disposal, as contained in their letter to you, are made a condition of approval by the Planning Commission.
- b. Prior to the approval of the final plat by the Planning Commission, written approval of the water supply and public sewer system must be received in the Planning Commission office from the State Board of Health (State Office Building, 1400 S.W. 5th).

Easements

All existing and proposed easements, for whatever purpose, are to be shown on the face of the plat.

Conditional Approval

- a. Approval of this preliminary plat is for one year from the date of this meeting. If the final plat, or portion thereof, which meets the Subdivision Regulations, is submitted within that time, no additional hearing is necessary.
- b. The final plat should be in substantial conformance with this approved preliminary plat and should be submitted to this office for final approval prior to recording. Arrangements for road bond may be made at that time.

SUBMITTING THE FINAL PLAT FOR RECORDING WILL BE CONSTRUED AS EVIDENCE OF YOUR UNDERSTANDING AND ACCEPTANCE OF THESE REQUIREMENTS.

MULTNOMAH COUNTY PLANNING COMMISSION

AGENDA B

SUBDIVISIONS

Tuesday, July 11, 1967 3:00 p.m.
Multnomah County Courthouse, Rm. 680

LINE IV SUGGESTED SUBDIVISION M 22-67 (a)

SITE LOCATION McNamee Road between Lower Columbia River Highway and N.W. Skyline Blvd.

LEGAL Part of Tax Lot '7' (that portion lying east of McNamee Road) in the southeast quarter of Section 19, T2N, R1W. W.M.

ZONING DISTRICT F-2 (agricultural)

SPONSOR Carl O Johnson

PROPOSAL Sponsor proposes to subdivide approximately 26 acres into 13 lots of two acres each. All lots created would front on McNamee Road as shown. Lots 1 and 2 would obtain legal access by means of "panhandles" of which the westerly 200 feet would be considered a common drive.

A possible re-subdivision plan has been submitted which provides for future development, when conditions warrant, of the rear portions of the lots shown in the present proposal. A street, approximately 400 feet in length, along the north side of Lot 1, Block 4 is part of the present proposal (at staff request).

STAFF COMMENT The suitability of Lots 1 and 2, Block 3, for development as proposed is questioned. A site inspection was made on June 29, 1967, by two Planning Commission staff members. As nearly as could be determined, practical access to Lt. 1 was by means of a former logging road running southwesterly from the N.E. corner of Lot 3 to the S.W. corner of Lot 1.

Inclusion of the 400 foot street along the north edge of Lot 1, Block 4 as part of the present proposal is felt to be justifiable since there are no other street costs involved in developing the 13 lots proposed.

RECOMMENDATION Staff recommends approval as submitted, amended in red with modification of Lots 1, 2, and 3 of Block 3.

Approval of final plat to be dependent upon submitting a copy of the deed restrictions and future re-subdivision plan (to be recorded after the final plat goes of record).

MULTNOMAH COUNTY PLANNING COMMISSION
 RECORD OF VOTING

Agenda B

Case Number M 22-67 (a)

Line No. 4

Date of Planning Commission Hearing 7-11-67

NAME	APPROVAL	DENIAL	ABSENT
Allegre	x		
Alterman	m		
McGeorge	x		
Murnane			x
Orth	s		
Trapp	x		
Warren			x
Windust	x		
Zarosinski			x
FINAL VOTE	6	0	3

ACTION:

Approve preliminary subdivision design as submitted and modified regarding Lots 1,2, and 3, of Block 3, the final plat to be in substantial accordance with this preliminary plan; the applicable standards of the subdivision regulations and approval dependent upon submitting a copy of the deed restrictions and future resubdivision plan (to be recorded after the final plat goes of record).

Recommendation of approval for zone change requires a majority of the entire Commission

All other votes by simple majority

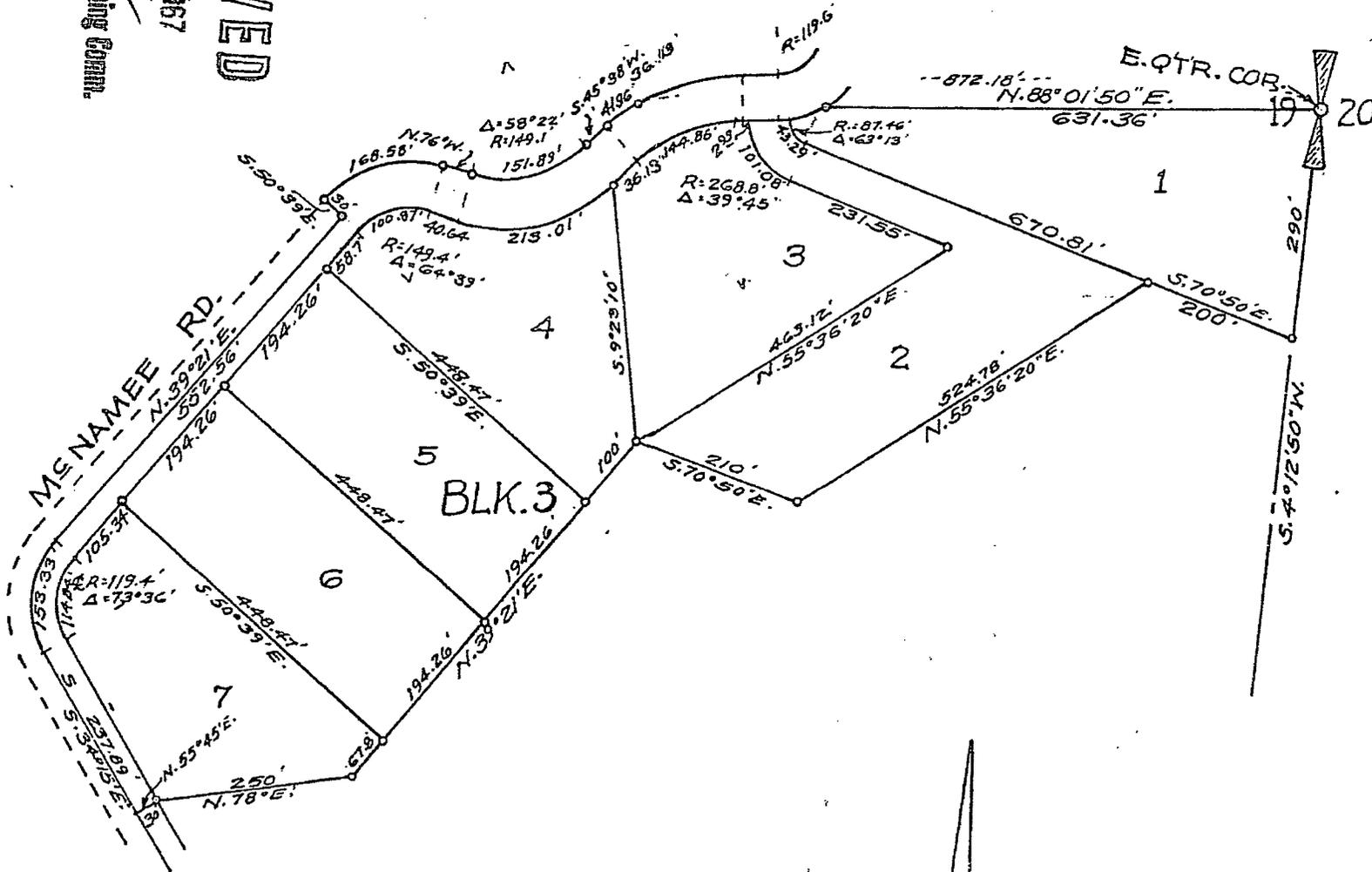
IN THE S.E. Q'TR., SEC. 19, TWP. 2N., RNG. 1W.,
 SURVEYED DEC., 1967, BY VAUGHN W. COCHRAN

MultiNormal County Planning Comm.

DEC 21 1967

RECEIVED

M 2264 A



APPF
 Approv

 Board c

Approved
 Dept. of
 P.C. No.

By: _____
 Deputy

All taxes
 other ch.
 O.R.S. 92
 as of :-

Departm
 Herbert



COUNTY COMMISSIONERS
 M. JAMES GLEASON, Chairman
 DAN MOSEE
 BEN PADROW
 DONALD E. CLARK
 AEL GORDON

Multnomah County Oregon

BOARD OF COUNTY COMMISSIONERS

(503) 248-3304 • ROOM 605, COUNTY COURT HOUSE • PORTLAND, OREGON • 97204

Mr. George Auckland
 725 N. W. 23rd Avenue
 Portland, Oregon

July 3, 1973
 Multnomah County Planning Commission
 1107 S. W. Fourth Avenue
 Portland, Oregon
 Attn: Mr. Robert S. Baldwin,
 Planning Director

Mr. R. L. Nordlander, Director
 Dept. of Environmental Services
 2115 S. W. Morrison Street
 Portland, Oregon 97214

Dear Sir:

Be it remembered, that at a meeting of the Board of
 County Commissioners held July 3, 1973, the following action was taken:

Application George Auckland - Lower Columbia River Highway (At Rocky Point Rd) - ZC 36-73, #11 F-2, C-S, Agricultural, Community Service District OR R-10, C-S, Single Family Residential, Community Service District - Planning Commission recommends denial of amendment of Sectional Zoning Map #11, changing the described property from F-2 to R-10, C-S, for a 70-space houseboat marina on the basis that the proposal is not consistent with the Comprehensive Plan, that the property is too far from established urban areas and that the applicant has not demonstrated that the community need for such facilities would best be served on this property

ORDERED that the recommendation of the Multnomah County Planning Commission be adopted as the order of the Board, Commissioner Gordon and Commissioner Gleason voting Aq.

Yours very truly,

BOARD OF COUNTY COMMISSIONERS

By *Christy Wickens*
 Clerk of Board

dh
 cc: Mr. Paul M. Reeder

EXHIBIT
 7

NOTICE of PUBLIC HEARING

room 680

Multnomah County Courthouse

MULTNOMAH COUNTY PLANNING COMMISSION	Date		A
	Meeting Time	Item Title	
BOARD OF COUNTY COMMISSIONERS	Date	May 29, 1973	ZC
	Time	9:30 a.m.	

A public hearing will be held on the following item on the date and at the time indicated above. The actual item time may vary either way.

This item, if approved by the Planning Commission, will be reviewed by the Board of County Commissioners at 9:30 a.m. two (2) weeks from the above date in Room 680 of the Multnomah County Court House. If denied, it may be appealed to the Board of County Commissioners. Such appeal must be made in writing to the Multnomah County Planning Commission, 1107 S. W. 4th Avenue, within ten (10) days of said Planning Commission meeting. If you desire further information, please call 248-3043.

ZC 36-73, #11

F-2, C-S, Agricultural, Community Service District OR
R-10, C-S, Single Family Residential, Community Service District

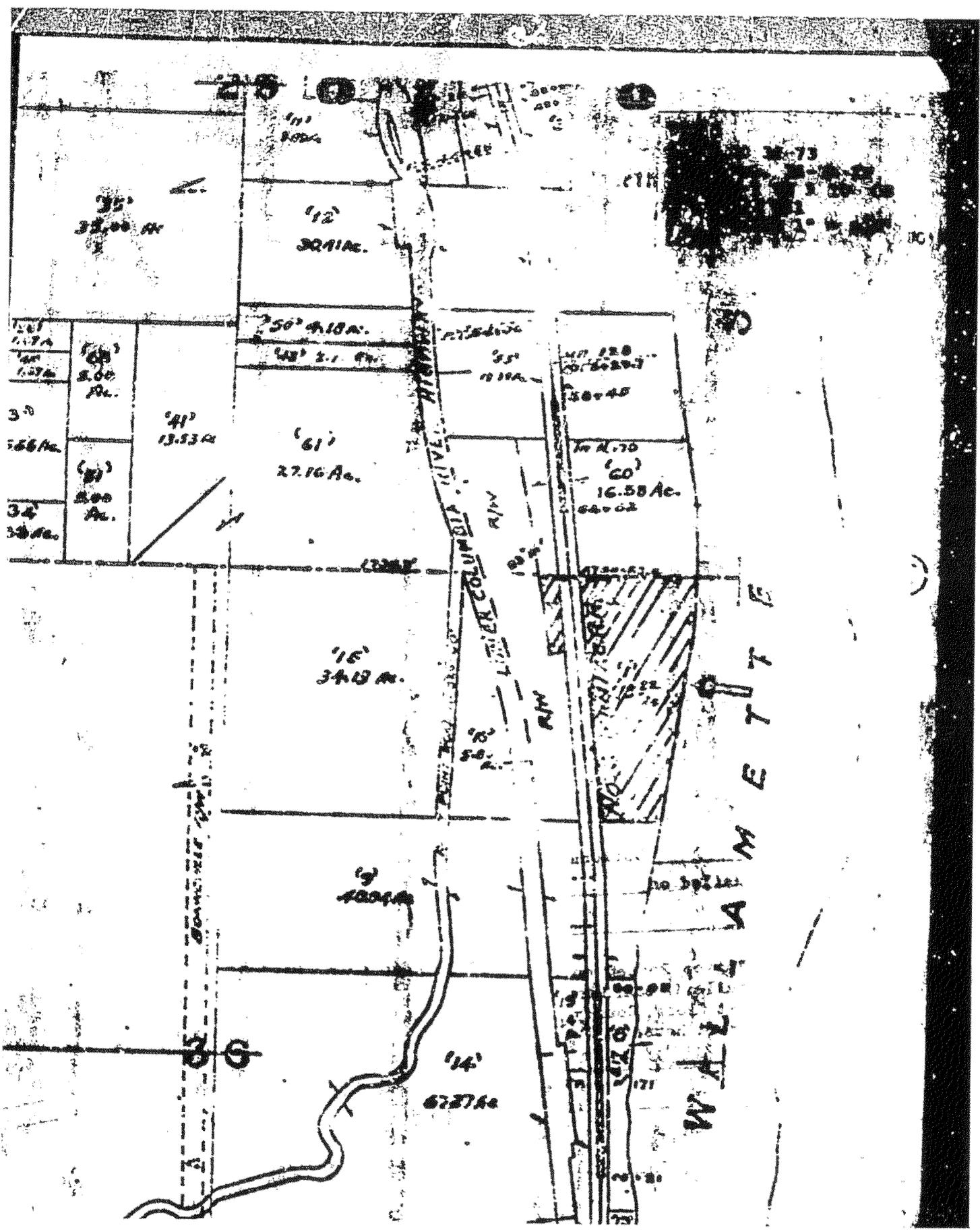
- (a) Location: Lower Columbia River Highway (At Rocky Point Rd)
- (b) Legal: Tax Lot #1, Section 36, 3N-2W
- (c) Site Size: 1972 Assessor's Map
- (d) Size Requested: 18.22 Acres
- (e) Property Owner: Same
- (f) Applicant: George Auckland
- (g) Present Zoning: 725 N. W. 23rd Avenue
- (h) Sponsor's Proposal: Same

F-2, agricultural district
F-2, C-S, agricultural, community service district,
Or In The Alternative
R-10, C-S, single family residential, community service district
Applicant requests F-2, C-S classification, or in the alternative, R-10, C-S classification on this site. Present plan is to construct a 70-space houseboat marina. No variance from any provision of the Zoning Ordinance is requested.

The Planning Commission has previously ruled that houseboat dwelling units must meet the same density criteria applied to any other dwelling unit and following this line of reasoning, this property zoned F-2 will support no more than nine (9) units (PD 13-71).

6 Notices
mailed on
5-23-73
Notice Posted on
bulletin board on
1st floor, County
Court House
on 5-23-73
[Signature]

Planning Commission Action on Attached Sheet



Planning Commission Action:

Recommend denial of amendment of Sectional Zoning Map #11, changing the described property from F-2 to F-10, C-S for a 70-space houseboat marina on the basis that the proposal is not consistent with the Comprehensive Plan, that the property is too far from established urban areas and that the applicant has not demonstrated that the community need for such facilities would best be served on this property.

The Comprehensive Plan for this area identifies a land use pattern of agricultural and open space uses. Lower Columbia River Highway is identified as a major arterial, Rocky Point Road is a minor arterial. Areas adjacent to the Multnomah County-Columbia County line, a mile or more to the north, are identified as residential, together with a small amount of industrial potential. Properties approximately three miles to the south around the intersection of the Lower Columbia River Highway and Logie Trail Road are depicted as residential together with retail commercial services. Other areas to the west and east are shown as agricultural and open. The petitioned property has frontage on Multnomah Channel, a part of the Willamette River.

ORS 215-055 requires that the Planning Commission consider the characteristics of areas and density of development, among other things in preparing the plan and regulations thereunder.

Major urban areas are located at Scappoose approximately three (3) miles to the north and the community of Linnton approximately six (6) miles to the south.

This area is characterized as non-urban agricultural, open-space and unused lands. The lands to the west rise to considerable elevation as a part of the Tualatin Mountains. Properties slope down from the Lower Columbia River Highway to flood plain lands along Multnomah Channel. The lowest portion of these sites adjacent to the channel are subject to a high water table and seasonal ponding of water. Properties in the district are not served by public sewer, public water nor public fire protection. The applicant intends to support the residents of 70 houseboats with water from a private well and by treatment of sewage utilizing the lagoon method.

The property has access, presently by way of a one-lane gravel roadway, from the Lower Columbia River Highway across the adjacent railroad tracks and down the hill to the area of proposed development. Since the railroad crossing is a private one, regulation to assure appropriate safety devices to standards of the Public Utilities Commission are not required.

CONTINUED

-2-

The applicant proposes a seventy (70) space houseboat moorage in the channel adjacent to the property at this time. His preliminary plan indicates that he contemplates expansion of this facility to adjacent property on the north in the future. Information from adjoining owners suggests that they also desire similar developments of their properties in the future. There is a need (desire) for houseboat moorage sites in the Portland Metropolitan area. This is evidenced by a program to relocate houseboat moorages along the Columbia River in connection with redesign of the Portland International Airport together with occasional applications for rezoning for such uses. Recent statements by the State Land Board suggest that this need, or desire, should be balanced by the larger community need to preserve open water areas. In any event, houseboat sites have been approved at other locations in Multnomah County. These other sites are closer to the urban area and at locations where support services are more generally available.

At the public hearing of November 16, 1971 the Planning Commission acted unanimously to deny the present applicant's petition for a fifty three (53) space houseboat moorage. The Planning Commission stated that such use was "inappropriate to the area in terms of density, services and the Comprehensive Plan". The Planning Commission further acted to recommend that the applicant reapply for a houseboat moorage facility of not to exceed nine (9) units on the basis that the F-2 classification for the area would permit only that number of residences on the total site petitioned. Neither of these recommendations were appealed to the Board of County Commissioners.

