

Multnomah County
State of the Arts





Multnomah County Oregon

Board of Commissioners & Agenda

connecting citizens with information and services

BOARD OF COMMISSIONERS

Ted Wheeler, Chair

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

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

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

Maria Rojo de Steffey, Commission Dist. 1

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

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

Email: district1@co.multnomah.or.us

Jeff Cogen, Commission Dist. 2

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

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

Email: district2@co.multnomah.or.us

Lisa Naito, Commission Dist. 3

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

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

Email: district3@co.multnomah.or.us

Lonnie Roberts, Commission Dist. 4

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

Phone: (503) 988-5213 FAX (503) 988-5262

Email: lonnie.j.roberts@co.multnomah.or.us

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MAY 27, 28 & 29, 2008 BOARD MEETINGS FASTLOOK AGENDA ITEMS OF INTEREST

Pg 2	9:00 a.m. Tuesday Executive Session
Pg 2	11:00 a.m. Wednesday TSCC Public Hearings on 07-08 County Supplemental Budget and 08-09 Multnomah County Budget
Pg 3	9:30 a.m. Thursday Public Comment
Pg 3	9:30 a.m. Thursday Service Districts Budgets
Pg 5	10:45 a.m. Thursday Supporting Restoration of Simple Majority Voting Requirement
Pg 5	10:50 a.m. Thursday Direction for County's Legislative Activities for the 2009 Session of the Oregon Legislature in Support of Funding for Court Facilities
Pg 5	11:10 a.m. Thursday Directing Facilities to Pursue Land Use Entitlements for the North Hawthorne Bridgehead, Preferred Site for a New Courthouse in Government Center

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

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

Saturday, 10:00 AM, Channel 29

Sunday, 11:00 AM, Channel 30

Tuesday, 8:15 PM, Channel 29

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Tuesday, May 27, 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.
-

Wednesday, May 28, 2007 - 11:00 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

TAX SUPERVISING AND CONSERVATION COMMISSION PUBLIC BUDGET HEARINGS

- PH-1 The Tax Supervising and Conservation Commission will conduct PUBLIC HEARINGS on the 2007-2008 Multnomah County Supplemental Budget and on the 2008-2009 Multnomah County Budget.
-

Thursday, May 29, 2008 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

CONSENT CALENDAR - 9:30 AM **DEPARTMENT OF COUNTY HUMAN SERVICES**

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

DEPARTMENT OF COMMUNITY SERVICES

C-2 ORDER Authorizing the Public Sale of Tax Foreclosed Property

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.

SERVICE DISTRICTS - 9:30 AM

(Recess as the Board of County Commissioners and convene as the governing body for **DUNTHORPE RIVERDALE SANITARY SERVICE DISTRICT NO. 1**)

R-1 Public Hearing and RESOLUTION Adopting the 2008-2009 Budget for Dunthorpe Riverdale Sanitary Service District No. 1 and Making Appropriations

(Adjourn as the governing body for Dunthorpe Riverdale Sanitary Service District No. 1 and convene as governing body for **MID-COUNTY STREET LIGHTING SERVICE DISTRICT NO. 14**)

R-2 Public Hearing and RESOLUTION Adopting the 2008-2009 Budget for Mid-County Street Lighting Service District No. 14 and Making Appropriations

(Adjourn as the governing body for Mid-County Street Lighting Service District No. 14 and reconvene as **BOARD OF COUNTY COMMISSIONERS**)

NON-DEPARTMENTAL – 9:40 AM

R-3 PROCLAMATION Proclaiming the Month of June 2008 as PRIDE Month for Lesbian, Gay, Bisexual, Transgender and Other Sexual Minorities in Multnomah County, Oregon

SHERIFF'S OFFICE – 9:45 AM

R-4 Budget Modification MCSO-13 Appropriating \$167,000 General Fund Contingency to Continue to Operate a Double Bunked Module (62 Beds) at the Multnomah County Detention Center from June 1, 2008 through June 30, 2008

- R-5 RESOLUTION Establishing Jail Capacity and Adopting a Capacity Management Action Plan

DEPARTMENT OF HEALTH – 9:50 AM

- R-6 Budget Modification HD-43 Appropriating \$106,848 in Revenue from the State of Oregon, Department of Human Services, Public Health Services
- R-7 Budget Modification HD-44 Appropriating \$11,691 in Revenue from the State of Oregon, Department of Human Services for “Addressing the Prevention, Early Detection, and Management of Chronic Diseases Phase I – Building Public Health Capacity”

DEPARTMENT OF COUNTY HUMAN SERVICES – 9:55 AM

- R-8 Budget Modification DCHS-40 Increasing the Community Services Federal/State Appropriation by \$1,760,271 in Grant Funding for Energy and Weatherization Services
- R-9 NOTICE OF INTENT to Submit a \$100,000 Grant Request to the Oregon Commission on Children and Families to Provide Technical Assistance for New and Established Community Schools Across the State

COMMISSION ON CHILDREN, FAMILIES AND COMMUNITY – 10:00 AM

- R-10 Budget Modification NOND-08 Appropriating \$126,727 Grant and Donation Revenue to the Commission on Children, Families and Community Budget

DEPARTMENT OF COUNTY MANAGEMENT – 10:03 AM

- R-11 RESOLUTION Declaring a Portion of the Property Located at 10615 SE Cherry Blossom Drive, Portland, Oregon to be Surplus and Approving a Real Property Sublease with the Immigration and Refugee Community Organization
- R-12 Reallocation of Capital Improvement Program Project Funds FPM 08-05, Building System Emergency Repair (BSER)

DEPARTMENT OF COMMUNITY SERVICES – 10:10 AM

- R-13 Second Reading and Possible Adoption of a Proposed ORDINANCE Amending the Multnomah County Code and Framework Plan Relating to:

Alternative Uses of Public School Buildings; Lot of Record Requirements to Correct Unlawfully Divided Parcels; Easement Placement During Land Divisions; Permit Processing Timelines; Biofuel Facilities; and Substandard Lot Size for Public Parks or Conservation

NON-DEPARTMENTAL - 10:15 AM

- R-14 **10:15 AM TIME CERTAIN:** Regional Arts and Culture Council Update. Presented by Eloise Damrosch, Jeff Hawthorne, Cynthia Knapp and Carole Morse. 30 MINUTES REQUESTED.
- R-15 RESOLUTION Supporting Restoration of Simple Majority Voting Requirement
- R-16 RESOLUTION Providing Direction for the County's Legislative Activities for the 2009 Session of the Oregon Legislature in Support of Funding for Court Facilities
- R-17 RESOLUTION Directing Facilities to Pursue Land Use Entitlements for the North Hawthorne Bridgehead, the Preferred Site for a New Courthouse in Portland's Government Center Area

BOARD COMMENT

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



Commissioner Jeff Cogen, District 2

MULTNOMAH COUNTY OREGON

501 SE Hawthorne, Suite 600

Portland, Oregon 97214

(503) 988-5219 phone

(503) 988-5440 fax

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

district2@co.multnomah.or.us

MEMORANDUM

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

FROM: Marissa Madrigal
Chief of Staff to Commissioner Jeff Cogen

DATE: 5/29//2008

RE: Board Meeting Excused Absences

Commissioner Cogen must leave this morning's scheduled Board Meeting no later than 11:00 a.m.



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 05/29/08
Agenda Item #: C-1
Est. Start Time: 9:30 AM
Date Submitted: 05/21/08

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

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

Requested Meeting Date: May 29, 2008 Amount of Time Needed: N/A
Department: DCHS Division: MHASD
Contact(s): Jean Dentinger/Karen Zarosinski
Phone: (503) 988-5464 Ext. 27297 I/O Address: 167/1/520
Presenter(s): Consent Calendar

General Information

1. What action are you requesting from the Board?

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

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

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

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

None.

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

In accordance with ORS 426.215.

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

None.

Required Signature

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

Kathy Linker for Joanne Fuller

Date: 05/21/08

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. _____

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

The Multnomah County Board of Commissioners Finds:

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

The Multnomah County Board of Commissioners Orders:

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

Ellen Fiscus	Leigh Szczur	Randon Guy	Judith Voruz
Linda Golden	Rebecca S. Fuller	Louis Brothers	Karri Alexander
Sheryl Peterson	Anne D. Sullivan		

ADOPTED this 29th day of May, 2008.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLES, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

BY: _____
Patrick Henry, Assistant County Attorney

SUBMITTED BY:
Joanne Fuller, Director, Dept. of County Human Services

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. 08-068

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

The Multnomah County Board of Commissioners Finds:

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

The Multnomah County Board of Commissioners Orders:

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

Ellen Fiscus	Leigh Szczur	Randon Guy	Judith Voruz
Linda Golden	Rebecca S. Fuller	Louis Brothers	Karri Alexander
Sheryl Peterson	Anne D. Sullivan		

ADOPTED this 29th day of May, 2008.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Ted Wheeler, Chair

REVIEWED:

AGNES SOWLES, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By


Patrick Henry, Assistant County Attorney

SUBMITTED BY:

Joanne Fuller, Director, Dept. of County Human Services



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 05/29/08
Agenda Item #: C-2
Est. Start Time: 9:30 AM
Date Submitted: 05/08/08

Agenda Title: ORDER Authorizing the Public Sale of Tax Foreclosed Property

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

Requested Meeting Date:	May 29, 2008	Amount of Time Needed:	Consent
Department:	DCS	Division:	Tax Title
Contact(s):	Gary Thomas		
Phone:	503-988-3590	Ext.	22591
Presenter(s):	Gary Thomas		
I/O Address:	503/4/Tax Title		

General Information

1. What action are you requesting from the Board?

The Tax Title Section is requesting the Board to approve the sale of Five Tax Foreclosed Real Properties at public auction. The attached Exhibit A provides a map and photo of each property. Exhibit B provides a detailed surplus property list including the minimum bid price and Exhibit C gives an overview of each parcel. The Department of Community Services recommends that the public auction be approved.

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, in order to assure the fiscal stability of the tax title fund, may identify properties to be sold at public auction and not available for donation to governments or non-profit housing sponsors, or open space preservation sponsors per Multnomah County Code Chapter 7.401(B).

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

The sale of these properties removes them from the County's ownership and maintenance requirements. The proceeds reimburse the County for any applicable Tax Title expenditures, reimburses any local municipalities for outstanding liens owing per the IGA and the remaining proceeds are distributed to the taxing districts.

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

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

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

Tax Title will send notification of the sale to all adjacent property owners prior to the sale.

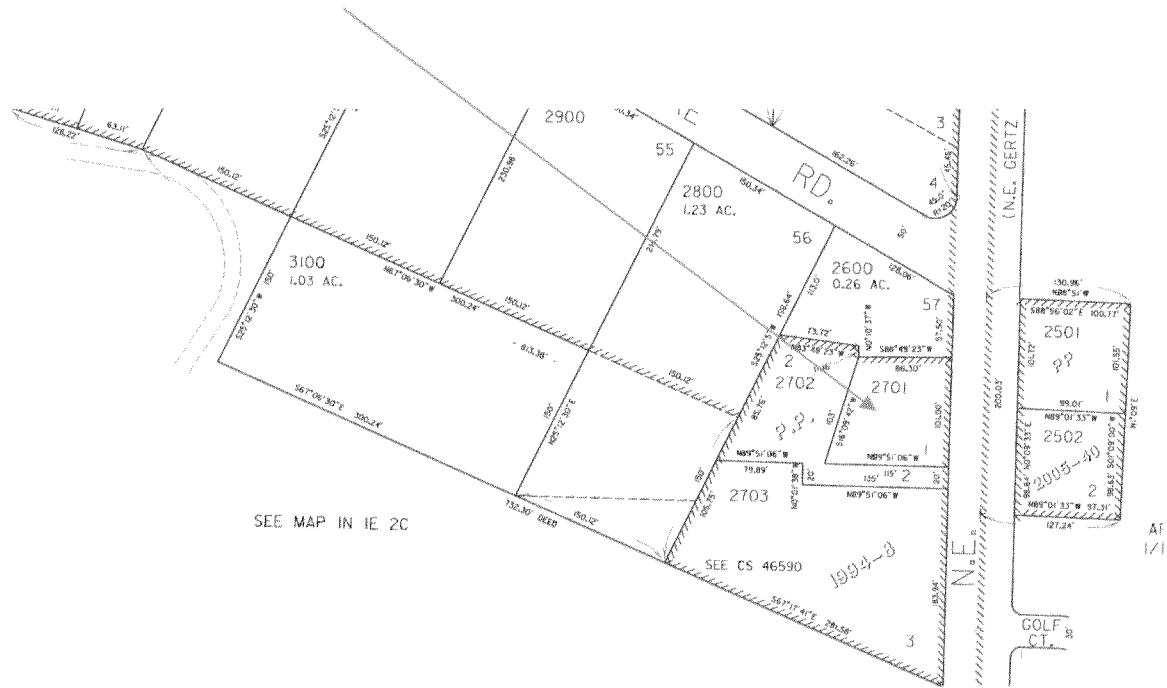
Notification of the sale will also be sent to the City Auditor per ORS 275.130.

Exhibit A

Property No.: 1
Tax Account Number R187141
Location: 11355 NE Flanders St



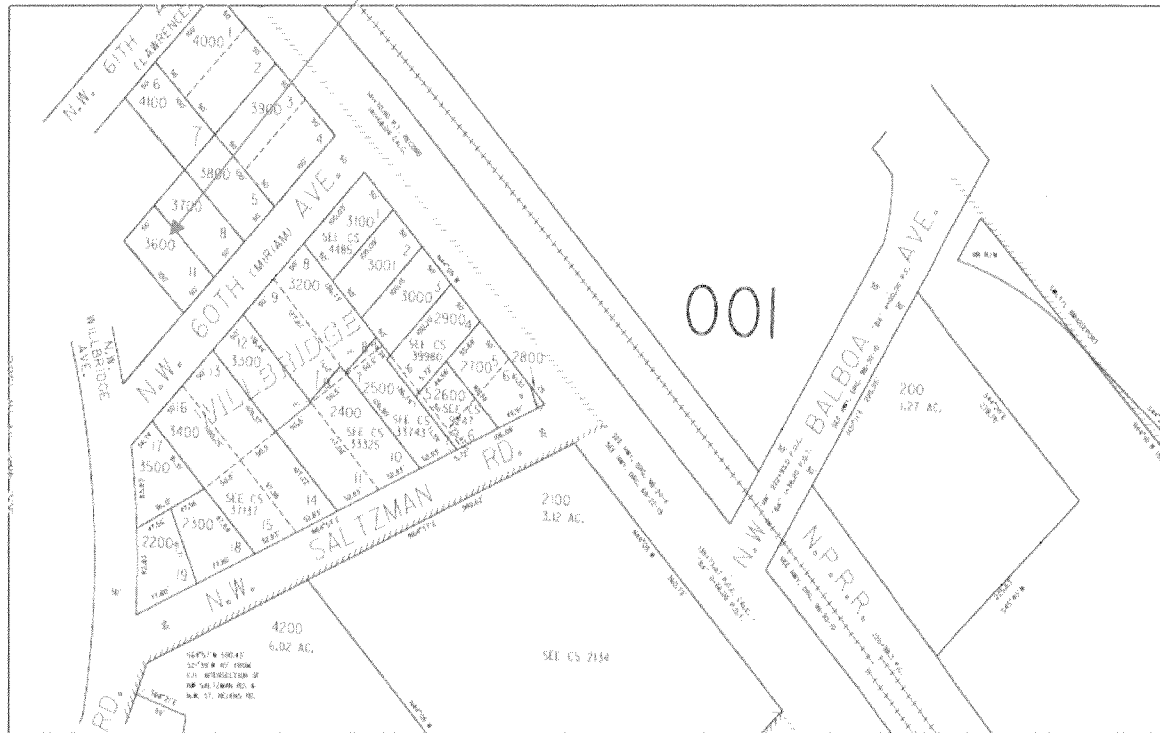
Property No.: 2
Tax Account Number R238142
Location: NE 13th Ave



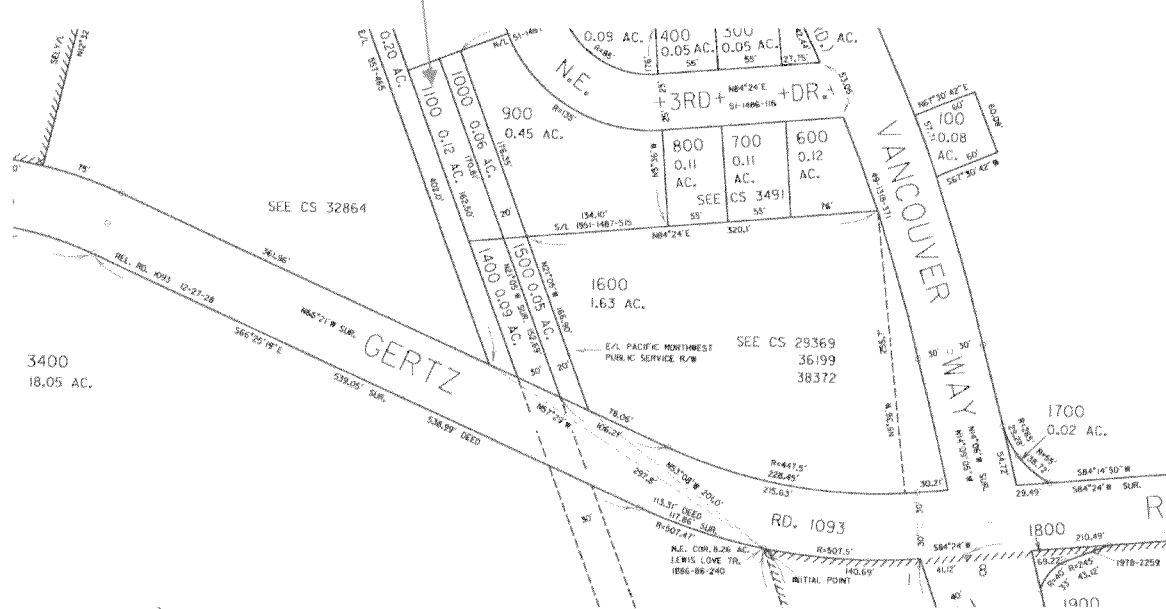
Subject Property is located in front of the residence at 10017 NE 13th Ave.



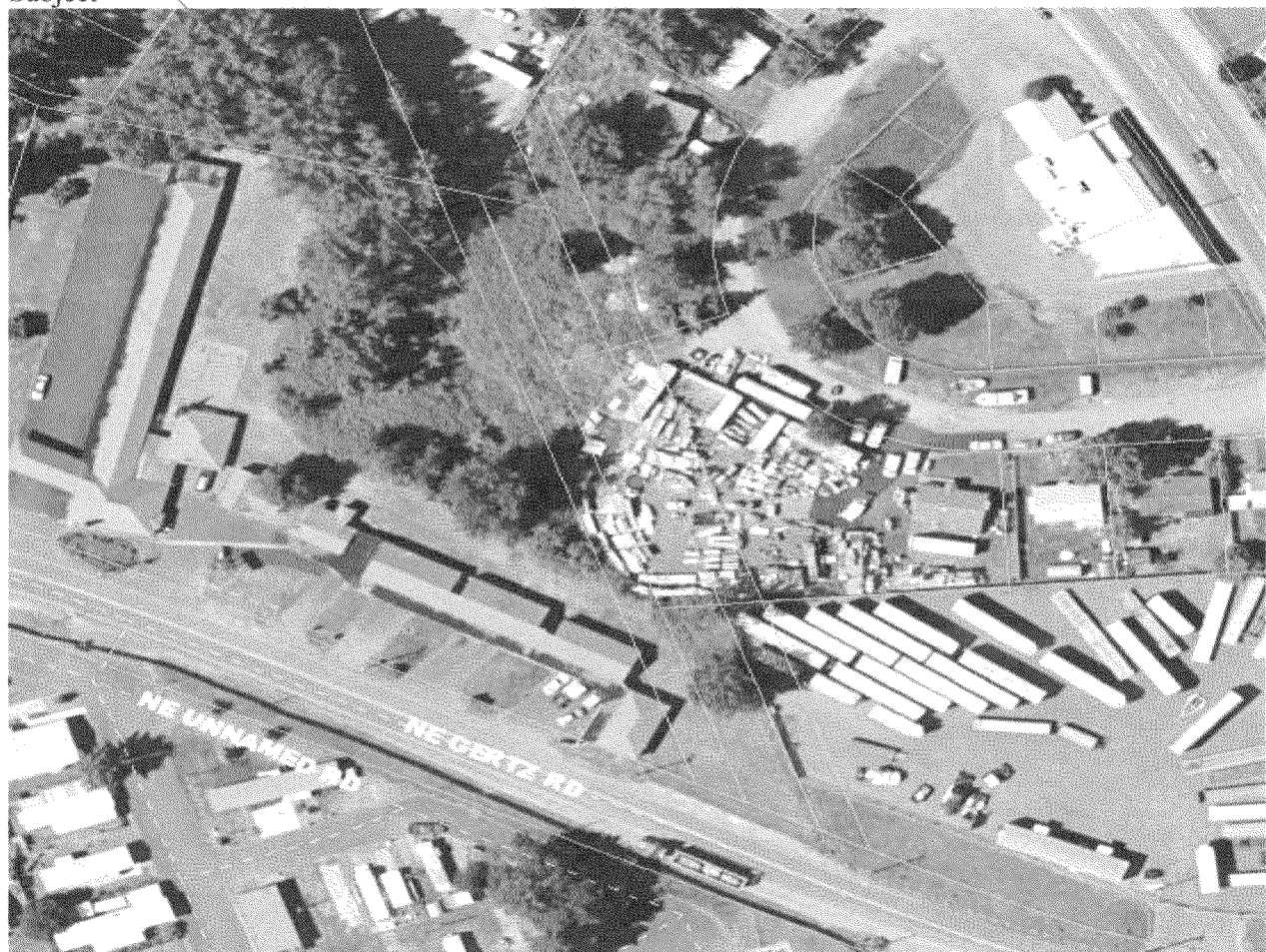
Property No.: 3
Tax Account Number R308281
Location: 6031 NW 60th Ave



Property No.: 4
 Tax Account Number R314947
 Location: 9451 W/NE 3rd Ave



Subject



Property No.: 5

Tax Account Number R315016

Location: 9451 W/NE 3rd Ave (strip adjacent to 9451 NE 3rd Ave of NE Gertz Rd)

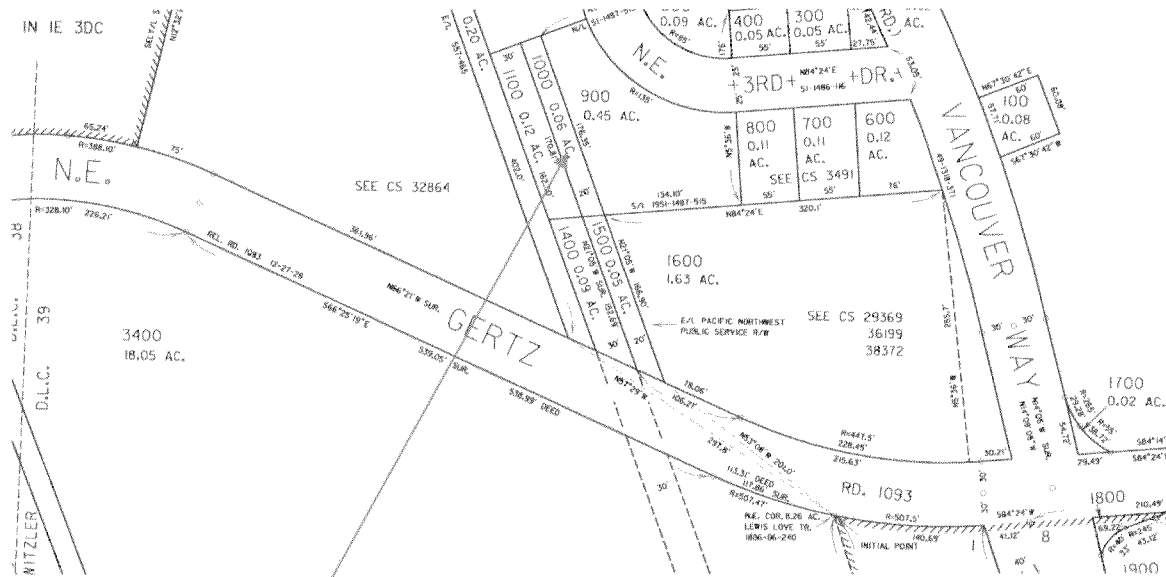


Exhibit B

SURPLUS PROPERTY LIST:

ITEM #	TAX ACCT NO/ STATE ID MAP NO.	PROPERTY LOCATION	ASSESSED VALUE	MINIMUM BID
1.	R-41790-0250 R187141 1N2E34DB Parcel 06600	11355 NE Flanders Street Portland OR 97220 ♦ Two Bedrooms, 1Bath, Ranch Style ♦ 902 sq. ft.; Zoning R5a ♦ Unfinished Basement 902 sq ft ♦ Back Taxes and Expenses \$24,675	\$191,780	\$144,000
2.	R-64974-0290 R238142 1N1E02CA Parcel 02701	NE 13 th AVE Portland OR 97211 ♦ Unimproved ♦ 10,050 sq. ft. ♦ Zoning R10h, R10hx ♦ Back Taxes and Expenses \$14,520 ♦ City Lien \$3,762	\$107,000	\$80,000
3.	R-91550-1200 R308281 1N1W13DD Parcel 03600	6031 NW 60 TH AVE Portland OR 97208 ♦ Two Bedroom, 1 Bath ♦ 764 sq. ft. ♦ Zoning IH, IHc ♦ Back Taxes and Expenses \$36,616 ♦ City Lien \$19,391	\$74,840	\$50,000
4.	R-94110-1300 R314947 1N1E10AA Parcel 01100	Adjacent to 9451 NE 3 RD AVE Portland OR 97211 ♦ Unimproved ♦ 5,227 sq. ft. ♦ Zoning EG2H ♦ Back Taxes and Expenses \$3,687	\$34,370	\$17,000
5.	R-94110-2000 R315016 1N1E10AA Parcel 01000	Adjacent to 9451 NE 3 RD AVE Portland OR 97211 ♦ Unimproved ♦ 2,614 sq ft. ♦ Zoning EG2H ♦ Back Taxes and Expenses \$3,283	\$17,310	\$9,000

Exhibit C
Proposed Auction Properties 2008

1. R187141 – 11355 NE Flanders St – The house is a one level Ranch style house built in 1952 with full unfinished basement and a 13' x 24' attached garage. It sits on a 65' x 142.5 fenced lot with a large backyard. There is approximately 902 square feet of living area with one bathroom and two bedrooms. Some of the interior walls and ceilings have recent paint. The interior floors are hardwood in fair to average condition. The bathroom and kitchen areas have not been updated and are in fair condition. The forced air oil furnace is in the basement. The basement is dry and has good ceiling height. According to the City of Portland records the current zoning is R5a. The property was not made available to the Affordable Housing Development Program.
2. R238142 – Vacant lot located adjacent to 10017 NE 13th off of NE Marine Drive. It has dimensions of more or less 101' along NE 13th, 115' along the south line, 103' along the north line and 86.3' along the east line. The lot contains approximately 10,050 square feet of area. The City of Portland records show the current zoning to be R10h and R10hx. The overlay zoning designations are for Aircraft Landing Zone and Portland International Airport Noise Impact Zone.
3. R308281 – 6031 NW 60th Ave – The house is a one level bungalow built in 1924 with a partial basement that is unfinished. It sits on a 50' x 100' lot that has fair utility. There is approximately 764 square feet of finished living area on the main floor and approximately 400 square feet of unfinished area in the basement. The interior and exterior of the house are in poor condition. An older forced air oil furnace is located in the basement. The property was recently connected to public sewer. City of Portland records show zoning for the property to be IH (Heavy Industrial) and IHc (Heavy Industrial with an Environmental Concern overlay) for the extreme west portion of the lot.
4. R314947 – Vacant strip more or less 30' wide by 171' long on one side and 162.5' long on the other side. Adjacent to another vacant strip owned by Multnomah County that is similar in size. Located near 9451 NE 3rd and near NE Gertz Road. Improvements on adjacent property may be encroaching onto subject property. Parcel is difficult to physically inspect because of location. The plat map and aerial photo provide a better indication of the location of the strip.
5. R315016 – Vacant strip more or less 20' wide by 171' long on one side and 176' long on the other side. Adjacent to another vacant strip owned by Multnomah County that is similar in size and to 9451 NE 3rd. Improvements on adjacent property may be encroaching onto subject property. Parcel is difficult to physically inspect because of location. The plat map and aerial photo provide a better indication of the location of the strip.

Required Signature

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

A handwritten signature in cursive script, reading "M. Cecilia Johnson". The signature is written in black ink and is positioned above a horizontal line.

Date: 05/08/08

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. _____

Authorizing the Public Sale of Tax Foreclosed Property

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County has acquired through the foreclosure of liens for delinquent real property taxes, the five real property parcels described in the attached Exhibit A (the "Property").
- b. Title to the Property is now vested in Multnomah County as provided under ORS 312.270.
- c. The County does not need the Property for County purposes or uses; it is in the best interest of the County to offer the Property at a public sale in accordance with the provisions of ORS 275.110 through 275.190.

The Multnomah County Board of Commissioners Orders:

1. The Multnomah County Sheriff (MCSO) is directed to conduct a public sale of the Property in compliance with ORS 275.110 through ORS 275.190; for not less than the minimum bid/price set for each separate parcel as provided in Exhibit A.
2. MCSO shall coordinate with the County's Tax Title Division to determine the date and time of the public sale in compliance with ORS 275.140.
3. MCSO shall provide for notice of the public sale in compliance with ORS 275.120.