AUCKLAND FILES

August 17, 1971 - PD 13-71

Preliminary Review, F-2

53-Unit Houseboat Marina

Tabled for completion of the South Shore Study

September 7, 1971 - PD 13-71 Continued

Postponed for 30 days at request of the applicant

November 16, 1971 - PD 13-71 Continued

Denied as Requested

Applicant given alternate suggestion of re-applying for 9 units under F-2, C-S

September 7, 1971 - CS 16-71

Sewage Lagoon, F-2 to F-2, C-S

Postponed at request of the applicant

(Later cancelled and filing fee refunded, 8-24-71)

September 7, 1971 - CS 17-71

Sanitary Land Fill, F-2 to F-2, C-S

Cancelled at request of the applicant, 8-10-71

February 1, 1972 - C 3-72

Zoning Ordinance Interpretation

(Density Provisions as Applied to Houseboats)

Referred to District Attorney for Interpretation, 4-20-72

March 7, 1972 - ZC 26-72

9-Unit Houseboat Moorage, F-2 to R-20, C-S

Denied by Planning Commission

Upheld by Board of County Commissioners, 5-16-72

CONTINUED

April 17, 1973 - ZC 36-73

70-Space Houseboat Marina, R-10, C-S from F-2

Denied by Planning Commission

Upheld by Board of County Commissioners, 7-3-73

MULTNOMAH COUNTY PLANNING COMMISSION
MINUTES
AGENDA A, B & C

April 17, 1973

Chairman Shoemaker called the meeting to order at 1:40 p.m. in Room 680 of the Multnomah County Courthouse.

The Planning Commission gave opportunity for the presentation of each case from the staff, the opponents and the applicant followed by Planning Commission discussion and action.

ROLL CALL

Present: Shoemaker, Connall, Windust, Storch, Messinger
Koch

Absent: Bouneff, Gilliland, Haggin

MINUTES

On motion by Connall, seconded by Windust and carried unanimously the Minutes of March 6, and March 20th, 1973, were approved as prepared.

REPORT OF THE DIRECTOR

The Planning Commission referred 14 recommendations to the Board of County Commissioners; 11 for approval and 5 for denial. The Board upheld 11 recommendations, reversed none and tabled 3 at the request of the applicant and for lack of a majority vote.

Chairman Shoemaker explained the change in procedures, the nature of presentation to be made by the applicant and the findings and conclusions to be determined by the Planning Commission as a result of the recent Oregon Supreme Court decision.

AGENDA A

Line 1 EC 36-73, #11 A-10 CS Single Family Residential District
Community Service
Lower Columbia River Highway (at Rocky Point Road)

Denied

Paul Needer, Attorney, represented the applicant, who was not present. He stated telephone and electrical services are already in existence and there is a well approved for water supply. Since the land is unusable during the fall and winter months due to flooding it could not be used as presently zoned. There is a great need for sites for houseboat moorages; this was the best use of this site. The current amount of taxes being paid would make it unfeasible to use as farm land. A representative of the Riverfront Owners Association stated there is a real need for houseboat moorages as a great many are being displaced by the Port of Portland's expansion of the Airport and this would be an ideal site, and there would be adequate parking facilities. Objector present was Hans Grueder, Sauvie Island Rd., who objected to the proposed use and felt it would create a

LEXSEE 21 OR APP 596

AUCKLAND, Respondent, v. BOARD OF COUNTY COMMISSIONERS OF
MULTNOMAH COUNTY, Appellants

No. 394 342

COURT OF APPEALS OF OREGON

21 Ore. App. 596; 536 P.2d 444; 1975 Ore. App. LEXIS 1476

April 28, 1975, Argued
June 2, 1975

SUBSEQUENT HISTORY: [***1]

Reconsideration Denied July 2, 1975. Petition for Review Denied August 6, 1975.

PRIOR HISTORY: Appeal from Circuit Court, Multnomah County. Richard J. Burke, Judge. No. 394 342.

DISPOSITION:

Reversed.

COUNSEL:

Paul G. Mackey, Deputy County Counsel, Multnomah County, argued the cause for appellants. With him on the briefs was *George M. Joseph*, County Counsel, Multnomah County.

Paul M. Reeder, Hillsboro, argued the cause for respondent. With him on the brief were *Reeder & Rapp*, Hillsboro.

JUDGES:

Schwab, Chief Judge, and Langtry and Tongue, Judges.

OPINION BY:

SCHWAB

OPINION:

[*598] [***445] Plaintiff wants to develop his 18 acres of rural property on the Multnomah Channel of the Willamette River near Portland by constructing a marina for 70 houseboats. The defendant county commissioners denied plaintiff permission to do so. In this writ of review proceeding, the circuit court determined that plaintiff should be able to construct the marina:

"IT IS ORDERED:

"1. This matter is remanded to the Board of Commissioners of Multnomah County, and it is ordered to approve the application of the plaintiff by reclassifying said land described as Tax Lot 1, Section 36, 3 North 2 West, Multnomah [***2] County, Oregon, from F2 to F2-CS, for the purpose of constructing a houseboat marina for 70 houseboats under the terms and conditions as set forth in the application being number ZC 36-73, Multnomah County Planning Commission.

"2. If the Board of Commissioners shall fail to do so within 30 days of the date hereof, this Decree shall stand in lieu thereof."

The circuit court's judgment was erroneous.

[*599] Plaintiff's property is in an F-2 district. Plaintiff applied for a CS overlay, or, in the alternative, a change to R-10 CS.

Under the terms of the zoning ordinance, an F-2 zone is an "agricultural, grazing, horticulture and timber growing district, with a minimum lot size of two (2) acres." Section 2.10. The R-10 zone is a "single family residential district, with a minimum lot size of ten thousand (10,000) square feet." Section 2.10. The ordinance also creates a community service (CS) overlay zone, authorizing, with county approval, certain uses in any other zone. Sections 7.00 through 7.47. One use recognized in a CS district "when approved at a public hearing



21 Ore. App. 596, *; 536 P.2d 444, **;
1975 Ore. App. LEXIS 1476, ***

by the Planning Commission," is "boat moorage, marina [or] houseboat * * *" Section 7.30(a). [***3]

The question of whether an F-2 CS designation for plaintiff's property would permit construction of a marina for 70 houseboats is a question of law, involving interpretation of the zoning ordinance, especially Section 7.47 that provides that property with a CS overlay remains subject to "restrictions and limitations * * * required in the district." The county contends this means that even if plaintiff's 18 acres were zoned F-2 CS, the intensity of development could not exceed the limits of the F-2 base zone, i.e., one residence for every two acres, or a total of nine residences. The county also equates construction of a residence on land with [***446] moorage of a houseboat appurtenant to land. The county's position is best explained by an opinion of the district attorney, rendered at the request of the planning commission and included in the return to the writ:

"You ask whether the zoning ordinance controls the density of residential development to the extent that the number of houseboats in a moorage authorized under Community Service is limited to the [*600] number of dwelling units permitted in the base zone. You indicate that your present policy is that the number [***4] of houseboats should be limited by the base zone and ask regarding the propriety of such a position.

"Section 7.10 indicates that the Community Service Section of the ordinance deals with special uses which because of their special characteristics do not logically fit into the other sections of the ordinance, i.e., except for their peculiar characteristics, would normally be included. Section 7.30 permits the use of a 'boat moorage, marina, houseboat or boat-house' provided that it is consistent 'with the purposes of this ordinance'.

"Section 7.26 indicates that the Planning Commission has the right to attach special conditions or limitations 'in relation to the purposes of the ordinance' in these special use situations.

"Section 7.47 states that 'other restrictions and limitations shall be as required in the district'.

"In earlier opinions from this office discussing his Community Service Section, we have held that use of an R-20 lot for purposes of access to a houseboat

moored by and attached to the lot would be subject to regulation by the Commission on the theory that such use is *actually a use of the land itself*.

"Likewise, the practice of the City has been, we understand, [***5] to continue its land zones into the river to the harbor limit and apply the same standards for building, construction and sanitation to uses afloat.

"We would, therefore, conclude that the present policy of your office is in accord with a plain reading of the ordinance, especially in light of Section 7.47, making such a duty mandatory."

We find nothing in the record or plaintiff's argument that convinces us this interpretation of the zoning ordinance is incorrect. Plaintiff's application for F-2 CS designation to construct a marina for 70 [*601] houseboats was properly denied because it would have been legally impossible to develop the property in that manner even with an F-2 CS designation.

The trial court found: "Defendants did not rule on plaintiff's application requesting" F-2 CS designation. This is erroneous. Even though the defendants did not make a factual determination on the F-2 CS application, it is clear they made the legal determination described above. And even if the circuit court had been correct in its did-not-rule finding, it would still have been in error in proceeding to the merits in this writ of review case. Such a case involves review [***6] of "decisions." *ORS 34.020*. If, contrary to the present facts, no decision was made, there was nothing to review.

The circuit court also found: "Reclassifying the plaintiff's property from F2 to F2-CS is not a zone change." This is irrelevant. Whenever one seeks to use property in a manner that is not an outright permitted use, and must therefore obtain governmental approval, the necessary governmental proceedings are quasi-judicial in nature within the meaning of *Fasano v. Washington Co. Comm.*, 264 Or 574, 507 P2d 23 (1973). This is true whether the other-than-permitted-use is sought by way of a zone change, comprehensive plan change, n1 conditional use permit, variance, or as in this case, "a reclassification." The labels are not controlling. Instead, *Fasano* is applicable [***447] when land-use decisions affect specific individuals and involve application of general rules to individual interests. 264 Or at 579-81.

n1 *Marggi v. Ruecker*, 20 Or App 669, 533 P2d 1372 (1975).

21 Ore. App. 596, *; 536 P.2d 444, **;
1975 Ore. App. LEXIS 1476, ***

This is a mixed blessing [***7] for the proponent of a use that is not permitted outright. Procedurally, the proponent is protected by the *Fasano* quasi-judicial [*602] standards. Substantively, the proponent must meet the *Fasano* burden of proof.

Plaintiff claims, and the circuit court found, a procedural violation of *Fasano* because the county commissioners failed to make adequate findings of fact. The findings read:

"Be it remembered, that at a meeting of the Board of County Commissioners held July 3, 1973, the following action was taken:

"Application [of] George Auckland *
* * Planning Commission recommends denial of amendment of Sectional Zoning Map #11, changing the described property from F-2 to R-10, C-S, for a 70-space houseboat marina on the basis that the proposal is not consistent with the Comprehensive Plan, that the property is too far from established urban areas and that the applicant has not demonstrated that the community need for such facilities would best be served on this property.

"ORDERED that the recommendation of the Multnomah County Planning Commission be adopted as the order of the Board * * * "

A local governing body may adopt findings made by any of [***8] its subordinates, such as the planning commission or its staff. See, *Tierney v. Duris, Pay Less Properties, 21 Or App 613, 536 P2d 435 (1975)*. The present findings, in effect reciting that plaintiff failed to sustain his burden of proof, are sufficient to support a decision to deny the requested change. *Dickinson v. Bd. of County Comm., 21 Or App 98, 533 P2d 1395 (1975)*.

Substantively, the circuit court concluded:

"The evidence presented by the plaintiff at the hearing before the Board of County Commissioners established by clear and convincing evidence that plain-

tiff is entitled to have his property reclassified * * *."

[*603] This is erroneous. The role of the courts in these cases is limited to ascertaining whether there is substantial evidence to support the decision of local officials, not to weigh the evidence de novo. *Dickinson v. Bd. of County Comm., supra*. Moreover, whether plaintiff "is entitled" to construct a 70-houseboat marina depends, in part, upon whether this would comply with the local comprehensive plan. *Baker v. City of Milwaukie, 271 Or 500, 533 P2d 772 (1975)*. The record indicates it would not. For example, the planning [***9] commission reported to the county commissioners:

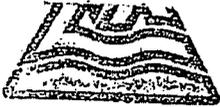
"The Multnomah County Comprehensive Plan shows this property is located in a rural area, recommended for agricultural and open-space uses. The Planning Commission has interpreted that this designation includes low-density residential occupancies. Proposals for uses in this area over the years since the plan was enacted have resulted in Planning Commission actions which have consistently reaffirmed this rural character.

"* * *

"The primary land use issue before your Board is whether or not this rural area shall be urbanized. The applicant proposes that 70 families shall be housed on a tract of 18.22 acres. The gross lot size per family is 11,338 sq. ft., the same as an urban lot of 110 x 113 feet * * *."

"The question of a houseboat moorage is a secondary issue since the site cannot be used in this way without generating an urban density and character and the need for urban services. * * *"

Reversed.



- Granted Motion

RECEIVED
MULTNOMAH COUNTY OREGON

OFFICE OF THE CHAIRMAN
BOARD OF COUNTY COMMISSIONERS
ROOM 606 COUNTY COURTHOUSE
PORTLAND, OREGON 97204
(503) 248-3302

1975 MAR 15 PM 12:31
REGISTRATION SERVICES

COUNTY COMMISSIONERS
DON CLARK, Chairman
DAN MOSEE
ALICE CORBETT
DENNIS BUCHANAN
MEL GORDON

R

DECISION

In the matter of M 8-75, M 9-75, M 10-75, M 11-75, M 12-75, M 13-75,
M 14-75, M 15-75, M 16-75, M 17-75, M 27-75 and M 28

On December 2, 1975, the Hearings Council denied the above-captioned subdivision applications, and the applicants appealed to the Board. A motion to dismiss the appeals on grounds that each application violated Subsection 3.10, Ordinance No. 100 (RL-C zone) and the LCDC Greenway Order of December 6, 1975, was filed by 1,000 Friends of Oregon and Peter D. Davis.

On March 9, 1975, after consolidating the appeals for purpose of a vote on the motion to dismiss, the Board granted the motion. The appeals are therefore dismissed.

Donald E. Clark

Donald E. Clark
Chairman

Dated: March 15, 1976

copies to: Dave Axelrod
Richard Benner
Larry Kressel
Bob Baldwin

RECEIVED
MAR 15 1976

Multnomah County
Division of Land Use Planning

EXHIBIT
9

December 2, 1975

AGENDA B

STAFF REPORT SUMMARY

Subdivision Proposals: M 8-18, 27 and 28-75
On Sauvie Island

Introduction: This report contains a general description of the petitions for subdivision; the character of the island and its uses; the Comprehensive Plan; land use policies; zoning and data projections based on the requests. These sections are followed by details of each application, staff recommendations and Findings and Conclusions.

Proposals: Thirteen applications for proposed subdivisions cover approximately 4,620 acres on Sauvie Island. The divisions would create about 705 new lots, of which 642 would be two acres or more and 63 would be 38 acres or larger. About 15 miles of new roadway is proposed, with gravel surfacing to serve 380 of the lots

Comprehensive Plan: The County Comprehensive Plan shows most of Sauvie Island as agricultural and open. Strips along the southern sections of Sauvie Island Road and Reeder Road and along Gillihan Road, as well as lands around the Reeder/Sauvie Island Road intersections are indicated as single-family residential.

Three small commercial areas are shown at the Reeder/Sauvie Island Road and the Reeder/Gillihan Road intersections and on Sauvie Island Road about 1.5 miles northerly of Reeder Road. Major portions of these roads are identified as scenic drives. The Island has one vehicular connection to the mainland, the Sauvie Island Bridge of two lanes near the south tip of the Island.

The Sturgeon Lake area is shown as public lands and recreational.

The only school on the Island is shown on the plan, along with a proposed park adjacent. No future school needs are indicated on the present Comprehensive Plan or by the school district. Other special sites include the Bybee-Howell Pioneer farm and recreation potential at Belle Vue Point.

A portion of the southern tip of the island is indicated as industrial.

Land Use Policy: In addition to the Comprehensive Plan, the following land use policies apply:

A. ORS 215.243 states the following agricultural land use policy of the Oregon Legislative Assembly:

- "1. Open land used for agricultural use is an efficient means of conserving natural resources that constitute an important physical, social, aesthetic and economic asset to all of the people of this state, whether living in rural, urban or metropolitan areas of the state.
2. The preservation of a maximum amount of the limited supply of agricultural land is necessary to the conservation of the state's economic resources and the preservation of such land in large blocks is necessary in maintaining the agricultural economy of the state and for the assurance of adequate, healthful and nutritious food for the people of this state and nation.
3. Expansion of urban development into rural areas is a matter of public concern because of the unnecessary increases in costs of community services, conflicts between farm and urban activities and the loss of open space and natural beauty around urban centers occurring as the result of such expansion."

B. ORS 197.175(2) requires counties to adopt Comprehensive Plans, zoning, subdivision and other ordinances in accord with the statewide goals and guidelines adopted by the LCDC on December 27, 1974. Prior to adoption of plans and ordinances, Counties must exercise their planning and zoning responsibilities in accord with ORS 215.055, which requires consideration of the following factors:

"The various characteristics of the various areas in the County, the suitability of the areas for particular land uses and improvements, the land uses and improvements in the areas, trends in land improvement, density of development, property values, the needs of economic enterprises in the future development of the areas, needed access to particular sites in the areas, natural resources of the County and prospective needs for development thereof, and the public need for healthful, safe, aesthetic surroundings and conditions."

C. ORS 92.044 requires counties to adopt standards and procedures governing the approval of tentative plans for subdivisions, to carry out the Comprehensive Plan and to promote the public health, safety and general welfare. (

The statute provides the following standards:

- (a) Such standards may include, taking into consideration the location and surrounding area of the proposed subdivisions or the proposed major partitions, requirements for placement of utilities for the width and location of streets or for minimum lot sizes and such other requirements as the governing body considers necessary for lessening congestion in the streets, for securing safety from fire, flood, slides, pollution or other dangers, for providing adequate light and air, for preventing overcrowding of land or for facilitating adequate provision of transportation, water supply, sewerage, drainage, education, recreation or other needs.

Zoning: The lands subject to these applications are zoned either F-2 or S-R under Ordinance #100.

The F-2 district permits lot sizes of two acres and agricultural, horticulture, timber raising and grazing uses.

The S-R, Suburban-Residential District, permits lot sizes of 10,000; 20,000 and 40,000 square feet, depending upon topography, character and the water, sewerage and road services available. Residential and agricultural uses are permitted.

In a resolution dated October 28, 1975, the Multnomah County Planning Commission stated:

"The Agricultural District, F-2, of the Multnomah County Zoning Ordinance, permits lot or parcel sizes of two acres minimum which is inadequate as a means to implement Legislative policy, Land Conservation and Development Commission goals and the County Comprehensive Plan."

Area Character

Sauvie Island is a generally flat, river island, with a permanent high water table and seasonal ponding in many areas. For the most part, elevations are from 10 to 20 feet above MSL. The south part of the island is surrounded by a dike, constructed to standards suitable for the protection of agricultural uses, rather than urban developments.

The drainage system utilizes ditches and waterways, the Gilbert River, Sturgeon Lake and a pumping plant operated by the drainage district.

Sauvie Island is 10 miles from downtown Portland. The island is rural in character. Most land is held in large acreages, but there are clusters of 2 to 40 acre parcels near the school and along sections of the Willamette and Columbia Rivers. 90% of the farmland is in tracts of 100 acres or more.

Major land uses are:

Farming	10,400 acres (87%)
Duck Lakes	500 acres (4%)
Building Sites	330 acres
Roads, dikes, other	<u>770 acres</u>
	12,000 acres

Island soils are rated in Classes II and III by the U. S. Soil Conservation Service and constitute highly productive farmland. According to the U. S. Department of Commerce, 1969 Agricultural census, Sauvie Island has only 15% of the County's farmland but accounts for 38% of the market value of the County's agricultural products.

The most densely used waterfowl staging area in the state is located on the island. Nearly all of the Columbia County portion and about 20% of the Multnomah County portion is a game management area owned and managed by the Oregon State Wildlife Commission. Duck hunting is a principal recreational activity. Nearly 400,000 people visit the game management area annually.

The island is used for other recreational purposes, including river and lake fishing, hiking and bicycling, bird watching, scenic driving, boating and picnicing.

Population The 1974 population of the island was estimated at 740 persons in 265 families. While most families live on the land, some 62 families live on houseboats in Multnomah Channel.

Services:

Schools: The Sauvie Island School District has one school of 5 classrooms serving 86 elementary pupils (1975). 60-high school students are bussed to schools in other areas.

Roads: The County road system on the Island consists of 2-lane paved roadways with narrow shoulders, designed to serve the needs of a rural population. The island roads are connected to U. S. Highway #30 by a two-lane bridge. The bridge has a capacity of 2,000 vehicles per hour and is presently carrying 1,089 vehicles per hour. There are no plans for enlarging or extending the public road system.

Two Tri-Met lines serve the area from the island end of the bridge.

Water: There is no public water supply system serving the island, nor are there plans for such facilities.

Services continued

Sewers: There are no public sewer systems; the houseboats are served by private means. The high water table results in a severe limitation rating for septic tanks. There are no plans for future public sewers.

Fire Protection: The island has no fire protection system and none is planned. The present system relies on individual actions.

Police protection: Multnomah County provides local public protection from headquarters in Portland.

Projections From the Proposals

Applicants propose a total of 705 lots, divided from 35 existing parcels. Assuming that 25 existing tracts now have homes, 680 new homes could be accommodated. The following projections are derived:

- a. Population, 3.3 persons per dwelling unit, an average for the County times 680 homes equals: 2,244 people
- b. Elementary school students, 12% of the population, equals: 269 student
- c. Elementary classrooms, at 20 students each equals: 13.5 rooms
- d. High school students, 8% of the population, equals: 180 student
- e. High school classrooms, @ 25 students each, equals: 7 rooms
- f. Traffic, 7 trips per day per dwelling, PVMATS average, equals: 4,760 trips

SUMMARY

At a minimum, the applicants have the burden of showing that their proposals: (A) carry out the Comprehensive plan; (B) are consistent with the Zoning Ordinance and (C) take into consideration the items in ORS 92.044.

In the order of the above, the following findings are made:

A. Comprehensive Plan

1. The Comprehensive Plan shows agriculture and open as the predominant land uses for the island. Strips of residential use are shown along some roads.
2. According to ORS 215.243, the preservation of agricultural land in large blocks is necessary to maintain the agricultural economy of the state and to assure adequate, healthful and nutritious food.
3. Taken together the proposals are for subdivision into 63 lots of 38 acres or more and 642 lots of 2 acres or more.
4. Approximately one-half of the proposed 2-acre parcels are within areas designated as single family on the Comprehensive Plan; the other half are in areas shown as agricultural.
5. Small areas for retail commercial use are indicated at three locations on the Comprehensive Plan.
6. The applicants do not propose commercial uses.
7. The Comprehensive Plan contains no proposals for additional schools.
8. The applicants' proposals will generate a need for 13 new classrooms.

B. Zoning

1. Most of the land proposed for subdivision is zoned F-2, Agricultural.
2. About 20% of the 2-acre lots in M 12-75 are zoned S-R, the rest are F-2, Agricultural.
3. About one half of the 2-acre lots in M 17-75 are zoned S-R, the rest are F-2, Agricultural.

C. ORS 92.044

1. Location and surrounding area.
 - a. Sites are on a nearly flat river-island.
 - b. The area is rural in character.
 - c. Predominant use is agriculture in tracts of 100 acres or more.
 - d. The island is a major water-fowl staging area.
 - e. In 1974 there were 740 persons living on the island.
2. Requirements for the placement of utilities.
 - a. No sewer or water services are available.
 - b. The County Sanitarian states there is a need for public sewers.
 - c. Applicants' report states the need for new drainage facilities and for expanded public pumping capability.
 - d. Power and telephone utilities can be provided within existing and proposed rights-of-way
3. Width and location of streets.
 - a. County standards for roads include 60-feet for collectors and 50-feet for others.
 - b. County road standards include all weather paving and adequate drainage facilities.
 - c. Applicants propose no widening of existing 50-foot collectors.
 - d. Applicants propose 40-foot wide gravel roads.
 - e. Several adjustments need to be made in mis-matched road alignments, in half v. whole width streets, curvatures, etc.
4. Minimum lot sizes.
 - a. All subdivision proposals include 2-acre lots.
 - b. Proposed 2-acre lot sizes are inconsistent with the agricultural/open designation on the Comprehensive Plan.

- c. Approval of 2-acre lots on land used for or suitable for agricultural use would not implement the legislature policy, L.C.D. Goals and guidelines nor the Comprehensive Plan showing agricultural use, according to the Planning Commission resolution of October 28, 1975.
 - d. All subdivision proposals contain 2-acre lots on portions not zoned S-R, Suburban Residential.
5. Safety from fire..
- a. The area is not served by an active Fire Protection District.
6. Safety from flood.
- a. The Sauvie Island dike was constructed to standards necessary for the protection of agricultural and open uses, not those at suburban or urban densities.

In Conclusion,

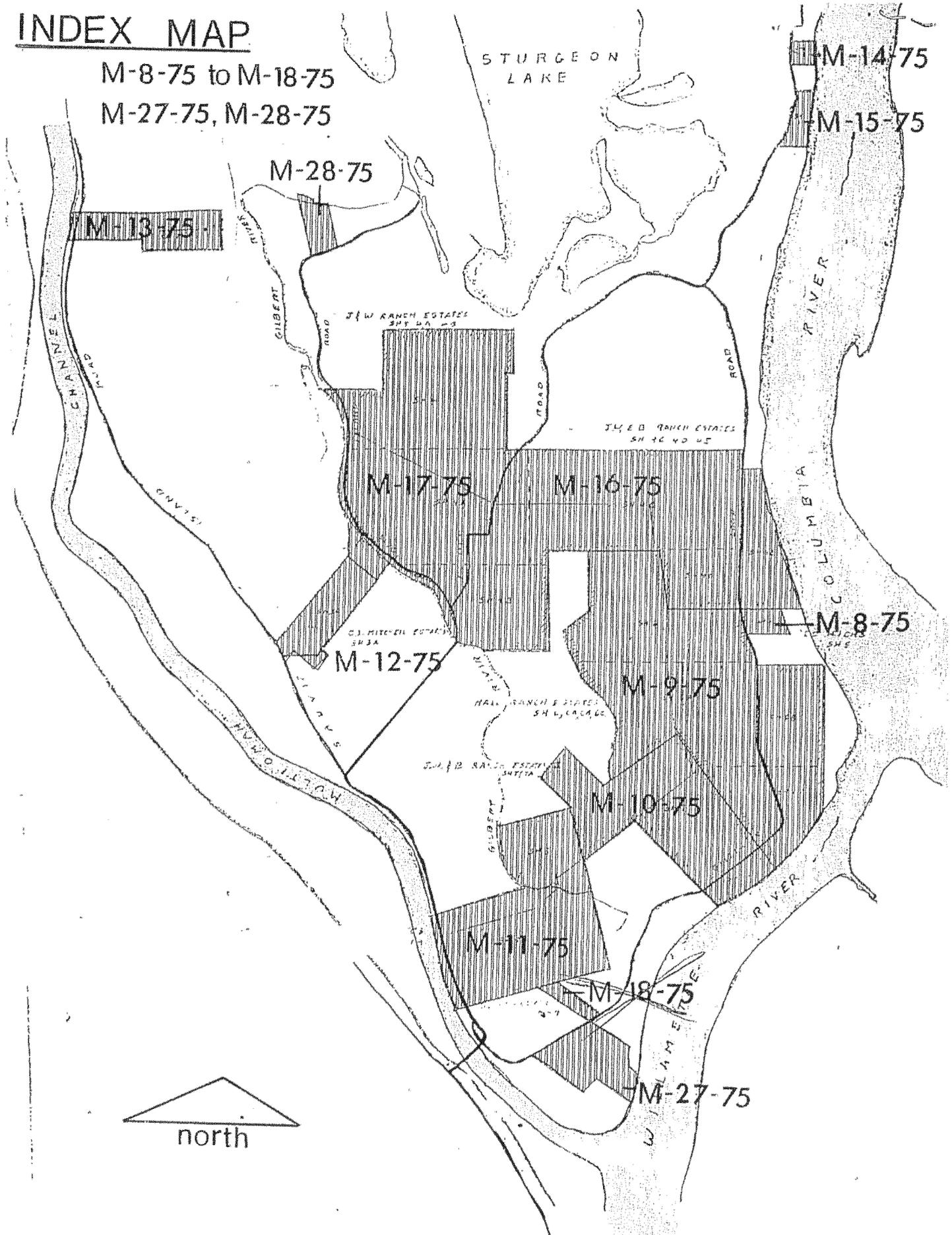
the Hearings Council must deny the final plan of any subdivision proposal found not in compliance with the following standards:

- 1. The Comprehensive Plan
- 2. The Zoning Ordinance
- 3. ORS 92.044(1)(a) and the County Subdivision Regulations.

INDEX MAP

M-8-75 to M-18-75

M-27-75, M-28-75





MULTNOMAH COUNTY OREGON

Department of Environmental Services/Division of Planning and Development/2115 S.E. Morrison St./Portland, Oregon 97214 • 248-3043 4.

DECISION OF
MULTNOMAH COUNTY HEARINGS COUNCIL
Hearing of December 2, 1975

IN THE MATTER OF:

Subdivision File M 8-75

Site Location Gillihan Road, east side, approximately
2 miles south of Reeder Road

Description Tax Lot '4' in the southwest quarter
of Section 11, 2N-1W

Site Size 36.68 Acres (Assessor's calculation)

Present Zoning F-2, Agricultural District

Applicant E. D. and L. Hicks
429 N. W. Skyline Blvd., Portland 97229

Owner Same As Applicant

Proposal Petition to subdivide approximately 36
acres into 12 lots of approximately 2
acres or more.

DECISION: Denied the subdivision proposal, The Council adopts the Staff Report and makes the following findings and conclusions:

Findings.

1. Comprehensive Plan: The area covered by the proposal is designated as single family residential.
2. Land Use: The area is currently in agricultural use with some minor wooded areas.
3. Zoning: The area is zoned F-2.
4. Soil Capability (based on the Soil Conservation Service information)
The area is S.C.S. Class II soils.
5. Septic Tank Suitability (based on the S.O.S. Sauvie Island Study)
Approximately 20% of the area is suitable for septic tanks.
Approximately 80% has severe septic tank limitations.
6. Hazards - Flood Plain (based on the S.O.M. Sauvie Island Study)
The area is in a 100 year flood plain. It is protected by an agricultural dike.

7. Wildlife (Oregon Wildlife Commission): The wooded area and cultivated fields contribute to the overall significant wildlife habitat on Sauvie Island.
8. Access: Six lots are served by an existing County road (Gillihan Road). Six lots would be served by a road, which as proposed, would be substandard in terms of County width and construction standards.
9. Services:
School - School District #19, JT (Sauvie Island)
Water - No organized water district
Fire Protection - RFPD #30
Drainage - Sauvie Island Drainage District
Sewage - No sewage treatment plant
10. Design Problems: No design problems

Conclusions

1. The subdivision proposal, which would permit 12 single family homes, conflicts with the F-2 zone classification, but is consistent with the Comprehensive Plan. Therefore, the applicant needs a zone change to S-R to permit this use.
2. The proposal would permit removal of 36.68 acres of S.C.S. Class II soils from agriculture productivity and permits 12 single family homes on land currently used for agriculture. This is inconsistent with the policy set forth in ORS 215.243.
3. The majority of the proposal has severe septic tank limitations and would require sewage service not currently available.
4. The proposal is in a hazardous area since it would permit residences in an area protected only by an agricultural dike. The area is also subject to 100 year floods.
5. This proposal would remove 36.68 acres of overall feeding and testing grounds of the Sauvie Island wildlife habitat.
6. The proposed substandard roads would have to be dedicated and constructed to County road standards to be accepted as a public road.
7. It appears that services for the proposal are inadequate and require further study. Reports from the districts involved (school, fire, drainage, etc.) have not been received.

Signed December 11, 1975.

By



Chairperson

Filed with Clerk of the Board

Appeal to Board of County Commissioners

Any party may file Notice of Review with the Planning Director within 10 days of the date the Decision is filed with the Clerk of the Board -2-



MULTNOMAH COUNTY OREGON

Department of Environmental Services/Division of Planning and Development/2115 S.E. Morrison St./Portland, Oregon 97214 • 248-3043 5.

DECISION OF
MULTNOMAH COUNTY HEARINGS COUNCIL
Hearing of December 2, 1975

IN THE MATTER OF: _____

Subdivision File M 9-75

Site Location Gillihan Road, both sides, from
 2 to 3 miles south of Reeder Road

Description Tax Lots '1' and '2', as assessed in
 Section 10; Tax Lot '5' as assessed in
 Section 11; Tax Lots '3', '5' and '6' as
 assessed in Section 14; and Tax Lot '2'
 as assessed in Section 23; all in T2N-R1W,
 WM

Site Size 1,030 Acres (Assessor's calculation)

 1,047 Acres (Sponsor's estimate)

Present Zoning F-2, Agricultural District

Applicant Hall Ranch
 Rt. 1, Box 475, Portland 97231

Owners B. S. Hall K. W. and N. W. Wheeler
 1000 S.W.Vista, Rt. 1., Box 475
 Portland, 97205 Portland 97231

 E.D. & L. Hicks E. D. Hicks, Jr.
 429 N.W. Skyline 427 N.W. Skyline
 Portland 97229 Portland 97229

 P. Hicks
 12335 S. W. Lanewood, Portland 97225

Proposal Petition to subdivide approximately
 1,047 acres into 151 lots of approxi-
 mately 2 acres or more and 17 lots of
 approximately 38 acres or more

DECISION: Denied the subdivision proposal. The Council adopts the Staff Report and makes the following findings and conclusions:

Findings

1. Comprehensive Plan: Approximately 90% of the area covered by the proposal's 2 acre lots is designated Single Family Residential. The remaining 10% of the area in 2 acre lots is within the area designated agriculture-open space. Nearly all 38-acre lots are in the agricultural-open space designation.

2. Land Use: The area is currently in agricultural use with minor wooded areas.
3. Zoning: The area is zoned F-2.
4. Soil Capability (based on the Soil Conservation Service information)
The area is Soil Conservation Service Class II and III soils.
5. Septic Tank Suitability (based on the S.O.M. Sauvie Island Study)
Approximately 25% of the 2 acre lots are suitable for septic tanks.
Approximately 75% of the 2 acre lots have severe septic tank limitations.
Approximately 10% of the total proposal is subject to seasonal ponding.
6. Hazards - Flood Plain (based on the S.O.M. Sauvie Island Study)
The entire proposal is in a 100 year flood plain. It is protected by an agricultural dike.
7. Wildlife (Oregon Wildlife Commission): Approximately 5% of the total proposal is designated duck ponds. The wooded areas and cultivated fields contribute to the overall wildlife habitat on Sauvie Island.
8. Access: Thirty-six lots are served by an existing County Road (Gillihan Road). One-hundred thirty-two lots would be served by a road which, as proposed, would be substandard in terms of County width and construction standards.
9. Services:
School - School District #19-JT (Sauvie Island)
Water - No organized water district
Fire Protection - RFPD #30
Drainage - Sauvie Island Drainage District
Sewage - No sewage treatment plant
10. Design Problems:
Lots: Three lots (Blk. 2, Lots 1, 2, 3) have double frontage. One lot (Blk. 3, Lot 1) has triple frontage. There are conflicts between sheet 6B and 6C - overlapping lots (Blk. 3, Lots 16 and 19) and conflicting property line (Blk. 3, Lots 10 and 11). Block 7, Lot #5, has been omitted from numerical sequence.
Roads: A proposed road (Beall Road), mismatches the adjacent proposal (M 10-75, the continuation of Beall Road) by seventy feet. The road along the north boundary of Blk. 6 (sheet 6) is a half-street and needs to be developed in conjunction with the adjacent proposal. There are conflicts between sheets 6A and 6B as to the location and direction of proposed A. F. Winter Road. The road serving Blk. 4, Lots 1-4 is a half-street. Street deadending into adjacent property do not have temporary cul-de-sacs. Provision for continuation of streets to adjacent, unsubdivided property is not shown.

Conclusions

1. The subdivision proposal, which would permit 168 single family homes, conflicts with the F-2 zone classification, but is predominantly consistent with the Comprehensive Plan. Therefore, the applicant requires a zone change to S-R to permit this use and a redesign of the subdivision to conform to the Comprehensive Plan.
2. The proposal would permit removal of 1,030 acres of S.C.S. Class II soils from agricultural productivity and permit 168 single family homes on land currently used for agriculture. This is inconsistent with the policy set forth in O.R.S. 215.243.
3. The majority of the proposal has severe septic tank limitations with only a quarter of it suitable. Some seasonal ponding occurs. Sewer service would be required. It is not currently available.
4. The proposal is in a hazardous area since it would permit residences in an area protected only by an agricultural dike. The area is also subject to 100 year floods.
5. This proposal would remove 1,030 acres of overall feeding and nesting grounds from the Sauvie Island wildlife habitat.
6. The proposed substandard roads would have to be dedicated and constructed to County road standards to be accepted as a public road.
7. Serious lot design errors exist in this proposal (See Findings #10 - lots).

The proposal is dependent upon adjacent properties for completion of its road system, thereby creating illegal lots (no access). The proposal does not allow for possible continuation of roads into future subdivisions on adjacent properties.

Signed December December 11, 1975.

By 
Chairperson

Filed with Clerk of the Board

Appeal to Board of County Commissioners

Any party may file Notice of Review with the Planning Director within 10 days of the date the Decision is filed with the Clerk of the Board.