ADOPTED this 29th day of May, 2008.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Matthew O. Ryan, Assistant County Attorney

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

Exhibit A Resolution

FIVE TAX FORECLOSED PROPERTIES PROPOSED FOR PUBLIC SALE BY MULTNOMAH COUNTY

1. Legal Description: LOT 9 BLOCK 1 IREAN VILLAGE & PLAT 2 -3

Property Location: 11355 NE Flanders St., Portland, OR 97220
Tax Account Number: R187141
Minimum Bid/Price: \$144,000
Greenspace Designation: No Designation
Made Available for Transfer: Not Made Available
Back Taxes & Expenses: \$24,655

2. Legal Description: LOT 1 PARTITION PLAT 1994-8

Property Location: In front of 1017 NE 13th Ave., Portland, OR 97211
Tax Account Number: R238142
Minimum Bid/Price: \$80,000
Greenspace Designation: No Designation
Made Available for Transfer: Not Made Available
Back Taxes & Expenses: \$14,367

3. Legal Description: LOT 11 BLOCK 7 WILLBRIDGE

Property Location: 6031 NW 60TH AVE, Portland, OR 97210
Tax Account Number: R308281
Minimum Bid/Price: \$50,000
Greenspace Designation: No Designation
Made Available for Transfer: Not Made Available
Back Taxes & Expenses: \$54,616

4. Legal Description: As Shown in Exhibit A-1

Property Location: 9451 W/ NE 3RD Dr. Portland, OR 97211
Tax Account Number: R314947
Minimum Bid/Price: \$17,000
Greenspace Designation: No Designation
Made Available for Transfer: Not Made Available
Back Taxes & Expenses: \$3,684

5. Legal Description: As Shown in Exhibit A-2

Property Location: 9451 W/NE 3rd Dr. Portland, OR 97211
Tax Account Number: R315016
Minimum Bid/Price: \$9,000
Greenspace Designation: No Designation
Made Available for Transfer: Not Made Available
Back Taxes & Expenses: \$3,280

EXHIBIT A-1

Tax Account R314947

Legal Description:

A tract of land in the Northeast quarter of the Northeast quarter of Section 10, Township 1 North, Range 1 South, Willamette Meridian, County of Multnomah, State of Oregon, said parcel being more particularly described as follows:

That portion of the former Portland Electric Power Company's vacated right-of-way conveyed to T.G. Donaca by deed recorded on July 12, 1944 in Book 851, page 194 Deed Records, lying between a Westerly extension of the most Northerly line and a Westerly extension of the most Southerly line of the foregoing described property:

Beginning at the Northeast corner of the 8.26 acre tract of land conveyed to Lewis Love by deed recorded June 4, 1886, in Book 86, page 240, Deed records of Multnomah County, Oregon; thence North 53°08' West to the intersection of the North line of Gertz Road (County Road No. 1093) and the east line of the Pacific Northwest Public Service right-of-way; thence North 21°05' West along the East line of said right-of-way 166.9 feet to the true point of beginning; thence North 84°24' East 134.1 feet; thence North 5°36' West 176 feet; thence North 36°02'30" West 44.89 feet; thence South 68°55' West 163.11 feet to the East line of said right-of-way; thence South 21° of West along said East line 176.35 feet to the true point of beginning, excepting that portion within the boundary of NE 3rd Drive, dedicated to the public by deed recorded July 10, 1951 in Book 1486 page 116 Deed records.

EXHIBIT A-2

Tax Account R315016

Legal Description:

A tract of land in the Northeast quarter of the Northeast quarter of Section 10, Township 1 North, Range 1 South, Willamette Meridian, County of Multnomah, State of Oregon, said parcel being more particularly described as follows:

Commencing at the intersection of the East line of the Pacific Northwest Public Service right-of-way and the North line of NE Gertz Rd. (County Rd. No. 1093) thence running North 21°05' West 166.9 feet to the true point of beginning; thence continuing North 21°05' West 176.35 feet; thence South 68° 55' East 170.81 feet; thence North 84°24' East 20 feet, more or less, to the true point of beginning.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. 08-069

Authorizing the Public Sale of Tax Foreclosed Property

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County has acquired through the foreclosure of liens for delinquent real property taxes, the five real property parcels described in the attached Exhibit A (the "Property").
- b. Title to the Property is now vested in Multnomah County as provided under ORS 312.270.
- c. The County does not need the Property for County purposes or uses; it is in the best interest of the County to offer the Property at a public sale in accordance with the provisions of ORS 275.110 through 275.190.

The Multnomah County Board of Commissioners Orders:

1. The Multnomah County Sheriff (MCSO) is directed to conduct a public sale of the Property in compliance with ORS 275.110 through ORS 275.190; for not less than the minimum bid/price set for each separate parcel as provided in Exhibit A.
2. MCSO shall coordinate with the County's Tax Title Division to determine the date and time of the public sale in compliance with ORS 275.140.
3. MCSO shall provide for notice of the public sale in compliance with ORS 275.120.
4. For any parcel sold at the public sale pursuant to a purchase agreement as allowed under ORS 275.190; the interest rate on the purchase agreement shall be 7.00 %.

ADOPTED this 29th day of May, 2008.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 

Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:

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

Exhibit A Resolution

FIVE TAX FORECLOSED PROPERTIES PROPOSED FOR PUBLIC SALE BY MULTNOMAH COUNTY

1. Legal Description: LOT 9 BLOCK 1 IREAN VILLAGE & PLAT 2 -3

Property Location: 11355 NE Flanders St., Portland, OR 97220
Tax Account Number: R187141
Minimum Bid/Price: \$144,000
Greenspace Designation: No Designation
Made Available for Transfer: Not Made Available
Back Taxes & Expenses: \$24,655
2. Legal Description: LOT 1 PARTITION PLAT 1994-8

Property Location: In front of 1017 NE 13th Ave., Portland, OR 97211
Tax Account Number: R238142
Minimum Bid/Price: \$80,000
Greenspace Designation: No Designation
Made Available for Transfer: Not Made Available
Back Taxes & Expenses: \$14,367
3. Legal Description: LOT 11 BLOCK 7 WILLBRIDGE

Property Location: 6031 NW 60TH AVE, Portland, OR 97210
Tax Account Number: R308281
Minimum Bid/Price: \$50,000
Greenspace Designation: No Designation
Made Available for Transfer: Not Made Available
Back Taxes & Expenses: \$54,616
4. Legal Description: As Shown in Exhibit A-1

Property Location: 9451 W/ NE 3RD Dr. Portland, OR 97211
Tax Account Number: R314947
Minimum Bid/Price: \$17,000
Greenspace Designation: No Designation
Made Available for Transfer: Not Made Available
Back Taxes & Expenses: \$3,684
5. Legal Description: As Shown in Exhibit A-2

Property Location: 9451 W/NE 3rd Dr. Portland, OR 97211
Tax Account Number: R315016
Minimum Bid/Price: \$9,000
Greenspace Designation: No Designation
Made Available for Transfer: Not Made Available
Back Taxes & Expenses: \$3,280

EXHIBIT A-1

Tax Account R314947

Legal Description:

A tract of land in the Northeast quarter of the Northeast quarter of Section 10, Township 1 North, Range 1 South, Willamette Meridian, County of Multnomah, State of Oregon, said parcel being more particularly described as follows:

That portion of the former Portland Electric Power Company's vacated right-of-way conveyed to T.G. Donaca by deed recorded on July 12, 1944 in Book 851, page 194 Deed Records, lying between a Westerly extension of the most Northerly line and a Westerly extension of the most Southerly line of the foregoing described property:

Beginning at the Northeast corner of the 8.26 acre tract of land conveyed to Lewis Love by deed recorded June 4, 1886, in Book 86, page 240, Deed records of Multnomah County, Oregon; thence North 53°08' West to the intersection of the North line of Gertz Road (County Road No. 1093) and the east line of the Pacific Northwest Public Service right-of-way; thence North 21°05' West along the East line of said right-of-way 166.9 feet to the true point of beginning; thence North 84°24' East 134.1 feet; thence North 5°36' West 176 feet; thence North 36°02'30" West 44.89 feet; thence South 68°55' West 163.11 feet to the East line of said right-of-way; thence South 21° of West along said East line 176.35 feet to the true point of beginning, excepting that portion within the boundary of NE 3rd Drive, dedicated to the public by deed recorded July 10, 1951 in Book 1486 page 116 Deed records.

EXHIBIT A-2

Tax Account R315016

Legal Description:

A tract of land in the Northeast quarter of the Northeast quarter of Section 10, Township 1 North, Range 1 South, Willamette Meridian, County of Multnomah, State of Oregon, said parcel being more particularly described as follows:

Commencing at the intersection of the East line of the Pacific Northwest Public Service right-of-way and the North line of NE Gertz Rd. (County Rd. No. 1093) thence running North 21°05' West 166.9 feet to the true point of beginning; thence continuing North 21°05' West 176.35 feet; thence South 68° 55' East 170.81 feet; thence North 84°24' East 20 feet, more or less, to the true point of beginning.

**MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP**

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 5/29/08

SUBJECT: DOMESTIC VIOLENCE

AGENDA NUMBER OR TOPIC: Public Comment

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: DAVID McDONALD

ADDRESS: 2225 N. EMERSON ST.

CITY/STATE/ZIP: PORTLAND, OR. 97217

PHONE: DAYS: 503-285-1242 EVES: SAME

EMAIL: dawgoregon@aol.com FAX: _____

SPECIFIC ISSUE: DEVELOPMENTAL DISABILITY ABUSE/NEGLECT
CRISIS

WRITTEN TESTIMONY: DOCUMENTATION DEMONSTRATING
A LACK OF RESPONSE TO A REQUEST FOR INVOLVEMENT.

IF YOU WISH TO ADDRESS THE BOARD:

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

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 05/29/08
Agenda Item #: R-1
Est. Start Time: 9:30 AM
Date Submitted: 05/12/08

Agenda Title: **Public Hearing and RESOLUTION Adopting the 2008-2009 Budget for Dunthorpe Riverdale Sanitary Service District No. 1 and Making Appropriations**

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

Requested Meeting Date: May 29, 2008 Amount of Time Needed: 5 minutes
Department: DCS Division: LUT
Contact(s): Tom Hansell
Phone: 503 988-5050 Ext. 29833 I/O Address: 425/1/Trans/Tom Hansell
Presenter(s): Tom Hansell

General Information

1. What action are you requesting from the Board?

Convene as the governing body of the Dunthorpe-Riverdale Service District to:

- Open Public Hearing to hear and consider any testimony from persons present and respond to questions about the approved budget and fiscal policies;
- Approve resolution adopting the fiscal year 2008 – 2009 budget for the Dunthorpe-Riverdale Sanitary Service District No. 1 and make appropriations.

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 FY 2008-09 budget is designed to sustain a current service level for maintenance and operations of the program. The district's \$550,000 capital program for FY 2008-09 is programmed to address pipe rehabilitation, installation of a bypass pipe to divert flow from the Elk Rock Basin and initiate replace and/or repair of the Riverview Force Main.

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

The district budget was approved at \$1,337,500 for FY 2009. System maintenance and disposal charges from the City of Portland remain relatively unchanged from the current fiscal year. The district capital plan at \$550,000 will be supported by exercising a \$400,000 inter-fund loan to be repaid in five years.

To meet the anticipated treatment, maintenance, and capital requirements for FY 2009, the district monthly rate was approved to move to \$104.00 (\$14.00 increase over current year). The new monthly rate provides the necessary operating resources to meet the district's operational requirements.

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

The district is a separate legal entity. Because of its size, it requires a budget committee. On April 24, 2008 in the Board Room of the Multnomah Building, the district budget committee was convened to hear the budget. A budget committee was formed, with Commissioner Jeff Cogan as chair and Commissioner Lisa Naito as secretary. Tom Hansell from the Department of Community Services serves as the district budget officer.

Because the district covers a population of less than 100,000, it is not legally necessary to request a TSCC hearing for the budget. The approved budget for the district has been submitted to TSCC and they have certified the budget. TSCC identified no recommendations or objections.

Today's public hearing fulfills the requirement of Oregon's Budget Law. The district's financial summary was published in the Oregonian showing changes between the current adopted and the approved FY 2009 budget.

The Board of County Commissioners can adopt the budget only after the budget hearing

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

At the April 24th budget committee meeting a public hearing was opened, to hear and consider any testimony by the public about the budget. No testimony was received. At today's meeting a second public hearing will be held to hear and consider any testimony from persons present and respond to questions about the budget and fiscal policy decisions reflected in the approved budget.

Required Signature

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



Date: 05/12/08

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
GOVERNING BODY FOR DUNTHORPE-RIVERDALE SANITARY SERVICE DISTRICT NO. 1

RESOLUTION NO. _____

Adopting the 2008-09 Budget for the Dunthorpe-Riverdale Sanitary Service District No. 1 and Making Appropriations

The Multnomah County Board of Commissioners Finds:

- a. The Dunthorpe-Riverdale Sanitary Service District No. 1 Budget, prepared by the Budget Officer and attached as Exhibit A, has been considered and approved by the budget committee and has been certified by the Tax Supervising and Conservation Commission with no objections or recommendations.
- b. The Budget as certified is on file in the Budget and Quality Office of Multnomah County.

The Multnomah County Board of Commissioners Resolves:

1. The Budget attached as Exhibit A is adopted as the budget of Dunthorpe-Riverdale Sanitary Service District No. 1, Oregon in the amount of \$1,337,500.
2. The following appropriations are authorized for the fiscal year July 1, 2008 to June 30, 2009:

Fund	Appropriation
General Fund	
Materials & Services	\$ 472,250
Capital Outlay	\$ 550,000
Contingency	<u>\$ 25,000</u>
Sub total Appropriations	\$1,047,250
Unappropriated EFB	<u>\$ 290,250</u>
Total Requirements	\$1,337,500

ADOPTED this 29th day of May, 2008.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
GOVERNING BODY FOR DUNTHORPE-RIVERDALE
SANITARY SERVICE DISTRICT NO. 1

Ted Wheeler, Chair

REVIEWED:


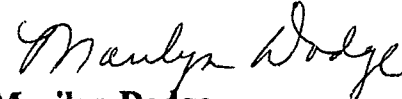
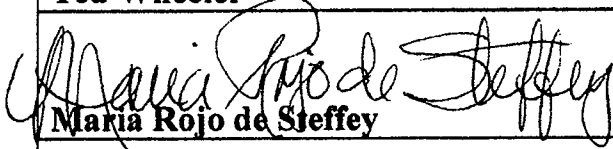
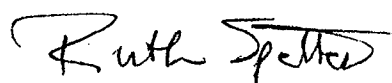
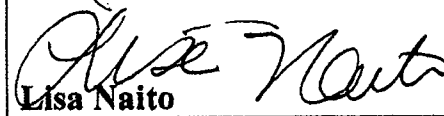


AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Matthew O. Ryan, Assistant County Attorney

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

EXHIBIT A

MULTNOMAH COUNTY SERVICE DISTRICTS' PROPOSED BUDGETS FOR FISCAL YEAR 2008-2009

DUNTHORPE-RIVERDALE SEWER DISTRICT NO. 1 Budget Committee Approval	
The following members of the budget committee for the Dunthorpe-Riverdale Sewer District met on April 24, 2008 and approved the proposed budget for Fiscal Year 2008-2009:	
 Ted Wheeler	 Marilyn Dodge
 Maria Rojo de Steffey	 Ruth Spetter
 Lisa Naito	 Lane Hickey
Jeff Cogen	
 Lonnie Roberts	

Budget Message — Dunthorpe-Riverdale Service District No. 1

This District was formed in the middle 1960's and by 1970 had removed a significant source of pollution from the Willamette River. Its 560 clients are mainly located in unincorporated Multnomah County with a few customers in northern Clackamas County. Through its wastewater management program, the District is able to provide high quality service to ratepayers while protecting the area's sensitive surface water features from sanitary sewer overflows.

The district contracts with the City of Portland's Bureau of Environmental Services (BES) to maintain the District's lines and treats the sewage flow at Portland's Tryon Creek Treatment Plant. BES also provides design and engineering services for construction, reconstruction, and/or improvement of the district's facilities. The District continues to coordinate planned capital maintenance projects with the City of Portland Water Bureau's capital program. The fiscal year 2009 capital program is proposed at \$550,000. The capital work will focus on the replacement of a force main pipe exiting the Riverview Pump Station, continue with the installation of a new bypass pipe to divert flow from the Elk Rock drainage basin and miscellaneous smaller pipe rehabilitation projects spread throughout the district. The Projects are identified in the District's twenty (20) year sanitary systems facilities plan as requiring attention to ensure the District is prepared to accommodate future flow conditions.

The current service charge is \$90.00 per month for line connections to the District system. To meet the anticipated treatment, maintenance, debt repayment and capital requirements for FY 2009 the District rate was approved to move to \$ 104.00 per month. This new rate provides the District with the necessary operating resources to match needs.

**FORM
LB-20**

**RESOURCES
GENERAL
(Fund)**

DUNTHORPE-RIVERDALE DISTRICT No.1
(Name of Municipal Corporation)

	Historical Data				Budget for Next Year 2008 - 2009			
	Actual		Adopted Budget This Year 2007 - 08		Proposed By Budget Officer	Approved By Budget Committee	Adopted By Governing Body	
	Second Preceding Year 2005 - 06	First Preceding Year 2006 -07						
				Beginning Fund Balance:				
1				1. Available cash on hand* (cash basis) or				1
2	\$339,176	\$51,518	\$145,000	2. Net working capital (accrual basis)	\$215,200	\$215,200		2
3	\$6,848	\$9,136	\$6,500	3. Previously levied taxes estimated to be received	\$6,500	\$6,500		3
4	\$20,618	\$24,562	\$12,500	4. Interest	\$12,500	\$12,500		4
5				5. OTHER RESOURCES				5
6	\$7,415	\$28,930	\$2,500	6 Connection Fees	\$2,500	\$2,500		6
7	\$440,167	\$534,698	\$604,500	7 Sewer Assessments	\$700,800	\$700,800		7
8		\$400,000		8 Capital Financing	\$400,000	\$400,000		8
9		\$66		9 Other				9
10				10				10
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12				12				12
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25				25				25
26				26				26
27				27				27
28				28				28
29	\$814,224	\$1,048,910	\$771,000	29. Total resources, except taxes to be levied	\$1,337,500	\$1,337,500	\$0	29
30				30. Taxes estimated to be received				30
31				31. Taxes collected in year levied				31
32	\$814,224	\$1,048,910	\$771,000	32. TOTAL RESOURCES	\$1,337,500	\$1,337,500	\$0	32

*Includes Unappropriated Balance Budgeted Last Year

**FORM
LB-30**

REQUIREMENTS SUMMARY
BY FUND, ORGANIZATIONAL UNIT OR PROGRAM
GENERAL
(name of organizational unit - fund)

DUNTHORPE-RIVERDALE DISTRICT No. 1

	Historical Data			EXPENDITURE DESCRIPTION	Budget For Next Year 2008 - 09			
	Actual		Adopted Budget This Year 2007 - 08		Proposed By Budget Officer	Approved By Budget Committee	Adopted By Governing Body	
	Second Preceding Year 2005 - 06	First Preceding Year 2006 - 07						
				PERSONAL SERVICES				
1				1				1
2				2				2
3				3				3
4				4				4
5				5				5
6				6				6
7	\$0	\$0	\$0	7 TOTAL PERSONAL SERVICES	\$0	\$0	\$0	7
				MATERIALS AND SERVICES				
8	\$320,233	\$313,154	\$330,000	8 System maintenance and disposal	\$335,000	\$335,000		8
9	\$39,777	\$36,046	\$36,750	9 Administrative Costs	\$42,250	\$42,250		9
10			\$95,000	10 Other District Expenses (incl. debt payment)	\$95,000	\$95,000		10
11				11				11
12				12				12
13				13				13
14	\$360,010	\$349,200	\$461,750	14 TOTAL MATERIALS AND SERVICES	\$472,250	\$472,250	\$0	14
				CAPITAL OUTLAY				
15	\$402,696	\$472,631	\$200,000	15 Pump Station Maintenance	\$550,000	\$550,000		15
16				16				16
17				17				17
18				18				18
19				19				19
20				20				20
21	\$402,696	\$472,631	\$200,000	21 TOTAL CAPITAL OUTLAY	\$550,000	\$550,000	\$0	21
				TRANSFERRED TO OTHER FUNDS				
22				22				22
23				23				23
24				24				24
25			\$25,000	25 General Operating Contingency	\$25,000	\$25,000		25
	\$0	\$0	\$25,000	26 TOTAL TRANSFERS AND CONTINGENCIES	\$25,000	\$25,000	\$0	
27	\$762,706	\$821,831	\$686,750	27 TOTAL EXPENDITURES	\$1,047,250	\$1,047,250	\$0	27
28	\$51,518	\$227,079	\$84,250	28 UNAPPROPRIATED ENDING FUND BALANCE	\$290,250	\$290,250		28
29	\$814,224	\$1,048,910	\$771,000	29 TOTAL	\$1,337,500	\$1,337,500	\$0	29

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
GOVERNING BODY FOR DUNTHORPE-RIVERDALE SANITARY SERVICE DISTRICT NO. 1

RESOLUTION NO. 08-070

Adopting the 2008-09 Budget for the Dunthorpe-Riverdale Sanitary Service District No. 1 and Making Appropriations

The Multnomah County Board of Commissioners Finds:

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Materials & Services	\$ 472,250
Capital Outlay	\$ 550,000
Contingency	<u>\$ 25,000</u>
Sub total Appropriations	\$1,047,250
Unappropriated EFB	<u>\$ 290,250</u>
Total Requirements	\$1,337,500

ADOPTED this 29th day of May, 2008.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
GOVERNING BODY FOR DUNTHORPE-RIVERDALE
SANITARY SERVICE DISTRICT NO. 1


Ted Wheeler, Chair

REVIEWED:

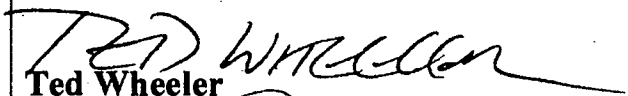

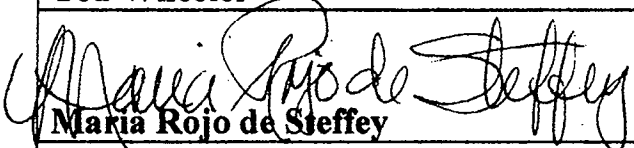
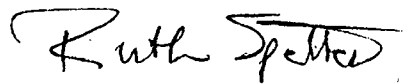
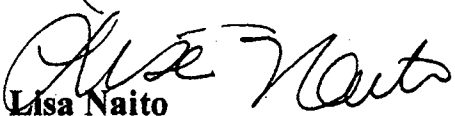


AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

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

EXHIBIT A

MULTNOMAH COUNTY SERVICE DISTRICTS' PROPOSED BUDGETS FOR FISCAL YEAR 2008-2009

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**FORM
LB-20**

**RESOURCES
GENERAL
(Fund)**

DUNTHORPE-RIVERDALE DISTRICT No.1
(Name of Municipal Corporation)

	Historical Data				Budget for Next Year 2008 - 2009			
	Actual		Adopted Budget This Year 2007 - 08		Proposed By Budget Officer	Approved By Budget Committee	Adopted By Governing Body	
	Second Preceding Year 2005 - 06	First Preceding Year 2006 -07						
				Beginning Fund Balance:				
1				1. Available cash on hand* (cash basis) or				1
2	\$339,176	\$51,518	\$145,000	2. Net working capital (accrual basis)	\$215,200	\$215,200		2
3	\$6,848	\$9,136	\$6,500	3. Previously levied taxes estimated to be received	\$6,500	\$6,500		3
4	\$20,618	\$24,562	\$12,500	4. Interest	\$12,500	\$12,500		4
5				5. OTHER RESOURCES				5
6	\$7,415	\$28,930	\$2,500	6 Connection Fees	\$2,500	\$2,500		6
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27				27				27
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29	\$814,224	\$1,048,910	\$771,000	29. Total resources, except taxes to be levied	\$1,337,500	\$1,337,500	\$0	29
30				30. Taxes estimated to be received				30
31				31. Taxes collected in year levied				31
32	\$814,224	\$1,048,910	\$771,000	32. TOTAL RESOURCES	\$1,337,500	\$1,337,500	\$0	32

*Includes Unappropriated Balance Budgeted Last Year

**FORM
LB-30**

**REQUIREMENTS SUMMARY
BY FUND, ORGANIZATIONAL UNIT OR PROGRAM**

GENERAL

(name of organizational unit - fund)

DUNTHORPE-RIVERDALE DISTRICT No. 1

	Historical Data			EXPENDITURE DESCRIPTION	Budget For Next Year 2008 - 09			
	Actual		Adopted Budget This Year 2007 - 08		Proposed By Budget Officer	Approved By Budget Committee	Adopted By Governing Body	
	Second Preceding Year 2005 - 06	First Preceding Year 2006 - 07						
				PERSONAL SERVICES				
1				1				1
2				2				2
3				3				3
4				4				4
5				5				5
6				6				6
7	\$0	\$0	\$0	7 TOTAL PERSONAL SERVICES	\$0	\$0	\$0	7
				MATERIALS AND SERVICES				
8	\$320,233	\$313,154	\$330,000	8 System maintenance and disposal	\$335,000	\$335,000		8
9	\$39,777	\$36,046	\$36,750	9 Administrative Costs	\$42,250	\$42,250		9
10			\$95,000	10 Other District Expenses (incl. debt payment)	\$95,000	\$95,000		10
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14	\$360,010	\$349,200	\$461,750	14 TOTAL MATERIALS AND SERVICES	\$472,250	\$472,250	\$0	14
				CAPITAL OUTLAY				
15	\$402,696	\$472,631	\$200,000	15 Pump Station Maintenance	\$550,000	\$550,000		15
16				16				16
17				17				17
18				18				18
19				19				19
20				20				20
21	\$402,696	\$472,631	\$200,000	21 TOTAL CAPITAL OUTLAY	\$550,000	\$550,000	\$0	21
				TRANSFERRED TO OTHER FUNDS				
22				22				22
23				23				23
24				24				24
25			\$25,000	25 General Operating Contingency	\$25,000	\$25,000		25
	\$0	\$0	\$25,000	26 TOTAL TRANSFERS AND CONTINGENCIES	\$25,000	\$25,000	\$0	
27	\$762,706	\$821,831	\$686,750	27 TOTAL EXPENDITURES	\$1,047,250	\$1,047,250	\$0	27
28	\$51,518	\$227,079	\$84,250	28 UNAPPROPRIATED ENDING FUND BALANCE	\$290,250	\$290,250		28
29	\$814,224	\$1,048,910	\$771,000	29 TOTAL	\$1,337,500	\$1,337,500	\$0	29



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 05/29/08
Agenda Item #: R-2
Est. Start Time: 9:35 AM
Date Submitted: 05/13/08

Agenda Title: Public Hearing and RESOLUTION Adopting the 2008-2009 Budget for Mid-County Street Lighting Service District No. 14 and Making Appropriations

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

Requested Meeting Date: May 29, 2008 Amount of Time Needed: 5 minutes
Department: DCS Division: LUT
Contact(s): Tom Hansell
Phone: 503 988-5050 Ext. 29833 I/O Address: 425/1/Trans/Tom Hansell
Presenter(s): Tom Hansell

General Information

1. What action are you requesting from the Board?

Convene as the governing body of the Mid-County Service District to:

- Open Public Hearings to hear and consider any testimony from persons present and respond to questions about the budget and fiscal policy decisions.
- Approve Resolution adopting fiscal year 2008 – 2009 budget for the Mid-County Street Lighting Service District No. 14 and make appropriations.

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 Mid County Street Lighting Service District arranges for street lights and pays the utilities for those lights in the unincorporated urban portions of Multnomah County and the cities of Fairview, Maywood Park, and Troutdale. District growth has stabilized due to the substantial completion of municipal annexations. However, the district continues to experience mild increases in growth as a result of urban development.

Portland General Electric (PGE) provides energy and maintenance services for the district. The County's Department of Community Services Land Use and Transportation Program provides the

illumination engineering, design services and administration to the district.

The district's FY 2008-09 operations and maintenance budget is sustained at a current service level with rate adjustments for regulated energy, maintenance and rental expenses. The capital pole replacement program is planned at \$50,000.

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

The district has proposed a total budget of \$605,000 for FY 2009. The revenues necessary to support the operations of the district are collected through a special assessment collected through the property tax system. The district's current assessment is \$35.00 per property per year. For FY 2009, the district proposes no change in this rate.

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

The district is a separate legal entity. Because of its size, it requires a budget committee. On April 24, 2008, in the Board Room of the Multnomah Building, the Budget Committee was convened to hear the budget. A budget committee was formed with Commissioner Rojo de Steffey as chair and Commissioner Roberts as secretary. Tom Hansell from the Department of Community Services serves as the district budget officer.

Because the district covers a population of less than 100,000, it is not legally necessary to request a TSCC hearing for the budget. The approved budget for the district has been submitted to TSCC, and they have certified the budget. TSCC identified no recommendation or objections.

Today's public hearing fulfills the requirement of Oregon's Budget Law. The district's financial summary was published in the Oregonian showing changes between the current adopted and the approved FY 2009 budget.

The Board of County Commissioners can adopt the budget only after the budget hearing.

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

At the April 24th budget committee meeting a public hearing was opened, to hear and consider any testimony by the public about the budget. No testimony was received. At today's meeting a second public hearing will be held to hear and consider any testimony from persons present and respond to questions about the budget and fiscal policy decisions reflected in the approved budget.

Required Signature

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



Date: 05/12/08

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
GOVERNING BODY FOR MID-COUNTY STREET LIGHTING
SERVICE DISTRICT NO.14

RESOLUTION NO. _____

Adopting the 2008-09 Budget for the Mid-County Street Lighting Service District No. 14 and Making Appropriations

The Multnomah County Board of Commissioners Finds:

- a. The Mid-County Street Lighting Service District No. 14 Budget, prepared by the Budget Officer and attached as Exhibit A, has been considered and approved by the budget committee and has been certified by the Tax Supervising and Conservation Commission with no objections or recommendations.
- b. The Budget as certified is on file in the Budget and Quality Office of Multnomah County.

The Multnomah County Board of Commissioners Resolves:

1. The Budget attached as Exhibit A is adopted as the budget of Mid-County Street Lighting Service District No. 14, Oregon, in the amount of \$605,000.
2. The following appropriations are authorized for the fiscal year July 1, 2008, to June 30, 2009:

Fund	Appropriation
General Fund	
Materials & Services	\$348,750
Capital Outlay	\$ 50,000
Contingency	<u>\$ 25,000</u>
Sub total Appropriations	\$423,750
Unappropriated EFB	<u>\$181,250</u>
Total Requirements	\$605,000

ADOPTED this 29th day of May, 2008.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
GOVERNING BODY FOR MID-COUNTY LIGHTING
SERVICE DISTRICT NO. 14

Ted Wheeler, Chair

REVIEWED:

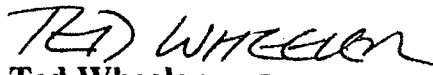

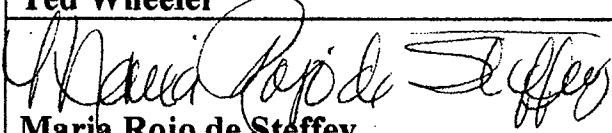
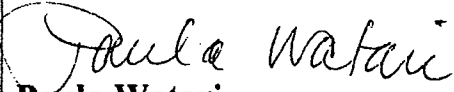


AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Matthew O. Ryan, Assistant County Attorney

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

EXHIBIT A

MULTNOMAH COUNTY SERVICE DISTRICTS' PROPOSED BUDGETS
FOR FISCAL YEAR 2008-2009

MID-COUNTY LIGHTING DISTRICT NO. 14 Budget Committee Approval	
The following members of the budget committee for the Mid-County Lighting District met on April 24, 2008 and approved the proposed budget for Fiscal Year 2008-2009:	
 Ted Wheeler	 Ginger Nielsen
 Maria Rojo de Steffey	 Paula Watari
 Lisa Naito	
Jeff Cogen	
 Lonnie Roberts	

Budget Message — Mid-County Service District No. 14

This County Service District (originally known as Tulip Acres Lighting District when formed in 1967 now includes most of the unincorporated urban area of Multnomah County as well as the cities of Fairview, Maywood Park, and Troutdale. District growth has stabilized due to the substantial completion of municipal annexations.