2. Land Use: The area is currently in agricultural use.
3. Zoning: The area is zoned F-2.
4. Soil Capability (based on the Soil Conservation Service information)
The area is S.C.S. Class II and III soils.
5. Septic Tank Suitability (based on the S.O.M. Sauvie Island Study)
The majority of the 2 acre area and 38 acre lots has severe septic tank limitations. Only a minor percentage (5%) is suitable for septic tanks. Approximately 20% of total parcel subject to seasonal ponding.
6. Hazards - Flood Plain (based on the S.O.M. Sauvie Island Study)
The entire proposal is subject to 100 year flood plain. It is protected by an agricultural dike.
7. Wildlife (Oregon Wildlife Commission): Approximately 10% of the total proposal is designated a duck pond area. The wooded areas and cultivated fields contribute to the overall significant wildlife habitat on Sauvie Island.
8. Access: Seven lots are served by an existing County road (Gillihan Road). The remaining 42 lots are served by proposed substandard roads.
9. Services:
 - School - School District #19-JT (Sauvie Island)
 - Water - No organized water district
 - Fire Protection - RFPD #30
 - Drainage - Sauvie Island Drainage District
 - Sewage - No sewage treatment plant
10. Design Problems:
 - Lots: Six lots (Blk. 2, Lots 1-6) have double frontage. One lot (Blk. 1, Lot 1) has triple frontage.
 - Roads: A proposed road (Beall Road) mismatches the adjacent proposal (M 9-75 - the continuation of Beall Road) by seventy feet. The proposed A. F. Winter Road has no outlet to a dedicated public road and is dependent upon adjacent properties developing for continuation. Streets dead-ending into adjacent property do not have temporary cul-de-sacs. Provision for continuation of streets to adjacent unsubdivided property not shown.

Conclusions

1. The subdivision proposal, which would permit 49 single family homes, conflicts with the F-2 zone classification and is, in part, in conflict with the Comprehensive Plan, therefore, the applicant needs a zone change to S-R to permit this use and a redesign of the subdivision proposal to conform to the Comprehensive Plan.

2. The proposal would permit removal of 411.29 acres of S.C.S. Class II and III soils from agriculture productivity and permits 49 single family residences on land currently used for agriculture. This is inconsistent with the policy set forth in ORS 215.243.
3. The majority of the proposal has severe septic tank limitations and would require sewage service not currently available. Some seasonal ponding occurs, requiring drainage.
4. The proposal is in a hazardous area since it would permit residences in an area protected only by an agricultural dike. The area is also subject to 100 year floods.
5. This proposal would remove 411.29 acres of overall feeding and nesting grounds from the Sauvie Island wildlife habitat.
6. The proposed substandard roads would have to be dedicated and constructed to County road standards to be accepted as a public road.
7. It appears that services for the proposal are inadequate and require further study. Reports from the districts involved (school, fire, drainage, etc.) have not been received.
8. Serious lot design errors exist in this proposal (See Findings #10 - lots).

The proposal is dependent upon adjacent properties for completion of its road system, thereby creating illegal lots (no access). The proposal does not allow for possible continuation of roads into future subdivision on adjacent properties.

Signed December 11, 1975.

By


Chairperson

Filed with Clerk of the Board

Appeal to Board of County Commissioners

Any party may file Notice of Review with the Planning Director within 10 days of the date the Decision is filed with the Clerk of the Board.

3. Zoning: The area is zoned F-2.
4. Soil Capability (based on the Soil Conservation Service information) The entire area is S.C.S. Class I, II and III soils. Class II dominates.
5. Septic Tank Suitability (based on the S.O.M. Sauvie Island Study) Approximately 85% total area is subject to severe septic tank limitations (70% of the 2 acre lots). Approximately 15% of the total area is suitable for septic tanks. Approximately 35% of the area is subject to seasonal ponding.
6. Hazards - Flood Plain based on the S.O.M. Sauvie Island Study The majority of the area (30% of the 2 acre lots) is in a 100-year flood plain, some is above it protected by an agricultural dike.
7. Wildlife- (Oregon Wildlife Commission) The wooded area and cultivated fields contribute to the overall significant wildlife habitat on Sauvie Island.
8. Access: Nineteen lots are served by an existing County Road (Gillihan Road). Seventy-five lots are served by a road which as proposed, would be substandard in terms of County width and construction standards.
9. Services:
 - School - School District #19-JT (Sauvie Island)
 - Water - No organized water district
 - Fire Protection - RFPD #30
 - Drainage - Sauvie Island Drainage District
 - Sewage - No sewage treatment plant
10. Design Problems:
 - Streets-The proposed Douglas Road needs a temporary cul-de-sac where it abuts the adjacent property.
 - Lots: There are two block fours shown. Lots in Blk. 1, Lots 1-16, and Blk. 2, Lots 1, 2, 3 are bisected by an existing County road (Gillihan Road), and creates some unbuildable lots.

Conclusions

1. The subdivision proposal, which would permit 94 single family homes, conflicts with the F-2 classification and is inconsistent with the Comprehensive Plan
2. The proposal would permit removal of 496.21 acres of S.C.S. Class I, II and III soils from agriculture productivity and permits 94 single family homes on land currently used for agriculture. This is inconsistent with the policy set forth in ORS 215.243.
3. The majority of the proposal has severe septic tank limitations and would require sewage service not currently available. Some seasonal ponding occurs, requiring drainage.

3. Zoning: Approximately 90% of the proposal (80% of the 2-acre lots) is zoned F-2. Approximately 10% of the proposal (20% of the 2 acre lots) is zoned S-R.
4. Soil Capability (Based on the Soil Conservation Service information) The area is S.C.S. Class I, II and III soils; Class II soils dominates.
5. Septic Tank Suitability (Based on the S.O.M. Sauvie Island Study) The majority of the proposed 2 acre lots are suitable for septic tanks. The other portion (20%) is subject to seasonal ponding and severe septic tank limitations.
6. Hazards - Flood Plain(based on the S.O.M. Sauvie Island Study) Approximately 90% of the proposal (25% of the 2 acre lots) is subject to 100 year floods. Approximately 10% of the proposal (75% of the 2 acre lots) is above 100 year flood. All of proposal is behind an agricultural dike.
7. Wildlife (Oregon Wildlife Commission): The wooded area and cultivated fields contribute to the overall significant wildlife habitat on Sauvie Island.
8. Access: All lots are served by a proposed substandard road that connects to an existing County road (Sauvie Island Road).
9. Services: School - School District #19-JT (Sauvie Island)
Water - No organized water district
Fire Protection - RFPD #30
Drainage - Sauvie Island Drainage District
Sewage - No sewage treatment plant
10. Design Problems: Three lots (Blk. 3, Lots 9, 13, 14) are divided by a road, thereby creating separate, non-contiguous lots.

Conclusions

1. The subdivision proposal, which would permit 36 single family homes, conflicts with the F-2 zone classification and is inconsistent with the Comprehensive Plan.
2. The proposal would permit removal of 94 acres of S.C.S. Class I, II and III soils from agriculture productivity and permits 36 single family homes on land currently used for agriculture. This is inconsistent with the policy set forth in ORS 215.243.
3. Although the majority of the area covered by the proposal is suitable for septic tanks, the fact that a portion is unsuitable would require closer on-site appraisal of septic tank suitability.

4. The proposal is in a hazardous area since it would permit residences in an area protected only by an agricultural dike. The majority of the area is subject to 100 year floods.
5. This proposal would remove 94 acres of overall feeding and nesting grounds from the Sauvie Island wildlife habitat.
6. The proposed substandard roads would have to be dedicated and constructed to County road standards to be accepted as a public road.
7. It appears that services for the proposal are inadequate and require further study. Reports from the districts involved (school, fire, drainage, etc.) have not been received.
8. Serious lot design errors exist in this proposal creating separate, non-contiguous lots, divided by a road.

Signed December 11, 1975.

By


Chairperson

Filed with Clerk of the Board

Appeal to Board of County Commissioners

Any party may file Notice of Review with the Planning Director within 10 days of the date the Decision is filed with the Clerk of the Board.



MULTNOMAH COUNTY OREGON

Department of Environmental Services/Division of Planning and Development/2115 S.E. Morrison St./Portland, Oregon 97214 • 248-3043 9.

DECISION OF
MULTNOMAH COUNTY HEARINGS COUNCIL
Hearing of December 2, 1975

IN THE MATTER OF:

Subdivision File M 13-75

Site Location Sauvie Island Road, both sides,
 approximately 4 miles north of
 intersection with Reeder Road

Description Tax Lots '5', '6' and '8' in
 the north ½ of Section 31, 2N-1W

Site Size 125.44 Acres (Assessor's calculation)
 122 Acres (estimate by sponsor)

Present Zoning F-2, Agricultural District

Applicant E. D. Hicks
 1200 Standard Plaza
 1100 S. W. 6th Avenue, Portland 97204

Owner A. T. Sulmonetti
 8144 S. W. 3rd Avenue, Portland 97219

Proposal Petition to subdivide approximately
 122 acres into 18 lots of 2 acres or
 more and 2 lots of approximately 38
 acres or more

DECISION: Denied the subdivision proposal. The Council adopts the Staff Report and makes the following findings and conclusions:

Findings

1. Comprehensive Plan: The area covered by the proposal is designated agriculture-open space.
2. Land Use: The area is currently in agricultural use.
3. Zoning: The area is zoned F-2.
4. Soil Capability (Based on the Soil Conservation Service information)
The area is S.C.S. Class II and III.
5. Septic Tank Suitability (based on the S.O.M. Sauvie Island Study)
Approximately 45% of the proposal (60% of the 2 acre lots) is subject to seasonal ponding while the majority of the parcel has severe septic tank limitations.

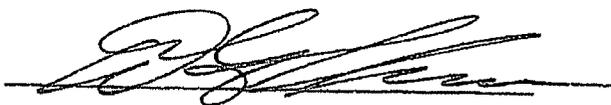
6. Hazards - Flood Plain based on the S.O.M. Sauvie Island Study)
The area is in a 100 year flood plain. It is protected by a dike.
7. Wildlife - (Oregon Wildlife Commission)
The wooded area and cultivated fields contribute to the overall significant wildlife habitat on Sauvie Island. Approximately 5% of this parcel is designated as duck ponds.
8. Access: Four lots are served by an existing County road (Sauvie Island Road). Sixteen lots would be served by a road, Sulmonetti Road, as proposed, would be substandard in terms of County width and construction standards.
9. Services:School - School District #19-JT (Sauvie Island)
Water - No organized water district
Fire Protection - RFPD #30
Drainage - Sauvie Island Drainage District
Sewage - No sewage treatment plan
10. Design Problems: The four lots fronting on Sauvie Island Road are divided into separate parts, creating separate, non-contiguous lots on the west side of the road.

Conclusions

1. The subdivision proposal, which would permit 20 single family homes, conflicts with the F-2 zone classification, and is inconsistent with the Comprehensive Plan.
2. The proposal would permit removal of 125.44 acres of S.C.S. Class II and III soils from agriculture productivity and permits 20 single family homes on land currently used for agriculture. This is inconsistent with the policy set forth in ORS 215.243.
3. The majority of the proposal has severe septic tank limitations and would require sewage service not currently available.
4. The proposal is in a hazardous area since it would permit residences in an area protected only by an agricultural dike. The area is also subject to 100 year floods.
5. This proposal would remove 125.44 acres of overall feeding and particularly effect a duck pond in the proposal.
6. The proposed substandard roads would have to be dedicated and constructed to County road standards to be accepted as a public road.
7. It appears that services for the proposal are inadequate and require further study. Reports from the districts involved (school, fire, drainage, etc) have not been received.

8. Serious lot design errors exist in this proposal creating separate, non-contiguous lots, divided by a road.

Signed December 11, 1975.

By 

Filed with Clerk of the Board

Appeal to Board of County Commissioners

Any party may file Notice of Review with the Planning Director within 10 days of the date the Decision is filed with the Clerk of the Board.

Decision



MULTNOMAH COUNTY OREGON

Department of Environmental Services/Division of Planning and Development/2115 S.E. Morrison St./Portland, Oregon 97214 • 248-3043 10.

DECISION OF
MULTNOMAH COUNTY HEARINGS COUNCIL
Hearing of December 2, 1975

IN THE MATTER OF:

Subdivision File M 14-75

Site Location Reeder Road, east side, approximately
1-3/4 miles northeasterly of the inter-
section with Gillihan Road

Description Northerly portion of Tax Lot '5',
on east side of Reeder Road in
northeast quarter of Section 26, 3N-1W

Site Size 12 Acres, more or less (Staff estimate)

Present Zoning F-2, Agricultural District

Applicant J. K. Reeder
Rt. 1, Box 393, Portland 97231

Owners E. L. Reeder
Rt. 1, Box 394, Portland 97231
J. E. Reeder
Rt. 1, Box 393, Portland 97231

Proposal Petition to subdivide approximately 12
acres or more into 5 lots of approximately
2 acres or more

DECISION: Denied the subdivision proposal. The Council adopts
the Staff Report and makes the following findings and conclusions:
Findings

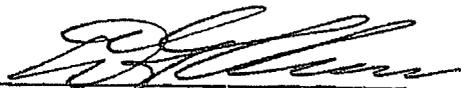
1. Comprehensive Plan: The majority of the area covered by the
proposal is designated as agricultural open space while a lesser
portion is designated Community Service.
2. Land Use: The area is currently in agricultural open-space
use (of which some is beach).
3. Zoning: The area is zoned F-2.
4. Soil Capability (based on the Soil Conservation Service information)
The area is S.C.S. Class II soils.
5. Septic Tank Suitability (Based on the S.O.M. Sauvie Island Study)
Approximately 30% of the proposal area is subject to seasonal
ponding. The entire parcel is subject to severe septic tank
limitations.

6. Hazards - Flood Plain based on the S.O.M. Sauvie Island Study
The area is in a 100 year flood plain. It is protected by an agricultural dike.
7. Wildlife - Oregon Wildlife Commission
The wooded area and cultivated fields contribute to the overall significant wildlife habitat on Sauvie Island.
8. Access: All lots are served by an existing County Road (Reeder Road).
9. Services: School - School District #19-JT
Water - No organized water district
Fire Protection - RFPD #30
Drainage - Sauvie Island Drainage District
Sewage - No sewage treatment plant
10. Design Problems: None

Conclusions

1. The subdivision proposal, which would permit 5 single family homes, conflicts with the F-2 zone classification, and is inconsistent with the Comprehensive Plan.
2. The proposal would permit removal of 12 acres of S.C.S. Class II soils from agriculture productivity and permits 5 single family homes on land currently used for agriculture. This is inconsistent with the policy set forth in ORS 215.243.
3. The entire proposal has severe septic tank limitations and would require sewage service not currently available. Some seasonal flooding occurs and would require drainage.
4. The proposal is in a hazardous area since it would permit residences in an area not protected by a dike. The area is also subject to 100 year floods.
5. This proposal would remove 12 acres of overall feeding and nesting grounds from the Sauvie Island wildlife habitat.
6. No new roads would be created by this proposal.
7. It appears that services for the proposal are inadequate and require further study. Reports from the districts involved (school, fire, drainage, etc.) have not been received.
8. No design problems.

Signed December 11, 1975.

By 
Chairperson

Filed with Clerk of the Board

Appeal to Board of County Commissioners

Any party may file Notice of Review with the Planning Director within 10 days of the date the Decision is filed with the Clerk of the Board.



MULTNOMAH COUNTY OREGON

Department of Environmental Services/Division of Planning and Development/2115 S.E. Morrison St./Portland, Oregon 97214 • 248-3043. 11.

DECISION OF
MULTNOMAH COUNTY HEARINGS COUNCIL
Hearing of December 2, 1975

IN THE MATTER OF:

Subdivision File M 15-75

Site Location Reeder Road, east side, approximately one and a quarter miles northeasterly of the intersection with Gillihan Road.

Description Southerly portion of Tax Lot '5' situated on the east side of Reeder Road in the southeast quarter of Section 26, 3N-1W

Site Size 24 acres, More or Less (Staff estimate)

Present Zoning F-2, agricultural and F-2, C-S agricultural, community service

Applicant J. K. Reeder
Rt. 1, Box 393, Portland, Oregon 97231

Owners E. L. Reeder J. E. Reeder
Rt. 1, Box 394 Rt. 1, Box 393
Portland 97231 Portland 97231

Proposal Petition to subdivide approximately 24 acres into 10 lots of approximately 2 acres or more.

DECISION: Denied the subdivision proposal. The Council adopts the Staff Report and makes the following findings and conclusions:
Findings

1. Comprehensive Plan: Approximately 50% of the area covered by the proposal is designated as Community Service. Approximately 50% of the parcel is designated agricultural-open space.
2. Land Use: The area is currently in agricultural-open space use.
3. Zoning: The area is zoned F-2.
4. Soil Capability - based on the Soil Conservation Service information
The area is S.C.S. Class II soils (some beach).
5. Septic Tank Suitability - based on the S.O.M. Sauvie Island Study
Approximately 20% of the proposal area is subject to seasonal ponding. The entire site is subject to severe septic tank limitation.

6. Hazards - Flood Plain based on the S.O.M. Sauvie Island Study
The area is in a 100 year flood plain. It is not protected by a dike.
7. Wildlife (Oregon Wildlife Commission)
The wooded area and cultivated fields contribute to the overall significant wildlife habitat on Sauvie Island.
8. Access: All ten lots are served by an existing County Road (Reeder Road).
9. Services: School - School District #19-JT (Sauvie Island)
Water - No organized water district
Fire Protection - RFPD #30
Drainage - Outside of Sauvie Island Drainage District
Sewage - No sewage treatment plan
10. Design Problems: No design problems.

Conclusions

1. The subdivision proposal, which would permit 10 single family homes, conflicts with the F-2 zone classification and is inconsistent with the Comprehensive Plan.
2. The proposal would permit removal of 24 acres of S.C.S. Class II soils from agriculture productivity and permits 10 single family homes on land currently used for agriculture. This is inconsistent with the policy set forth in ORS 215.243.
3. The majority of the proposal has severe septic tank limitations and would require sewage service not currently available. Some seasonal ponding occurs, requiring drainage.
4. The proposal is in a hazardous area since it would permit residences in an area not protected by a dike. The area is also subject to 100 year floods.
5. This proposal would remove 24 acres of overall feeding and nesting grounds from the Sauvie Island wildlife habitat.
6. No new roads are proposed.
7. It appears that services for the proposal are inadequate and require further study. Reports from the districts involved (school, fire, drainage, etc.) have not been received.

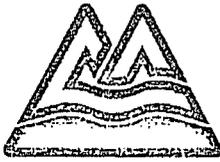
Signed December 11, 1975.

By 
Chairperson

Filed with Clerk of the Board

Appeal to Board of County Commissioners

Any party may file Notice of Review with the Planning Director within 10 days of the date the Decision is filed with the Clerk of the Board.



MULTNOMAH COUNTY OREGON

Department of Environmental Services/Division of Planning and Development/2115 S.E. Morrison St./Portland, Oregon 97214 • 248-3043 12.