Portland General Electric (PGE) provides energy and maintenance services for the District. The County's Department of Community Service's Land Use and Transportation Division, provides administration, illumination engineering, and design services to the District.

The District capital program has slowed significantly and has moved towards individual or small group pole replacement projects. The district proposes a \$50,000 capital pole replacement program for the fiscal year 2009 budget to target equipment that are past life expectancy or poor condition.

The district's current assessment is \$35.00 per property per year. For fiscal year 2008-2009 the district's approved budget requires no change in this rate. An unappropriated ending fund balance is intended to fund future replacement of the depreciated District facilities.

**FORM
LB-20**

**RESOURCES
GENERAL**
(Fund)

MID-COUNTY DISTRICT No. 14

(Name of Municipal Corporation)

	Historical Data				Budget for Next Year 2008 - 2009			
	Actual		Adopted Budget This Year 2007 - 08		Proposed By Budget Officer	Approved By Budget Committee	Adopted By Governing Body	
	Second Preceding Year 2005 - 06	First Preceding Year 2006 -07						
				Beginning Fund Balance:				
1				1. Available cash on hand* (cash basis) or				1
2	\$335,935	\$346,419	\$385,000	2. Net working capital (accrual basis)	\$325,000	\$325,000		2
3	\$5,201	\$6,322	\$5,000	3. Previously levied taxes estimated to be received	\$5,000	\$5,000		3
4	\$16,211	\$22,153	\$24,000	4. Interest	\$20,000	\$20,000		4
5				5. OTHER RESOURCES				5
6	\$288,574	\$300,397	\$248,500	6 Assessments	\$255,000	\$255,000		6
7	\$27	\$43		7 Other				7
8				8				8
9				9				9
10				10				10
11				11				11
12				12				12
13				13				13
14				14				14
15				15				15
16				16				16
17				17				17
18				18				18
19				19				19
20				20				20
21				21				21
22				22				22
23				23				23
24				24				24
25				25				25
26				26				26
27				27				27
28				28				28
29	\$645,948	\$675,334	\$662,500	29. Total resources, except taxes to be levied	\$605,000	\$605,000	\$0	29
30				30. Taxes estimated to be received				30
31				31. Taxes collected in year levied				31
32	\$645,948	\$675,334	\$662,500	32. TOTAL RESOURCES	\$605,000	\$605,000	\$0	32

*Includes Unappropriated Balance Budgeted Last Year

**FORM
LB-30**

**REQUIREMENTS SUMMARY
BY FUND, ORGANIZATIONAL UNIT OR PROGRAM**

GENERAL

Name of Organizational Unit - Fund

MID-COUNTY DISTRICT No. 14

	Historical Data			EXPENDITURE DESCRIPTION	Budget For Next Year 2008 - 09			
	Actual		Adopted Budget This Year 2007 - 08		Proposed By Budget Officer	Approved By Budget Committee	Adopted By Governing Body	
	Second Preceding Year 2005 - 06	First Preceding Year 2006 - 07						
				PERSONAL SERVICES				
1				1				1
2				2				2
3				3				3
4				4				4
5				5				5
6				6				6
7	\$0	\$0	\$0	7 TOTAL PERSONAL SERVICES	\$0	\$0	\$0	7
				MATERIALS AND SERVICES				
8	\$221,318	\$241,899	\$230,000	8 Energy, maintenance and pole rental expenses	\$280,000	\$280,000		8
9				9 (services provided by Portland General				9
10				10 Electric)				10
11	\$40,124	\$39,531	\$37,000	11 Administrative costs (reimbursment to county	\$43,750	\$43,750		11
12				12 general fund and road fund)				12
13	\$12,746	\$15,173	\$25,000	13 Other expenses	\$25,000	\$25,000		13
14	\$274,188	\$296,603	\$292,000	14 TOTAL MATERIALS AND SERVICES	\$348,750	\$348,750	\$0	14
				CAPITAL OUTLAY				
15	\$25,341	\$0	\$50,000	15 Equipment Replacement	\$50,000	\$50,000		15
16				16				16
17				17				17
18				18				18
19				19				19
20				20				20
21	\$25,341	\$0	\$50,000	21 TOTAL CAPITAL OUTLAY	\$50,000	\$50,000	\$0	21
				TRANSFERRED TO OTHER FUNDS				
22				22				22
23				23				23
24				24				24
25			\$25,000	25 General Operating Contingency	\$25,000	\$25,000		25
	\$0	\$0	\$25,000	26 TOTAL TRANSFERS AND CONTINGENCIES	\$25,000	\$25,000	\$0	
27	\$299,529	\$296,603	\$367,000	27 TOTAL EXPENDITURES	\$423,750	\$423,750	\$0	27
28	\$346,419	\$378,731	\$295,500	28 UNAPPROPRIATED ENDING FUND BALANCE	\$181,250	\$181,250		28
29	\$645,948	\$675,334	\$662,500	29 TOTAL	\$605,000	\$605,000	\$0	29

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
GOVERNING BODY FOR MID-COUNTY STREET LIGHTING
SERVICE DISTRICT NO.14

RESOLUTION NO. 08-071

Adopting the 2008-09 Budget for the Mid-County Street Lighting Service District No. 14 and Making Appropriations

The Multnomah County Board of Commissioners Finds:

- a. The Mid-County Street Lighting Service District No. 14 Budget, prepared by the Budget Officer and attached as Exhibit A, has been considered and approved by the budget committee and has been certified by the Tax Supervising and Conservation Commission with no objections or recommendations.
- b. The Budget as certified is on file in the Budget and Quality Office of Multnomah County.

The Multnomah County Board of Commissioners Resolves:

1. The Budget attached as Exhibit A is adopted as the budget of Mid-County Street Lighting Service District No. 14, Oregon, in the amount of \$605,000.
2. The following appropriations are authorized for the fiscal year July 1, 2008, to June 30, 2009:

Fund	Appropriation
General Fund	
Materials & Services	\$348,750
Capital Outlay	\$ 50,000
Contingency	<u>\$ 25,000</u>
Sub total Appropriations	\$423,750
Unappropriated EFB	<u>\$181,250</u>
Total Requirements	\$605,000

ADOPTED this 29th day of May, 2008.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
GOVERNING BODY FOR MID-COUNTY LIGHTING
SERVICE DISTRICT NO. 14


Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 

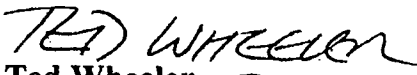

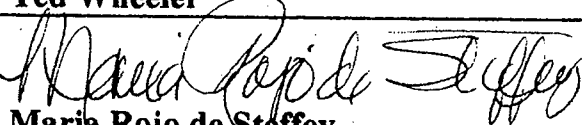
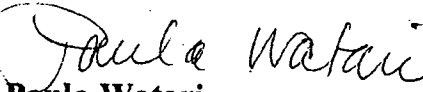
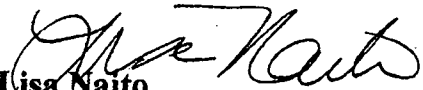

Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:

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

EXHIBIT A

MULTNOMAH COUNTY SERVICE DISTRICTS' PROPOSED BUDGETS FOR FISCAL YEAR 2008-2009

MID-COUNTY LIGHTING DISTRICT NO. 14 Budget Committee Approval	
The following members of the budget committee for the Mid-County Lighting District met on April 24, 2008 and approved the proposed budget for Fiscal Year 2008-2009:	
 Ted Wheeler	 Ginger Nielsen
 Maria Rojo de Steffey	 Paula Watari
 Lisa Naito	
Jeff Cogen	
 Lonnie Roberts	

Budget Message — Mid-County Service District No. 14

This County Service District (originally known as Tulip Acres Lighting District when formed in 1967 now includes most of the unincorporated urban area of Multnomah County as well as the cities of Fairview, Maywood Park, and Troutdale. District growth has stabilized due to the substantial completion of municipal annexations.

Portland General Electric (PGE) provides energy and maintenance services for the District. The County's Department of Community Service's Land Use and Transportation Division, provides administration, illumination engineering, and design services to the District.

The District capital program has slowed significantly and has moved towards individual or small group pole replacement projects. The district proposes a \$50,000 capital pole replacement program for the fiscal year 2009 budget to target equipment that are past life expectancy or poor condition.

The district's current assessment is \$35.00 per property per year. For fiscal year 2008-2009 the district's approved budget requires no change in this rate. An unappropriated ending fund balance is intended to fund future replacement of the depreciated District facilities.

**FORM
LB-20**

**RESOURCES
GENERAL
(Fund)**

MID-COUNTY DISTRICT No. 14

(Name of Municipal Corporation)

	Historical Data				Budget for Next Year 2008 - 2009			
	Actual		Adopted Budget This Year 2007 - 08		Proposed By Budget Officer	Approved By Budget Committee	Adopted By Governing Body	
	Second Preceding Year 2005 - 06	First Preceding Year 2006 -07						
				Beginning Fund Balance:				
1				1. Available cash on hand* (cash basis) or				1
2	\$335,935	\$346,419	\$385,000	2. Net working capital (accrual basis)	\$325,000	\$325,000		2
3	\$5,201	\$6,322	\$5,000	3. Previously levied taxes estimated to be received	\$5,000	\$5,000		3
4	\$16,211	\$22,153	\$24,000	4. Interest	\$20,000	\$20,000		4
5				5. OTHER RESOURCES				5
6	\$288,574	\$300,397	\$248,500	6 Assessments	\$255,000	\$255,000		6
7	\$27	\$43		7 Other				7
8				8				8
9				9				9
10				10				10
11				11				11
12				12				12
13				13				13
14				14				14
15				15				15
16				16				16
17				17				17
18				18				18
19				19				19
20				20				20
21				21				21
22				22				22
23				23				23
24				24				24
25				25				25
26				26				26
27				27				27
28				28				28
29	\$645,948	\$675,334	\$662,500	29. Total resources, except taxes to be levied	\$605,000	\$605,000	\$0	29
30				30. Taxes estimated to be received				30
31				31. Taxes collected in year levied				31
32	\$645,948	\$675,334	\$662,500	32. TOTAL RESOURCES	\$605,000	\$605,000	\$0	32

*Includes Unappropriated Balance Budgeted Last Year

**FORM
LB-30**

**REQUIREMENTS SUMMARY
BY FUND, ORGANIZATIONAL UNIT OR PROGRAM
GENERAL**

Name of Organizational Unit - Fund

MID-COUNTY DISTRICT No. 14

	Historical Data			EXPENDITURE DESCRIPTION	Budget For Next Year 2008 - 09			
	Actual		Adopted Budget This Year 2007 - 08		Proposed By Budget Officer	Approved By Budget Committee	Adopted By Governing Body	
	Second Preceding Year 2005 - 06	First Preceding Year 2006 - 07						
				PERSONAL SERVICES				
1				1				1
2				2				2
3				3				3
4				4				4
5				5				5
6				6				6
7	\$0	\$0	\$0	7 TOTAL PERSONAL SERVICES	\$0	\$0	\$0	7
				MATERIALS AND SERVICES				
8	\$221,318	\$241,899	\$230,000	8 Energy, maintenance and pole rental expenses	\$280,000	\$280,000		8
9				9 (services provided by Portland General				9
10				10 Electric)				10
11	\$40,124	\$39,531	\$37,000	11 Administrative costs (reimbursement to county	\$43,750	\$43,750		11
12				12 general fund and road fund)				12
13	\$12,746	\$15,173	\$25,000	13 Other expenses	\$25,000	\$25,000		13
14	\$274,188	\$296,603	\$292,000	14 TOTAL MATERIALS AND SERVICES	\$348,750	\$348,750	\$0	14
				CAPITAL OUTLAY				
15	\$25,341	\$0	\$50,000	15 Equipment Replacement	\$50,000	\$50,000		15
16				16				16
17				17				17
18				18				18
19				19				19
20				20				20
21	\$25,341	\$0	\$50,000	21 TOTAL CAPITAL OUTLAY	\$50,000	\$50,000	\$0	21
				TRANSFERRED TO OTHER FUNDS				
22				22				22
23				23				23
24				24				24
25			\$25,000	25 General Operating Contingency	\$25,000	\$25,000		25
	\$0	\$0	\$25,000	26 TOTAL TRANSFERS AND CONTINGENCIES	\$25,000	\$25,000	\$0	
27	\$299,529	\$296,603	\$367,000	27 TOTAL EXPENDITURES	\$423,750	\$423,750	\$0	27
28	\$346,419	\$378,731	\$295,500	28 UNAPPROPRIATED ENDING FUND BALANCE	\$181,250	\$181,250		28
29	\$645,948	\$675,334	\$662,500	29 TOTAL	\$605,000	\$605,000	\$0	29



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 05/29/08
Agenda Item #: R-3
Est. Start Time: 9:40 AM
Date Submitted: 05/07/08

Agenda Title: PROCLAMATION Proclaiming the Month of June 2008 as PRIDE Month for Lesbian, Gay, Bisexual, Transgender and Other Sexual Minorities 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: May 29, 2008 Amount of Time Needed: 10 minutes
Department: Non-Departmental Division: Rojo de Steffey
Contact(s): Matthew Lashua
Phone: 503 988-6796 Ext. 86796 I/O Address: 503/600
Presenter(s): Commissioner Maria Rojo

General Information

What action are you requesting from the Board?

Approval of Proclamation.

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. Pride refers to a world wide movement and philosophy asserting that lesbian, gay, bisexual, transgender and other sexual minorities should be proud of their sexual orientation and gender identity. Gay pride advocates work for equal rights and benefits for LGBT people. The movement has three main premises: that people should be proud of their sexual orientation and gender identity, that sexual diversity is a gift, and that sexual orientation and gender identity are inherent and cannot be intentionally altered.

Marches and parades celebrating Pride occur across the nation. Activities usually take place in June, to commemorate the Stonewall Riots which occurred on June 27, 1969. The riots occurred when patrons of the Stonewall Inn in New York City fought back against a police raid and are generally believed to be the beginning of the modern gay rights movement.

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

None

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

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

The Portland Pride festival will be held on Saturday and Sunday, June 14th-15th at Tom McCall Waterfront Park in downtown Portland, OR. Festival hours of operation will be from Noon-11:00pm on Saturday and Noon-6:00pm on Sunday.

Required Signature

Elected Official or
Department/
Agency Director:



Date: 05/07/08

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

PROCLAMATION NO. _____

Proclaiming the Month of June 2008 as PRIDE Month for Lesbian, Gay, Bisexual, Transgender and Other Sexual Minorities in Multnomah County, Oregon

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County does not allow or condone practices of discrimination on the basis of sexual orientation and gender identity.
- b. Furthermore, PRISM was created by Multnomah County and is an open and inclusive organization representing Lesbian, Gay, Bisexual, Transgender, other sexual minority employees and their supporters. PRISM stands for Pride, Respect, and Integrity for Sexual Minorities. PRISM is a sanctioned Multnomah County Employee Network Group consisting of dynamic individuals from many different backgrounds and disciplines who share in their diversity. Participation with PRISM welcomes all and invites everyone to get involved.
- c. Multnomah County's establishment of a domestic partnership registry, a means by which unmarried, committed couples who share a life and home together may document their relationship, makes Multnomah County a leader in the nation in the protection of civil rights.
- d. As of May, 2008, 933 same-sex couples have registered in Multnomah County since the Oregon Domestic Partnership Law went into effect on February 4, 2008.
- e. Multnomah County has been the site of Oregon's June PRIDE Celebration since 1975.
- f. The long struggle of Lesbian, Gay, Bisexual, Transgender and other sexual minorities for basic civil and human rights provides inspiration to all those who work against discrimination and oppression.

The Multnomah County Board of Commissioners Proclaims:

The month of June, 2008 as PRIDE Month for Lesbian, Gay, Bisexual, Transgender and other sexual minorities in Multnomah County, Oregon. The rich ethnic, social and cultural heritage of Multnomah County has been further

enriched by the presence of the Lesbian, Gay, Bisexual and Transgender community. We urge all County residents to join in this celebration.

ADOPTED this 29th day of May, 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:
Commissioner Maria Rojo de Steffey

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

PROCLAMATION NO. 08-072

Proclaiming the Month of June 2008 as PRIDE Month for Lesbian, Gay, Bisexual, Transgender and Other Sexual Minorities in Multnomah County, Oregon

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County does not allow or condone practices of discrimination on the basis of sexual orientation and gender identity.
- b. Furthermore, PRISM was created by Multnomah County and is an open and inclusive organization representing Lesbian, Gay, Bisexual, Transgender, other sexual minority employees and their supporters. PRISM stands for Pride, Respect, and Integrity for Sexual Minorities. PRISM is a sanctioned Multnomah County Employee Network Group consisting of dynamic individuals from many different backgrounds and disciplines who share in their diversity. Participation with PRISM welcomes all and invites everyone to get involved.
- c. Multnomah County's establishment of a domestic partnership registry, a means by which unmarried, committed couples who share a life and home together may document their relationship, makes Multnomah County a leader in the nation in the protection of civil rights.
- d. As of May, 2008, 933 same-sex couples have registered in Multnomah County since the Oregon Domestic Partnership Law went into effect on February 4, 2008.
- e. Multnomah County has been the site of Oregon's June PRIDE Celebration since 1975.
- f. The long struggle of Lesbian, Gay, Bisexual, Transgender and other sexual minorities for basic civil and human rights provides inspiration to all those who work against discrimination and oppression.

The Multnomah County Board of Commissioners Proclaims:

The month of June, 2008 as PRIDE Month for Lesbian, Gay, Bisexual, Transgender and other sexual minorities in Multnomah County, Oregon. The rich ethnic, social and cultural heritage of Multnomah County has been further

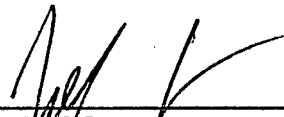
enriched by the presence of the Lesbian, Gay, Bisexual and Transgender community. We urge all County residents to join in this celebration.

ADOPTED this 29th day of May, 2008.

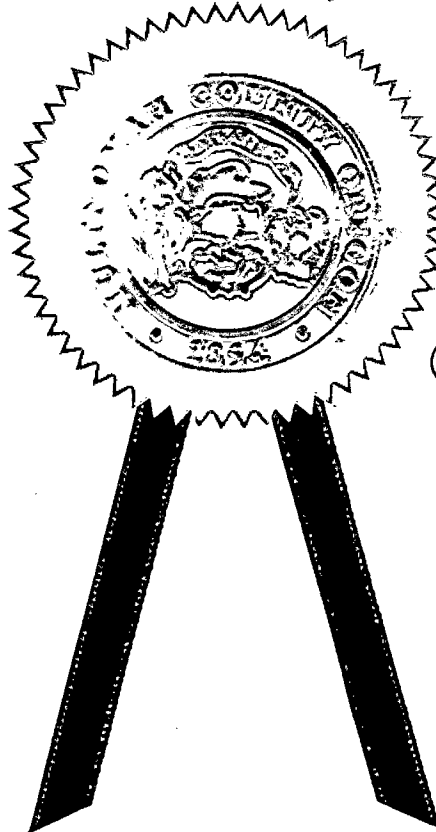
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

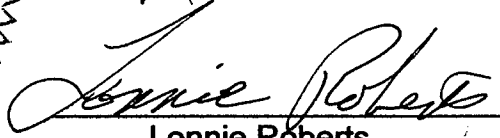

Ted Wheeler, County Chair


Maria Rojo de Steffey,
Commissioner District 1


Jeff Cogen
Commissioner District 2


Lisa Naito,
Commissioner District 3




Lonnie Roberts,
Commissioner District 4

SUBMITTED BY:
Commissioner Maria Rojo de Steffey



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (long form)

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-4 DATE 05-29-08
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 05/29/08
Agenda Item #: R-4
Est. Start Time: 9:45 AM
Date Submitted: 05/20/08

BUDGET MODIFICATION: MCSO - 13

Agenda Title: Budget Modification MCSO-13 Appropriating \$167,000 General Fund Contingency to Continue to Operate a Double Bunked Module (62 Beds) at the Multnomah County Detention Center from June 1, 2008 through June 30, 2008

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

Requested Meeting	<u>May 29, 2008</u>	Amount of Time Needed:	<u>5 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>Chief of Staff Christine Kirk</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 June 1, 2008 through June 30, 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 each month to keep the beds open. 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 June 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, 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 June 1, 2008 through June 30, 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 Heath budget is increased by \$25,050
Increase the Risk Fund by \$29,258
- **What do the changes accomplish?**
Funds the continuing operation of a double bunked module (62 beds) at MCDC from June 1, 2008 through June 30, 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 June 30, 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 98%. 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.

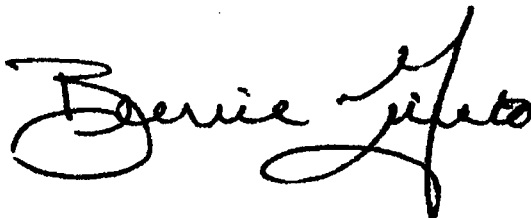
NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.

ATTACHMENT B

BUDGET MODIFICATION: MCSO - 13

Required Signatures

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



Date: May 20, 2008

Budget Analyst:



Date: 05/20/08

Department HR:



Date: May 20, 2008

Countywide HR:

Date: _____

Budget Modification ID: **MCSO - 13****EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 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		60470		(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		60180		81	81		Printing
10	60-30	1000	50		601410		60200		4	4		Communications
11	60-30	1000	50		601410		60250		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 - 13****EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 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						CORR HEALTH PORTION			0			
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	5th of last 5 months	5th of last 5 mos-BASE PAY	5th of last 5 mos-FRINGE	5th 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



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: May 20, 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 62 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 June 1 to June 30, 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.

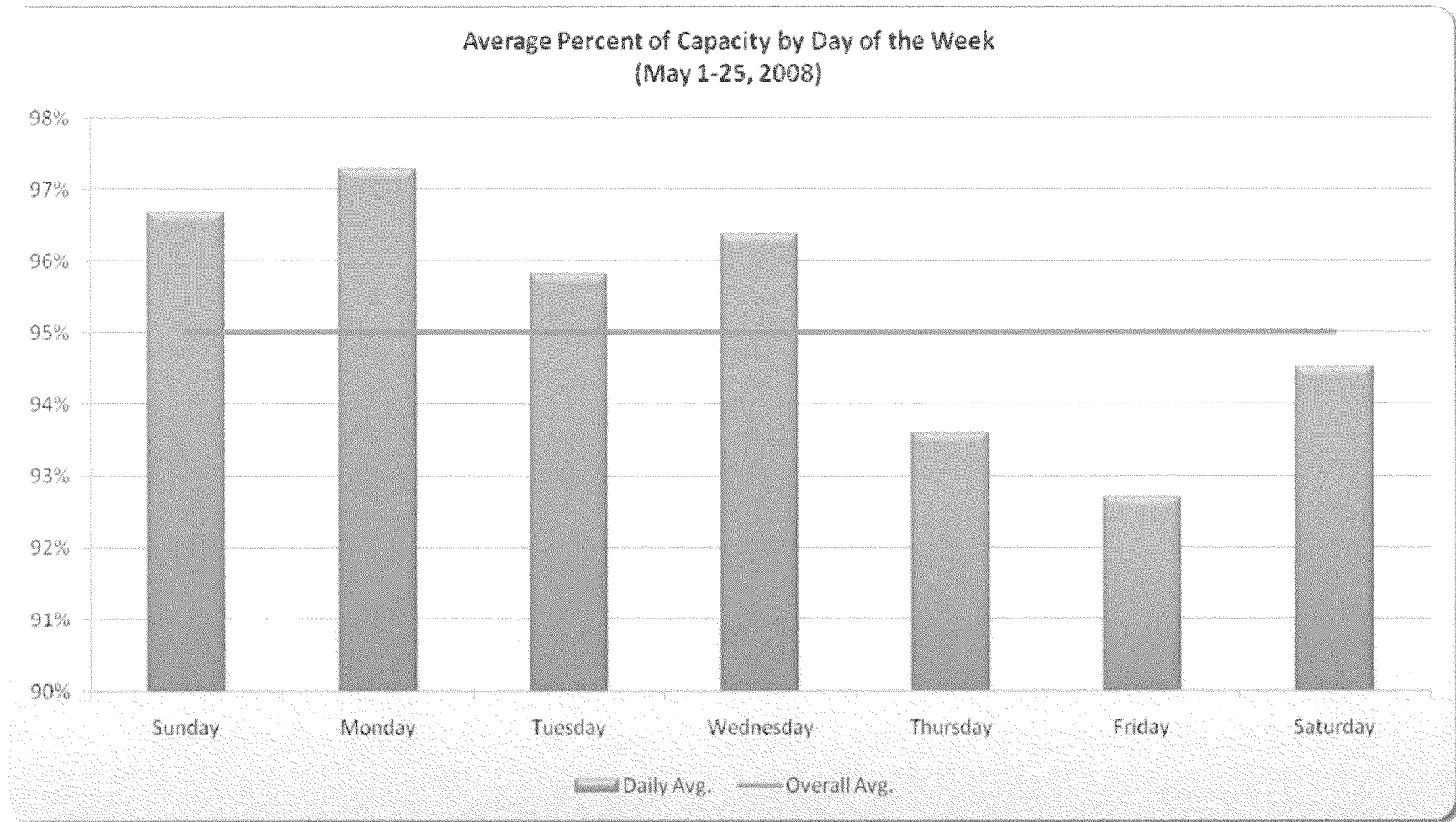
In particular,

- 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.**

May 29, 2008 – May Jail Capacity Data Presentation to the BCC

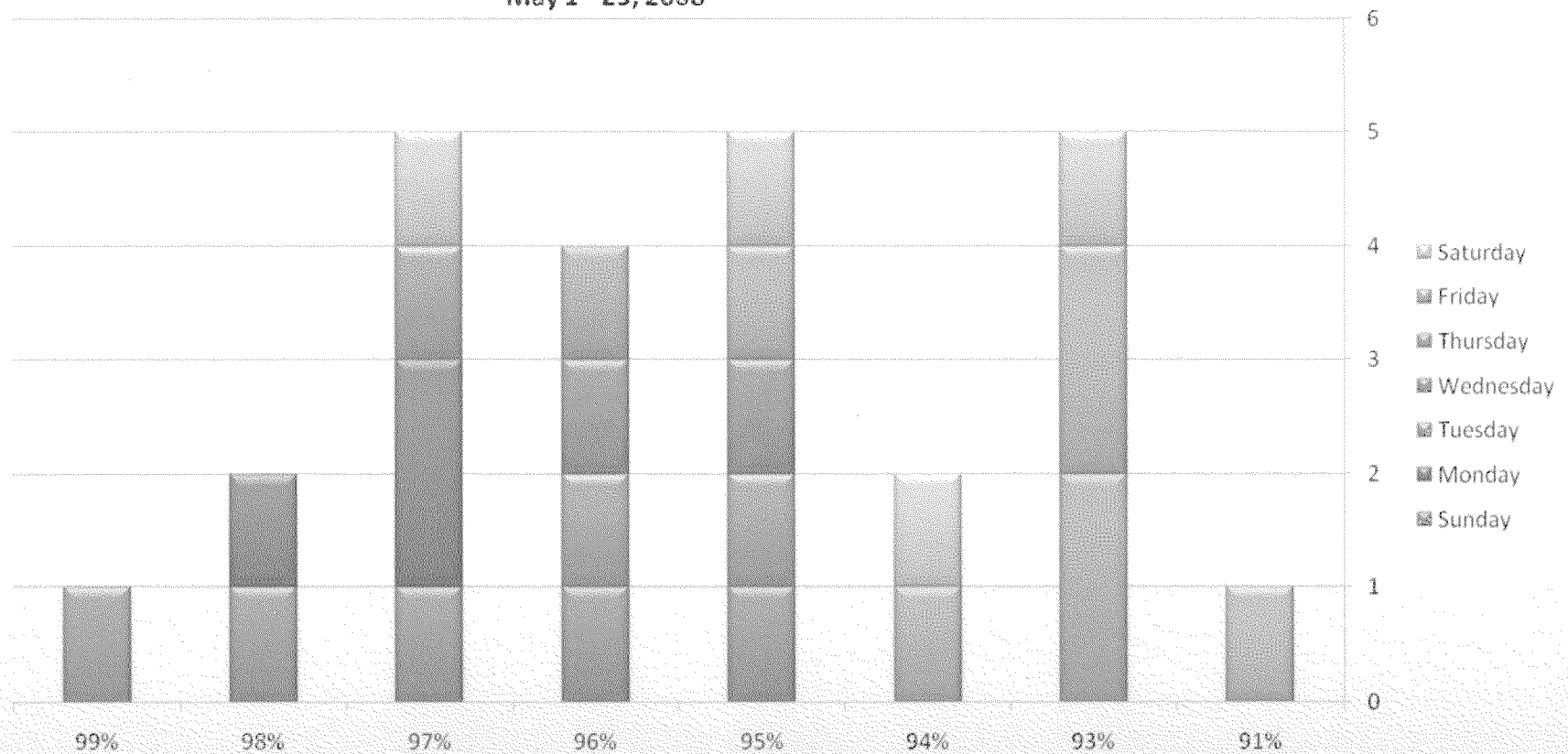
**Budget Modification MCSO-13 Appropriating
\$167,000 General Fund Contingency to Continue to
Operate a Double Bunked Module (62 Beds) at the
Multnomah County Detention Center from June 1,
2008 through June 30, 2008**

Industry standard is for a jail to run near 95% for safe and effective population management.

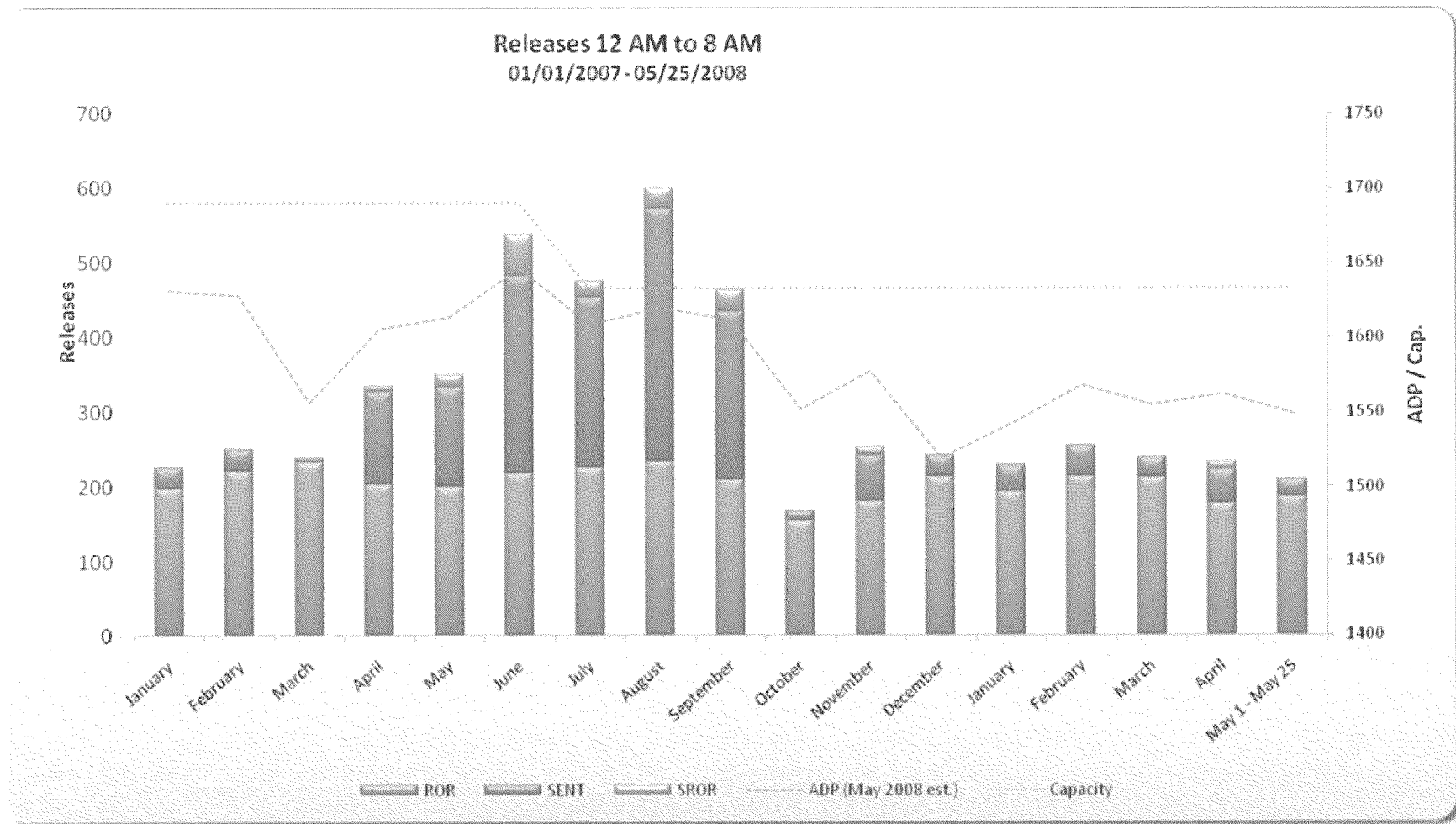


May's Capacity has bounced around hovered around 95-96%

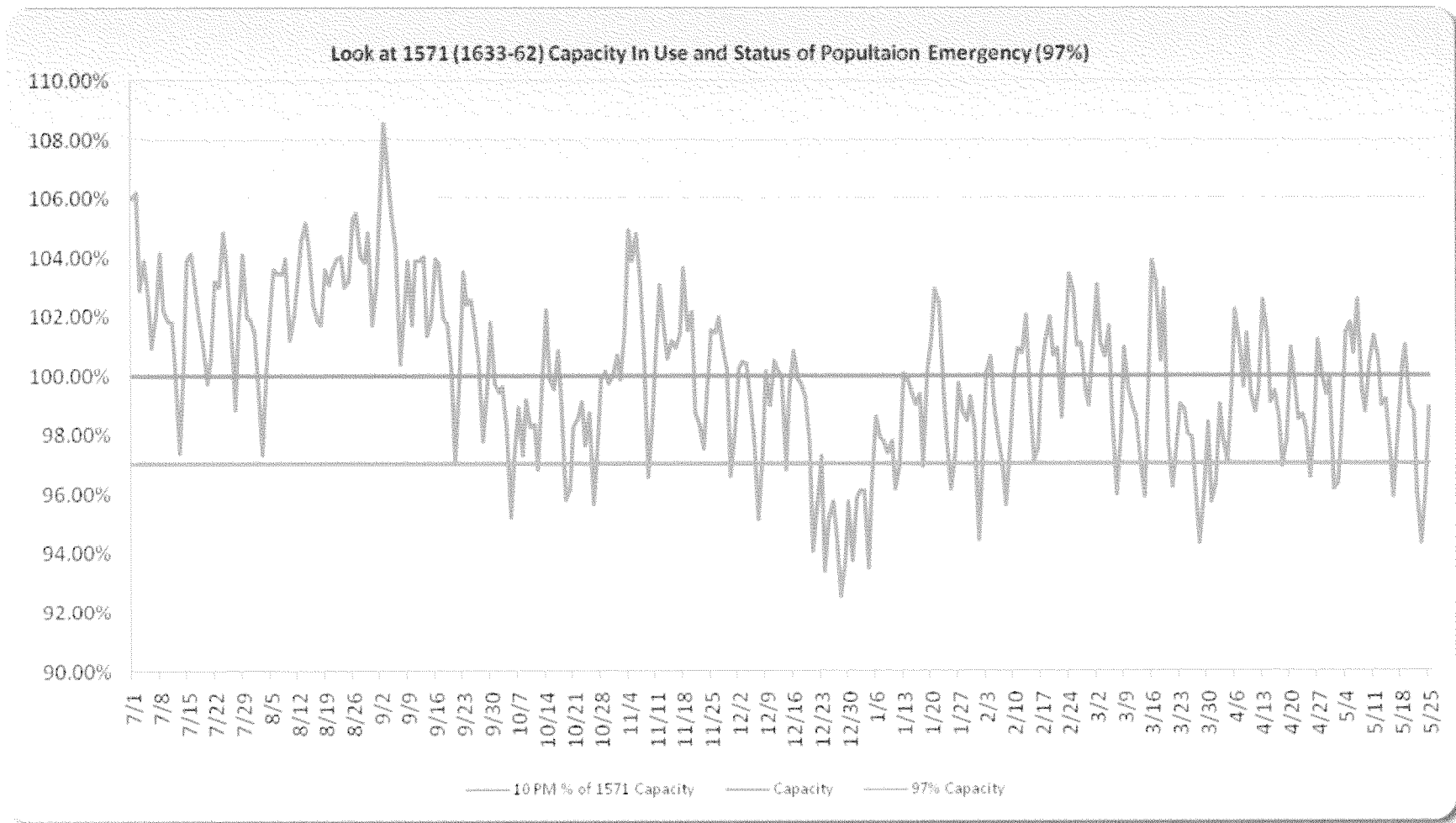
Percent of Capacity and Number of Occurrences by Day of the Week
May 1 - 25, 2008



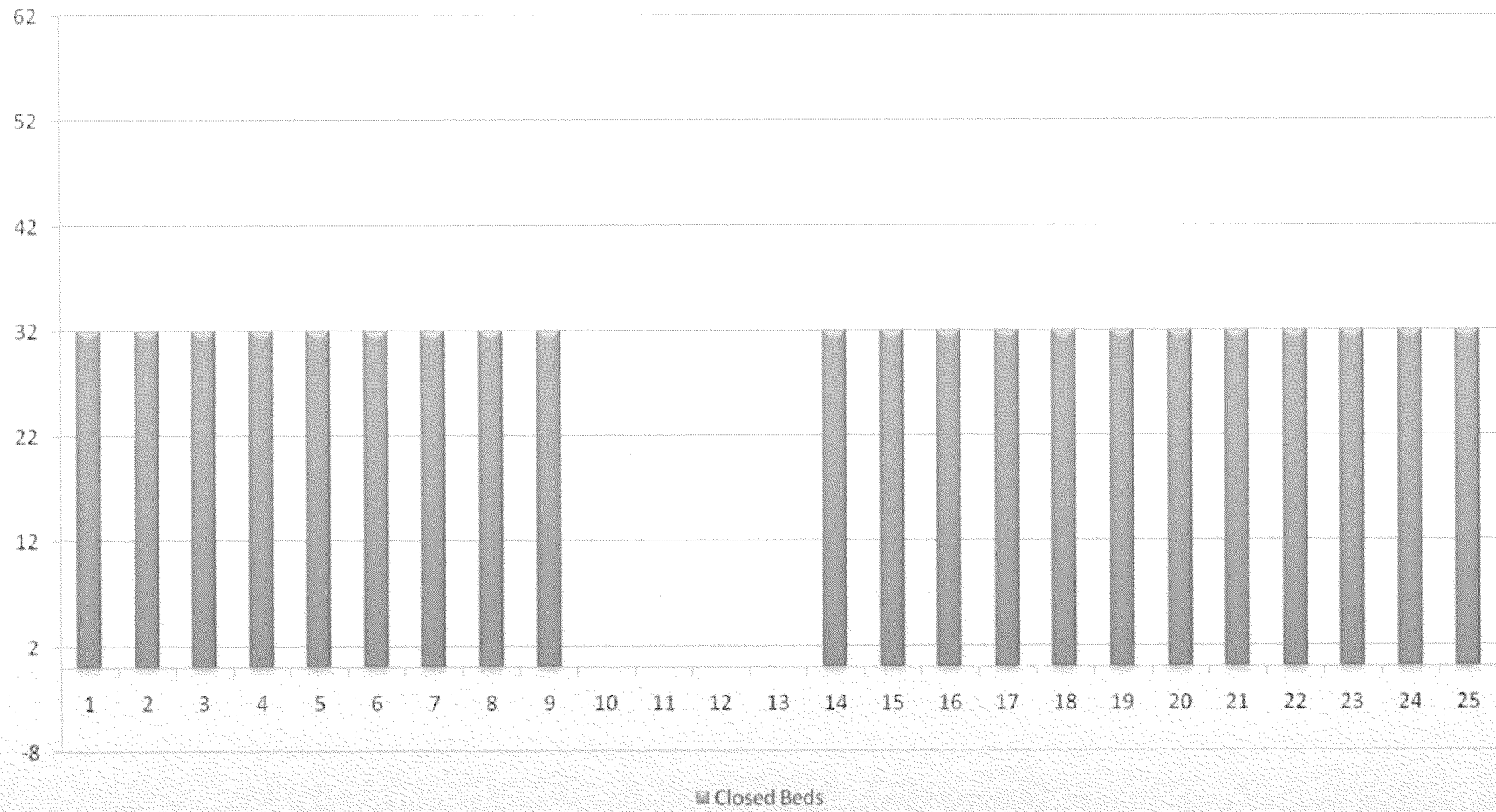
Capacity under 97% Limits “1201” a.m. Releases



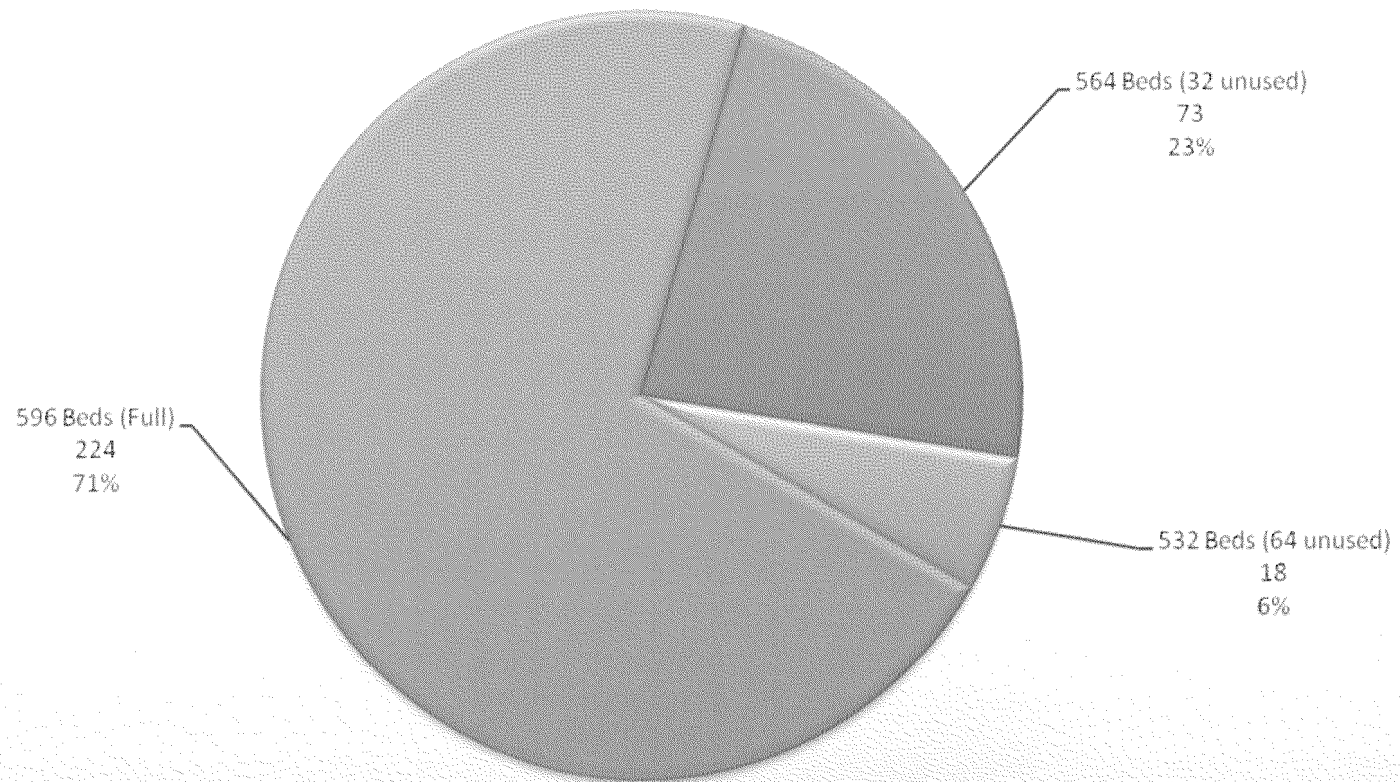
Capacity if adjusted from 1633 to 1571, moves the system into emergency population status the majority of the time



Jail Beds Closed 5/1 to 5/25 2008

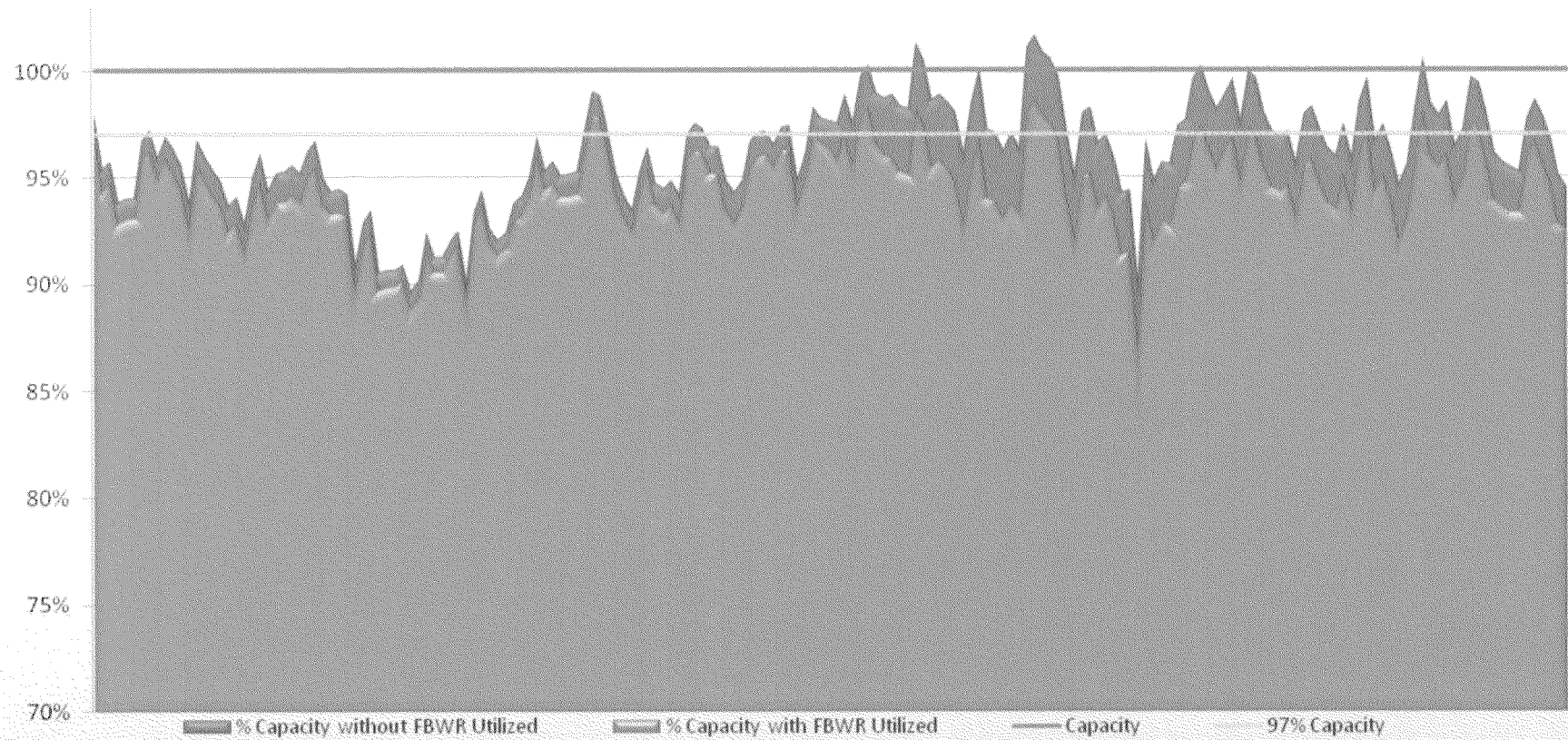


Number of Days/% Beds Closed Allowing for Reduced Expenditures
July 1- May 25, 2008

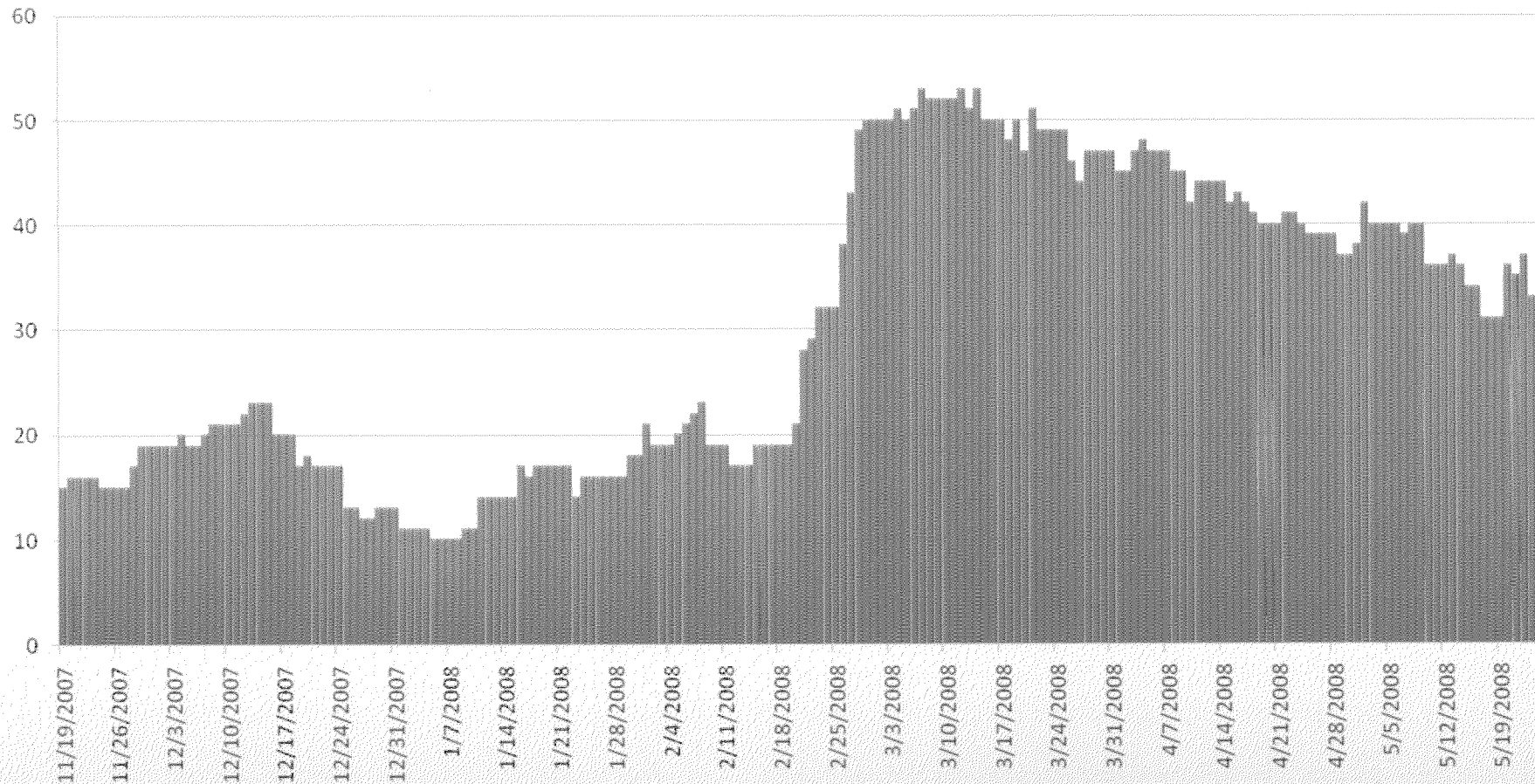


FBWR's Impact on Capacity

(01/01/2008 - 5/23/2008)



Count of FBWR Participants
(Through May 23, 2008)





MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 05/29/08
Agenda Item #: R-5
Est. Start Time: 9:50 AM
Date Submitted: 05/19/08

Agenda Title: RESOLUTION Establishing Jail Capacity and Adopting a Capacity Management Action Plan

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

Requested Meeting Date: May 29, 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 the Budget Modification Appropriating General Fund Contingency to Continue to Operate 62 Jail Beds at the Multnomah County Detention Center from May 1, 2008 through May 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 parameters for setting a capacity limit and creating an Capacity Management Plan in correctional facilities.

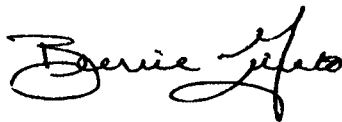
Creation and compliance with the Plan is important as 169.046 provides that, "[a] sheriff shall be immune from criminal or civil liability for any good faith release of inmates under ORS 169.042 to 169.046."

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: May 19, 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 29th day of May, 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:
Sheriff Bernie Giusto

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 (Budget Modification)

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-6 DATE 05.29.08
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 05/29/08
Agenda Item #: R-6
Est. Start Time: 9:51 AM
Date Submitted: 05/12/08

BUDGET MODIFICATION: HD - 43

Agenda Title: Budget Modification HD-43 Appropriating \$106,848 in Revenue from the State of Oregon, Department of Human Services, Public Health Services

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

Requested Meeting Date:	<u>May 29, 2008</u>	Amount of Time Needed:	<u>5 minutes</u>
Department:	<u>Health</u>	Division:	<u>Community Health Promotion, Partnerships and Planning</u>
Contact(s):	<u>Lester A. Walker, Finance and Budget Manager</u>		
Phone:	<u>(503) 988-3674</u>	Ext.	<u>26457</u>
		I/O Address:	<u>167/2/210</u>
Presenter(s):	<u>Haiou He, Program Manager</u>		

General Information

1. What action are you requesting from the Board?

We are requesting approval of appropriation of \$106,848 in additional funding from the State of Oregon – Department of Human Services – Public Health Services FY2008 Financial Assistance Award – Amendment #5: HIV Title II Ryan White – Program Design and Evaluation Services for the Health Department to design and implement a protocol to over-sample rural residents, a subgroup of interest to HIV services in Oregon.

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 State of Oregon - Department of Human Services - Public Health Services Division funds the Health Department's Program Design and Evaluation Services to provide data collection and program evaluation of a Centers for Disease Control and Prevention funded multi-site Medical Monitoring Project. In accordance with the Medical Monitoring Project protocol developed by the Centers for Disease Control and Prevention, Program Design and Evaluation Services, in collaboration with Department of Human Services staff, conducts interviews and medical record abstraction of 400 HIV patients annually. With the additional funding, Program Design and

Evaluation Services will design and implement a protocol that will supplement the Centers for Disease Control and Prevention Medical Monitoring Project protocol to over-sample specific subgroups of interest to HIV services in Oregon. The subgroup of current interest for this year is rural residents.

This action affects Program Offer 40035 – Health Planning and Evaluation which assures the identification of major health issues in the county, department-wide strategic planning, procurement of grant funds, and the development and implementation of evidence-based programs.

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

Approval of this budget modification will increase the Health Department's federal/state FY08 budget by \$106,848. The Health Department receives the State of Oregon Financial Assistance Award – HIV Title II Ryan White – Program Design and Evaluation Services on an on-going basis.

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

There are none.

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

Program Design and Evaluation Services will work with the Department of Human Services – Public Health Division and medical providers from rural areas to conduct interviews and medical record abstraction of rural HIV patients.

ATTACHMENT A

Budget Modification

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

- **What revenue is being changed and why?**

The Health Department's federal/state revenue budget will increase by \$106,848 in FY08 as a result of the work performed under this grant.

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

The Health Department's Community Health Promotion, Partnerships, and Planning's FY08 budget will increase by \$106,848. Temporary personnel costs will increase by \$97,871 (Research and Evaluation Supervisor/Analyst, Program Development Technician, Research Assistants), Supplies by \$489, and Indirect by \$8,488.

- **What do the changes accomplish?**

Program Design and Evaluation Services will design and implement a protocol that will supplement the Centers for Disease Control and Prevention Medical Monitoring Project protocol to over-sample specific subgroups of interest to HIV services in Oregon. The subgroup of current interest for this year is rural residents.

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

This budget modification does not result in personnel actions. Existing grant-funded personnel (Research and Evaluation Supervisor/Analyst, Program Development Technician) and on-call Research Assistants (to conduct interviews) will perform the work.

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

The revenue covers these costs.

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

The revenue is not one-time-only in nature. Centers for Disease Control and Prevention funding will continue. Department of Human Services funding is dependent upon the need to conduct another over-sample of specific subgroups of interest to HIV services in Oregon.

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

The grant covers the period 07/01/07 – 05/31/08.

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

We anticipate that funding will be awarded annually on an on-going basis.

<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: HD - 43

Required Signatures

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

Jillian Shulley / W2

Date:

05/09/08

Budget Analyst:

Angela Burdine

Date: 05/09/08

Department HR:

Heather Heller

Date: 05/07/08

Countywide HR:

Date:

Budget Modification ID: **HD-43****EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 2008

Line No.	Fund Center	Fund Code	Program #	Func. Area	Internal Order	Accounting Unit		Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
						Cost Center	WBS Element						
1	40-16	32014	40035	30			4SA38	50190	(50,000)	(156,848)	(106,848)		HIV Title II Ryan White - PDES
2	40-16	32014	40035	30			4SA38	60100	0	70,749	70,749		Temporary Personnel
3	40-16	32014	40035	30			4SA38	60135	0	15,895	15,895		Non-base fringe
4	40-16	32014	40035	30			4SA38	60145	0	11,227	11,227		Non-base insurance
5	40-16	32014	40035	30			4SA38	60240	0	489	489		Supplies
6	40-16	32014	40035	30			4SA38	60350	1,054	3,306	2,252		Central Indirect
7	40-16	32014	40035	30			4SA38	60355	2,917	9,153	6,236		Departmental Indirect
8										0			
9	72-10	3500	40035	0020		705210		50316		(11,227)	(11,227)		Insurance Revenue
10	72-10	3500	40035	0020		705210		60330		11,227	11,227		Offsetting expenditure
11										0			
12	19	1000	40035	0020		9500001000		50310		(2,252)	(2,252)		Indirect reimbursement revenue in GF
13	19	1000	40035	0020		9500001000		60470		2,252	2,252		CGF Contingency expenditure
14										0			
15	40-90	1000	40035	30		409050		50370		(6,236)	(6,236)		Indirect Dept reimbursement revenue in GF
16	40-90	1000	40035	30		409001		60000		6,236	6,236		Off setting Dept expenditure in GF
17										0			
18										0			
19										0			
20										0			
21										0			
22										0			
23										0			
24										0			
25										0			
26										0			
27										0			
28										0			
29										0			
											0	0	Total - Page 1
											0	0	GRAND TOTAL



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (Budget Modification)

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-7 DATE 05.29.08
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 05/29/08
Agenda Item #: R-7
Est. Start Time: 9:53 AM
Date Submitted: 05/15/08

BUDGET MODIFICATION: HD - 44

Budget Modification HD-44 Appropriating \$11,691 in Revenue from the State of Oregon, Department of Human Services for "Addressing the Prevention, Early Detection, and Management of Chronic Diseases Phase I – Building Public Health Capacity"

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

Requested Meeting Date:	<u>May 29, 2008</u>	Amount of Time Needed:	<u>5 minutes</u>
Department:	<u>Health</u>	Division:	<u>Community Health Promotion, Partnerships and Planning</u>
Contact(s):	<u>Lester A. Walker, Finance and Budget Manager</u>		
Phone:	<u>503-988-3674</u>	Ext.	<u>26457</u>
I/O Address:	<u>167/2/210</u>		
Presenter(s):	<u>Sonia Manhas, Program Manager and Consuelo Saragoza, Director</u>		

General Information

1. What action are you requesting from the Board?

We are requesting approval of appropriation of \$11,691 in funding from the State of Oregon – Department of Human Services – Public Health Services FY2008 Financial Assistance Award – Amendment #9 - Program Element #14 – Tobacco Related Chronic Disease Program in support of "Addressing the Prevention, Early Detection, and Management of Chronic Diseases Phase I – Building Public Health Capacity." A Notice of Intent was presented to and approved by the Board on January 24th, 2008.

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 State of Oregon's Chronic Disease Program has funded tobacco control efforts at the local level through the Tobacco Prevention and Education Program (of which the Multnomah County Health Department has been a part of) for many years. In 2007, a decision was made to build upon these efforts to assist local public health authorities in planning "a population-based approach to reduce

the burden of chronic diseases most closely linked to physical inactivity, poor nutrition, and tobacco use.” To support this decision, Oregon State’s Public Health Division’s Tobacco Prevention and Education, Physical Activity and Nutrition, Arthritis, Asthma, Comprehensive Cancer, Diabetes, and Heart Disease and Stroke programs pooled together resources to fund a new program to address chronic disease prevention and management. Phase I of the program consists of capacity building and planning and Phase II will focus on implementation.

Multnomah County Health Department’s Chronic Disease Prevention Program has been very active in both tobacco control and chronic disease prevention and management. The goals and activities of this grant program fully support and build upon the work that the Chronic Disease Prevention Program is currently engaged in. Not only will this grant allow the Chronic Disease Prevention Program to build its current capacity by supporting professional development, additional staff time, and programmatic support; it will allow the Chronic Disease Prevention Program to apply for future funding for Phase II - Implementation.