DECISION OF
MULTNOMAH COUNTY HEARINGS COUNCIL
Hearing of December 2, 1975

IN THE MATTER OF:

Subdivision File M 16-75

Site Location Gillihan Road, both sides, from one to two miles south of intersection with Reeder Road.

Description Tax Lot 2 as assessed in Section 11, excluding the northerly portion of Tax Lot 2 situated on the east side of Gillihan Road (between Tax Lot 12 in the N W ¼ of Sec 11 and Tax Lot 12 in the S W ¼ of Sec 2); plus all of Tax Lot 3 as assessed in Section 11; all in T 2 N, R 1 W, W.M.

Site Size 710 acres, more or less (based on Assessor's calculations) 500 acres (estimate by applicant)

Present Zoning F-2, Agricultural District

Sponsor 500 acres (estimate by applicant)
Messrs. Beall, Jacobson and Winter
c/o A. F. Winter
A. W. Reidell Bullier Building
420 S.W. Washington Street
Portland, Oregon - 97204

Owners

John Beall	Alfred Winter
12005 N. Burgard	Gile Road
Portland,	Long Beach
Oregon - 97203	Washington - 98631

LaVerne Jacobson
Camel Square, Suite 200-A
4350 E. Cambelback Road
Phoenix, Arizona - 85018

Proposal Petition to subdivide approximately 500 acres into 84 lots of approximately 2 acres or more and 12 lots of approximately 38 acres or more.

DECISION: Denied the subdivision proposal. The Council adopts the Staff Report and makes the following findings and conclusions:

Findings

1. Comprehensive Plan: Approximately 70% of the area covered by the proposal (80% of the 2 acre lots) is designated single family residential. The remaining 30% (20% of the 2 acre lots) is designated agricultural-open space.

2. Land Use: The area is currently in agricultural use.
3. Zoning: The majority of the area is zoned F-2.
4. Soil Capability (Based on the Soil Conservation Service information)
The area is S.C.S. Class II and III soils.
5. Septic Tank Suitability (Based on the S.O.M. Sauvie Island Study)
Approximately 20% of the total proposal (50% of the 2 acre lots) is suitable for septic tank use. Approximately 80% of the total proposal (50% of the 2 acre lots) is subject to severe septic tank limitations with 35% of it subject to seasonal ponding.
6. Hazards - Flood Plain (Based on the S.O.M. Sauvie Island Study)
The area is in a 100 year flood plain. It is protected by an agricultural dike.
7. Wildlife - Oregon Wildlife Commission: Approximately 10% of the site is designated as a duck pond. The wooded area and cultivated fields contribute to the overall significant wildlife habitat on Sauvie Island.
8. Access: Twenty lots are served by an existing County road (Gillihan Road). The other 76 lots would be served by a road which, as proposed, would be substandard in terms of County width and construction standards.
9. Services:
School - School District #19-JT
Water - No organized water district
Fire Protection - RFPD #30
Drainage - Sauvie Island Drainage District
Sewage - No sewage treatment plant
10. Design Problems: Two lots (blk. 2, Lots 13 and 14) have double frontage. The proposed A. F. Winter Road has no outlet to a dedicated public road and is dependent upon adjacent property development for access. The southerly boundary of Block 3 is a half-street. All streets dead-ending into the adjacent property need temporary cul-de-sacs so as not to be dependent upon adjacent development. Provisions for continuation of streets to adjacent unsubdivided property not shown.

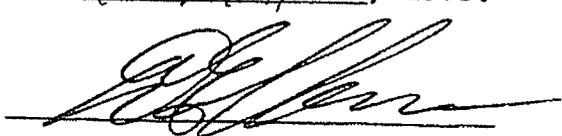
Conclusions

1. The subdivision proposal, which would permit 96 single family homes, conflicts with the F-2 zone classification and is, in part, inconsistent with the Comprehensive Plan. Therefore, the applicant needs a zone change to S-R to permit this use and a redesign of the subdivision proposal to conform to the Comprehensive Plan.

2. The proposal would permit removal of 710 acres of S.C.S. Class II and III soils from agriculture productivity and permits 96 single family homes on land currently used for agriculture. This is inconsistent with the policy set forth in ORS 215.243.
3. The majority of the proposal has severe septic tank limitations and would require sewage service not currently available. Some seasonal ponding occurs, requiring drainage.
4. The proposal is in a hazardous area since it would permit residences in an area protected only by an agricultural dike. The area is also subject to 100 year floods.
5. This proposal would remove 710 acres of overall feeding and nesting grounds from the Sauvie Island wildlife habitat, particularly effecting duck ponds on the site.
6. The proposed substandard roads would have to be dedicated and constructed to County road standards to be accepted as a public road.
7. It appears that services for the proposal are inadequate and require further study. Reports from the districts involved (school, fire, drainage, etc.) have not been received.
8. Serious lot design errors exist in this proposal. (See Findings #10 - lots).

The proposal is dependent upon adjacent properties for completion of its road system, thereby creating illegal lots (no access). The proposal does not allow for possible continuation of roads into future subdivision on adjacent properties.

Signed December 11, 1975.

By 

Filed with Clerk of the Board

Appeal to Board of County Commissioners

Any party may file Notice of Review with the Planning Director within 10 days of the date the Decision is filed with the Clerk of the Board.



MULTNOMAH COUNTY OREGON

Department of Environmental Services/Division of Planning and Development/2115 S.E. Morrison St./Portland, Oregon 97214 • 248-3043 13.

DECISION OF
MULTNOMAH COUNTY HEARINGS COUNCIL
Hearing of December 2, 1975

IN THE MATTER OF:

Subdivision File M 17-75

Site Location Reeder Road, both sides, from Gilbert River
northerly for approximately one mile

Description Tax Lots '1' and '5', Section 4;
Tax Lots '9', '10' and '11' (as assessed
in Section 5); and Tax Lots '2', part of
'4', all of '5' and '13' (as assessed in
Section 9); all in 2N-1W

Site Size 1,275 acres, more or less, according to
Assessor's calculations

1,097 acres estimated by applicant on
application

1,400 acres estimated by applicant on
preliminary plat map

Present Zoning F-2, agricultural district
S-R, suburban-residential district

Applicant Messrs Jacobson and Winter
c/o A. F. Winter
A. W. Reidel Bullier Bldg.
420 S. W. Washington Street
Portland, 97204

Owners A. Winter
Gile Road
Long Beach, Washington 98631

L. Jacobson
Camel Square, #200-A
4350 E. Camelback Road
Phoenix, Arizona 85018

Proposal Petition to subdivide approximately 1,400
acres into 126 lots of approximately 2 acres
or more and 17 lots of approximately 38 acres
or more

DECISION: Denied the subdivision proposal. The Council adopts
the Staff Report and makes the following findings and conclusions:

Findings

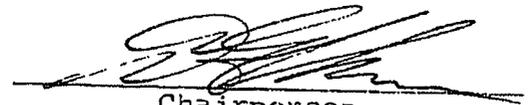
1. Comprehensive Plan: The area covered by the proposal is designated an agricultural open space.
2. Land Use: The area is currently in agricultural use.
3. Zoning: Approximately 75% of the total proposal (50% of 2 acre lots) is zoned F-2. Approximately 20% of the total proposal is zoned S-R (50% of the 2 acre lots)
4. Soil Capability (Based on the Soil Conservation Service information)
The area is S.C.S. class II and III soils.
5. Septic Tank Suitability (Based on the S.O.M./Sauvie Island Study)
Approximately 50% of the total proposal (20% of the 2 acre lots) is subject to seasonal ponding. The entire proposal is subjected to severe septic tank limitations.
6. Hazards - Flood Plain (Based on the S.O.M. Sauvie Island Study)
The area is in a 100 year flood plain. It is protected by an agricultural dike.
7. Wildlife - Oregon Wildlife Commission - There are duck ponds on approximately 25% of the proposal. The wooded area and cultivated fields contribute to the overall significant wildlife habitat.
8. Access: One hundred seventeen (117) lots are served by existing County roads (Reeder Road and Oak Island Road). The other 26 lots are served by a road which as proposed, would be substandard in terms of County width and construction standards.
9. Services: School - School District #19-JT
Water - No organized water district
Fire Protection - RFPD #30
Drainage - Sauvie Island Drainage District
Sewage - No sewage treatment plant
10. Design Problems: All streets dead-ending into the adjacent property need temporary cul-de-sacs should the adjacent property not be developed.

Conclusions

1. The subdivision proposal, which would permit 143 single family homes, conflicts in part, with the F-2 zone classification and is inconsistent with the Comprehensive Plan.
2. The proposal would permit removal of 1,275 acres of S.C.S. Class II and III soils from agriculture productivity and permits 143 single family homes on land currently used for agriculture. This is inconsistent with the policy set forth in ORS 215.243.
3. The majority of the proposal has severe septic tank limitations and would require sewage service not currently available. Some seasonal ponding occurs, requiring drainage.
4. The proposal is in a hazardous area since it would permit residences in an area protected only by an agricultural dike. The area is also subject to 100 year floods.

5. This proposal would remove 1,275 acres of overall feeding and nesting grounds from the Sauvie Island wildlife habitat, particularly effecting duck ponds on the site.
6. The proposed substandard roads would have to be dedicated and constructed to County road standards to be accepted as a public road.
7. It appears that services for the proposal are inadequate and require further study. Reports from the districts involved (school, fire, drainage, etc.) have not been received.
8. The proposal is dependent upon adjacent properties for completion of its road system. The proposal does not allow for possible continuation of roads into future subdivisions on adjacent properties.

Signed December 11, 1975

By 
Chairperson

Filed with Clerk of the Board

Appeal to Board of County Commissioners

Any party may file Notice of Review with the Planning Director within 10 days of the date the Decision is filed with the Clerk of the Board.



MULTNOMAH COUNTY OREGON

Department of Environmental Services/Division of Planning and Development/2115 S.E. Morrison St./Portland, Oregon 97214 • 248-3043 15.

DECISION OF
MULTNOMAH COUNTY HEARINGS COUNCIL
Hearing of December 2, 1975

IN THE MATTER OF:

Subdivision File M 27-75

Site Location Gillihan Road, southeast side, from
 $\frac{1}{2}$ to 1 mile from Sauvie Island Bridge

Description Tax Lot '1' as assessed in Section 27, 2N-1W

Site Size 121.44 Acres (Assessor's calculation)

Present Zoning F-2, Agricultural District
M-1, Heavy Manufacturing District

Applicant R. E. Wilson, Vice President
B and W Feed Company, Inc.
P. O. Box 6186, Portland 97231

Owner Same

Proposal Petition to subdivide approximately
121 acres into 57 lots of approximately
2 acres or more.

DECISION: Denied the subdivision proposal. The Council adopts
the Staff Report and makes the following findings and conclusions:

Findings

1. Comprehensive Plan: Approximately 50% of the area covered by
the proposal is designated as single family and 50% agricultural-
open space.
2. Land Use: The area is currently in agricultural use.
3. Zoning: The area is zoned F-2.
4. Soil Capability - (Soil Conservation Service Information)
The area is S.C.S. Class II soils.
5. Septic Tank Suitability (Based on the S.O.M. Sauvie Island Study)
The majority of the area has severe septic tank limitations.
6. Hazards - Flood Plain (Based on the S.O.M. Sauvie Island Study)
The entire proposal is in a 100 year flood plain. It is protected
by an agricultural dike.

7. Wildlife - Oregon Wildlife Commission: The wooded area and cultivated fields contribute to the overall significant wildlife habitat on Sauvie Island.
8. Access: Eight lots are served by an existing County road (Gillihan Road). The other 49 lots are served by a road which, as proposed, would be substandard in terms of County width and construction standards.
9. Services: School - School District #19-JT
Water - No organized water district
Fire Protection - RFPD #30
Drainage - Sauvie Island Drainage District
Sewage - No sewage treatment plant
10. Design Problems: The proposed Armstrong Ct. (northeast property line) should extend eastward to provide access to property adjacent to the east property line. The lots on the southwest side, fronts on a proposed road which would be on the adjacent property and would be dependent on development of that property for access.

Conclusions

1. The subdivision proposal, which would permit 57 single family homes, conflicts with the F-2 zone classification, and is, in part, inconsistent with the Comprehensive Plan. Therefore, the applicant needs a zone change to S-R to permit this use and a redesign of the subdivision proposal is necessary to conform to the Comprehensive Plan.
2. The proposal would permit removal of 121.44 acres of S.C.S. Class II soils from agriculture productivity and permits 57 single family homes on land currently used for agriculture. This is inconsistent with the policy set forth in ORS 215.243.
3. The majority of the proposal has severe septic tank limitations and would require sewage service not currently available.
4. The proposal is in a hazardous area since it would permit residences in an area protected only by an agricultural dike. The area is also subject to 100 year floods.
5. This proposal would remove 121.44 acres of overall feeding and nesting grounds from the Sauvie Island Wildlife habitat.
6. The proposed substandard roads would have to be dedicated and constructed to County road standards to be accepted as a public road.
7. It appears that services for the proposal are inadequate and require further study. Reports from the districts involved (school, fire, drainage, etc.) have not been received.
8. The proposal is dependent upon the adjacent properties for completion of its road system, thereby creating illegal lots (no access). The proposal does not allow for possible continuation of roads into future subdivisions on adjacent properties.

Decision



MULTNOMAH COUNTY OREGON

Department of Environmental Services/Division of Planning and Development/2115 S.E. Morrison St /Portland, Oregon 97214 • 248-3043 16.

DECISION OF
MULTNOMAH COUNTY HEARINGS COUNCIL
Hearing of December 2, 1975

IN THE MATTER OF:

Subdivision M 28-75

Site Location Oak Island Road, northwest side,
approximately 3 miles north of
intersection with Reeder Road

Description Tax Lot '17', Section 32, 3N-1W

Site Size 26.17 Acres (Assessor's calculation)

Present Zoning F-2, Agricultural District

Applicant B. E. Molinari
5393 S. W. Dover Court, Portland 97225

Owner Acron Corporation
5005 S. E. Park, Milwaukie, Oregon 97222

Proposal Petition to subdivide approximately
26 acres into 12 lots of approximately
2 acres or more.

DECISION: Denied the subdivision proposal. The Council adopts the Staff Report and makes the following findings and conclusions:

Findings

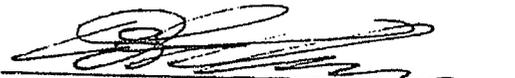
1. Comprehensive Plan: The area covered by the proposal is designated a agricultural-open space.
2. Land Use: The area is currently in agricultural use.
3. Zoning: The area is zoned F-2.
4. Soil Capability (Based on the Soil Conservation Service Information)
The area is S.C.S. Class II and III soils.
5. Septic Tank Suitability (Based on the S.O.M. Sauvie Island Study)
Approximately 90% of the total proposal (all 2 acre lots) is subject to seasonal ponding and the entire proposal has severe septic tank limitations.
6. Hazards - Flood Plain (Based on the S.O.M. Sauvie Island Study)
The area is in a 100 year flood plain and is protected by an agricultural dike.

7. Wildlife - Oregon Wildlife Commission: The wooded area and cultivated fields contribute to the overall significant wildlife habitat on Sauvie Island. Approximately 30% of the proposal is designated as duck ponds.
8. Access: Four lots are served by an existing County road (Oak Island Road). The remaining 8 lots would be served by a road which, as proposed, would be substandard in terms of County width and construction.
9. Services:
 - School - School District #19-JT
 - Water - No organized water district
 - Fire Protection - RFPD #30
 - Drainage - Sauvie Island Drainage District
 - Sewage - No sewage treatment plant
10. Design Problems: No design problems

Conclusions

1. The subdivision proposal, which would permit 12 single family homes, conflicts with the F-2 zone classification, and is inconsistent with the Comprehensive Plan.
2. The proposal would permit removal of 26.17 acres of S.C.S. Class II and III soils from agriculture productivity and permits 12 single family homes on land currently used for agriculture. This is inconsistent with the policy set forth in ORS 215.243.
3. The majority of the proposal has severe septic tank limitations and would require sewage service not currently available. The majority of the area is subject to seasonal ponding, requiring extensive drainage.
4. The proposal is in a hazardous area since it would permit residences in an area protected only by an agricultural dike. The area is also subject to 100 year floods.
5. This proposal would remove 26.17 acres of overall feeding and nesting grounds from the Sauvie Island wildlife habitat, particularly effecting duck pond on the site.
6. The proposed substandard roads would have to be dedicated and constructed to County road standards to be accepted as a public road.
7. It appears that services for the proposal are inadequate and require further study. Reports from the district involved (school, fire, drainage, etc.) have not been received.

Signed December 11, 1975.

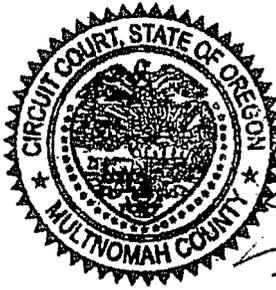
By 
Chairperson

Filed with Clerk of the Board

Appeal to Board of County Commissioners

Any party may file Notice of Review with the Planning Director within 10 days of the date the Decision is filed with the Clerk of the Board.

ENTERED
DEC 26 2006
IN REGISTER SD



CERTIFIED TO BE A TRUE
COPY OF THE ORIGINAL.

DATED: JAN 03 2007

PH

FILED

06 DEC 18 PM 3:37

[Signature]
COURT CLERK

CIRCUIT COURT
FOR MULTNOMAH COUNTY

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

FRED HALL,
Plaintiff

Case No. 0603-02342

v.

GENERAL JUDGMENT

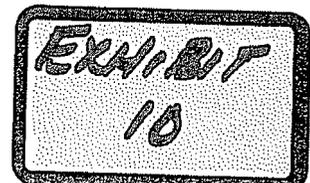
MULTNOMAH COUNTY,
Defendant.

This case came before the court for trial on December 4, 2006, the Honorable Douglas G. Beckman presiding. Plaintiff was represented by James Leuenberger and defendant was represented by Stephen L. Madkour, Assistant County Attorney.

Testimony and evidence was presented by both parties in support of their cases and at the conclusion the parties rested. At the close of the evidence, defendant moved for a directed verdict pursuant to ORCP 60. The court denied defendant's motion, finding that there was some evidence that subsequent regulations may have reduced the value of plaintiff's properties.

Based on the testimony of the witnesses, and the evidence on record, Judge Beckman rendered a verdict in favor of the defendant Multnomah County and against plaintiff Fred Hall, and issued special findings as follows:

1. For parcels 1 and 2, which is in the Zone F2, the plaintiff had the burden of proving that under F2 in 1971 he could have created this high-density residential area with 60 to 75 lots in this hilly forest area of Multnomah County.