This action supports Program Offer #40038 – Public Health Promotion - the Health Department’s efforts to assure access to care, prevent disease and improve health in vulnerable communities, and eliminate racial and ethnic health disparities through health education, training/capacity-building, community organizing/partnerships, media communication, advocacy, and health campaigns.

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

Approval of this budget modification will increase the Health Department’s federal/state FY08 budget by \$11,691. Phase I funding continues through FY09. FY09 funding will be added to the FY09 Budget as a revenue amendment. Additionally, ongoing funding is anticipated in support of Phase II of the grant program.

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

There are no legal and/or policy issues involved.

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

The program focuses on building partnerships within the community and working to promote sustainable environmental change. Citizen/community participation in program activities and policy analysis/development are essential components of accomplishing these goals.

ATTACHMENT A

Budget Modification

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

- **What revenue is being changed and why?**

The Health Departments federal/state revenue budget will increase by \$11,691 in FY08 as a result of the work performed under this grant.

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

The Health Department's Community Health Promotion, Partnerships and Planning's FY08 budget will increase by \$11,691. Personnel will increase by \$7,114 (Health Educator), Temporary by \$3,065 (Research/Evaluation Analyst 1), Printing by \$200 (Informational flyers and materials for partners and community members), Supplies by \$300 (Office supplies and refreshments for planning meetings), Motor Pool by \$84, and Indirect by \$928.

- **What do the changes accomplish?**

The changes will build capacity for chronic disease prevention. This will include completion of a community assessment, development of an implementation and evaluation plan of best-practice interventions, and promotion of chronic disease self-management programs.

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

This budget modification will increase FY08 FTE by 0.10 FTE Health Educator. On an annualized basis, the Health Educator position is increased from 0.80 FTE to 1.0 FTE.

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

The revenue covers these costs.

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

The revenue for Phase I – Planning and Capacity Building is one-time-only in nature. However, participation in Phase I of the grant program will allow the Health Department to compete for additional funds (Phase II – Implementation).

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

The grant covers the period 3/1/08 – 6/30/08 in FY08 and 7/1/08 – 12/31/08 in FY09.

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

The Multnomah County Health Department Chronic Disease Prevention Program will work with its Development Team to develop and submit a proposal to the State for Phase II – Implementation funds.

<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: HD - 44

Required Signatures

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

Jillian Shirley / W2

Date: 05/13/08

Budget Analyst:

Angela Burdine

Date: 05/14/08

Department HR:

Patricia Miller

Date: 05/12/08

Countywide HR:

Date:

Budget Modification ID: **HD-44****EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 2008

Line No.	Fund Center	Fund Code	Program #	Func. Area	Internal Order	Accounting Unit		Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
						Cost Center	WBS Element						
1	40-16	32288	40038	30			4SA80-1	50180	0	(11,691)	(11,691)		OR DHS Tobacco Related Chronic
2	40-16	32288	40038	30			4SA80-1	60000	0	4,411	4,411		Health Educator
3	40-16	32288	40038	30			4SA80-1	60100	0	1,892	1,892		Research/Evaluation Analyst
4	40-16	32288	40038	30			4SA80-1	60130	0	1,416	1,416		Salary Related Expense
5	40-16	32288	40038	30			4SA80-1	60135	0	550	550		Non-base Fringe
6	40-16	32288	40038	30			4SA80-1	60140	0	1,287	1,287		Insurance
7	40-16	32288	40038	30			4SA80-1	60145	0	623	623		Non-base Insurance
8	40-16	32288	40038	30			4SA80-1	60180	0	200	200		Printing
9	40-16	32288	40038	30			4SA80-1	60240	0	300	300		Supplies, Nourishment
10	40-16	32288	40038	30			4SA80-1	60350	0	246	246		Central Direct
11	40-16	32288	40038	30			4SA80-1	60355	0	681	681		Departmental Indirect
12	40-16	32288	40038	30			4SA80-1	60410	0	84	84		Motor Pool
13										0			
14	72-10	3500	40038	0020		705210		50316		(1,910)	(1,910)		Insurance Revenue
15	72-10	3500	40038	0020		705210		60330		1,910	1,910		Offsetting expenditure
16										0			
17	19	1000	40038	0020		9500001000		50310		(246)	(246)		Indirect reimbursement revenue in GF
18	19	1000	40038	0020		9500001000		60470		246	246		CGF Contingency expenditure
19										0			
20	40-90	1000	40038	30		409050		50370		(681)	(681)		Indirect Dept reimbursement revenue in GF
21	40-90	1000	40038	30		409001		60000		681	681		Off setting Dept expenditure in GF
22										0			
23	72-55	3501	40038	0020		904100		50310		(84)	(84)		Budgets receipt of Motor Pool reimb
24	72-55	3501	40038	0020		904100		60240		84	84		Budgets offsetting expenditure
25										0			
26										0			
27										0			
28										0			
29										0			
											0	0	Total - Page 1
											0	0	GRAND TOTAL

ANNUALIZED PERSONNEL CHANGE

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

32.09%

29.08%

Fringe

6.50%

Insurance1

\$5,149

\$10,005

Insurance2

ANNUALIZED

Fund	Job #	HR Org	CC/WBS/O	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
23790	6352	61162	4SA80-1	Health Educator	713501	0.20	8,822	2,831	2,574	14,227
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
				TOTAL ANNUALIZED CHANGES		0.20	8,822	2,831	2,574	14,227

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	CC/WBS/IO	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
23790	6352	61162	4SA80-1	Health Educator	713501	0.10	4,411	1,416	1,287	7,114
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
				TOTAL CURRENT FY CHANGES		0.10	4,411	1,416	1,287	7,114



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (long form)

APPROVED: MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-8 DATE 05.29.08
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 05/29/08
Agenda Item #: R-8
Est. Start Time: 9:55 AM
Date Submitted: 05/19/08

BUDGET MODIFICATION: DCHS - 40

Budget Modification DCHS-40 Increasing the Community Services
Agenda Federal/State Appropriation by \$1,760,271 in Grant Funding for Energy and
Title: Weatherization Services

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

Requested Meeting Date:	<u>May 29, 2008</u>	Amount of Time Needed:	<u>5 minutes</u>
Department:	<u>Dept. of County Human Services</u>	Division:	<u>Community Services</u>
Contact(s):	<u>Kathy Tinkle</u>		
Phone:	<u>988-3691</u>	Ext.	<u>26858</u>
		I/O Address:	<u>167/620</u>
Presenter(s):	<u>Mary Li</u>		

General Information

1. What action are you requesting from the Board?

The Department of County Human Services (DCHS) requests the approval of Budget Modification DCHS-40. This budget modification increases Community Services Division budget by \$1,760,271.

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.

At the time that the budget was prepared, the State of Oregon Housing and Community Services (OHCS) grant revenue projections were based on estimates provided by the State. The actual award amounts are greater than original estimates. This budget modification will increase the budget to reflect the actual award amounts.

The increase in funding will allow the program to serve additional clients. The Energy Conservation Helping Oregonians (ECHO) grant funds will be used to service 148 low-income homes, the Low Income Energy Assistance Program (LIEAP) grant funds will be used to service 300 low-income homes and the Oregon Energy Assistance (OEA) funding will provide for services to an additional

1,570 low-income households. The changes impact program offer 25119 Energy Services.

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

OCHS grant revenue will increase by \$1,760,271. Direct Client Assistance will increase by \$1,321,244, Pass Through & Program Support will increase by \$326,924, Supplies will increase by \$20,750 and grant paid indirect will increase by \$67,395.

Department indirect revenue will increase by \$31,915 with a corresponding increase in supplies.

Service reimbursement from the Federal/State to the General Fund will increase by \$35,480.

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

N/A

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

N/A

ATTACHMENT A

Budget Modification

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

- **What revenue is being changed and why?**

OHCS grant funding for energy services will increase by \$1,760,271.

The State NOA has been issued for the 2007-2009 biennium, and the award amounts are more than the amounts that were projected when the budget was prepared.

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

Community Services budget increases by \$1,760,271. Department Director's budget increases by \$31,915 and County General Fund Contingency increases by \$35,480.

- **What do the changes accomplish?**

Provides additional resources to provide energy services to clients.

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

N/A

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

The funding allows indirect costs to be recovered.

- **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?**

On going grant award.

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

10/01/07 - 09/30/08

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

On going grant award.

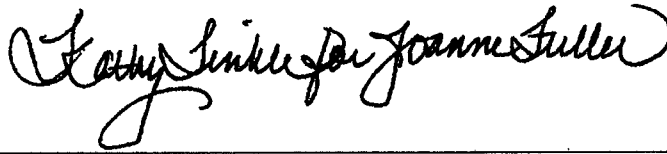
<p><i>NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.</i></p>

ATTACHMENT B

BUDGET MODIFICATION: DCHS - 40

Required Signatures

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



Date: 05/19/08

Budget Analyst:



Date: 05/19/08

Department HR:

Date:

Countywide HR:

Date:

Budget Modification ID: **DCHS-40****EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 2008

Line No.	Fund Center	Fund Code	Program #	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
					Internal Order	Cost Center	WBS Element						
1	22-10	23350	25119A	40			SCPCSESEG.OEA08.PGE.AD	60160	70,052	96,672	26,620		Pass Thru & Prg Support
2	22-10	23350	25119A	40			SCPCSESEG.OEA08.PGE.AD	60350	31,175	42,931	11,756		Central Indirect @2.29%
3	22-10	23350	25119A	40			SCPCSESEG.OEA08.PGE.AD	60355	28,044	38,619	10,575		Dept Indirect @2.06%
4	22-10	23350	25119A	40			SCPCSESEG.OEA08.PGE.AD	50180	(129,271)	(178,222)	(48,951)		Direct State
5													
6	22-10	23350	25119A	40			SCPCSESEG.OEA08.PGE.PD	60160	101,088	259,950	158,862		Pass Thru & Prg Support
7	22-10	23350	25119A	40			SCPCSESEG.OEA08.PGE.PD	50180	(193,196)	(352,058)	(158,862)		Direct State
8													
9	22-10	23350	25119A	40			SCPCSESEG.OEA08.PGE.PG	60155	1,098,091	1,425,919	327,828		Direct Client Assistance
10	22-10	23350	25119A	40			SCPCSESEG.OEA08.PGE.PG	50180	(1,098,091)	(1,425,919)	(327,828)		Direct State
11													
12	22-10	23350	25119A	40			SCPCSESEG.OEA08.PPL.AD	60160	25,299	34,639	9,340		Pass Thru & Prg Support
13	22-10	23350	25119A	40			SCPCSESEG.OEA08.PPL.AD	60350	11,218	15,359	4,141		Central Indirect @2.29%
14	22-10	23350	25119A	40			SCPCSESEG.OEA08.PPL.AD	60355	10,092	13,816	3,724		Dept Indirect @2.06%
15	22-10	23350	25119A	40			SCPCSESEG.OEA08.PPL.AD	50180	(46,609)	(63,814)	(17,205)		Direct State
16													
17	22-10	23350	25119A	40			SCPCSESEG.OEA08.PPL.PD	60160	35,653	91,308	55,655		Pass Thru & Prg Support
18	22-10	23350	25119A	40			SCPCSESEG.OEA08.PPL.PD	50180	(69,658)	(125,313)	(55,655)		Direct State
19													
20	22-10	23350	25119A	40			SCPCSESEG.OEA08.PPL.PG	60155	395,923	511,761	115,838		Direct Client Assistance
21	22-10	23350	25119A	40			SCPCSESEG.OEA08.PPL.PG	50180	(395,923)	(511,761)	(115,838)		Direct State
22										0			
23	22-10	23351	25119A	40			SCPCESRR.ECHO.PGE.AD	60350	28,749	36,660	7,911		Central Indirect @2.29%
24	22-10	23351	25119A	40			SCPCESRR.ECHO.PGE.AD	60355	25,863	32,978	7,115		Dept Indirect @2.06%
25	22-10	23351	25119A	40			SCPCESRR.ECHO.PGE.AD	50180	(28,749)	(43,775)	(15,026)		Direct State
26													
27	22-10	23351	25119A	40			SCPCESRR.ECHO.PGE.PG	60155	991,342	1,424,836	433,494		Direct Client Assistance
28	22-10	23351	25119A	40			SCPCESRR.ECHO.PGE.PG	50180	(991,342)	(1,424,836)	(433,494)		Direct State
29													
											0	0	Total - Page 1
											0	0	GRAND TOTAL

Budget Modification ID: **DCHS-40****EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 2008

Line No.	Fund Center	Fund Code	Program #	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
					Internal Order	Cost Center	WBS Element						
30	22-10	20725	25119A	40			SCPCSESEG.LIEAPEG.08.AD	60350	68,977	80,649	11,672		Central Indirect @2.29%
31	22-10	20725	25119A	40			SCPCSESEG.LIEAPEG.08.AD	60355	62,049	72,550	10,501		Dept Indirect @2.06%
32	22-10	20725	25119A	40			SCPCSESEG.LIEAPEG.08.AD	50180	(191,528)	(213,701)	(22,173)		Direct State
33													
34	22-10	20725	25119A	40			SCPCSESEG.LIEAPEG.08.PG	60155	2,465,662	2,909,746	444,084		Direct Client Assistance
35	22-10	20725	25119A	40			SCPCSESEG.LIEAPEG.08.PG	50180	(2,465,662)	(2,909,746)	(444,084)		Direct State
36													
37	22-10	20725	25119A	40			SCPCSESEG.LIEAPEG.08.PD	60160	361,704	462,109	100,405		Pass Thru & Prg Support
38	22-10	20725	25119A	40			SCPCSESEG.LIEAPEG.08.PD	50180	(438,154)	(538,559)	(100,405)		Direct State
39													
40	22-10	23351	25119A	40			SCPCSESED.LIEAPEG.08.ED	60240	0	20,750	20,750		Supplies
41	22-10	23351	25119A	40			SCPCSESED.LIEAPEG.08.ED	50190	0	(20,750)	(20,750)		Fed Thru State
42													
43	26-00	1000	25000	40			CHSDO.IND1000	50370		(31,915)	(31,915)		Dept Indirect
44	26-00	1000	25000	40			CHSDO.IND1000	60240		31,915	31,915		Supplies
45													
46	19	1000		20		9500001000		50310		(35,480)	(35,480)		Svc Reim F/S to General
47	19	1000		20		9500001000		60470		35,480	35,480		Contingency
48													
49													
50													
51													
52													
53													
54													
55													
56													
57													
58													
											0	0	Total - Page 2
											0	0	GRAND TOTAL



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (long form)

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-9 DATE 05.29.08
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 05/29/08
Agenda Item #: R-9
Est. Start Time: 9:57 AM
Date Submitted: 05/20/08

NOTICE OF INTENT to Submit a \$100,000 Grant Request to the Oregon
Agenda Commission on Children and Families to Provide Technical Assistance for New
Title: and Established Community Schools Across the State

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

Requested Meeting Date: May 29, 2008 Amount of Time Needed: 5 minutes
Department: County Human Services Division: SUN Service System
Contact(s): Peggy Samolinski
Phone: 503 988-6295 Ext. 24564 I/O Address: 167/2/200
Presenter(s): Peggy Samolinski

General Information

1. What action are you requesting from the Board?

Authorize the Department of County Human Services (DCHS) to submit a grant application to the Oregon Commission on Children and Families (OCCF) for \$100,000, for 1 year, to provide technical assistance for new and established community schools across the state.

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 OCCF's community schools initiative promotes the development and vitality of community school sites across all Oregon's towns and neighborhoods. The initiative includes the development of new startup community school sites and through a Request for Proposal, the provision of technical assistance to plan, design, initiate, develop, and sustain local collaborative community schools.

The DCHS, through the SUN Service System, currently supports 54 SUN Community Schools across Multnomah County through program development guidance and technical assistance in a variety of forms. Our experience with implementing and supporting SUN Community Schools offers us the unique credentials to provide training and technical assistance to others. We have developed training tools and implementation strategies that lend themselves to replication. The Department has experience providing technical assistance and training, both within the state and in

other parts of the United States. For example, we have been invited to several institutes and conferences to share our expertise including Harvard University's Graduate School of Education's Collaborative in 2007 and the Children's Aid Society Technical Assistance Summit in 2006 and 2007. We have provided specific, intensive training and technical assistance to the United Way of Bethlehem, PA in 2005 and statewide community schools through the OCCF in 2006, to name two.

Specific services proposed in the grant are: aiding 10 Oregon communities to develop community schools, supporting the advancement and sustainability of 10 established community schools, disseminating knowledge around the state about best practices for community schools, collecting evidence based practice for community schools in Oregon, and providing technical support and statewide emphasis in rural and urban settings.

Our model will use a .75 limited duration Technical Assistance Project Coordinator employed by Multnomah County and a pool of knowledgeable trainers and area experts from across our partners. The trainers and area experts are likely to be drawn from current SUN Service System partners such as Portland Parks and Recreation, SUN Community School Principals, and non-profit providers. The experience and expertise of these partners, both individually and collectively, gives us a rich pool to draw from for this training and technical assistance. A key partner in this effort will be the Oregon School Board Association; their staff history of providing such training and technical assistance to rural Oregon communities will be important to the project success.

This action affects PO #25145 – SUN Community Schools in FY09.

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

This grant will allow the SUN Service System to provide technical assistance across Oregon. Funding for the program will be approximately \$100,000 for one year, June 16, 2008 through June 30, 2009.

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.

No citizen involvement per se. The City of Portland, Portland Parks and Recreation, will be one of the entities to make staff available as part of the "training pool". The Oregon School Board Association is joining us as a partner (subcontractor) in this effort as they have experience in providing training and technical assistance about community schools to rural communities in Oregon.

ATTACHMENT A

Grant Application/Notice of Intent

If the request is a Grant Application or Notice of Intent, please answer all of the following in detail:

- **Who is the granting agency?**

The State of Oregon acting by and through its Oregon Commission on Children and Families (OCCF).

- **Specify grant (matching, reporting and other) requirements and goals.**

No match is required.

- **Explain grant-funding detail – is this a one-time only or long-term commitment?**

It is expected that the grant will be effective on or around June 16, 2008 and continue through June 30, 2009. The OCCF reserves the right to extend the contract up to 2 additional years based on mutual agreement between OCCF and the Awardee, or enter into a new contract for a period up to 3 years on substantially the same terms and conditions and the current RFP. The contract resulting from the current RFP may be amended from time to time based on the resources available to OCCF; the Legislative and or changes in OCCF's policy related to the services; or the needs of the OCCF.

- **What are the estimated filing timelines?**

The deadline to submit the grant application is May 30, 2008.

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

The grant, if awarded, will be for 1 year. Likely June 16, 2008 – June 30, 2009.

- **When the grant expires, what are funding plans?**

The Department has no intent to continue this training and technical assistance once the grant funds end. The program could be extended if further funds are allocated by the OCCF.

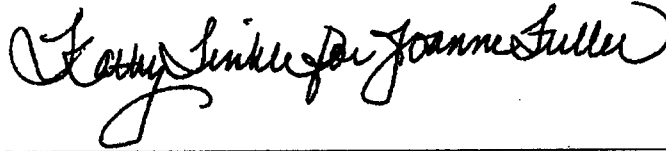
- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**

We will budget grant funds to cover the indirect and other central costs, to the extent allowable.

ATTACHMENT B

Required Signatures

Elected Official
or Department/
Agency Director:



Date: 05/20/08

Budget Analyst:



Date: 05/20/08



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (long form)

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-10 DATE 05.29.08
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 05/29/08
Agenda Item #: R-10
Est. Start Time: 10:00 AM
Date Submitted: 05/12/08

BUDGET MODIFICATION: NOND-08

Agenda Title: Budget Modification NOND-08 Appropriating \$126,727 Grant and Donation Revenue to the Commission on Children, Families and Community Budget

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

Requested Meeting Date: May 29, 2008 **Amount of Time Needed:** 3 minutes

Department: Non-Departmental **Division:** Commission on Children, Families and Community

Contact(s): Wendy Lebow and Angela Whitten

Phone: 503-988-3692 **Ext.** 86981 or 27553 **I/O Address:** 167/620

Presenter(s): Wendy Lebow and Angela Whitten

General Information

1. What action are you requesting from the Board?

Approval of budget modification NOND-08 to add \$126,727 for implementation of the CCFC 6-year Community Plan to the CCFC for FY2008.

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 Commission on Children, Families and Community receives Oregon Commission on Children and Families (OCCF) funding. At the time the Fiscal Year 2008 budget was prepared, the revenue projections were based on anticipated grant awards. The budget modification is needed to increase the FY 2008 budget to reflect the actual allocation received. Additionally, the budget modification will allow higher than anticipated donations to be utilized. Program offers 10011, 10012, 10013 and 10033 will be increased.

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

The budget modification will increase the CCFC budget by \$126,727, one-time only. The increased revenues are comprised of \$111,727 in unanticipated allocation from the OCCF and donations in the amount of \$15,000. The budget will increase as follows:

- \$5,105 - Child Care Development Fund, for child care resource team materials.
- \$5,696 - Youth Investment, for the Multnomah Youth Commission.
- \$15,926 - Healthy Start, for contract management and administration.
- \$60,000 – Basic Capacity, for implementation of the CCFC 6-year Community Plan.
- \$25,000 – Community Safety Net, for outreach to local communities and Child Abuse Prevention month planning and materials.
- \$15,000 – Donations for Roots & Wings events, for Roots & Wings events during Child Abuse prevention month.

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

Dollars are allocated according to the CCFC 6-year Community Plan.

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

The CCFC Executive Committee and Board Members are involved in the allocation plan. The CCFC board is comprised of low-income citizens, local law enforcement, State Department of Human Services staff, advocates, and service providers. Low-income citizens account for 1/3 of the CCFC Board.

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?**

Child Care Development Fund, Community Safety Net, Youth Investment, Healthy Start and Basic Capacity dollars are increasing due to unanticipated grant revenue. Donations have increased for Child Abuse Prevention activities.

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

The CCFC budget will increase by \$126,727.

- **What do the changes accomplish?**

The changes will allow the CCFC to utilize unanticipated OCCF revenue and donations for implementation of the CCFC 6-year Community Plan.

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

No.

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

Indirect costs are allowed in the Basic Capacity and Youth Investment funds and have been included in the budget modification.

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

The biennial allocations from the OCCF are ongoing. The donations are one-time only.

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

07/01/2007-06/30/2009

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

The grant will be renewed.

<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: NOND-08

Required Signatures

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

Wendy Lebow

Date: 05/13/08

Budget Analyst:

Debra

Date: 05/14/08

Department HR:

Date:

Countywide HR:

Date:

Budget Modification ID: **NOND-08****EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 2008

Line No.	Fund Center	Fund Code	Program #	Func. Area	Internal Order	Accounting Unit		Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
						Cost Center	WBS Element						
1	10-50	1505	10012	40			CCFC.EC.21100	60170	271,259	276,364	5,105		Professional Services
2	10-50	1505	10012	40			CCFC.EC.21100	50190	(292,564)	(297,669)	(5,105)		Fed Thru State
3	10-50	1505	10013	40			CCFC.CSN.21580	60170	147,851	172,851	25,000		Professional Services
4	10-50	1505	10013	40			CCFC.CSN.21580	50190	(195,025)	(220,025)	(25,000)		Fed Thru State
5	10-50	1505	10033	40			CCFC.YOUTH.21490	60170	0	5,568	5,568		Professional Services
6	10-50	1505	10033	40			CCFC.YOUTH.21490	60350	0	128	128		Central Indirect
7	10-50	1505	10033	40			CCFC.YOUTH.21490	50190	(69,299)	(74,995)	(5,696)		Fed Thru State
8	10-50	1505	10011	40			CCFC.ADMIN.32049	60000	9,345	19,945	10,600		Permanent
9	10-50	1505	10011	40			CCFC.ADMIN.32049	60130	2,300	5,700	3,400		Salary Related
10	10-50	1505	10011	40			CCFC.ADMIN.32049	60140	1,578	3,504	1,926		Insurance
11	10-50	1505	10011	40			CCFC.ADMIN.32049	50180	(13,223)	(29,149)	(15,926)		Direct State
12	10-50	1505	10033	40			CCFC.SCHOOL.32082	60100	0	16,119	16,119		Temporary
13	10-50	1505	10033	40			CCFC.SCHOOL.32082	60135	0	1,440	1,440		Non-Base Fringe
14	10-50	1505	10033	40			CCFC.SCHOOL.32082	60145	0	615	615		Non-Base Insurance
15	10-50	1505	10033	40			CCFC.SCHOOL.32082	60350	0	416	416		Central Indirect
16	10-50	1505	10033	40			CCFC.SCHOOL.32082	50180	0	(18,590)	(18,590)		Direct State
17	10-50	1505	10011	40			CCFC.ADMIN.32082	60170	0	40,483	40,483		Professional Services
18	10-50	1505	10011	40			CCFC.ADMIN.32082	60135	4,416	5,343	927		Central Indirect
19	10-50	1505	10011	40			CCFC.ADMIN.32082	50180	(253,808)	(295,218)	(41,410)		Direct State
20	10-50	1505	10013	40			CCFC.CSN.49000	60100	0	10,000	10,000		Temporary
21	10-50	1505	10013	40			CCFC.CSN.49000	60135	0	900	900		Non-Base Fringe
22	10-50	1505	10013	40			CCFC.CSN.49000	60145	0	700	700		Non-Base Insurance
23	10-50	1505	10013	40			CCFC.CSN.49000	60170	0	3,000	3,000		Professional Services
24	10-50	1505	10013	40			CCFC.CSN.49000	60240	0	400	400		Supplies
25	10-50	1505	10013	40			CCFC.CSN.49000	50300	0	(15,000)	(15,000)		Donations
26													
27													
28													
29													
											0	0	Total - Page 1
											0	0	GRAND TOTAL



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 05/29/08
Agenda Item #: R-11
Est. Start Time: 10:03 AM
Date Submitted: 05/14/08

Agenda Title: RESOLUTION Declaring a Portion of the Property Located at 10615 SE Cherry Blossom Drive, Portland, Oregon to be Surplus and Approving a Real Property Sublease with the Immigration and Refugee Community Organization

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

Requested Meeting Date: May 29, 2008 Amount of Time Needed: 5 Minutes
Department: County Management Division: Facilities and Property Management
Contact(s): Carla Bangert
Phone: (503) 988-4128 Ext 84128 I/O Address: FPM / 274
Presenter(s): Carla Bangert, FPM, Lee Girard, ADS/DCHS

General Information

1. What action are you requesting from the Board?

Declare a portion of the property located at 10615 SE Cherry Blossom Drive, Portland, OR to be surplus and approving a real property sublease with the Immigration and Refugee Community Organization (IRCO).

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

Multnomah County has leased the approximate 20,822 square foot property known as Cherry Blossom Plaza located at 10615 SE Cherry Blossom Drive, Portland, Oregon. Aging & Disability Services, Department of Human Services (ADS/DCHS) is scheduled to relocate to this newly leased location on July 1, 2008. Approximately 1,397 square feet of usable space within Cherry Blossom is not anticipated to be needed for any County use and has been determined suitable for occupancy by the Immigration and Refugee Community organization (IRCO). ADS/DCHS currently subleases space to IRCO at their South Powell location and wishes them to relocate to Cherry Blossom with them. ADS/DCHS believes this is a productive and appropriate co-tenancy that will continue have

program benefits.

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

FY09 tenant revenue will be approximately \$19,212. The \$12.50 per square foot initial rate is the same rate paid by the County and will be adjusted annually by three percent (3%) to reflect the Master Lease scheduled increases.

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: 05/15/08

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Declaring a Portion of County Leased Real Property Located at 10615 SE Cherry Blossom Drive, Portland, Oregon to be Surplus; and Approving a Real Property Sublease of that Portion with the Immigration and Refugee Community Organization.

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County has just leased the approximate 20,822 square foot real property known as Cherry Blossom Plaza, located at 10615 SE Cherry Blossom Drive, Portland, Oregon, for the purpose of operating a Department of County Human Services (DCHS); Aging & Disability Services Division (ADS) field office.
- b. DCHS/ADS at its current but soon to be vacated location subleases space to the Immigration and Refugee Community Organization (IRCO). IRCO's mission is to assist refugees, immigrants and multi-ethnic community members in self-sufficiency and cultural awareness. DCHS/ADS program desires to maintain the joint occupation arrangement with IRCO and finds that the public is best served by such an arrangement.
- c. A small portion of the new leased space at Cherry Blossom Plaza, i.e. approximately 1,397 square feet; is not needed for any County use and has been determined suitable for occupancy by IRCO.
- d. IRCO has agreed to sublease the approximate 1,397 square foot usable space at Cherry Blossom for a five (5) year initial term. The attached sublease has been negotiated with IRCO.
- e. The public interest is best served by the sublease to IRCO on the terms and conditions set forth in the attached sublease.

The Multnomah County Board of Commissioners Resolves:

1. The Board approves the sublease to IRCO. The County Chair is authorized to execute the sublease substantially in the form attached to this Resolution.
2. The County Chair is authorized to execute renewals of the sublease and execute amendments to the sublease without further Board action.

ADOPTED this 29th day of May 2008.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Matthew O. Ryan, Assistant County Attorney

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

SUBLEASE

Date:

Between: Multnomah County, Oregon ("Sublessor")
Facilities and Property Management
401 N. Dixon Street
Portland, OR 97227
Phone: 503-988-3322
Fax: 503-988-5082

And: Immigration and Refugee Community Organization (IRCO) ("Sublessee")
10301 NE Glisan Street
Portland, OR 97220
Phone: 503-234-1541
Fax: 503-234-1259

Sublessor leases to Sublessee and Sublessee leases from Sublessor in the facility known as "Cherry Blossom Plaza", located at 10615 SE Cherry Blossom Drive, Portland, Oregon the following described property (the "Premises") on the terms and conditions stated below:

1,397 square feet of Exclusive Use Space, together with the non-exclusive use (as provided in section 4.1 herein) of approximately 140 square feet of the "Non-Exclusive Space or Common Area"; as shown on the attached Exhibit "A"

Section 1. Master Lease

Sublessor is the lessee of the Premises and non-exclusive Premises by virtue of a lease dated April 17, 2008, hereinafter the "Master Lease", wherein American Property Management Corp., as agent for and on behalf of Weston Investment Co., LLC, is lessor. This Sublease is and shall be at all times subject and subordinate to the Master Lease, attached hereto and made a part of the Sublease as Exhibit "B".

Section 2. Occupancy

2.1 Original Term. The term of this sublease shall commence July 1, 2008 and continue through June 30, 2013 unless sooner terminated as hereinafter provided.

2.2 Possession. Sublessee's right to possession and obligations under this sublease shall commence on July 1, 2008. Sublessor shall have no liability for delays in delivery of possession and Sublessee will not have the right to terminate this sublease because of delay in delivery of possession except as hereinafter provided.

2.3 Early Termination. Either party may terminate this sublease upon written notice to the other party given not less than 90 days from the termination date.

2.4 Renewal Option. If the Sublessee is not in default at the time the option is exercised or at the time the renewal term is to commence, Sublessee shall have the option to renew this sublease for three (3) terms of five (5) years, as follows:

- (1) The renewal term shall commence on the day following expiration of the preceding term.
- (2) The option may be exercised by written notice to Sublessor given not less than 120-days prior to the last day of the expiring term. The giving of such notice shall be sufficient to make the sublease binding for the renewal term without further act of the parties.
- (3) The terms and conditions of the Sublease for each renewal term shall be identical with the original term except for rent. Rent shall be determined as provided in paragraph 3.2.
- (4) The right of renewal shall be valid only for the term the master Lease is in full force and effect, and in the event the Master Lease is terminated for any reason, so shall be this Sublease.

Section 3. Rent

3.1 Rent. During the first year of the original term, Sublessee shall pay to Sublessor as rent the sum of \$1,601.04 per month. All rent shall be payable without deduction or setoff of any kind on the first day of each month in advance at the address for Sublessor first above stated or at such place as may be designated by Sublessor. Rent for any partial calendar month shall be prorated based on a 30-day month.

3.2 Rent Adjustment. Rent during the term of this Sublease and during the option periods, if any, shall be adjusted as provided in the Master Lease.

3.3 Additional Rent. Any sum that Sublessee is required to pay to Sublessor in addition to that paid pursuant to Subsection 3.1 shall be considered additional rent.

Section 4. Use of the Premises.

4.1 Permitted Use.

- (1) The Exclusive Use space shall be used for office and public service uses under the contract described in Sub-section 4.5 and for no other purpose without the prior written consent of the Sublessor and the Master Lessor.

- (2) The Non-exclusive Premises shall be used for public service use under the contract described in Sub-section 4.5 and for no other purpose without the prior written consent of the Sublessor and the Master Lessor **provided** the hours and days of Sublessee's use of the Non-exclusive Premises shall be subject to the provisions of the Master Lease and as Sublessor in Sublessor's sole discretion shall deem appropriate. Sublessor may at any time temporarily close the Non-exclusive Premises to make repairs or changes and may do such other acts in and to the Non-exclusive Premises as in its judgment may be desirable.

4.2 Restrictions on Use. In connection with the use of the Premises and the Non-exclusive Premises, Sublessee shall:

- (1) Conform to all requirements of the Master Lease and refrain from any activity that would be a breach of the Master Lease.
- (2) conform to all applicable laws and regulations of any public authority affecting the Premises and the Non-exclusive Premises and correct at Sublessee's expense any failure of compliance created through Sublessee's fault or by reason of Sublessee's use.
- (3) Refrain from any activity that would make it impossible to insure the Premise and Non-exclusive Premises against casualty, would increase the insurance rate, or would prevent Sublessor from taking advantage of any ruling of the Oregon Insurance Rating Bureau, or its successors, allowing Sublessor to obtain reduced premium rates for long-term fire insurance policies, unless Sublessee pays the additional cost of the insurance.
- (4) Refrain from any use that would be reasonably offensive to other sublessees or owners or users of neighboring premises or that would tend to create a nuisance or damage the reputation of the property.
- (5) Refrain from loading the electrical system or floors beyond the point considered safe by a competent engineer or architect selected by Sublessor.
- (6) Refrain from making any marks on or attaching any sign, insignia, antenna, aerial, or other device to the exterior or interior walls, windows, or roof without the written consent of Sublessor.

4.3 Hazardous Substances. Sublessee shall not cause or permit any Hazardous Substance to be spilled, leaked, disposed of, or otherwise released on or under the Premises and Non-exclusive Premises. Sublessee may use or other handles on the Premises and Non-exclusive Premises only those Hazardous Substances typically used or sold in the prudent and safe operation of the Permitted Use specified in Section 4.1. Sublessee may store such Hazardous Substances on the Premises and Non-exclusive Premises only in quantities necessary to satisfy Sublessee's reasonably anticipated needs. Sublessee shall comply with all Environmental Laws and exercise the highest degree of care

in the use, handling, and storage of hazardous Substances and shall take all practicable measures to minimize the quantity and toxicity of hazardous Substances used, handles, or stored on the Premises and Non-exclusive Premises. Upon the expiration or termination of this Sublease, Sublessee shall remove all Hazardous Substances from the Premises and Non-exclusive Premises. The term Environmental law shall mean any federal, state, or local statute, regulation, or ordinance or any judicial or other governmental order pertaining to the protection of health, safety or the environment. The term Hazardous Substance shall mean any hazardous, toxic, infectious, or radioactive substance, waste and material as defined or listed by any Environmental law and shall include, without limitation, petroleum oil and its fractions.

4.4 Parking. Sublessee, its employees, and clientele shall have the non-exclusive use of parking spaces on the north side of Cherry Blossom Plaza as determined by Sublessor.

4.5 Provision of Services. Sublessee and Sublessor are parties to a services agreement dated July 1, 2005, # 4600005409. Sublessee's default in performance of the services agreement for any reason shall be considered a default under this Sublease as provided at Sections 14 and 15.

Section 5. Repairs and Maintenance

5.1 Sublessor and Sublessee Responsibilities

- (1) Sublessor shall require Master Lessor to provide such maintenance and repairs as are imposed on Master Lessor under the Master Lease. Sublessor shall have met this obligation if, upon receipt of written notice from Sublessee of a condition requiring maintenance and repair. Sublessor shall have forwarded such notice to the Master Lessor with a request that the work described in the notice be done.
- (2) Sublessee shall take good care of the interior of the premises and Non-exclusive Premises and at the expiration of the term surrender the Premises and non-exclusive Premises in as good condition as at the commencement of this Sublease, excepting only reasonable wear attributable to Sublessee's use.
- (3) Sublessee shall make any repairs necessitated by the negligence of Sublessee, its agents, employees, and invitees.

5.2 Inspection of Premises. Sublessor shall have the right to enter upon the premises and the Non-exclusive Premises at any time to determine Sublessee's compliance with this Sublease, to make necessary repairs or to show the Premises or Non-exclusive Premises to any prospective sublessee, and in addition shall have the right, at any time during the last ninety (90) days of the remaining term of this Sublease, to place and maintain upon the Premises and Non-exclusive notices for leasing the Premises.

5.3 Interference with Sublessee. In performing any repairs, replacements, alterations, or other work performed on or around the Premises, Sublessor shall not cause unreasonable interference with the use of the Premises by Sublessee. Sublessee shall have neither the right to an abatement of rent nor any claim against Sublessor or Master Lessor for any inconvenience or disturbance resulting from Sublessor's or Master Lessor's activities performed in conformance with the requirements of this provision.

Section 6. Condition of Premises; Alterations

6.1 Condition; Improvements. Sublessee accepts the Premises and non-exclusive Premises AS IS. Sublessee acknowledges and agrees that neither Sublessor nor Master Lessor has undertaken any obligation to make nor agreed to make any alteration or improvement to the Premises and Non-exclusive Premises for Sublessee's use or occupancy thereof. If Sublessee desires to alter or improve the Premises and Non-exclusive Premises in any way, Sublessee shall first obtain Sublessor's and Master Lessor's prior written consent to any such alteration or improvement, and any such alterations or improvements shall be made in accordance with the Master Lease.

6.2 Ownership and Removal of Alterations. All improvements and alterations performed on the Premises and Non-exclusive Premises by either Sublessor or Sublessee shall be the property of Sublessor when installed unless the applicable Sublessor's consent or work sheet specifically provides otherwise. Improvements and alterations installed by Sublessee shall, at Sublessor's option, be removed by Sublessee at Sublessee's expense and the Premises and Non-exclusive Premises restored unless the applicable Sublessor's consent specifically provides otherwise.

Section 7. Insurance

7.1 Insurance Required. Sublessee, at its expense, shall maintain at all times during the Term of this Sublease commercial general liability insurance in respect of the Premises and Non-exclusive Premises and the conduct or operation of its business, covering bodily injury and property damage on an "occurrence" form with \$1,000,000 minimum combined single-limit coverage. Multnomah County, its agents, officers and employees shall be named as additional insureds on the policy by endorsement. This coverage shall include Contractual Liability insurance for the indemnity provided under this contract. All policies of insurance shall be issued by good, responsible companies, reasonably acceptable to Sublessor.

7.2 Increase in Coverage. Sublessor may from time to time require that the amount of commercial general liability insurance be increased so that the amount adequately protects Sublessor's interests.

7.3 Waiver of Subrogation. Neither party shall be liable to the other (or to the other's successors or assigns) for any loss or damage caused by fire of any of the risks enumerated in a standard fire insurance policy with an extended

coverage endorsement, and in the event of insured loss, neither party's insurance company shall have a subrogated claim against the other.

7.4 Insurance Required by Sublessor. Sublessor is self-insured for its property and liability exposures, as subject to the Oregon Tort Claims Act, ORS 30.260 through 30.300.

Section 8. Taxes

8.1 Property Taxes. Sublessee shall pay as due all taxes, assessments and levies on the Premises and all personal property located on the Premises. As used in this section, real property taxes include any fee or charge relating to the use, occupation, or rental of the premises, other than taxes on the net income of Sublessee.

8.2 Sublessee Responsibility for Filing Claim for Exemption. If Sublessee is entitled to an exemption from payment of taxes, Sublessee shall be responsible for obtaining the appropriate exemption. Sublessee shall provide proof of such exemption to Sublessor upon receipt of notice of approval of the exemption.

8.3 Special Assessments. If an assessment for a public improvement is made against the Premises, Sublessor may elect to cause the assessment to be treated the same as general real property taxes under section 8.1.

8.4 Contest of Taxes. Sublessee may contest the amount of any tax or assessment as long as such contest in a manner that does not cause any risk to Sublessor's interest in the Premises.

8.5 No Proration of Taxes. Sublessee shall pay taxes for any tax year in which this lease is in effect on July 1 without proration.

8.6 New Charges or Fees. If a new charge or fee relating to the possession or use of the Premises is assessed or imposed, then, to the extent permitted by law, Sublessee shall pay such charge or fee. However, Sublessee has no obligation to pay any charge or fee based on the income derived by Sublessor from this lease.

Section 9. Services and Utilities.

Sublessor shall provide utilities and janitorial services in accordance with the provisions of such services by Master Lessor per the Master Lease. Sublessee shall be responsible for reimbursement to Sublessor for their prorata share of any assessed utility adjustment over the stated base year as provided in section 37.2 of the Master Lease.

Section 10. Sublessee's and Sublessor's Representations

10.1 Sublessee acknowledges the provisions of the Master Lease and agrees to take the Premises and Non-exclusive Premises subject to all the terms and

conditions of the Master Lease, to use the Premises and non-exclusive Premises within the restrictions provided by the Master Lease, and to comply with all terms of the Master Lease, as if sublessee were the tenant and Sublessor were the landlord under the Master Lease, except that sublessee's rent shall be equal to the amount set forth in Section 3 of this Sublease.

- 10.2** Sublessor represents and warrants that Exhibit "B" contains a true, correct, and complete copy of the Master Lease. Sublessee acknowledges and agrees that it has read and is familiar with the terms of the Master Lease.

Section 11. Liens

- 11.1** Except with respect to activities for which Sublessor is responsible, Sublessee shall pay as due all claims for work done on and for services rendered or material furnished to the Premises, and shall keep the Premises and Non-exclusive Premises free from any liens. If Sublessee fails to pay any such claims or to discharge any lien, Sublessor may do so and collect the cost as additional rent. Any amount so added shall bear interest at the rate of nine percent (9%) per annum from the date expended by Sublessor and shall be payable on demand. Such action by Sublessor shall not constitute a waiver of any right or remedy, which Sublessor may have on account of Sublessee's default.
- 11.2** Sublessee may withhold payment of any claim in connection with a good-faith dispute over the obligation to pay, as long as Sublessor's property interests are not jeopardized. If a lien is filed as a result of nonpayment, Sublessee shall, within ten (10) days after knowledge of the filing, secure the discharge of the lien or deposit with Sublessor cash or sufficient corporate surety bond or other surety satisfactory to Sublessor in an amount sufficient to discharge the lien plus any costs, attorney fees, and other charges that could accrue as a result of a foreclosure of sale under the lien.

Section 12. Indemnification

Sublessee hereby agrees to indemnify, defend, protect, and hold harmless Sublessor and Master Lessor from and against any and all losses, liabilities, claims, costs, and expenses (including reasonable attorney fees) arising out of or in any way related to Sublessee's failure to perform its obligations under this Sublease or arising out of use of the premises or Non-exclusive Premises by Sublessee or its against, employees, contractors, customers, or invitees.

Section 13. Assignment and Subletting

Sublessee shall not assign its interest under the Sublease not sublet, nor permit temporary use of, all or any portion of the Premises and Non-exclusive Premises without first obtaining Sublessor's and Master Lessor's prior written consent. No assignment or sublease shall release Sublessee from its obligations under this Sublease.

Section 14. Default. The following shall be events of default:

14.1 Default in Rent. Failure of Sublessee to pay rent or other charge within ten 910) days after it is due.

14.2 Default in Other Covenants. Failure of Sublessee to comply with any term or condition or fulfill any obligation of this Sublease (other than the payment of rent or other charges) within twenty (20) days after written notice by Sublessor specifying the nature of the default with reasonable particularity. If the default is of such a nature that it cannot be completely remedied within the twenty (20) days period, this provision shall be complied with if Sublessee begins correction of the default within the twenty (20) days period and thereafter proceeds with reasonable diligence and in good faith to effect the remedy as soon as practicable.

14.3 Insolvency. Insolvency of Sublessee; an assignment by Sublessee for the benefit of creditors; the filing by Sublessee of a voluntary petition in bankruptcy; an adjudication that Sublessee is bankrupt or the appointment of a receiver of the properties of Sublessee; the filing of any involuntary petition of bankruptcy and failure of Sublessee to secure a dismissal of the petition within thirty (30) days after filing; attachment of or the levying of execution on the leasehold interest and failure of Sublessee to secure discharge of the attachment or release of the levy of execution within ten 910) days shall constitute a default. If Sublessee consists of two or more individuals or business entities, the events of default specified in this Section 14.3 shall apply to each individual unless within ten 910) days after an event of default occurs, the remaining individuals produce evidence satisfactory to Sublessor that they have unconditionally acquired the interest of the one causing the default. If this Sublease has been assigned, the events of default so specified shall apply only with respect to the one then exercising the rights of Sublessee under this Sublease.

Section 15. Remedies on Default. In the event of default by Sublessee, this Sublease may be terminated at the option of Sublessor by written notice to Sublessee. Whether or not this Sublease is terminated by the election of Sublessor, Sublessor shall be entitled to pursue any remedies available to Sublessor under applicable law.

Section 16. Surrender at Expiration

16.1 Condition of Premises on Termination. Upon expiration of the sublease term or earlier termination on account of default, Sublessee shall deliver all keys to Sublessor and surrender the Premises and Non-exclusive Premises in first-class condition and broom clean. Depreciation and wear from ordinary use for the purpose for which the Premises and Non-exclusive Premises are leased shall be excepted but repairs for which Sublessee is responsible shall be completed prior to expiration or termination of this Sublease.

16.2 Removal of Possessions. Prior to expiration or other termination of the Sublease term, sublessee shall remove all furnishings, furniture, and trade fixtures that remain its property. If Sublessee fails to do so, this shall be an abandonment of the property, and Sublessor may retain the property and all rights of Sublessee with respect to it shall cease or, by notice in writing given to Sublessee within twenty (20) days after removal was required, Sublessor may elect to hold Sublessee to its obligation of removal. If Sublessor elects to require Sublessee to remove, Sublessor may effect a removal and place the property in public storage for Sublessee's account. Sublessee shall be liable to Sublessor for the cost of removal, transportation to storage, and storage, with interest at the legal rate on all such expenses from the date of expenditure by Sublessor.

16.3 Holdover

- (1) If Sublessee does not vacate the Premises and Non-exclusive Premises at the time required, Sublessor shall have the option to treat Sublessee as a sublessee from month-to-month, subject to all of the provisions of this Sublease. Failure of Sublessee to remove fixtures, furniture, furnishings, or trade fixtures that Sublessee is required to remove under this Sublease shall constitute a failure to vacate to which this section shall apply if the property not removed will substantially interfere with occupancy of the Premises and Non-exclusive Premises by another sublessee or with occupancy by Sublessor for any purpose including preparation for a new sublessee.
- (2) If a month-to-month tenancy results from a holdover by sublessee under this Section 16.3, the tenancy shall be terminable at the end of any monthly rental period on written notice from Sublessor given not less than twenty (20) days prior to the termination date which shall be specified in the notice. Sublessee waives any notice that would otherwise be provided by law with respect to a month-to-month tenancy.

Section 17. Miscellaneous

17.1 Nonwaiver. Waive by either party of strict performance of any provision of this Sublease shall not be a waiver of or prejudice the party's right to require strict performance of the same provision in the future or of any other provision.

17.2 Notices. Any notice required or permitted under this Sublease shall be given when actually delivered or forty-eight (48) hours after deposited in United States mail as certified mail addressed to the address first given in this Sublease or to such other address as may be specified from time to time by either of the parties in writing.

17.3 Recordation. This Sublease shall not be recorded without the written consent of Sublessor.

17.4 Risk of Loss. Sublessee shall be fully responsible for and shall assume all risk of loss of its personal property, furniture, fixtures, equipment, and furnishings in the Premises and Non-exclusive Premises.

17.5 Time of Essence. Time is of the essence of the performance of each of Sublessee's obligations under this Sublease.

17.6 Confidentiality of Business Information. Sublessor and Sublessee acknowledge that Sublessor's use of the Premises and Sublessee's permitted use of the premises and Non-exclusive Premises may include the creation, management, and retention of business information of a personal or confidential nature, and that the unauthorized acquisition or disclosure of such information may be grounds for civil and/or criminal liability. Sublessor and Sublessee, for themselves, their agents, employees and contractors, agree that, subject to the Oregon Public Records Law, ORS chapter 192, they will refrain from any action that reasonably would be deemed to jeopardize the confidentiality of business information of the other party or to expose such information to disclosure, whether such information has been identified to the other as confidential or otherwise, and will reasonably cooperate with each other to affirmatively protect the confidentiality of all information so designated as confidential or otherwise of a sensitive nature. Sublessor and Sublessee acknowledge and agree that violation of the provisions of this section, except when required under the Public Records Law, may constitute a material breach of the Sublease, for which the non-violating party may terminate the Sublease and for which additional remedies may also be available.

17.7 Master Lessor's Consent to Sublease. The Master Lessor under the Master Lease hereby consents to the foregoing Sublease without waiver of any restriction in the master Lease concerning further assignment or subletting. Master Lessor certifies that, as of the date of Master Lessor's execution hereof, Sublessor, is not in default or breach of any of the provisions of the Master Lease, and that the Master Lease has not been amended or modified except as expressly set forth in the foregoing Sublease. Sublessee's agreement to perform such obligation shall not release Sublessor of its primary and unconditional liability for payment of rental and other charges and performance of Sublessor's obligations as Tenant under the Master Lease during the full term of the Master Lease.

17.8 Interest on Rent and Other Charges. Any rent or other payment required of Sublessee by this Sublease shall, if not paid within ten (10) days after it is due, bear interest at the rate of nine percent (9%) per annum (but not in any event at a rate greater than the maximum rate of interest permitted by law) from the due date until paid. In addition, if Sublessee fails to make any rent or other payment required by this lease to be paid to Sublessor within five (5) days after it is due, Sublessor may elect to impose a late charge of five cents (\$0.05) per dollar of the overdue payment to reimburse Sublessor for the costs of collecting the overdue payment. Sublessee shall pay the late

charge upon demand by Sublessor. Sublessor may levy and collect a late charge in addition to all other remedies available by Sublessor's default, and collection of a late charge shall not waive the breach caused by the late payment.

17.9 Proration of Rent. In the event of commencement or termination of this Sublease at a time other than the beginning or end of one of the specified rental periods, then the rent shall be prorated as of the date of commencement or termination and in the event of termination for reasons other than default, all prepaid rent shall be refunded to Sublessee or paid on its account.

Sublessor:
MUTLNOMAH COUNTY, OREGON

By: _____
Ted Wheeler, Chair

Reviewed:

Matthew O. Ryan
Assistant County Attorney

Date: _____

Sublessee:
IMMIGRATION AND REFUGEE
COMMUNITY ORGANIZATION
(IRCO)

By: John Tame
Title: Exec. Director

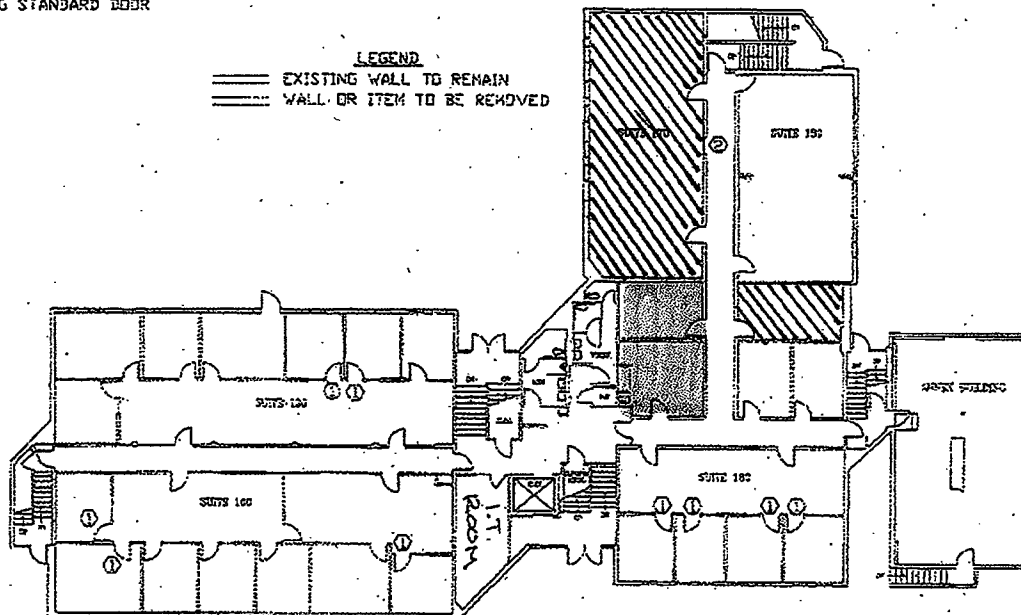
Master Lessor:
AMERICAN PROPERTY
MANAGEMENT CORP., as agent
for and on behalf of WESTON
INVESTMENT CO., LLC

By: Douglas Hall
Date: 5/14/08

LEASED SPACE
NON EXCLUSIVE SPACE

- ① REMOVE EXISTING DOOR - FRAME TO REMAIN
- ② CLOSE & LOCK DOOR
- ③ DEMO OPENING FOR BUILDING STANDARD DOOR
- ④ INSTALL BUILDING STANDARD DOOR

LEGEND
 === EXISTING WALL TO REMAIN
 --- WALL OR ITEM TO BE REMOVED



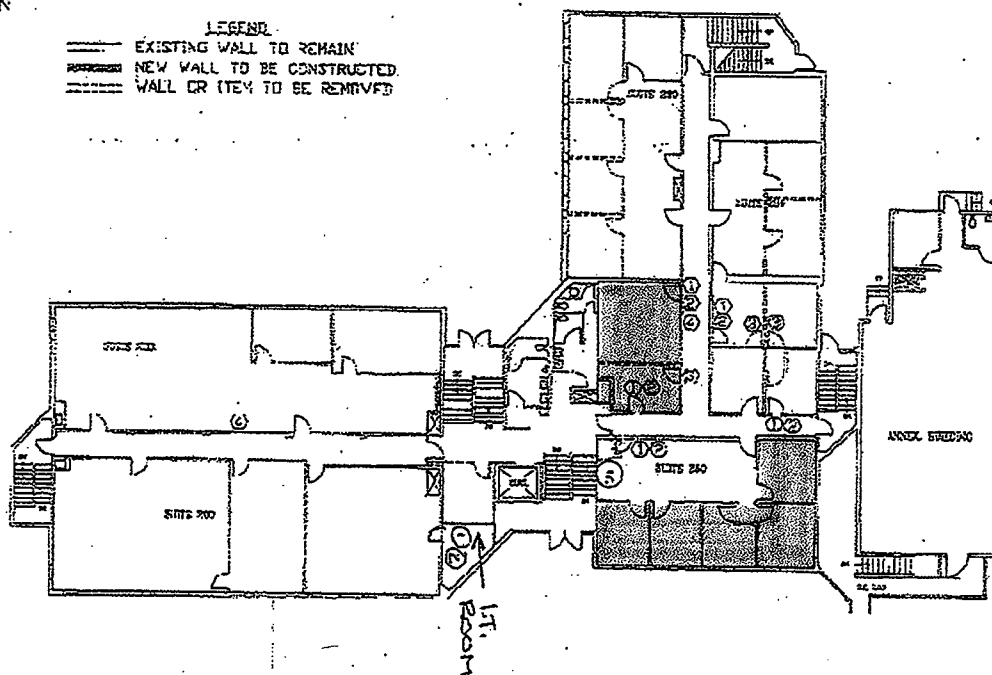
① SPACE PLAN
 ① FIRST FLOOR

Exhibit "A-1"

NON EXCLUSIVE SPACE

- ① DEMO OPENING FOR BUILDING STANDARD DOOR
- ② INSTALL BUILDING STANDARD DOOR
- ③ REMOVE EXISTING DOOR & INFILL WITH NEW WALL TO MATCH
- ④ CLOSE & LOCK DOOR
- ⑤ CLOSET TO REMAIN

LEGEND
 ——— EXISTING WALL TO REMAIN
 - - - - - NEW WALL TO BE CONSTRUCTED
 ===== WALL OR ITEM TO BE REMOVED



① FLOOR PLAN
 ① SECOND FLOOR

Exhibit "A-2"

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 08-073

Declaring a Portion of County Leased Real Property Located at 10615 SE Cherry Blossom Drive, Portland, Oregon to be Surplus; and Approving a Real Property Sublease of that Portion with the Immigration and Refugee Community Organization.

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County has just leased the approximate 20,822 square foot real property known as Cherry Blossom Plaza, located at 10615 SE Cherry Blossom Drive, Portland, Oregon, for the purpose of operating a Department of County Human Services (DCHS); Aging & Disability Services Division (ADS) field office.
- b. DCHS/ADS at its current but soon to be vacated location subleases space to the Immigration and Refugee Community Organization (IRCO). IRCO's mission is to assist refugees, immigrants and multi-ethnic community members in self-sufficiency and cultural awareness. DCHS/ADS program desires to maintain the joint occupation arrangement with IRCO and finds that the public is best served by such an arrangement.
- c. A small portion of the new leased space at Cherry Blossom Plaza, i.e. approximately 1,397 square feet; is not needed for any County use and has been determined suitable for occupancy by IRCO.
- d. IRCO has agreed to sublease the approximate 1,397 square foot usable space at Cherry Blossom for a five (5) year initial term. The attached sublease has been negotiated with IRCO.
- e. The public interest is best served by the sublease to IRCO on the terms and conditions set forth in the attached sublease.


The Multnomah County Board of Commissioners Resolves:

1. The Board approves the sublease to IRCO. The County Chair is authorized to execute the sublease substantially in the form attached to this Resolution.
2. The County Chair is authorized to execute renewals of the sublease and execute amendments to the sublease without further Board action.

ADOPTED this 29th day of May 2008.

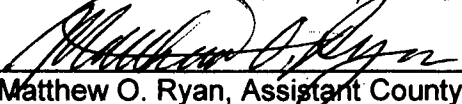


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

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

SUBLEASE

Date:

Between: Multnomah County, Oregon ("Sublessor")
Facilities and Property Management
401 N. Dixon Street
Portland, OR 97227
Phone: 503-988-3322
Fax: 503-988-5082

And: Immigration and Refugee Community Organization (IRCO) ("Sublessee")
10301 NE Glisan Street
Portland, OR 97220
Phone: 503-234-1541
Fax: 503-234-1259

Sublessor leases to Sublessee and Sublessee leases from Sublessor in the facility known as "Cherry Blossom Plaza", located at 10615 SE Cherry Blossom Drive, Portland, Oregon the following described property (the "Premises") on the terms and conditions stated below:

1,397 square feet of Exclusive Use Space, together with the non-exclusive use (as provided in section 4.1 herein) of approximately 140 square feet of the "Non-Exclusive Space or Common Area"; as shown on the attached Exhibit "A"

Section 1. Master Lease

Sublessor is the lessee of the Premises and non-exclusive Premises by virtue of a lease dated April 17, 2008, hereinafter the "Master Lease", wherein American Property Management Corp., as agent for and on behalf of Weston Investment Co., LLC, is lessor. This Sublease is and shall be at all times subject and subordinate to the Master Lease, attached hereto and made a part of the Sublease as Exhibit "B".

Section 2. Occupancy

2.1 Original Term. The term of this sublease shall commence July 1, 2008 and continue through June 30, 2013 unless sooner terminated as hereinafter provided.

2.2 Possession. Sublessee's right to possession and obligations under this sublease shall commence on July 1, 2008. Sublessor shall have no liability for delays in delivery of possession and Sublessee will not have the right to terminate this sublease because of delay in delivery of possession except as hereinafter provided.

2.3 Early Termination. Either party may terminate this sublease upon written notice to the other party given not less than 90 days from the termination date.

2.4 Renewal Option. If the Sublessee is not in default at the time the option is exercised or at the time the renewal term is to commence, Sublessee shall have the option to renew this sublease for three (3) terms of five (5) years, as follows:

- (1) The renewal term shall commence on the day following expiration of the preceding term.
- (2) The option may be exercised by written notice to Sublessor given not less than 120-days prior to the last day of the expiring term. The giving of such notice shall be sufficient to make the sublease binding for the renewal term without further act of the parties.
- (3) The terms and conditions of the Sublease for each renewal term shall be identical with the original term except for rent. Rent shall be determined as provided in paragraph 3.2.
- (4) The right of renewal shall be valid only for the term the master Lease is in full force and effect, and in the event the Master Lease is terminated for any reason, so shall be this Sublease.

Section 3. Rent

3.1 Rent. During the first year of the original term, Sublessee shall pay to Sublessor as rent the sum of \$1,601.04 per month. All rent shall be payable without deduction or setoff of any kind on the first day of each month in advance at the address for Sublessor first above stated or at such place as may be designated by Sublessor. Rent for any partial calendar month shall be prorated based on a 30-day month.

3.2 Rent Adjustment. Rent during the term of this Sublease and during the option periods, if any, shall be adjusted as provided in the Master Lease.