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2. That zoning ordinance required that the district not be used for any use except the following: grazing, agriculture, horticulture or the growing of timber, and that the dwelling or dwellings for the owner, operator or help required to carry out the grazing, agriculture, horticulture and the growing of timber – those were the uses that were available in 1971.
3. And the court found no evidence that any dwelling would be required – that’s the word that’s used in the ordinance – that the dwelling be required to carry out these grazing and agriculture and other uses.
4. There was no evidence that any dwelling would be required to carry out grazing, agriculture, horticulture, or the growing of timber, according to Paragraph 3.112 of the Multnomah County Zoning Ordinance.
5. Plaintiff also failed to meet his burden of proving how any subsequent regulation reduced the fair market value. An appraisal, like the one in the Wiley matter, is needed to show first that – what is the market value of the property as-is in 2005, and secondly the market value of the property without the minimum 160-acre lot size, and the difference between the two would be the reduction in fair market value.
6. In Fred Hall’s case, the court did not have a credible or firm baseline for the as-is value, nor did the court have the value of Parcel 1 or 2 without this 160-minimum lot size. Plaintiff’s appraiser did not calculate or even consider what it would cost to create smaller lots and the accompanying costs of roads, water, sewer or septic, utilities, cables, etc. He wasn’t asked to do that, and he just opined what a two-acre home site might go for in an already-approved subdivision in that area of Multnomah County. His comps, though, already had water, roads, utilities, etc., and so it was an apples-to-oranges comparison.
7. Now, Fred Hall’s conclusory ballpark estimate that costs would be about ten per cent of the completed lots is not supported by any evidence or any facts showing why this is a real cost figure. Under *State Highway Commission v. Central Paving*, the Court is required to disregard the irrelevant testimony of plaintiff’s appraiser, since he did not back out any absorption costs, such that proper factors for determining a reduction in value were not considered by the expert witness at all, nor did he consider any health or safety issues which of course the County still has the duty to impose and supervise, concerning road slopes, maximum grades, fire breaks, etc. He made no evaluation of whether the lots would be used for grazing, agriculture, horticulture, timber, or whether such small lots would be feasible for such use.
8. Finally, the court does not believe the County would have approved a land-use permit, which is required under 8.90 – Paragraph 8.90 – of the Zoning Ordinance in 1971 for anything near the scope of this 62-lot, high-density residential area.

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9. On Parcel No. 3, that is CFU 80, it is a commercial forest use, authorizing uses associated with the production, management and harvesting of timber, and wood processing operations, farm use, and so forth. Again, the court finds no credible evidence that any dwelling was necessary for the forest uses such as timber production and harvesting, or other uses permitted in a commercial forest-use zone, such as wood chipping or farm use, or whether a home would meet fire safety measures and other County requirements for a dwelling in a commercial forest use area. Again, plaintiff's appraiser assessment leaps over these issues and assumes a hypothetical condition that a lot is buildable under the regulations and requirements that existed in 1991, when plaintiff acquired the 90 acres. Again, he does not calculate any absorption costs, or a credible baseline value as-is for the proper computation of a Measure 37 claim, so the Court is left really with no basis to make the proper before-and-after calculation of any reduction in fair market value caused by the subsequent 160-acre lot size requirement.

10. For these reasons, and based on these findings and conclusions, the Court awards judgment in favor of Multnomah County and against Fred Hall.

Therefore, IT IS HEREBY ORDERED AND ADJUDGED that a GENERAL JUDGMENT be entered in favor of defendant Multnomah County and against plaintiff Fred Hall.

MONEY AWARD

1. Judgment Creditor: Multnomah County

2. Judgment Creditor Address: Office of County Attorney
501 SE Hawthorne Boulevard, Suite 500
Portland, OR 97214
503/988-3138

3. Judgment Debtor: Fred Hall

4. Judgment Debtor's Address: 23421 NW Moreland Road
North Plains, OR 97133

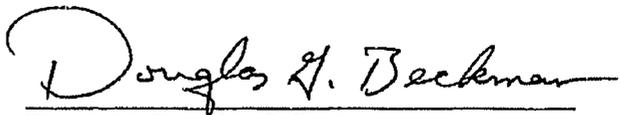
Judgment Debtor's Birthday: Unknown
Judgment Debtor's Social Security No.: Unknown
Judgment Debtor's ODL#: Unknown

Judgment Debtor's Attorney: James Leuenberger, OSB# 89154

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- 5. Public Body Entitled to Award: Multnomah County
- 6. Amount of Money Award: None
- 7. Pre-Judgment Interest Owed: None
- 8. Post-Judgment Interest Owed: 9 % simple from date of judgment on item 10.
- 9. Costs: None
- 10. Prevailing Party Fee: \$550.00
- 11. Attorney Fees: None

DATED this ^{15th} ~~18~~ day of December, 2006.


Honorable Douglas G. Beckman
Circuit Court Judge

Judgment Submitted by:



Stephen L. Madkour, OSB #94109
Assistant County Attorney
Of Attorneys for Defendant

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 08-020

Urging the Oregon State Department of Land Conservation and Development to Use the County's Interpretation of its Historic F-2 Zoning District Regulations in Certain State Determinations Under Measure 49

The Multnomah County Board of Commissioners Finds:

- a. On November 6, 2007, voters in the State of Oregon approved Measure 49, which substantially amends Measure 37. The new law went into effect December 6, 2007.
- b. For areas outside an Urban Growth Boundary, the Oregon State Department of Land Conservation and Development (DLCD) will be evaluating claims that were filed prior to the end of the last legislative session to determine if they are eligible for relief in the form of a specific number of home sites.
- c. Under Measure 49, DLCD is charged with determining whether, on the claimant's acquisition date, the claimant lawfully was permitted to establish the number of home sites requested. To make this determination, DLCD will review and interpret both state and local regulations.
- d. It is in the best interests of the County to share its interpretation of its own regulations with DLCD.
- e. In particular, the County should share with DLCD the County's interpretation of its historic F-2 zoning district regulations in effect from 1958 to 1975 because those regulations apply to approximately one-third of the claims filed in Multnomah County that are now subject to review by DLCD under Measure 49.
- f. The F-2 zoning district implemented the County's planning policy to preserve rural lands for agriculture and open space uses at densities appropriate to the limited infrastructure in these areas.
- g. In relevant part, the F-2 district regulations permitted a dwelling or dwellings for the owner, operator and/or help required to carry out grazing, agriculture, horticulture or the growing of timber.
- h. **The F-2 district regulations did not incorporate a test for determining whether a dwelling was required to carry out a farm or timber use.**
- i. **The County presumed, within limits, that new dwellings in the F-2 district were associated with farm or timber uses given the rural location of the district and viewed this presumption as sufficient to implement its rural lands policy.**
- j. Multnomah County planning records establish the existence and application of the presumption. Within the F-2 district, the County approved permits for dwellings and subdivisions of modest size without requiring a showing that such dwellings were required for a farm or forest use. For example, the largest subdivision approved and developed in the F-2 district without a showing of its necessity for a farm or forest use consisted of 19 lots.

- k. Multnomah County planning records establish further that the presumption was limited—larger scale development and residential subdivisions were denied as inconsistent with the County’s rural land policy. The fact that the presumption is limited is further supported by the 2007 decision of the Multnomah County Circuit Court in *Fred Hall v. Multnomah County*, in which the court determined that the County would not have approved a 62-lot subdivision in the F-2 district in 1971.
- l. The evidence shows that even the maximum relief per property under Measure 49—ten new home sites—does not exceed the number of new dwellings that would have been approved by the County under and in accordance with the F-2 zoning district regulations without a showing that such dwellings were required to carry out a farm or timber use.
- m. Restrictions on new dwellings under Measure 49 operate to ensure further that, where applicable, relief under the Measure will be consistent with the historic F-2 zoning district regulations. The restrictions include a three home site cap on high value farm and forest land; a prohibition on new claims challenging historic regulations; and the limitation that a claimant cannot ask for more units than they listed in their original claim.

The Multnomah County Board of Commissioners Resolves:

- 1. When interpreting the County’s F-2 zoning district regulations for purposes of implementing Measure 49, the Board urges the DLCD to employ the same presumption used by the County and to find a request by a claimant for ten or fewer home sites to be consistent with the F-2 regulations and County Comprehensive Plan. To that end, the Board urges DLCD to refrain from incorporating into the F-2 zoning district regulations a test for determining whether a dwelling was required to carry out a farm or timber use.
- 2. In accordance with Section 8(4) of Measure 49, the Multnomah County Division of Land Use and Transportation will send a copy of this Resolution together with supporting documentation to DLCD.

ADOPTED this 28th day of February, 2008.

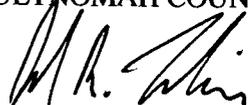


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Jed R. Tomkins, Assistant County Attorney

SUBMITTED BY:
Ted Wheeler, County Chair



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (long form)

APPROVED : MULTNOMAH COUNTY
 BOARD OF COMMISSIONERS
 AGENDA # R-6 DATE 2/28/08
 ANA KARNES, ASST BOARD CLERK

Board Clerk Use Only

Meeting Date: 02/28/08
 Agenda Item #: R-6
 Est. Start Time: 10:15 AM
 Date Submitted: 02/19/08

BUDGET MODIFICATION: MCSO – 08

Budget Modification MCSO-08 Appropriating \$167,000 General Fund
Agenda Contingency to Continue to Operate 57 Jail Beds at the Multnomah County
Title: Detention Center from March 1, 2008 through March 31, 2008

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

Requested Meeting	<u>February 28, 2008</u>	Amount of Time Needed:	<u>5-10 minutes</u>
Department:	<u>Sheriff's Office</u>	Division:	<u>Corrections</u>
Contact(s):	<u>Wanda Yantis</u>		
Phone:	<u>503-988-4455</u>	Ext.	<u>84455</u>
		I/O Address:	<u>503/350</u>
Presenter(s):	<u>Christine Kirk, Captain Luna and Gayle Burrow</u>		

General Information

1. What action are you requesting from the Board?

Appropriation of \$167,000 of General Fund contingency to continue to operate a double bunked module (62 beds) at MCDC from March 1, 2008 through March 31, 2008. This funds both the Sheriff's Office and Corrections Health operation of these beds.

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

In the Approved budget 114 beds were planned to be closed as part of the County budget reduction for FY 2008. During the Board budget deliberations amendments were made to fund a double bunked module at MCDC of these beds for the first three months of the year and earmark contingency funds to make the continued use of these beds available for the rest of the fiscal year. Contingency funds were further approved for five more months, ending February 29, 2008. With this double bunked module open, our funded system capacity is at 1633 beds. MCSO and Corrections Health are requesting contingency funding

be made available for continued operation of these beds for the month of March of this fiscal year.

The continual balancing of the male and female population to limit population releases has been dependant on having some flexibility in the system. Prior to entering the seasonal lower bookings, the score of persons released were very high and there was a struggle to find persons for release who do not represent a high level of risk to the community. Since that time, there has been a continual balancing of the population and housing options to prevent releases. Solutions based on short term trends include: reassigning modules as either male or female to deal with short term trends, temporarily closing modules to aggregate unused capacity to decrease overtime spending and reopening modules when needed to prevent releases. Day to day efforts include: carefully watching the 10 p.m. count and determining how many court releases will occur the next day, staging persons for releases to lower the count, and monitoring and communicating with the US Marshalls to ensure that their population does not bring us to emergency population releases.

The total number of beds in the system and careful monitoring of the daily count has allowed us to limit emergency population releases during the last 4 months, to the greatest degree possible.

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

The General Fund contingency would be decreased by \$167,000 Corrections Health budget would increase by \$25,050 and the Sheriff's Office budget for the current fiscal year would increase by \$141,950 which funds the program from March 1st through March 31st, 2008. The ongoing need for these beds will be addressed as part of the FY 2009 budget process.

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

Elimination of the double bunked module, 62 beds, will change the budgeted capacity from 1633 to 1571. Industry standards are that the population should be between 90-95% to be able to effectively manage the population. Our capacity management plan indicates that we are in a population emergency at 97% of capacity.

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

The FY 2008 program offers were reviewed by the Sheriff's Citizen Budget Advisory Committee (CBAC), reviewed and ranked by the Safety Outcome Team, and was part of the approved budget discussed in public budget hearings and work sessions.

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?**
Not applicable.
- **What budgets are increased/decreased?**
The County-wide General Fund Contingency is decreased by \$167,000
The Sheriff's Office General Fund budget is increased by \$141,950
The Corrections Health budget is increased by \$25,050
Increase the Risk Fund by \$29,258.
- **What do the changes accomplish?**
Funds the continuing operation of the double bunked module at MCDC from March 1st, through March 31st, 2008.
- **Do any personnel actions result from this budget modification? Explain.**
This program would add no new FTE to the Sheriff's Office but would continue to fund 16.52 positions through March of 2008.
- **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?**
Not applicable.
- **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?**
Program Offer 60021K - MCSO MCDC Offer K - 57 Beds was submitted but not purchased in the adopted budget, however the Board earmarked contingency funds in a budget amendment to make these beds available.
- **What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?**
With the latest CYE our budget projections are currently at 99%. With only 50% of the year over, a one percent margin can easily change by unanticipated major incidents, community events, capital equipment failures or from open contract settlements to list a

few. At the end of the year any remaining budgeted dollars are returned to the general fund for beginning working capital.

- **Why are no other department/agency fund sources available?**

All agency funds are assigned to operate the programs that the Board purchased.

- **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?**

The continuing operation of these beds will be addressed in the FY 2009 budget process.

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

Program Offer 60021K - MCSO MCDC Offer K - 57 Beds for 9 Months was submitted but not purchased in the adopted budget, however the Board earmarked contingency funds in a budget amendment to make these beds available if there was sufficient community need in October.

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: MCSO - 08

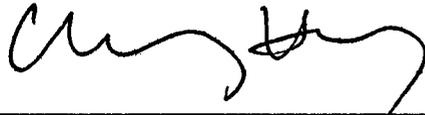
Required Signatures

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



Date: 02/19/2008

Budget Analyst:



Date: 02/19/08

Department HR:



Date: 02/19/2008



Department of County Management
MULTNOMAH COUNTY OREGON

Budget Office

501 SE Hawthorne Blvd., Suite 531
Portland, Oregon 97214
(503) 988-3312 phone
(503) 988-5758 fax
(503) 988-5170 TDD

TO: Board of County Commissioners

FROM: Ching Hay, Budget Analyst

DATE: February 19, 2008

SUBJECT: General Fund Contingency Request for \$167,000 for Jail Beds and Corrections Health

A General Fund earmark of \$1.5 million was included in the FY 2008 Adopted Budget to operate 57 jail beds and associated corrections health for the remainder of the fiscal year.

In September 2007, a budget modification was approved that tapped \$665,000 to operate jail beds till January 31, 2008.

This request is for \$167,000 to operate jail beds from March 1 to March 31, 2008.

General Fund Contingency Policy Compliance

The Budget Office is required to inform the Board if contingency requests submitted for approval satisfy the general guidelines and policies for using the General Fund Contingency.

In particular,

- Criteria 1 states contingency requests should be for one-time-only purposes. If this is not judged to be one-time-only transition funding, the request essentially funds ongoing programs with one-time-only emergency contingency funds. **This item is not for a one-time-only purpose.**
- Criteria 2 Addresses emergencies and unanticipated situations. **This item does not address these.**
- Criteria 3 addresses items identified in Board Budget Notes. **This item was not addressed in a budget note. However, it was earmarked in the General Fund contingency.**

Budget Modification ID: **MCSO - 08****EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 2008

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	19	1000	20		9500001000			(167,000)	(167,000)		Contingency	
2								0				
3	60-30	1000	50		601410		60000	60,024	60,024		Permanent	
4	60-30	1000	50		601410		60110	6,756	6,756		Overtime	
5	60-30	1000	50		601410		60120	1,335	1,335		Premium	
6	60-30	1000	50		601410		60130	23,396	23,396		Salary-Related	
7	60-30	1000	50		601410		60140	22,717	22,717		Insurance	
8	60-30	1000	50		601410		60170	291	291		Professional Services	
9	60-30	1000	50		601410		60200	81	81		Printing	
10	60-30	1000	50		601410		60240	4	4		Communications	
11	60-30	1000	50		601410		60260	2,283	2,283		Food	
12								0				
13	60-30	1000	50		601473		60000	5,497	5,497		Permanent	
14	60-30	1000	50		601473		60130	1,896	1,896		Salary-Related	
15	60-30	1000	50		601473		60140	1,328	1,328		Insurance	
16								0				
17	60-30	1000	50		601210		60000	3,382	3,382		Permanent	
18	60-30	1000	50		601210		60130	1,085	1,085		Salary-Related	
19	60-30	1000	50		601210		60140	1,138	1,138		Insurance	
20								0				
21	60-30	1000	50		601465		60000	3,489	3,489		Permanent	
22	60-30	1000	50		601465		60130	1,120	1,120		Salary-Related	
23	60-30	1000	50		601465		60140	1,148	1,148		Insurance	
24								0				
25	60-30	1000	50		601484		60000	3,003	3,003		Permanent	
26	60-30	1000	50		601484		60130	873	873		Salary-Related	
27	60-30	1000	50		601484		60140	1,104	1,104		Insurance	
28								0				
29								0				
									(25,050)	(125,250)	Total - Page 1	
									0	0	GRAND TOTAL	

Budget Modification ID: **MCSO - 08****EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 2008

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						
30								0				
						CORR HEALTH PORTION						
31	40-50	1000	30		405500		60000	6,308	6,308			Permanent
32	40-50	1000	30		405500		60130	1,982	1,982			Salary-Related
33	40-50	1000	30		405500		60140	1,823	1,823			Insurance
34	40-50	1000	30		405500		60170	10,249	10,249			Prof Svc
35	40-50	1000	30		405500		60310	4,687	4,687			Drugs
36								0				
37	72-10	3500	20		705210		50316	(29,258)	(29,258)			Risk Fund
38	72-10	3500	20		705210		60330	29,258	29,258			Risk Fund

ANNUALIZED PERSONNEL CHANGE

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

						ANNUALIZED			
Fund	Job #	HR Org	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
1000	2029	61944	Corrections Officer		10.92	720,284	248,424	174,080	1,142,788
									0
			CORR HEALTH PORTION						0
1000	6001	61508	Office Asst 2		1.00	32,484	10,423	12,411	55,318
1000	6315	61508	Comm. Health Nurse		0.60	43,217	13,363	9,469	66,049
									0
			SUPPORT PROGRAM OFFERS						0
1000	2029	61961	Corrections Officer		1.00	65,960	22,748	15,940	104,648
1000	6150	61913	MCSO Rec Tech		1.00	40,588	13,024	13,660	67,272
1000	6268	64972	Corr Cnslr		1.00	41,864	13,436	13,772	69,072
1000	6258	61970	Facilities Security Officer		1.00	36,032	10,480	13,248	59,760
									0
									0
									0
									0
			TOTAL ANNUALIZED CHANGES		16.52	980,429	331,898	252,580	1,564,907

Cost Center PO
 601473 60016B
 601210 60011
 601465 60017
 601484 60014B

CURRENT YEAR PERSONNEL DOLLAR CHANGE

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

						CURRENT YEAR			
Fund	Job #	HR Org	Position Title	Position Number	2nd of last 5 months	2nd of last 5 mos-BASE PAY	2nd of last 5 mos-FRINGE	2nd of last 5 mos-INSUR	TOTAL
1000	2029	61944	Corrections Officer		0.91	60,024	20,702	14,507	95,232
									0
			CORR HEALTH PORTION						0
1000	6001	61508	Office Asst 2		0.08	2,707	869	1,034	4,610
1000	6315	61508	Comm. Health Nurse		0.05	3,601	1,114	789	5,504
									0
			SUPPORT PROGRAM OFFERS						0
1000	2029	61961	Corrections Officer		0.08	5,497	1,896	1,328	8,721
1000	6150	61913	MCSO Rec Tech		0.08	3,382	1,085	1,138	5,606
1000	6268	64972	Corr Cnslr		0.08	3,489	1,120	1,148	5,756
1000	6258	61970	Facilities Security Officer		0.08	3,003	873	1,104	4,980
									0
									0
									0
									0
			TOTAL CURRENT FY CHANGES		1.38	81,702	27,658	21,048	130,409

Cost Center PO
 601473 60016B
 601210 60011
 601465 60017
 601484 60014B



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 02/28/08
Agenda Item #: R-7
Est. Start Time: 10:25 AM
Date Submitted: 02/19/08

Agenda Title: **RESOLUTION Establishing the Population Capacity and Adopting a Revised Capacity Management Action Plan for the Multnomah County Sheriff's Office Jail Facilities and Repealing Resolution 07-141**

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

Requested Meeting Date: February 28, 2008 **Amount of Time Needed:** 5 Minutes
Department: Sheriff's Office **Division:** Corrections
Contact(s): Christine Kirk
Phone: 503.988.4301 **Ext.** 84301 **I/O Address:** 503/350
Presenter(s): Chief of Staff Christine Kirk

General Information

1. What action are you requesting from the Board?

Adoption of the resolution establishing the Population Capacity for Multnomah County Sheriff's Office Jail Facilities which include the Multnomah County Detention Center and Multnomah County Inverness Jail. The resolution will also revise the Capacity Management Action Plan and repeal Resolution 07-141.