3.3 Additional Rent. Any sum that Sublessee is required to pay to Sublessor in addition to that paid pursuant to Subsection 3.1 shall be considered additional rent.

Section 4. Use of the Premises.

4.1 Permitted Use.

- (1) The Exclusive Use space shall be used for office and public service uses under the contract described in Sub-section 4.5 and for no other purpose without the prior written consent of the Sublessor and the Master Lessor.

- (2) The Non-exclusive Premises shall be used for public service use under the contract described in Sub-section 4.5 and for no other purpose without the prior written consent of the Sublessor and the Master Lessor **provided** the hours and days of Sublessee's use of the Non-exclusive Premises shall be subject to the provisions of the Master Lease and as Sublessor in Sublessor's sole discretion shall deem appropriate. Sublessor may at any time temporarily close the Non-exclusive Premises to make repairs or changes and may do such other acts in and to the Non-exclusive Premises as in its judgment may be desirable.

4.2 Restrictions on Use. In connection with the use of the Premises and the Non-exclusive Premises, Sublessee shall:

- (1) Conform to all requirements of the Master Lease and refrain from any activity that would be a breach of the Master Lease.
- (2) conform to all applicable laws and regulations of any public authority affecting the Premises and the Non-exclusive Premises and correct at Sublessee's expense any failure of compliance created through Sublessee's fault or by reason of Sublessee's use.
- (3) Refrain from any activity that would make it impossible to insure the Premise and Non-exclusive Premises against casualty, would increase the insurance rate, or would prevent Sublessor from taking advantage of any ruling of the Oregon Insurance Rating Bureau, or its successors, allowing Sublessor to obtain reduced premium rates for long-term fire insurance policies, unless Sublessee pays the additional cost of the insurance.
- (4) Refrain from any use that would be reasonably offensive to other sublessees or owners or users of neighboring premises or that would tend to create a nuisance or damage the reputation of the property.
- (5) Refrain from loading the electrical system or floors beyond the point considered safe by a competent engineer or architect selected by Sublessor.
- (6) Refrain from making any marks on or attaching any sign, insignia, antenna, aerial, or other device to the exterior or interior walls, windows, or roof without the written consent of Sublessor.

4.3 Hazardous Substances. Sublessee shall not cause or permit any Hazardous Substance to be spilled, leaked, disposed of, or otherwise released on or under the Premises and Non-exclusive Premises. Sublessee may use or other handles on the Premises and Non-exclusive Premises only those Hazardous Substances typically used or sold in the prudent and safe operation of the Permitted Use specified in Section 4.1. Sublessee may store such Hazardous Substances on the Premises and Non-exclusive Premises only in quantities necessary to satisfy Sublessee's reasonably anticipated needs. Sublessee shall comply with all Environmental Laws and exercise the highest degree of care

in the use, handling, and storage of hazardous Substances and shall take all practicable measures to minimize the quantity and toxicity of hazardous Substances used, handles, or stored on the Premises and Non-exclusive Premises. Upon the expiration or termination of this Sublease, Sublessee shall remove all Hazardous Substances from the Premises and Non-exclusive Premises. The term Environmental law shall mean any federal, state, or local statute, regulation, or ordinance or any judicial or other governmental order pertaining to the protection of health, safety or the environment. The term Hazardous Substance shall mean any hazardous, toxic, infectious, or radioactive substance, waste and material as defined or listed by any Environmental law and shall include, without limitation, petroleum oil and its fractions.

4.4 Parking. Sublessee, its employees, and clientele shall have the non-exclusive use of parking spaces on the north side of Cherry Blossom Plaza as determined by Sublessor.

4.5 Provision of Services. Sublessee and Sublessor are parties to a services agreement dated July 1, 2005, # 4600005409. Sublessee's default in performance of the services agreement for any reason shall be considered a default under this Sublease as provided at Sections 14 and 15.

Section 5. Repairs and Maintenance

5.1 Sublessor and Sublessee Responsibilities

- (1) Sublessor shall require Master Lessor to provide such maintenance and repairs as are imposed on Master Lessor under the Master Lease. Sublessor shall have met this obligation if, upon receipt of written notice from Sublessee of a condition requiring maintenance and repair. Sublessor shall have forwarded such notice to the Master Lessor with a request that the work described in the notice be done.
- (2) Sublessee shall take good care of the interior of the premises and Non-exclusive Premises and at the expiration of the term surrender the Premises and non-exclusive Premises in as good condition as at the commencement of this Sublease, excepting only reasonable wear attributable to Sublessee's use.
- (3) Sublessee shall make any repairs necessitated by the negligence of Sublessee, its agents, employees, and invitees.

5.2 Inspection of Premises. Sublessor shall have the right to enter upon the premises and the Non-exclusive Premises at any time to determine Sublessee's compliance with this Sublease, to make necessary repairs or to show the Premises or Non-exclusive Premises to any prospective sublessee, and in addition shall have the right, at any time during the last ninety (90) days of the remaining term of this Sublease, to place and maintain upon the Premises and Non-exclusive notices for leasing the Premises.

- 5.3 Interference with Sublessee.** In performing any repairs, replacements, alterations, or other work performed on or around the Premises, Sublessor shall not cause unreasonable interference with the use of the Premises by Sublessee. Sublessee shall have neither the right to an abatement of rent nor any claim against Sublessor or Master Lessor for any inconvenience or disturbance resulting from Sublessor's or Master Lessor's activities performed in conformance with the requirements of this provision.

Section 6. Condition of Premises; Alterations

- 6.1 Condition; Improvements.** Sublessee accepts the Premises and non-exclusive Premises AS IS. Sublessee acknowledges and agrees that neither Sublessor nor Master Lessor has undertaken any obligation to make nor agreed to make any alteration or improvement to the Premises and Non-exclusive Premises for Sublessee's use or occupancy thereof. If Sublessee desires to alter or improve the Premises and Non-exclusive Premises in any way, Sublessee shall first obtain Sublessor's and Master Lessor's prior written consent to any such alteration or improvement, and any such alterations or improvements shall be made in accordance with the Master Lease.

- 6.2 Ownership and Removal of Alterations.** All improvements and alterations performed on the Premises and Non-exclusive Premises by either Sublessor or Sublessee shall be the property of Sublessor when installed unless the applicable Sublessor's consent or work sheet specifically provides otherwise. Improvements and alterations installed by Sublessee shall, at Sublessor's option, be removed by Sublessee at Sublessee's expense and the Premises and Non-exclusive Premises restored unless the applicable Sublessor's consent specifically provides otherwise.

Section 7. Insurance

- 7.1 Insurance Required.** Sublessee, at its expense, shall maintain at all times during the Term of this Sublease commercial general liability insurance in respect of the Premises and Non-exclusive Premises and the conduct or operation of its business, covering bodily injury and property damage on an "occurrence" form with \$1,000,000 minimum combined single-limit coverage. Multnomah County, its agents, officers and employees shall be named as additional insureds on the policy by endorsement. This coverage shall include Contractual Liability Insurance for the indemnity provided under this contract. All policies of insurance shall be issued by good, responsible companies, reasonably acceptable to Sublessor.

- 7.2 Increase in Coverage.** Sublessor may from time to time require that the amount of commercial general liability insurance be increased so that the amount adequately protects Sublessor's interests.

- 7.3 Waiver of Subrogation.** Neither party shall be liable to the other (or to the other's successors or assigns) for any loss or damage caused by fire of any of the risks enumerated in a standard fire insurance policy with an extended

coverage endorsement, and in the event of insured loss, neither party's insurance company shall have a subrogated claim against the other.

7.4 Insurance Required by Sublessor. Sublessor is self-insured for its property and liability exposures, as subject to the Oregon Tort Claims Act, ORS 30.260 through 30.300.

Section 8. Taxes

8.1 Property Taxes. Sublessee shall pay as due all taxes, assessments and levies on the Premises and all personal property located on the Premises. As used in this section, real property taxes include any fee or charge relating to the use, occupation, or rental of the premises, other than taxes on the net income of Sublessee.

8.2 Sublessee Responsibility for Filing Claim for Exemption. If Sublessee is entitled to an exemption from payment of taxes, Sublessee shall be responsible for obtaining the appropriate exemption. Sublessee shall provide proof of such exemption to Sublessor upon receipt of notice of approval of the exemption.

8.3 Special Assessments. If an assessment for a public improvement is made against the Premises, Sublessor may elect to cause the assessment to be treated the same as general real property taxes under section 8.1.

8.4 Contest of Taxes. Sublessee may contest the amount of any tax or assessment as long as such contest in a manner that does not cause any risk to Sublessor's interest in the Premises.

8.5 No Proration of Taxes. Sublessee shall pay taxes for any tax year in which this lease is in effect on July 1 without proration.

8.6 New Charges or Fees. If a new charge or fee relating to the possession or use of the Premises is assessed or imposed, then, to the extent permitted by law, Sublessee shall pay such charge or fee. However, Sublessee has no obligation to pay any charge or fee based on the income derived by Sublessor from this lease.

Section 9. Services and Utilities.

Sublessor shall provide utilities and janitorial services in accordance with the provisions of such services by Master Lessor per the Master Lease. Sublessee shall be responsible for reimbursement to Sublessor for their prorata share of any assessed utility adjustment over the stated base year as provided in section 37.2 of the Master Lease.

Section 10. Sublessee's and Sublessor's Representations

10.1 Sublessee acknowledges the provisions of the Master Lease and agrees to take the Premises and Non-exclusive Premises subject to all the terms and

conditions of the Master Lease, to use the Premises and non-exclusive Premises within the restrictions provided by the Master Lease, and to comply with all terms of the Master Lease, as if sublessee were the tenant and Sublessor were the landlord under the Master Lease, except that sublessee's rent shall be equal to the amount set forth in Section 3 of this Sublease.

- 10.2** Sublessor represents and warrants that Exhibit "B" contains a true, correct, and complete copy of the Master Lease. Sublessee acknowledges and agrees that it has read and is familiar with the terms of the Master Lease.

Section 11. Liens

- 11.1** Except with respect to activities for which Sublessor is responsible, Sublessee shall pay as due all claims for work done on and for services rendered or material furnished to the Premises, and shall keep the Premises and Non-exclusive Premises free from any liens. If Sublessee fails to pay any such claims or to discharge any lien, Sublessor may do so and collect the cost as additional rent. Any amount so added shall bear interest at the rate of nine percent (9%) per annum from the date expended by Sublessor and shall be payable on demand. Such action by Sublessor shall not constitute a waiver of any right or remedy, which Sublessor may have on account of Sublessee's default.

- 11.2** Sublessee may withhold payment of any claim in connection with a good-faith dispute over the obligation to pay, as long as Sublessor's property interests are not jeopardized. If a lien is filed as a result of nonpayment, Sublessee shall, within ten (10) days after knowledge of the filing, secure the discharge of the lien or deposit with Sublessor cash or sufficient corporate surety bond or other surety satisfactory to Sublessor in an amount sufficient to discharge the lien plus any costs, attorney fees, and other charges that could accrue as a result of a foreclosure of sale under the lien.

Section 12. Indemnification

Sublessee hereby agrees to indemnify, defend, protect, and hold harmless Sublessor and Master Lessor from and against any and all losses, liabilities, claims, costs, and expenses (including reasonable attorney fees) arising out of or in any way related to Sublessee's failure to perform its obligations under this Sublease or arising out of use of the premises or Non-exclusive Premises by Sublessee or its agents, employees, contractors, customers, or invitees.

Section 13. Assignment and Subletting

Sublessee shall not assign its interest under the Sublease nor sublet, nor permit temporary use of, all or any portion of the Premises and Non-exclusive Premises without first obtaining Sublessor's and Master Lessor's prior written consent. No assignment or sublease shall release Sublessee from its obligations under this Sublease.

Section 14. Default. The following shall be events of default:

14.1 Default in Rent. Failure of Sublessee to pay rent or other charge within ten (10) days after it is due.

14.2 Default in Other Covenants. Failure of Sublessee to comply with any term or condition or fulfill any obligation of this Sublease (other than the payment of rent or other charges) within twenty (20) days after written notice by Sublessor specifying the nature of the default with reasonable particularity. If the default is of such a nature that it cannot be completely remedied within the twenty (20) days period, this provision shall be complied with if Sublessee begins correction of the default within the twenty (20) days period and thereafter proceeds with reasonable diligence and in good faith to effect the remedy as soon as practicable.

14.3 Insolvency. Insolvency of Sublessee; an assignment by Sublessee for the benefit of creditors; the filing by Sublessee of a voluntary petition in bankruptcy; an adjudication that Sublessee is bankrupt or the appointment of a receiver of the properties of Sublessee; the filing of any involuntary petition of bankruptcy and failure of Sublessee to secure a dismissal of the petition within thirty (30) days after filing; attachment of or the levying of execution on the leasehold interest and failure of Sublessee to secure discharge of the attachment or release of the levy of execution within ten (10) days shall constitute a default. If Sublessee consists of two or more individuals or business entities, the events of default specified in this Section 14.3 shall apply to each individual unless within ten (10) days after an event of default occurs, the remaining individuals produce evidence satisfactory to Sublessor that they have unconditionally acquired the interest of the one causing the default. If this Sublease has been assigned, the events of default so specified shall apply only with respect to the one then exercising the rights of Sublessee under this Sublease.

Section 15. Remedies on Default. In the event of default by Sublessee, this Sublease may be terminated at the option of Sublessor by written notice to Sublessee. Whether or not this Sublease is terminated by the election of Sublessor, Sublessor shall be entitled to pursue any remedies available to Sublessor under applicable law.

Section 16. Surrender at Expiration

16.1 Condition of Premises on Termination. Upon expiration of the sublease term or earlier termination on account of default, Sublessee shall deliver all keys to Sublessor and surrender the Premises and Non-exclusive Premises in first-class condition and broom clean. Depreciation and wear from ordinary use for the purpose for which the Premises and Non-exclusive Premises are leased shall be excepted but repairs for which Sublessee is responsible shall be completed prior to expiration or termination of this Sublease.

16.2 Removal of Possessions. Prior to expiration or other termination of the Sublease term, sublessee shall remove all furnishings, furniture, and trade fixtures that remain its property. If Sublessee fails to do so, this shall be an abandonment of the property, and Sublessor may retain the property and all rights of Sublessee with respect to it shall cease or, by notice in writing given to Sublessee within twenty (20) days after removal was required, Sublessor may elect to hold Sublessee to its obligation of removal. If Sublessor elects to require Sublessee to remove, Sublessor may effect a removal and place the property in public storage for Sublessee's account. Sublessee shall be liable to Sublessor for the cost of removal, transportation to storage, and storage, with interest at the legal rate on all such expenses from the date of expenditure by Sublessor.

16.3 Holdover

- (1) If Sublessee does not vacate the Premises and Non-exclusive Premises at the time required, Sublessor shall have the option to treat Sublessee as a sublessee from month-to-month, subject to all of the provisions of this Sublease. Failure of Sublessee to remove fixtures, furniture, furnishings, or trade fixtures that Sublessee is required to remove under this Sublease shall constitute a failure to vacate to which this section shall apply if the property not removed will substantially interfere with occupancy of the Premises and Non-exclusive Premises by another sublessee or with occupancy by Sublessor for any purpose including preparation for a new sublessee.
- (2) If a month-to-month tenancy results from a holdover by sublessee under this Section 16.3, the tenancy shall be terminable at the end of any monthly rental period on written notice from Sublessor given not less than twenty (20) days prior to the termination date which shall be specified in the notice. Sublessee waives any notice that would otherwise be provided by law with respect to a month-to-month tenancy.

Section 17. Miscellaneous

17.1 Nonwaiver. Waive by either party of strict performance of any provision of this Sublease shall not be a waiver of or prejudice the party's right to require strict performance of the same provision in the future or of any other provision.

17.2 Notices. Any notice required or permitted under this Sublease shall be given when actually delivered or forty-eight (48) hours after deposited in United States mail as certified mail addressed to the address first given in this Sublease or to such other address as may be specified from time to time by either of the parties in writing.

17.3 Recordation. This Sublease shall not be recorded without the written consent of Sublessor.

17.4 Risk of Loss. Sublessee shall be fully responsible for and shall assume all risk of loss of its personal property, furniture, fixtures, equipment, and furnishings in the Premises and Non-exclusive Premises.

17.5 Time of Essence. Time is of the essence of the performance of each of Sublessee's obligations under this Sublease.

17.6 Confidentiality of Business Information. Sublessor and Sublessee acknowledge that Sublessor's use of the Premises and Sublessee's permitted use of the premises and Non-exclusive Premises may include the creation, management, and retention of business information of a personal or confidential nature, and that the unauthorized acquisition or disclosure of such information may be grounds for civil and/or criminal liability. Sublessor and Sublessee, for themselves, their agents, employees and contractors, agree that, subject to the Oregon Public Records Law, ORS chapter 192, they will refrain from any action that reasonably would be deemed to jeopardize the confidentiality of business information of the other party or to expose such information to disclosure, whether such information has been identified to the other as confidential or otherwise, and will reasonably cooperate with each other to affirmatively protect the confidentiality of all information so designated as confidential or otherwise of a sensitive nature. Sublessor and Sublessee acknowledge and agree that violation of the provisions of this section, except when required under the Public Records Law, may constitute a material breach of the Sublease, for which the non-violating party may terminate the Sublease and for which additional remedies may also be available.

17.7 Master Lessor's Consent to Sublease. The Master Lessor under the Master Lease hereby consents to the foregoing Sublease without waiver of any restriction in the master Lease concerning further assignment or subletting. Master Lessor certifies that, as of the date of Master Lessor's execution hereof, Sublessor, is not in default or breach of any of the provisions of the Master Lease, and that the Master Lease has not been amended or modified except as expressly set forth in the foregoing Sublease. Sublessee's agreement to perform such obligation shall not release Sublessor of its primary and unconditional liability for payment of rental and other charges and performance of Sublessor's obligations as Tenant under the Master Lease during the full term of the Master Lease.

17.8 Interest on Rent and Other Charges. Any rent or other payment required of Sublessee by this Sublease shall, if not paid within ten (10) days after it is due, bear interest at the rate of nine percent (9%) per annum (but not in any event at a rate greater than the maximum rate of interest permitted by law) from the due date until paid. In addition, if Sublessee fails to make any rent or other payment required by this lease to be paid to Sublessor within five (5) days after it is due, Sublessor may elect to impose a late charge of five cents (\$0.05) per dollar of the overdue payment to reimburse Sublessor for the costs of collecting the overdue payment. Sublessee shall pay the late

charge upon demand by Sublessor. Sublessor may levy and collect a late charge in addition to all other remedies available by Sublessor's default, and collection of a late charge shall not waive the breach caused by the late payment.

17.9 Proration of Rent. In the event of commencement or termination of this Sublease at a time other than the beginning or end of one of the specified rental periods, then the rent shall be prorated as of the date of commencement or termination and in the event of termination for reasons other than default, all prepaid rent shall be refunded to Sublessee or paid on its account.

Sublessor:
MULTNOMAH COUNTY, OREGON

By: TED WHEELER
Ted Wheeler, Chair

Sublessee:
IMMIGRATION AND REFUGEE
COMMUNITY ORGANIZATION
(IRCO)

By: John Tavel
Title: Exec. Director

Reviewed:
Matthew O. Ryan
Matthew O. Ryan
Assistant County Attorney

Date: 5/29/08

Master Lessor:
AMERICAN PROPERTY
MANAGEMENT CORP., as agent
for and on behalf of WESTON
INVESTMENT CO., LLC

By: Douglas P. Hall
Date: 5/14/08

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # 2-11 DATE 05-29-08
DEBORAH L. BOGSTAD, BOARD CLERK

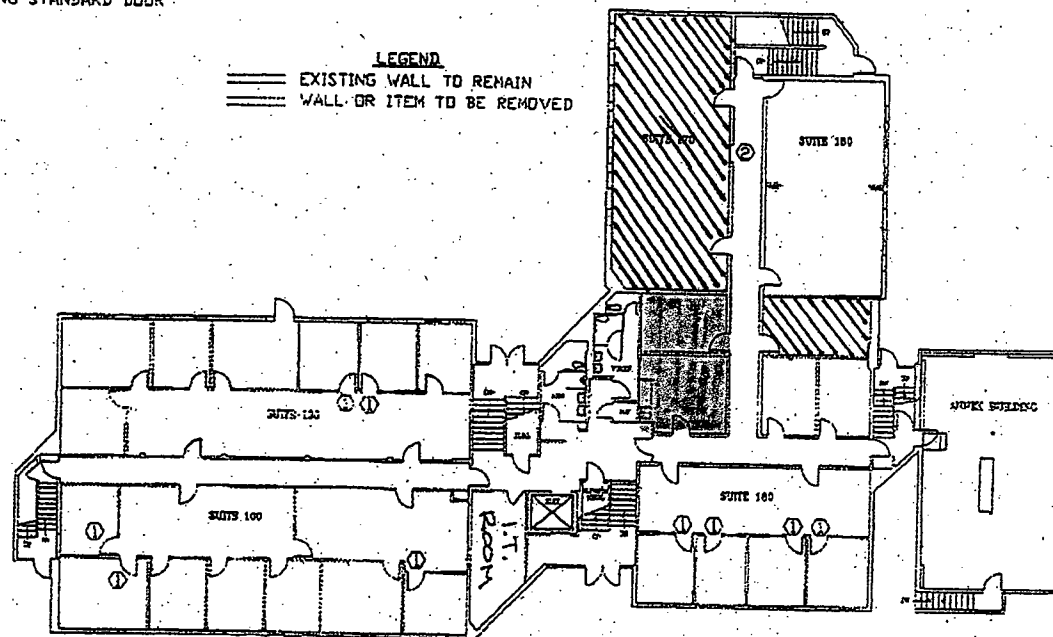


LEASED SPACE
NON EXCLUSIVE SPACE

Exhibit "A-1"

- ① REMOVE EXISTING DOOR - FRAME TO REMAIN
- ② CLOSE & LOCK DOOR
- ③ DEMO OPENING FOR BUILDING STANDARD DOOR
- ④ INSTALL BUILDING STANDARD DOOR

LEGEND
===== EXISTING WALL TO REMAIN
===== WALL OR ITEM TO BE REMOVED

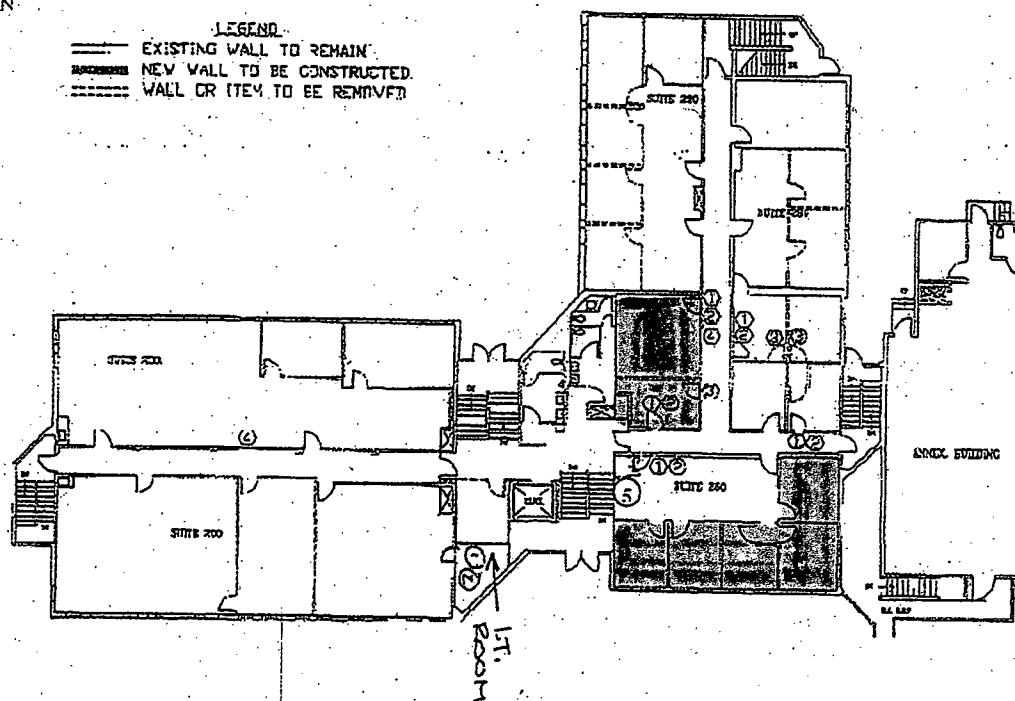


① SPACE PLAN
① FIRST FLOOR

NON EXCLUSIVE SPACE

- ① DEMO OPENING FOR BUILDING STANDARD DOOR
- ② INSTALL BUILDING STANDARD DOOR
- ③ REMOVE EXISTING DOOR & INFILL WITH NEW WALL TO MATCH
- ④ CLOSE & LOCK DOOR
- ⑤ CLOSET TO REMAIN

LEGEND
—— EXISTING WALL TO REMAIN
- - - - - NEW WALL TO BE CONSTRUCTED
- - - - - WALL OR ITEM TO BE REMOVED



① FLOOR PLAN
① SECOND FLOOR

Exhibit "A-2"



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-12 DATE 05.29.08
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 05/29/08
Agenda Item #: R-12
Est. Start Time: 10:05 AM
Date Submitted: 05/14/08

PROJECT REALLOCATION: FPM 08-05

Agenda Title: Reallocation of Capital Improvement Program Project Funds FPM 08-05,
Building System Emergency Repair (BSER)

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

Date Requested:	<u>May 29, 2008</u>	Time Requested:	<u>5 min</u>
Department:	<u>County Management</u>	Division:	<u>Facilities & Property Mgmt.</u>
Contact(s):	<u>John Lindenthal</u>		
Phone:	<u>503 988-4213</u>	Ext.	<u>84213</u>
		I/O Address:	<u>274</u>
Presenter(s):	<u>John Lindenthal</u>		

General Information

1. What action are you requesting from the Board?

Requested action is to approve a reallocation of Capital funds for the Building System Emergency Repair (BSER) mini-fund in the amount of \$158,000 from the three projects (CP08.67.03) Justice Center HVAC Fan upgrade project in the amount of \$100,000, the (CP08.07.31) Courthouse Jail Elevator project in the amount of \$45,000 and the (CP08.06.41) Animal Services Roof Replacement project in the amount of \$13,000. Total project authorization will be increased by \$158,000 from \$500,000 to \$658,000 with this action.

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

The Board included the following Budget Note in the FY05 Adopted Budget: "No reallocation of funds from capital or maintenance projects shall occur without review and approval from the Chief Financial Officer. Projects that will exceed their budgeted appropriation in excess of five percent up to \$25,000 will need to be approved by the Chief Financial Officer; over \$25,000 will need to be brought back to the Board for approval. Facilities shall report to the Board on a semi annual basis the progress of capital projects and the financial status of capital and maintenance projects." This filing is in response to that requirement and complies with the new County Administrative

Procedure, Fin-15, created to implement this process.

The Building System Emergency Repair mini-fund is out of funds. Most of the projects that occurred this year were relatively minor in scope and cost. However, the Walnut Park Sewer project required replacement of approximately 120 feet of building drain lines under the building due to deteriorated piping. The work was accomplished while keeping the clinic open. Work was mainly completed on weekends. The cost of this work is estimated to be in excess of \$200,000 and is the main reason the mini-fund needs additional resources.

The three projects (CP08.67.03) Justice Center HVAC Fan upgrade project in the amount of \$100,000, the (CP08.07.31) Courthouse Jail Elevator project in the amount of \$45,000 and the (CP08.06.41) Animal Services Roof Replacement project in the amount of \$13,000 are all completed and came in under budget.

New budget authorization for the Buildings System Emergency Repair (BSER) mini-fund will be \$658,000 with this action.

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

Overall fund balance remains the same. Capital fund Budget authority in the amount of \$158,000 will be transferred to the Building System Emergency Repair mini-fund.

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

None

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

None

ATTACHMENT A

Budget Modification

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

- What revenue is being changed and why?
N/A
- What budgets are increased/decreased?
No budget change except at project level
- What do the changes accomplish?

- Do any personnel actions result from this budget modification? Explain.
No
- How will the county indirect, central finance and human resources and departmental overhead costs be covered?
N/A
- Is the revenue one-time-only in nature? Will the function be ongoing? What plans are in place to identify a sufficient ongoing funding stream?
N/A
- If a grant, what period does the grant cover?
N/A
- If a grant, when the grant expires, what are funding plans?
N/A

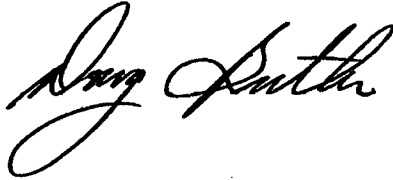
<p><i>NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.</i></p>

ATTACHMENT B

PROJECT REALLOCATION: FPM08-05

Required Signatures

Facilities &
Property
Management
Director:



Date: 05/14/08

Chief Financial
Officer:



Date: 05/14/08

Budget Director:



Date: 05/14/08

Project Reallocation Formal Board Approval: FPM08-05

EXPENDITURES & REVENUES

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

Line No.	Fund Center	Fund Code	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
			Formal FPM	Cost Center	WBS Element						
1	72-50	2507	FPM08-06		CP08.08.04	60530	42,650	200,650	158,000		BSER Building Safety Emergency Repair
2	72-50	2507	FPM08-06		CP08.67.03A	60530	170,522	70,522	(100,000)		Justice Cntr-HVAC Dist 1-15 inc A&E/Plan
3	72-50	2507	FPM08-06		CP08.07.31	60530	399,219	354,219	(45,000)		Courthouse Jail Elevator Upgrade
4	72-50	2507	FPM08-06		CP08.06.41	60530	42,267	29,267	(13,000)		Animal Shelter Roof Replacement
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									0	0	GRAND TOTAL



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 05/29/08
Agenda Item #: R-13
Est. Start Time: 10:10AM
Date Submitted: 05/06/08

Agenda Title: **Second Reading and Possible Adoption of a Proposed ORDINANCE Amending the Multnomah County Code and Framework Plan Relating to: Alternative Uses of Public School Buildings; Lot of Record Requirements to Correct Unlawfully Divided Parcels; Easement Placement During Land Divisions; Permit Processing Timelines; Biofuel Facilities; and Substandard Lot Size for Public Parks or Conservation**

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

Date Requested:	<u>May 29, 2008</u>	Time Requested:	<u>1 minute</u>
Department:	<u>Community Services</u>	Division:	<u>Land Use Planning</u>
Contact(s):	<u>Lisa Estrin/Chuck Beasley</u>		
Phone:	<u>503-988-3043</u>	Ext.	<u>22597</u>
		I/O Address:	<u>455/116</u>
Presenter(s):	<u>Lisa Estrin</u>		

General Information

1. What action are you requesting from the Board?

Request to adopt the following:

- Allow new code language allowing biofuel production in the Exclusive Farm Use zones in Chapters 33, 34, 35 and 36;
- Allow the creation of lots and parcels below the minimum lot size in the Commercial Forest Use zones for public parks and open spaces;
- Amend existing code language for the creation of lots and parcels that were unlawfully divided in all zones of Chapters 33, 34, 35, 36 and adopt the language for Ordinance 11.45 and 11.15;
- Amend the Land Division code language limiting where the County can require a utility easement in a subdivision or partition plat in Chapters 33, 34, 35, 36, 38 and 11.45;
- Amend Chapter 37 to set a limit for the length of time an application can be extended before

it becomes void; and

- f. Amend the Community Service code language to include the Alternative Use of Surplus Public School Space language and remove the School Board as the approval authority in Chapters 33, 34, 35, 36 and 11.15.