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

It is necessary to review the Capacity Management Plan when –

1. The maximum capacity in the system changes (design capacity)
2. The population limit changes (budgeted capacity)
3. The County Attorney, District Attorney and Sheriff's Office as defined in ORS 169.042, 169.044 and 169.046 have reviewed the Plan and have provided recommendations for change to the Board.

If the funded jail capacity was changed by the outcome of Budget Modification MCSO-08

Appropriating \$167,000 General Fund Contingency to Continue to Operate 57 Jail Beds at the Multnomah County Detention Center from March 1, 2008 through March 31, 2008, the population limit of the jail system must be reset from 1633 to 1571 to reflect that change. This then allows for emergency population releases should they be required.

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

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

ORS 169.042, 169.044 and 169.046 set forth the legal paramaters for setting a capacity limit and creating an Capacity Management Plan in correctional facilities.

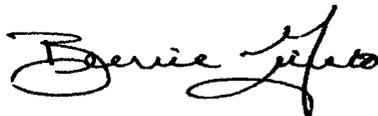
Creation and compliance with the Plan is important as 169.046 provides that, “[a] sheriff shall be immune from criminal or civil liability for any good faith release of inmates under ORS 169.042 to 169.046.”

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

The Sheriff, District Attorney and County Attorney have been provided the revision for review and input.

Required Signature

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



**Date: February 18,
2008**

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Establishing the Population Capacity and Adopting a Revised Capacity Management Action Plan for the Multnomah County Sheriff's Office Jail Facilities and Repealing Resolution 07-141

The Multnomah County Board of Commissioners Finds:

- a. The Board of County Commissioners and the Sheriff are committed to operating the county's jails in a manner that is consistent with prevailing constitutional standards and statutory provisions regarding conditions of confinement.
- b. The maximum population capacity of the Multnomah County Detention Center (MCDC) has changed over time as a result of design changes, temporary construction and capital improvement projects.
- c. Resolution 06-014 established and amended the maximum jail population and capacity management plan for MCDC.
- d. The Sheriff, District Attorney and the County Attorney reviewed the maximum population capacity as established in Resolution 06-014 and recommended the maximum MCDC capacity remain 676, consistent with the current design capacity, physical condition and program capabilities, prevailing constitutional standards, statutory provisions regarding conditions of confinement.
- e. Multnomah County Inverness Jail (MCIJ) is an integral part of the County jail system. The population capacity at MCIJ is dictated by land use regulations and cannot exceed 1068.
- f. The jail system in Multnomah County has changed significantly over time and now consists of MCIJ, a medium security facility, and MCDC a maximum security facility. The Sheriff, District Attorney and the County Attorney determined that the county jail population is best managed with a system population capacity, taking into account the individual facility capacities as specified above.
- g. The Board has reviewed and considered the recommendations and consulted with the elected and appointed officials identified in ORS 169.046.

The Multnomah County Board of Commissioners Resolves:

1. Pursuant to ORS 169.042 and 169.044 the population limit for the Multnomah County jail system consisting of MCDC and MCIJ is set at 1571.

2. If the number of inmates housed within the Multnomah County Jail System reaches 97% of the population limit, a county jail population emergency will exist.
3. The attached Capacity Management Action Plan (Plan) is adopted and will be implemented in accordance with ORS 169.044 in the event of a county jail population emergency.
4. The Sheriff or designee, in the event the Sheriff is unable to act, will implement the Plan in the event of a county jail population emergency.
5. The Board, the Local Public Safety Coordinating Council, or the Sheriff may request a review of the Population Capacity at MCDC and/or the Capacity Management Plan.
6. The Board may issue additional orders or resolutions to carry out the functions and authority granted to Multnomah County under ORS 169.042, 169.044 and 169.046.
7. This resolution takes effect and Resolution 07-141 is repealed on February 28, 2008.

ADOPTED this 28th day of February, 2008.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Jacqueline A. Weber, Assistant County Attorney

SUBMITTED BY:
Bernie Giusto, Multnomah County Sheriff

CAPACITY MANAGEMENT ACTION PLAN

- I. This Capacity Management Action Plan ("Plan") is adopted pursuant to ORS 169.044 to resolve a county jail population emergency. A jail population emergency exists when the total jail population exceeds 97 percent of its population limit. In the event of a county jail population emergency, the Sheriff or his designee will implement this Plan.

- II. The intent of this Plan is to resolve a jail population emergency by holding in jail those that have been evaluated and found to represent the greatest threat to the safety of the community and releasing those that pose the least risk. Such evaluations will be based on objective criteria reasonably calculated to:
 - A. Resolve the jail population emergency;
 - B. Ensure community safety; and
 - C. Comply with prevailing constitutional and Oregon jail standards relating to conditions of incarceration.

- III. The Sheriff or his designee will develop and implement policies and procedures in which every person in custody of the Sheriff, and eligible under the Sheriff's authority to release, is evaluated using the following criteria:
 - A. Risk to self or other persons;
 - B. Propensity for violence;
 - C. Criminal Charges (person vs. non person);
 - D. Prior failures to follow court orders;
 - E. Parole, probation, or post-prison revocations; and
 - F. Institutional behavior or classification.

- IV. Persons whose current charge relates to or who have a criminal history involving the following shall receive special consideration:
 - A. Domestic violence;
 - B. Sex abuse;
 - C. Child abuse or crimes relating to children;
 - D. Risk to a known victim;

- E. Gang violence;
 - F. Crimes involving a weapon;
 - G. A history of an inability to comply with release conditions or sentencing orders (including Failure to Appear);
 - H. A history of Driving Under the Influence of an Intoxicants; or
 - I. A history of property crimes.
- V. A numerical score will be assigned to each person in custody and will rank the inmate population from highest to lowest score as indicated in Attachment A. The lowest score will represent the least threat to community safety.
- VI. As defined in ORS 169.005, the categories in this Plan apply to only to unsentenced offenders. In the event of multiple charges pending against a single inmate, the most serious charge will determine the inmate's primary charge category. Only unsentenced offenders may be released for population reasons. Releases for population reasons will be made based upon the lowest score. Also, the Sheriff may release one gender with higher scores, if releasing the other gender with lower scores would only make available beds that would not be filled because there are no gender appropriate inmates waiting to be housed or no gender appropriate inmates classified for housing at the available bed.
- VII. In addition to the numerical score described herein, both sentenced and unsentenced inmates with a classification status consistent with confinement in a medium security facility will be transferred to MCIJ for housing as the population at MCIJ permits and as needed to reduce the population at MCDC.
- VIII. The Plan shall ensure compliance with ORS 169.046 regarding notice of a county jail population emergency.
- IV. The Sheriff may adopt, amend, and rescind MCSO policies and procedures as necessary to ensure compliance with the intent of section II of this Plan.

ATTACHMENT A – CAPACITY MANAGEMENT PLAN

CHARGE LEVEL	PERSON ^{1 2}	NON PERSON ²
Measure 11	150	150
Class A Felony	135	100
Exemption	100 points: Burglary 1	35 points: MCS I and all DCS I related charges, with the exception of DCS to a Minor or Using a Minor in a Drug Offense
Class B Felony	80	35
Exemption	Escape I is 135 points.	50 points: MCS II, Possession of Precursor 20 points: PCS I
Class C Felony	50	20
Exemption	80 points: <ul style="list-style-type: none"> • Attempted Escape I • Negligent Homicide • Stalking - Violation of a Court Protective Order • Unlawful use of a Weapon • - Felony DUII 	35 points: <ul style="list-style-type: none"> • Identity Theft • Forgery • UUMV 50 points: <ul style="list-style-type: none"> • Tampering with a Witness • Riot • Attempted Theft by Extortion
Class A Misd.	25	14
Exemption	50 points: DUII 80 points: <ul style="list-style-type: none"> • Stalking • Violation of a Court Protective Order 	35 points: Mail Theft 50 points: Strangulation
Class B Misd.	14	7
Class C Misd	NA	7
Unclassified Misd/Ordinances	7	7
		170 points: - Restraining Order Violation
Violation	NA	7

¹ Person crimes are those defined by the Oregon Criminal Justice Commission, all child abuse and crimes relating to children, including delivering controlled substances to a child, using a child in a drug offense, all sex abuse, firearms related crimes, escape and any conspiring to commit those crimes defined here as person crimes.

² The charge of Conspiring to Commit a Crime is treated the same the charge for the crime (example Conspiring to Commit a Burglary I is the same score as Burglary I).



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 02/28/08
Agenda Item #: WS-3
Est. Start Time: 10:45 AM
Date Submitted: 02/21/08

Agenda Title: Wapato Discussion

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

Requested Meeting Date: 2-28-08 **Amount of Time Needed:** 45 minutes
Department: Chair's Office **Division:** Non-Departmental
Contact(s): Bill Farver
Phone: 988-5066 **Ext.** **I/O Address:** 503/600
Presenter(s): Mike Schrunk, Phil Anderchuk , Jay Heidenreich

General Information

1. What action are you requesting from the Board?

Briefing on alternative proposals for opening Wapato.

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

The Department of Community Justice released a concept paper on Wapato at a Board briefing on 2-4-08. Since then, four work groups have been refining the proposal, developing specific budgets and working through operational issues.

The proposal has generated considerable discussion about how to open the Wapato facility in the most cost efficient manner and the manner best suited to the long run needs of the public safety system.

This briefing will offer an opportunity to discuss an alternative approach to opening the Wapato facility and redesigning how MCDC is currently used.

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

The alternative approach is still at a conceptual level. Budget detail is being developed following the same process used for the original DCJ treatment proposal. A specific proposal for using the

Wapato facility will be part of Chair's Executive budget released April 17.

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

The proposals are designed to address the most pressing needs of the public safety system in the most cost effective manner. All proposals need to be in compliance with the land use issues concerning Wapato. Other legal and policy issues will be covered in the presentations.

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

Will be a major focus of upcoming budget discussions.

Required Signature

Elected Official or
Department/
Agency Director:



Date: 02/21/08

Wapato Options

BCC Briefing, February 28, 2008

OPTION "A"

- 150 Treatment Beds at Wapato
- MCSO closes 266 jail beds.
- System capacity, including Treatment is 1517
- Estimated cost of \$11m

OPTION "B"

- 96 Treatment Beds at MCDC
- 96 Work Release Beds at MCDC
- 150 jail beds at Wapato
- MCDC un-double bunked
- Increase in Close Custody classification at MCIJ
- System capacity, including Treatment and Work Release is 1635
- Estimated cost of \$9.5m

OPTION "C"

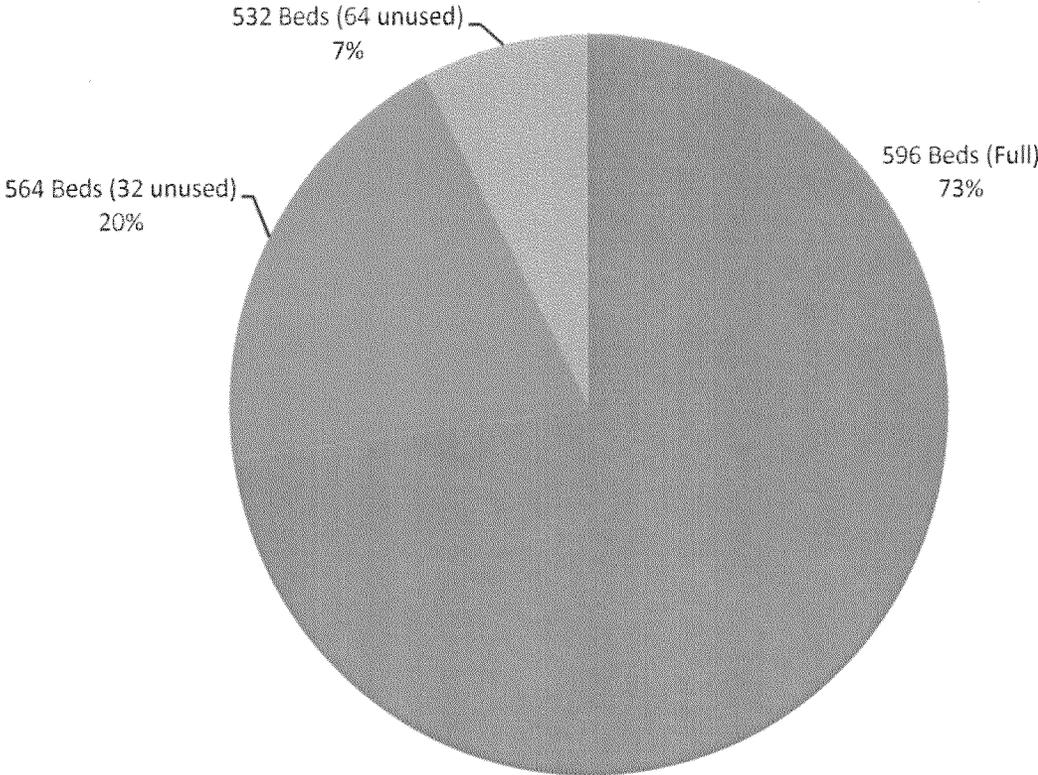
- 150 Treatment Beds at Wapato
- 96 Work Release Beds at MCDC
- 150 jail beds at Wapato
- One closed floor at MCDC
- MCDC un-double bunked
- Increase Close Custody classification at MCIJ
- System capacity, including Treatment and Work Release is 1689
- Estimated cost of \$11m

February 28, 2008 Board Meeting – Jail Bed Use Data

R-6 Budget Modification

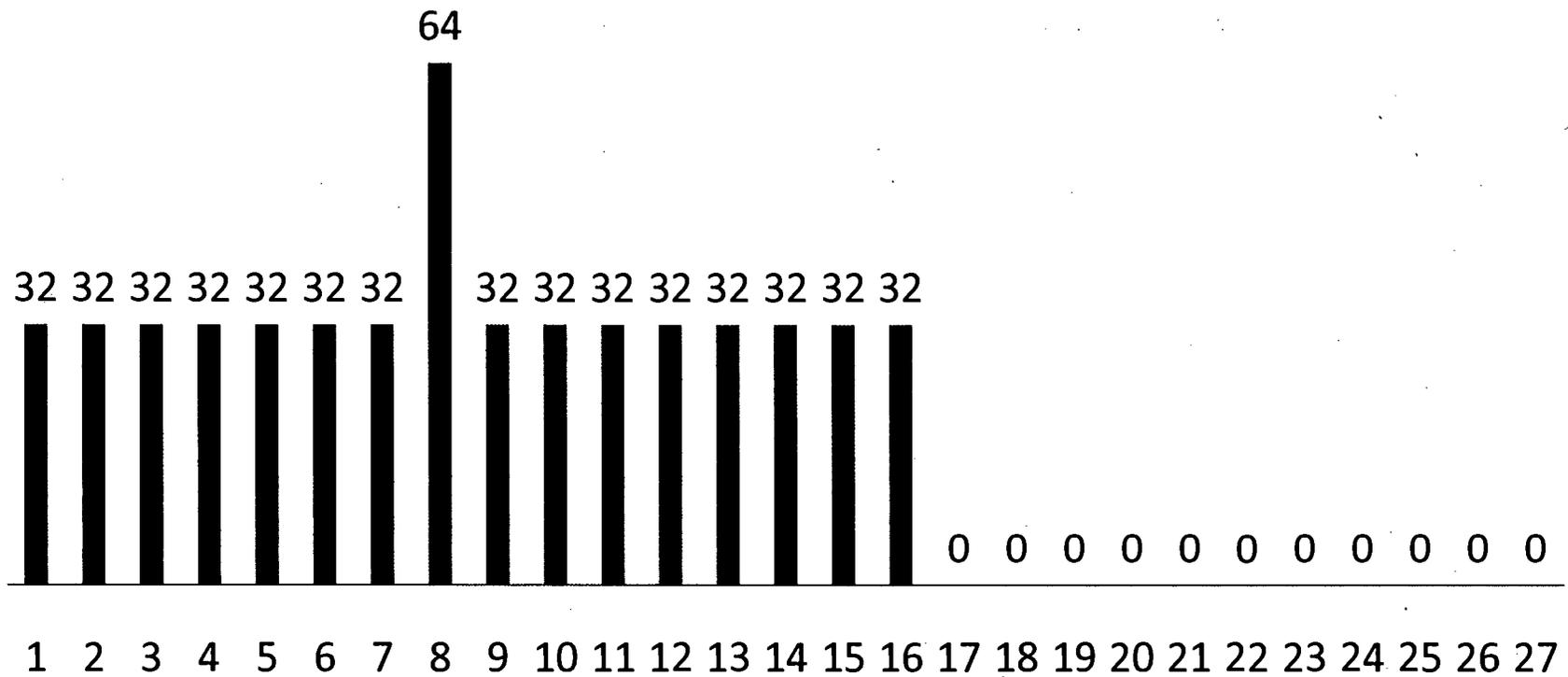
MCSO-08 Appropriating \$167,000 General Fund Contingency to Continue to Operate 57 Jail Beds at the Multnomah County Detention Center from March 1, 2008 through March 31, 2008

Number of Days MCDC Beds Used/Unused July 1 - February 27, 2008

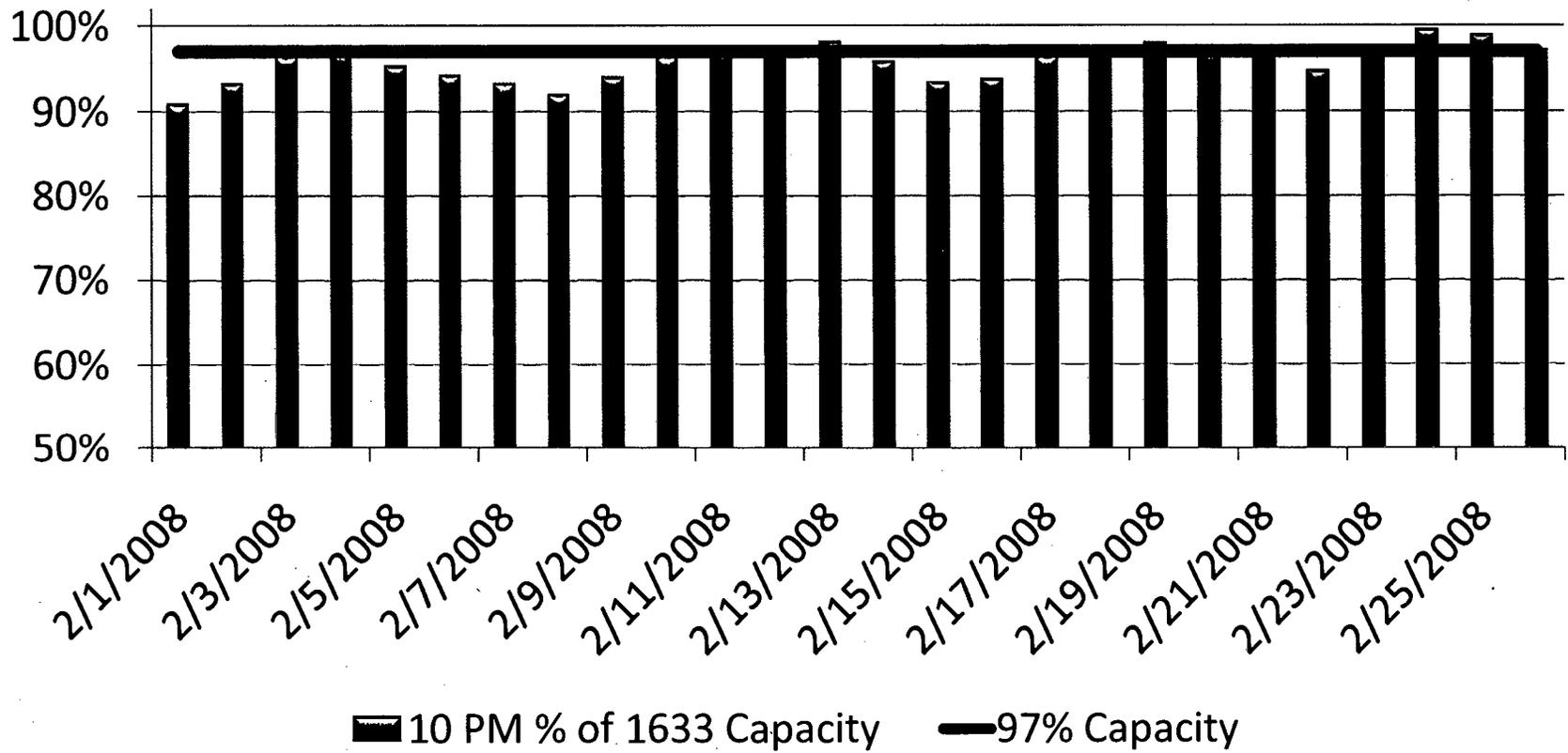


February 1 to 27, 2008 Bed Closures

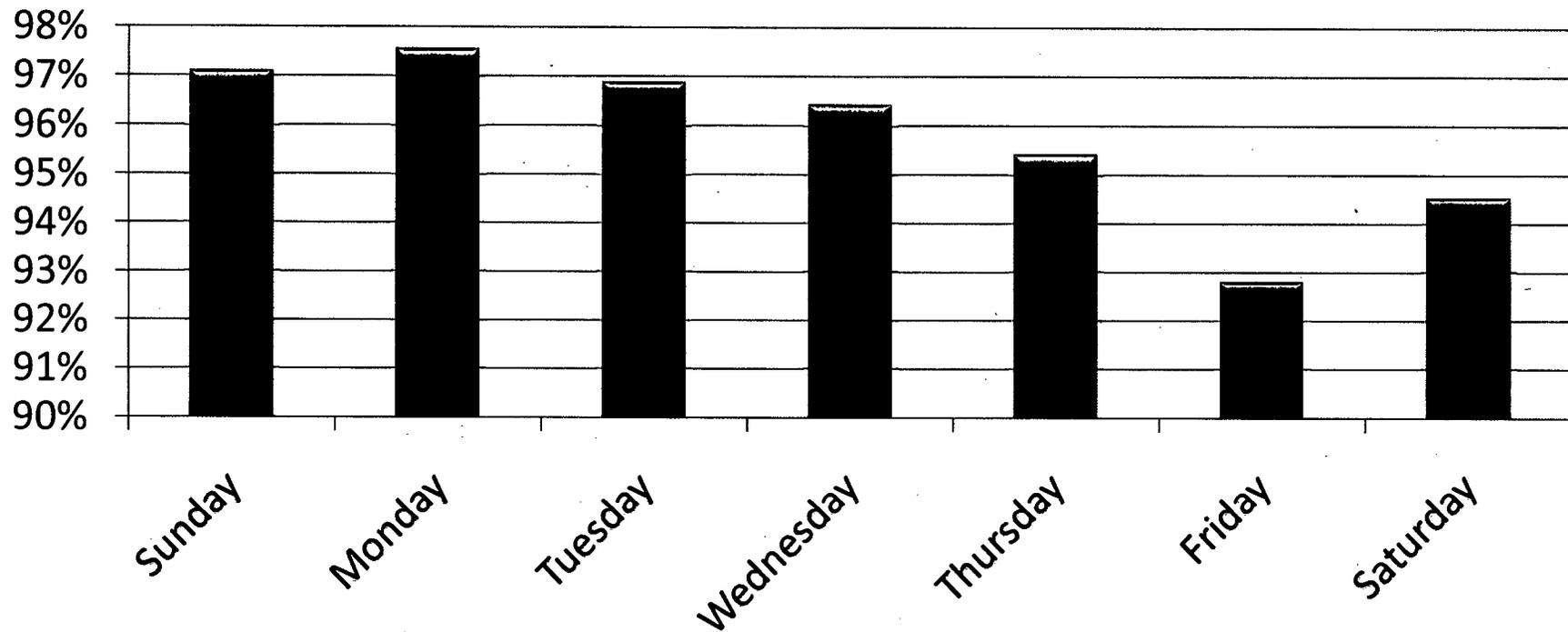
■ Budgeted Beds Closed



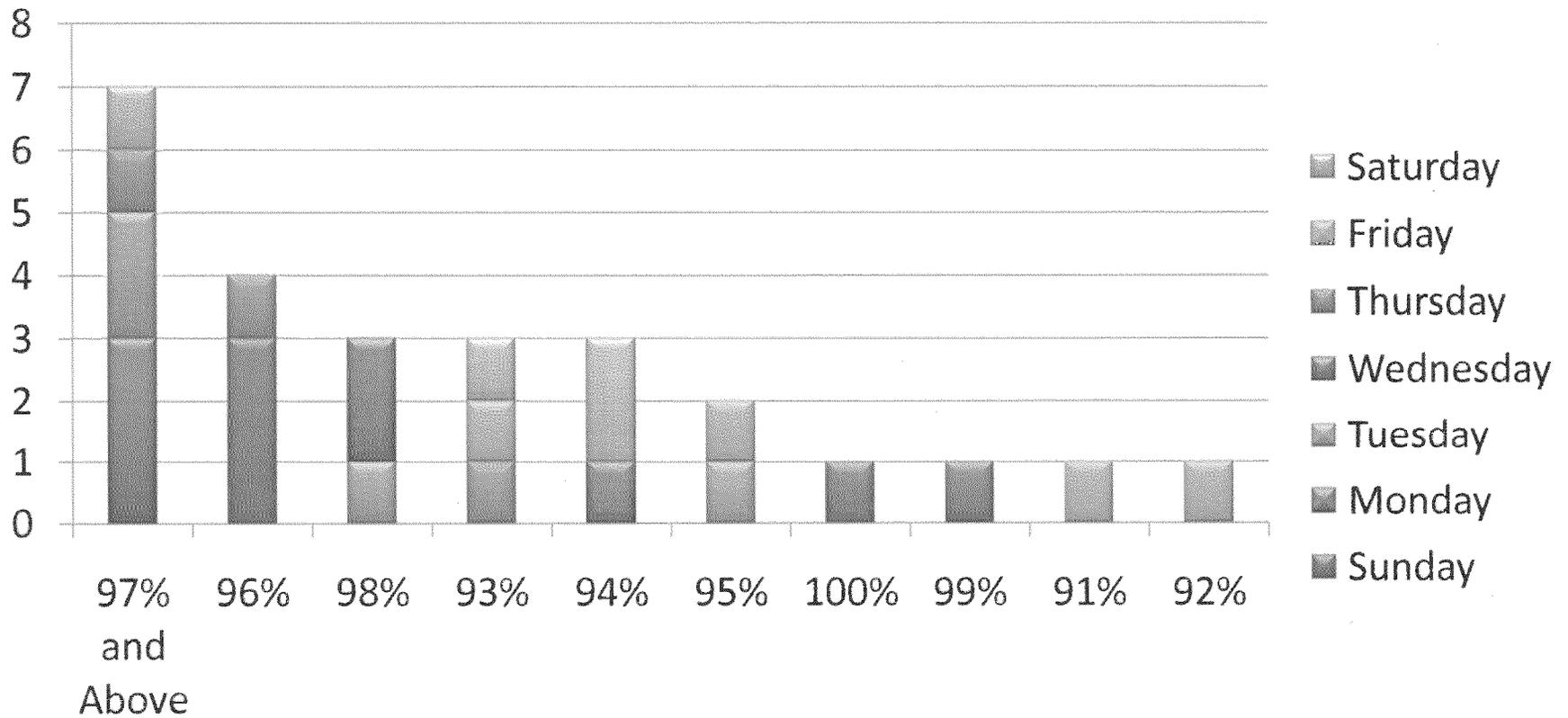
February Percent of 1633 Capacity



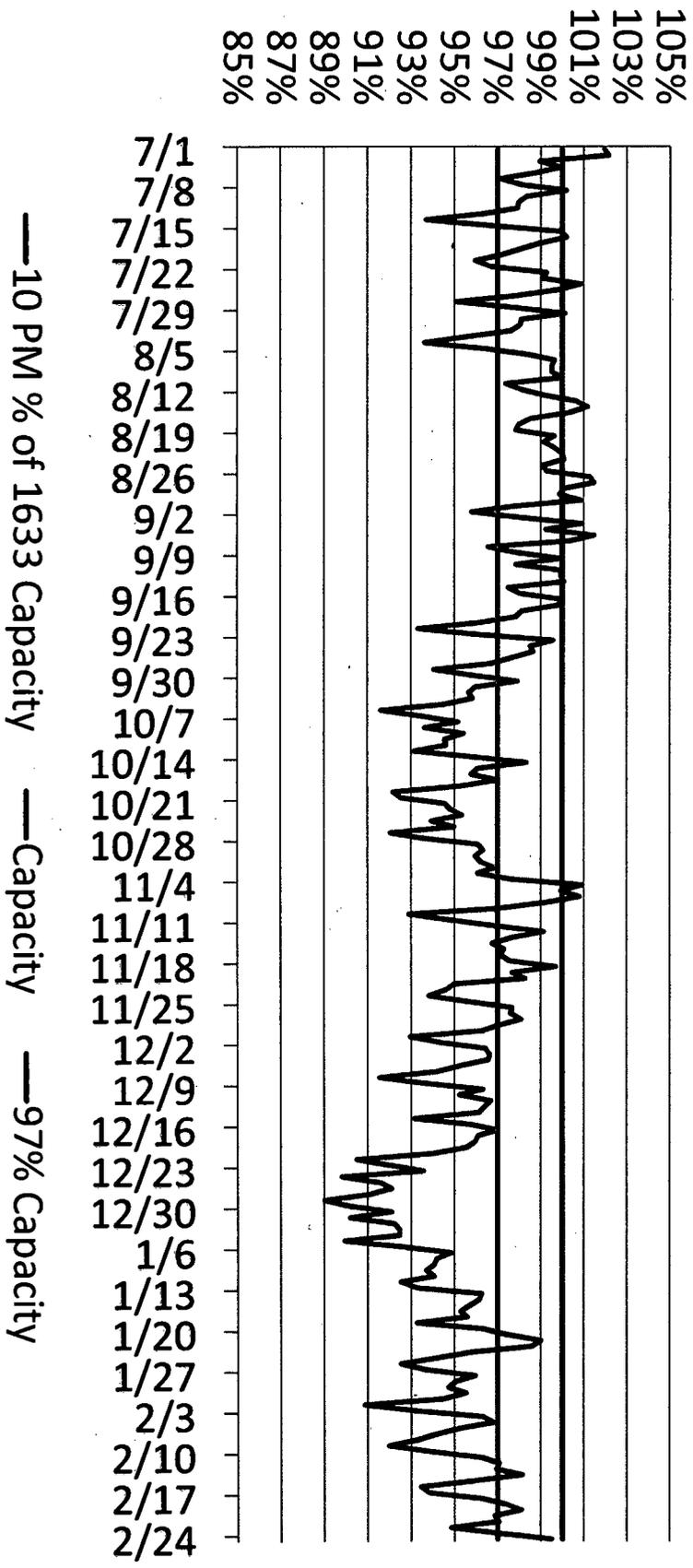
Average percent of Capacity by Day of the Week (February 1 -26, 2008)



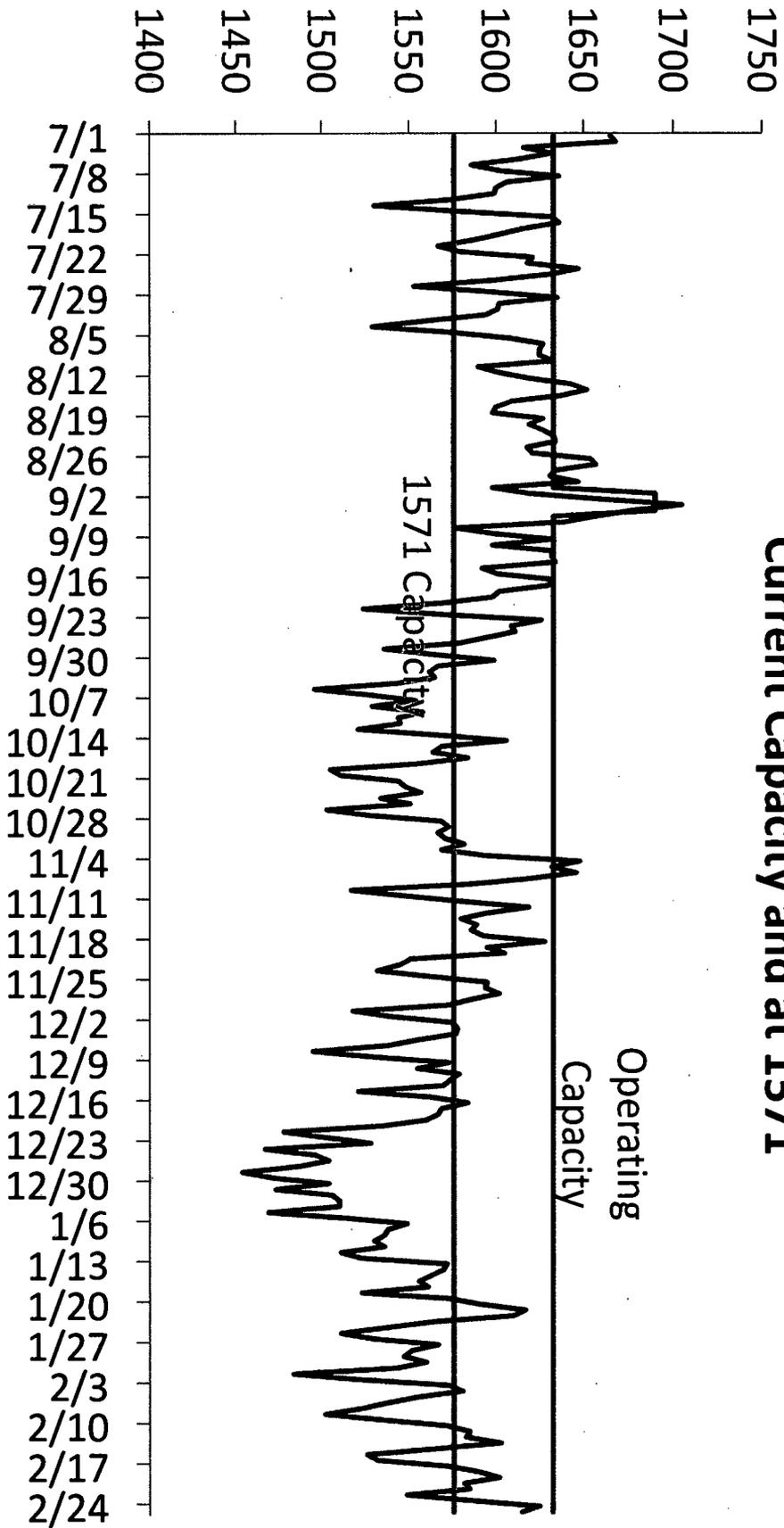
Percent of Capacity and Number of Occurrences by Day of the Week (February 1 - 26, 2008)



Percentage of 1633 Capacity In Use as of the 10 PM Count



10 PM Facility Counts July 1 through January 27, 2008 Current Capacity and at 1571



Look at 1571(1633-62) Capacity In Use and Status of Population Emergency (97%)