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

Biofuels – The proposed amendments to the Exclusive Farm Use zones bring Chapters 33, 34, 35, and 36 in line with State law and allow biofuel production as an Allowed or Review Use based on certain circumstances. In addition, the definition of “Area” is added to the zones restricting the production area for crops used to make biofuels to the counties of Clark and Skamania in Washington State, Multnomah, Columbia, Washington, Clackamas, Yamhill, Hood River and Marion counties in Oregon.

Parks & Open Space Land Divisions – The proposed amendments to the Commercial Forest Use zones in Chapter 33, 34, 35 and 36 will allow the creation of lots and parcels below the minimum lot size in these zones if the new lots and parcels are for public parks and open spaces or conservation by private non-profit groups.

Unlawfully Created Units of Land - The proposed amendments revise the Lot of Record section of the various zones in Chapters 33, 34, 35 and 36 to consolidate the provisions to correct unlawfully divided properties into the Land Division section of the code. They also incorporate changes in state law that provides added methods to correct unlawfully divided parcels. A plat will now be required to legalize an unlawfully created unit of land. In addition, the language will be added to Chapters 11.15 and 11.45 to assist property owners with land division problems in the unincorporated urban areas so they may be able to bring their properties into compliance with land division laws.

Easements – The proposed amendment alters the Land Division provisions in Chapters 33, 34, 35, 36, 38 and 11.45 by limiting where the County can require a utility easement in a subdivision or partition plat. In addition, it changes the definition “Partition land” to mean to divide an area or tract of land into not more than three parcels. This clarifies that a one-parcel, partition is permissible.

Processing Timelines - The proposed amendments to Chapter 37 are required by State Statute implementing Senate Bill 311. The proposed changes address land use permit processing timelines. They require applications that remain incomplete longer than 180 days after submittal to be void, and set a limit for the length of time a complete application can be extended beyond 150 days to a maximum of 215 days. Time extensions must now be for a specific period of time instead of the sometimes open ended waiver requests that have occasionally been used in the past.

Surplus School Space - The proposed amendments to Chapters 33, 34, 35, 36 and 11.15 modify the approval authority that considers changes in the use of a school building from the School Board to the County’s Hearings Officer. This is accomplished by integrating the “Surplus School Space” code section into the Community Service Uses code section. The alternative uses are divided into two parts, “Minor Uses” (those uses most like Community service Uses) and “Other Uses” (uses more dissimilar to Community Service Uses but which may be appropriate under certain situations).

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

There is no significant fiscal impact anticipated either now or in the future. The proposed amendments typically clarify code language. Land Use Planning staff currently process land

divisions and administrative decisions for these areas of the County. Staff will continue to process land use applications in these areas.

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

There are no legal issues identified. The amendments are consistent with related policies in the County's Comprehensive Framework Plan.

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

Biofuels - On November 5, 2007 the Planning Commission held a work session with planning staff on House Bill 2992 and 2210. On March 3, 2008 the Planning Commission held a public hearing on the subject; there was no public testimony either orally or in writing. At the conclusion of the hearing the Planning Commission voted to recommend approval of the proposed code amendments. See attached Planning Commission Resolution.

Parks & Open Space Land Divisions - On November 5, 2007 the Planning Commission held a work session on with planning staff on House Bill 2992 and 2210. On March 3, 2008 the Planning Commission held a public hearing on the subject; there was no public testimony either orally or in writing. At the conclusion of the hearing the Planning Commission voted to recommend approval of the proposed code amendments. See attached Planning Commission Resolution.

Unlawfully Created Units of Land - On December 3, 2007 the Planning Commission held its first work session with planning staff on House Bill 2723. On February 13, 2008 planning staff held an Open House and invited property owners with known land division issues to discuss their concerns regarding the modifications. In addition, various Title Companies were invited to the Open House. Staff also discussed the proposed code changes with property owners who could not attend the Open House. On March 3, 2008, the Planning Commission held a second work session which included the concerns raised at the Open House and affected property owners. On April 7, 2008 the Planning Commission held a public hearing on the subject; public testimony was received from one individual in support of the proposed amendments. At the conclusion of the hearing the Planning Commission voted to recommend approval of the proposed code amendments. See attached Planning Commission Resolution.

Easements - On December 3, 2007 the Planning Commission held its first work session with planning staff on House Bill 2313. On April 7, 2008 the Planning Commission held a public hearing on the subject; there was no public testimony either orally or in writing. At the conclusion of the hearing the Planning Commission voted to recommend approval of the proposed code amendments. See attached Planning Commission Resolution.

Processing Timelines - On November 5, 2007 the Planning Commission held a work session with planning staff on Senate Bill 311. On December 3, 2007 the Planning Commission held a public hearing on the subject; there was no public testimony either orally or in writing. At the conclusion of the hearing the Planning Commission voted to recommend approval of the proposed code amendments. See attached Planning Commission Resolution.

Surplus School Space - On August 7, 2006 the Planning Commission held a work session with planning staff on proposed amendments to Chapter 33, 34, 35, 36 and 11.15 regarding the Alternative Uses of Surplus Public School Sites. On August 22, 2006 Land Use Planning sent a letter to each school superintendent with facilities under our jurisdiction. In addition, a copy of the Staff Report for the Public Hearing before the Planning Commission was provided to review before the hearing. They were invited to provide written comments and/or attend the Public Hearing before the Planning Commission. On November 6, 2006 the Planning Commission held a public hearing on the subject; there was no public testimony either orally or in writing. At the conclusion of the hearing the Planning Commission voted to recommend approval of the proposed code amendments.

See attached Planning Commission Resolution.

Required Signature

**Department/
Agency Director:**



Date: 05/06/08

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Amending the Multnomah County Code and Framework Plan Relating to: Alternative Uses of Public School Buildings; Lot of Record Requirements to Correct Unlawfully Divided Parcels; Easement Placement During Land Divisions; Permit Processing Timelines; Biofuel Facilities; and Substandard Lot Size for Public Parks or Conservation

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

Multnomah County Ordains as follows:

**PART I - Amending MCC Chapters 33-36 and 11.15 and The Framework Plan Relating To
Alternative Uses Of Public School Buildings**

Section 1. **MCC §§ 33.6015, 34.6015, 35.6015 and 11.15.7020 are amended as follows:**

33.6015 Uses

(A) Except as otherwise limited in the EFU, CFU-1, CFU-2, and CFU-5 districts, the following Community Service Uses and those of a similar nature, may be permitted in any district when approved at a public hearing by the approval authority.

Allowed Community Service Uses in the EFU, CFU-1, CFU-2, and CFU-5 districts are limited to those uses listed in each respective district.

* * *

(27) Wireless communications facilities

(28) Limited alternative uses of surplus public school space pursuant to the provisions in MCC 33.6050.

(2829) Accessory uses to the above.

(B) Approval of a Community Service Use shall be deemed to authorize associated public utilities, including energy and communication facilities.

34.6015 Uses

(A) Except as otherwise limited in the EFU district, the following Community Service Uses and those of a similar nature, may be permitted in any district when approved at a public hearing by the approval authority.

Allowed Community Service Uses in the EFU district are limited to those uses listed in the district.

* * *

(27) Wireless communication facilities.

(28) Limited alternative uses of surplus public school space pursuant to the provisions in MCC 34.6050.

~~(2829)~~ Accessory uses to the above.

(B) Approval of a Community Service Use shall be deemed to authorize associated public utilities, including energy and communication facilities.

35.6015 Uses

(A) Except as otherwise limited in the EFU, CFU-3, and CFU-4 districts, the following Community Service Uses and those of a similar nature, may be permitted in any district when approved at a public hearing by the approval authority.

Allowed Community Service Uses in the EFU, CFU-3, and CFU-4 districts are limited to those uses listed in each respective district.

* * *

(27) Wireless communications facilities.

(28) Limited alternative uses of surplus public school space pursuant to the provisions in MCC 35.6050.

~~(2829)~~ Accessory uses to the above.

(B) Approval of a Community Service Use shall be deemed to authorize associated public utilities, including energy and communication facilities.

36.6015 Uses.

(A) Except as otherwise limited in the EFU and CFU districts, the following Community Service Uses and those of a similar nature, may be permitted in any district when approved at a public hearing by the approval authority

Allowed Community Service Uses in the EFU and CFU districts are limited to those uses listed in each respective district.

* * *

(16) Mining and processing of geothermal resources.

(17) Limited alternative uses of surplus public school space pursuant to the provisions in MCC 36.6050.

~~(1718)~~ Accessory uses to the above.

(B) Approval of a Community Service Use shall be deemed to authorize associated public utilities, including energy and communication facilities.

11.15.7020 Uses

A. Except as otherwise provided in MCC 11.15.2008 through .2012 and MCC 11.15.2048 through .2050, the following Community Service Uses and those of a similar nature, may be permitted in any district when approved at a public hearing by the approval authority.

* * *

26. Mining and processing of geothermal resources.

27. Limited alternative uses of surplus public school space pursuant to the provisions in MCC 11.15.7022.

~~27~~28. Accessory uses to the above.

B. Approval of a Community Service Use shall be deemed to authorize associated public utilities, including energy and communication facilities.

Section 2. MCC §§ 33.6050, 34.6050, 35.6050, 36.6050 and 11.15.7022 are amended as follows:

33.6050- Limited Alternative Uses of Surplus Public School Space Located in MUA-20, RR, and RC Districts

(A) Purpose – The purpose of this section is to facilitate the efficient alternative use of vacant or under-utilized public school building space located in MUA-20, RR, and RC districts by authorizing those uses which are beneficial to or compatible with the community.

~~(1) The school district board having jurisdiction over the school building in question, is hereby designated as the approval authority for the purposes of MCC 33.6050.~~

(B) Minor Uses – The Board finds that the uses listed in this subsection are so similar to school use in land use impact, that they should be allowed as accessory or alternative uses to approved school use. At the same time, the policy of citizen involvement and open public participation dictates that these listed uses only be permitted after public review in a Type III approval process by the affected school district board.

~~Subject to the provisions of MCC 33.6050 (F), (H), and (I) Community Service approval criteria of MCC 33.6010 and the restrictions of MCC 33.6020, one or more of the following alternative uses may be permitted to occupy vacant or under-utilized space in an existing public school building where the total of such space does not exceed 20 percent of the classroom space in the building:~~

(1) Adult, teen or senior center.

(2) Community food or non-profit hot meals service.

(3) ~~Day nursery, kindergarten or a~~After-school child care.

(4) ~~Day or evening classes, such as high school or college level courses, vocational school, physical fitness, indoor or outdoor recreation.~~

(54) Health center, including counseling, well-baby clinic, or physical therapy.

(6) Library.

(75) Accessory uses common to the above uses.

~~The 20 percent of the classroom space standard shall be interpreted narrowly so as to rule out the applicability of this subsection in the event of doubt.~~

(C) Other Uses – Subject to the provisions of MCC 33.6050 (G), (H), and (I) approval criteria of MCC 33.6050(D) and the restrictions of MCC 33.6020, the following alternative uses may be permitted to occupy vacant or under-utilized space in the existing public school building after public review in a Type III approval process:

(1) ~~Those uses listed in (B) above when occupying more than 20 percent of the building classroom space.~~

(2) Arts or crafts gallery or sales.

(32) Community access cable TV studio.

(4) ~~Computer or data processing facility.~~

(53) ~~Governmental branch office or subcenter~~ Non-profit community theater.

(64) Office of non-profit or charitable group or association.

(75) Professional or business office.

(86) Accessory uses common to the above uses.

(D) ~~Exceptions – The uses listed in 33.6050 (B) and (C) do not include a corrections center, halfway house or rehabilitation facility.~~

(E) ~~Pre-existing Uses – A use listed in 33.6050 (B) and (C) which occupied public school building space on August 19, 1982, shall be deemed to have satisfied the provisions of this section.~~

(F) ~~Action on Minor Uses – Action on a proposal to locate a use listed in MCC 33.6050 (B) shall be taken by the school district board.~~

(1) ~~The proposal shall be considered at a regular school board meeting and again at a public hearing called by the school board for the purpose.~~

(2) ~~Notice of the meetings and purpose shall be given by the school board by first class mail at least 15 days in advance of each meeting to each owner of property within 250 feet of the school site, and to such other persons or groups as have requested notice on such matters.~~

(3) ~~The school board shall conduct the public hearing generally in accordance with the Rules of Procedure adopted by the Approval Authority under MCC 33.0670 (A).~~

(4) ~~The decision and the statement of findings of fact and conclusions adopted by the school board at the public hearing shall be filed with the Planning Director within ten days of the action.~~

~~(G) Action on Other Uses—Action on a proposal to locate a use listed in MCC 33.6050 (C) shall be taken under the provisions of MCC 33.0700 through 33.0790, modified to substitute *School District Board for Approval Authority or Planning Commission*, and further modified as follows:~~

~~(1) An action may only be initiated by the school district board under MCC 33.0705 (A).~~

~~(2) The school district board shall:~~

~~(a) Act to give notice of public hearing under MCC 33.0715;~~

~~(b) Conduct the required hearing(s) under MCC 33.0725;~~

~~(c) Make findings of fact and conclusions under MCC 33.0730;~~

~~(d) Make decisions under MCC 33.0735;~~

~~(e) Maintain proceeding records under MCC 33.0740; and~~

~~(3) The school district board shall file the written decision in accordance with MCC 33.0735. The Planning Director and the Clerk of the Board shall follow the requirements of MCC 33.0720.~~

~~(4) The decision of the school district board shall become final on the 12th business day following submittal to the Clerk of the Board of County Commissioners unless the Board of County Commissioners orders review under MCC 33.0760.~~

~~(5) Exception—At the option of the school district board, action proceedings may be taken by the Approval Authority.~~

~~(H) Approval Criteria – In approving an alternative use listed in 33.6050 (B) or (C), the approval authority shall find:~~

~~(1) The approval criteria of MCC 33.6010 are satisfied; and~~

~~(2) The use will occupy existing public school building space which is surplus to the current or anticipated need for school purposes; and~~

~~(3) The use:~~

~~(a) Will provide an appropriate public facility or public non-profit service to the immediate area of or community; or~~

~~(b) (4) The use is consistent with urban-rural area needs in a location and under circumstances reasonably suitable for the purpose; and~~

~~(5) There are safe, convenient and reasonably suitable means of pedestrian, bicycle and vehicle access to and circulation on the site; and~~

~~(6) The applicable development standards of this Chapter are met or can be satisfied through appropriate conditions of approval.~~

~~(I) Approval Conditions—The approval authority may impose approval limitations or conditions as listed in MCC 33.6005 (E).~~

34.6050- Limited Alternative Uses of Surplus Public School Space Located in MUA-20, RR and RC Districts

(A) Purpose – The purpose of this section is to facilitate the efficient alternative use of vacant or under-utilized public school building space located in MUA-20, RR, and RC districts by authorizing those uses which are beneficial to or compatible with the community.

~~(1) The school district board having jurisdiction over the school building in question, is hereby designated as the approval authority for the purposes of MCC 34.6050.~~

(B) Minor Uses – The Board finds that the uses listed in this subsection are so similar to school use in land use impact, that they should be allowed as accessory or alternative uses to approved school use. At the same time, the policy of citizen involvement and open public participation dictates that these listed uses ~~only be permitted after public review in a Type III approval process by the affected school district board.~~

Subject to the Community Service approval criteria of MCC 34.6010 and the restrictions of MCC 34.6020 provisions of MCC 34.6050 (F), (H), and (I), one or more of the following alternative uses may be permitted to occupy vacant or under-utilized space in an existing public school building ~~where the total of such space does not exceed 20 percent of the classroom space in the building:~~

- (1) Adult, teen or senior center.
- (2) Community food or non-profit hot meals service.
- (3) ~~Day nursery, kindergarten or a~~ After-school child care.
- (4) ~~Day or evening classes, such as high school or college level courses, vocational school, physical fitness, indoor or outdoor recreation.~~
- (5) Health center, including counseling, well-baby clinic, or physical therapy.
- (6) Library.
- (7) Accessory uses common to the above uses.

~~The 20 percent of the classroom space standard shall be interpreted narrowly so as to rule out the applicability of this subsection in the event of doubt.~~

(C) Other Uses – Subject to the provisions of MCC 34.6050 (G), (H), and (I) approval criteria of MCC 34.6050(D) and the restrictions of MCC 34.6020, the following alternative uses may be permitted to occupy vacant or under-utilized space in the existing public school building after public review in a Type III approval process:

- (1) ~~These uses listed in (B) above when occupying more than 20 percent of the building classroom space.~~
- (2) Arts or crafts gallery or sales.
- (3) Community access cable TV studio.
- (4) Computer or data processing facility.

~~(53) Governmental branch office or subcenter~~ Non-profit community theater.

~~(64) Office of non-profit or charitable group or association.~~

~~(75) Professional or business office.~~

~~(86) Accessory uses common to the above uses.~~

~~(D) Exceptions—The uses listed in 34.6050 (B) and (C) do not include a corrections center, halfway house or rehabilitation facility.~~

~~(E) Pre-existing Uses—A use listed in 34.6050 (B) or (C) which occupied public school building space on August 19, 1982, shall be deemed to have satisfied the provisions of this section.~~

~~(F) Action on Minor Uses—Action on a proposal to locate a use listed in 34.6050 (B) shall be taken by the school district board.~~

~~(1) The proposal shall be considered at a regular school board meeting and again at a public hearing called by the school board for the purpose.~~

~~(2) Notice of the meetings and purpose shall be given by the school board by first class mail at least 15 days in advance of each meeting to each owner of property within 250 feet of the school site, and to such other persons or groups as have requested notice on such matters.~~

~~(3) The school board shall conduct the public hearing generally in accordance with the Rules of Procedure adopted by the Approval Authority under MCC 34.0670 (A).~~

~~(4) The decision and the statement of findings of fact and conclusions adopted by the school board at the public hearing shall be filed with the Planning Director within ten days of the action.~~

~~(G) Action on Other Uses—Action on a proposal to locate a use listed in MCC 34.6050 (C) shall be taken under the provisions of MCC 34.0700 through 34.0790, modified to substitute *School District Board for Approval Authority or Planning Commission*, and further modified as follows:~~

~~(1) An action may only be initiated by the school district board under MCC 34.0705 (A).~~

~~(2) The school district board shall:~~

~~(a) Act to give notice of public hearing under MCC 34.0715;~~

~~(b) Conduct the required hearing(s) under MCC 34.0725;~~

~~(c) Make findings of fact and conclusions under MCC 34.0730;~~

~~(d) Make decisions under MCC 34.0735;~~

~~(e) Maintain proceeding records under MCC 34.0740; and~~

~~(3) The school district board shall file the written decision in accordance with MCC 34.0734. The Planning Director and the Clerk of the Board shall follow the requirements of MCC 34.0720.~~

~~(4) The decision of the school district board shall become final on the 12th business day following submittal to the Clerk of the Board of County Commissioners unless the Board of County Commissioners orders review under MCC 34.0760.~~

~~(5) Exception—At the option of the school district board, action proceedings may be taken by the Approval Authority.~~

(HD) Approval Criteria – In approving an alternative use listed in 34.6050 (B) or (C), the approval authority shall find:

- (1) The approval criteria of MCC 34.6010 are satisfied; and
- (2) The use will occupy existing public school building space which is surplus to the current or anticipated need for school purposes; and
- (3) The use;
 - (a) ~~w~~Will provide an appropriate public facility or public non-profit service to the immediate area of community; or
 - (4b) ~~The use is~~ consistent with urban-rural area needs in a location and under circumstances reasonably suitable for the purpose; and
- ~~(54)~~ There are safe, convenient and reasonably suitable means of pedestrian, bicycle and vehicle access to and circulation on the site; and
- ~~(65)~~ The applicable development standards of this Chapter are met or can be satisfied through appropriate conditions of approval.

~~(I) Approval Conditions—The approval authority may impose approval limitations or conditions as listed in MCC 34.6005 (E).~~

35.6050- Limited Alternative Uses of Surplus Public School Space Located in MUA-20, RR and RC Districts

(A) Purpose – The purpose of this section is to facilitate the efficient alternative use of vacant or under-utilized public school building space located in MUA-20, RR, and RC districts by authorizing those uses which are beneficial to or compatible with the community.

~~(1) The school district board having jurisdiction over the school building in question, is hereby designated as the approval authority for the purposes of MCC 35.6050.~~

(B) Minor Uses – The Board finds that the uses listed in this subsection are so similar to school use in land use impact, that they should be allowed as accessory or alternative uses to approved school use. At the same time, the policy of citizen involvement and open public participation dictates that these listed uses ~~only be permitted after public review in a Type III approval process by the affected school district board.~~

Subject to the provisions of MCC 35.6050 (F), (H), and (I) Community Service approval criteria of MCC 35.6010 and the restrictions of MCC 35.6020, one or more of the following alternative uses may be permitted to occupy vacant or under-utilized space in an existing public school building where the total of such space does not exceed 20 percent of the classroom space in the building:

- (1) Adult, teen or senior center.
- (2) Community food or non-profit hot meals service.

(3) ~~Day nursery, kindergarten or a~~After-school child care.

(4) ~~Day or evening classes, such as high school or college level courses, vocational school, physical fitness, indoor or outdoor recreation.~~

(54) Health center, including counseling, well-baby clinic, or physical therapy.

(6) ~~Library.~~

(75) Accessory uses common to the above uses.

~~The 20 percent of the classroom space standard shall be interpreted narrowly so as to rule out the applicability of this subsection in the event of doubt.~~

(C) Other Uses – Subject to the provisions of MCC 35.6050 (G), (H), and (I) approval criteria of MCC 35.6050(D) and the restrictions of MCC 35.6020, the following alternative uses may be permitted to occupy vacant or under-utilized space in the existing public school building after public review in a Type III approval process:

(1) ~~Those uses listed in (B) above when occupying more than 20 percent of the building classroom space.~~

(21) Arts or crafts gallery or sales.

(32) Community access cable TV studio.

(4) ~~Computer or data processing facility.~~

(53) ~~Governmental branch office or subcenter~~ Non-profit community theater.

(64) Office of non-profit ~~or charitable~~ group or association.

(75) Professional or business office.

(86) Accessory uses common to the above uses.

(D) ~~Exceptions—The uses listed in 35.6050 (B) and (C) do not include a corrections center, halfway house or rehabilitation facility.~~

(E) ~~Pre-existing Uses—A use listed in 35.6050 (B) or (C) which occupied public school building space on August 19, 1982, shall be deemed to have satisfied the provisions of this section.~~

(F) ~~Action on Minor Uses—Action on a proposal to locate a use listed in 35.6050 (B) shall be taken by the school district board.~~

(1) ~~The proposal shall be considered at a regular school board meeting and again at a public hearing called by the school board for the purpose.~~

(2) ~~Notice of the meetings and purpose shall be given by the school board by first class mail at least 15 days in advance of each meeting to each owner of property within 250 feet of the school site, and to such other persons or groups as have requested notice on such matters.~~

~~(3) The school board shall conduct the public hearing generally in accordance with the Rules of Procedure adopted by the Approval Authority under MCC 35.0670 (A).~~

~~(4) The decision and the statement of findings of fact and conclusions adopted by the school board at the public hearing shall be filed with the Planning Director within ten days of the action.~~

~~(G) Action on Other Uses — Action on a proposal to locate a use listed in MCC 35.6050 (C) shall be taken under the provisions of MCC 35.0700 through 35.0790, modified to substitute *School District Board for Approval Authority or Planning Commission*, and further modified as follows:~~

~~(1) An action may only be initiated by the school district board under MCC 35.0705 (A).~~

~~(2) The school district board shall:~~

~~(a) Act to give notice of public hearing under MCC 35.0715;~~

~~(b) Conduct the required hearing(s) under MCC 35.0725;~~

~~(c) Make findings of fact and conclusions under MCC 35.0730;~~

~~(d) Make decisions under MCC 35.0735;~~

~~(e) Maintain proceeding records under MCC 35.0740; and~~

~~(3) The school district board shall file the written decision in accordance with MCC 35.0735. The Planning Director and the Clerk of the Board shall follow the requirements of MCC 35.0720.~~

~~(4) The decision of the school district board shall become final on the 12th business day following submittal to the Clerk of the Board of County Commissioners unless the Board of County Commissioners orders review under MCC 35.0760.~~

~~(5) Exception — At the option of the school district board, action proceedings may be taken by the Approval Authority.~~

~~(HD)~~ Approval Criteria – In approving an alternative use listed in 35.6050 (B) or (C), the approval authority shall find:

(1) The approval criteria of MCC 35.6010 are satisfied; and

(2) The use will occupy existing public school building space which is surplus to the current or anticipated need for school purposes; and

(3) The use:

(a) ~~w~~Will provide an appropriate public facility or public non-profit service to the immediate area of community; or

(4b) ~~The use i~~s consistent with urban-rural area needs in a location and under circumstances reasonably suitable for the purpose; and

(54) There are safe, convenient and reasonably suitable means of pedestrian, bicycle and vehicle access to and circulation on the site; and

(65) The applicable development standards of this Chapter are met or can be satisfied through appropriate conditions of approval.

~~(F) Approval Conditions — The approval authority may impose approval limitations or conditions as listed in MCC 35.6005 (E).~~

36.6050- Limited Alternative Uses of Surplus Public School Space Located in MUA-20, RR, PH-RC, and OR Districts.

(A) Purpose - The purpose of this section is to facilitate the efficient alternative use of vacant or under-utilized public school building space located in MUA-20, RR, PH-RC, and OR districts by authorizing those uses which are beneficial to or compatible with the community.

~~(1) The school district board having jurisdiction over the school building in question, is hereby designated as the approval authority for the purposes of MCC 36.6050.~~

(B) Minor Uses - The Board finds that the uses listed in this subsection are so similar to school use in land use impact, that they should be allowed as accessory or alternative uses to approved school use. At the same time, the policy of citizen involvement and open public participation dictates that these listed uses only be permitted after public review in a Type III approval process by the affected school district board.

Subject to the provisions of MCC 36.6050 (F), (H), and (I) Community Service approval criteria of MCC 36.6010 and the restrictions of MCC 33.6020, one or more of the following alternative uses may be permitted to occupy vacant or under-utilized space in an existing public school building where the total of such space does not exceed 20 percent of the classroom space in the building:

- (1) Adult, teen or senior center.
- (2) Community food or non-profit hot meals service.
- (3) ~~Day nursery, kindergarten or a~~ After-school child care.
- (4) ~~Day or evening classes, such as high school or college level courses, vocational school, physical fitness, indoor or outdoor recreation.~~
- (5) Health center, including counseling, well-baby clinic, or physical therapy.
- (6) ~~Library.~~
- (7) Accessory uses common to the above uses.

~~The 20 percent of the classroom space standard shall be interpreted narrowly so as to rule out the applicability of this subsection in the event of doubt.~~

(C) Other Uses - Subject to the provisions of MCC 36.6050 (G), (H), and (I) approval criteria of MCC 36.6050(D) and the restrictions of MCC 36.6020, the following alternative uses may be permitted to occupy vacant or under-utilized space in the existing public school building after public review in a Type III approval process:

- (1) ~~Those uses listed in (B) above when occupying more than 20 percent of the building classroom space.~~

(21) Arts or crafts gallery or sales.

(32) Community access cable TV studio.

(4) Computer or data processing facility.

(53) Governmental branch office or subcenter Non-profit community theater.

(64) Office of non-profit ~~or charitable~~ group or association.

(75) Professional or business office.

(86) Accessory uses common to the above uses.

~~(D) Exceptions—The uses listed in MCC 36.6050 (B) and (C) do not include a corrections center, halfway house or rehabilitation facility.~~

~~(E) Pre-existing Uses—A use listed in MCC 36.6050 (B) or (C) which occupied public school building space on August 19, 1982, shall be deemed to have satisfied the provisions of this section.~~

~~(F) Action on Minor Uses—Action on a proposal to locate a use listed in MCC 36.6050 (B) shall be taken by the school district board.~~

~~(1) The proposal shall be considered at a regular school board meeting and again at a public hearing called by the school board for the purpose.~~

~~(2) Notice of the meetings and purpose shall be given by the school board by first class mail at least 15 days in advance of each meeting to each owner of property within 250 feet of the school site, and to such other persons or groups as have requested notice on such matters.~~

~~(3) The school board shall conduct the public hearing generally in accordance with the Rules of Procedure adopted by the Approval Authority under MCC 36.0670 (A).~~

~~(4) The decision and the statement of findings of fact and conclusions adopted by the school board at the public hearing shall be filed with the Planning Director within ten days of the action.~~

~~(G) Action on Other Uses—Action on a proposal to locate a use listed in MCC 36.6050 (C) shall be taken under the provisions of MCC 36.0700 through 36.0790, modified to substitute School District Board for Approval Authority or Planning Commission, and further modified as follows:~~

~~(1) An action may only be initiated by the school district board under MCC 36.0705 (A).~~

~~(2) The school district board shall:~~

~~(a) Act to give notice of public hearing under MCC 36.0715;~~

~~(b) Conduct the required hearing(s) under MCC 36.0725;~~

~~(c) Make findings of fact and conclusions under MCC 36.0730;~~

~~(d) Make decisions under MCC 36.0735;~~

~~(e) Maintain proceeding records under MCC 36.0740; and~~

~~(3) The school district board shall file the written decision in accordance with MCC 36.0736. The Planning Director and the Clerk of the Board shall follow the requirements of MCC 36.0720.~~

~~(4) The decision of the school district board shall become final on the 12th business day following submittal to the Clerk of the Board of County Commissioners unless the Board of County Commissioners orders review under MCC 36.0760.~~

~~(5) Exception—At the option of the school district board, action proceedings may be taken by the Approval Authority.~~

(HD) Approval Criteria - In approving an alternative use listed in 36.6050 (B) or (C), the approval authority shall find:

(1) The approval criteria of MCC 36.6010 are satisfied; and

(2) The use will occupy existing public school building space which is surplus to the current or anticipated need for school purposes; and

(3) The use;

(a) ~~w~~Will provide an appropriate public facility or public non-profit service to the immediate area of community; or

(4b) ~~The use is~~ consistent with urban-rural area needs in a location and under circumstances reasonably suitable for the purpose; and

(54) ~~There are~~ safe, convenient and reasonably suitable means of pedestrian, bicycle and vehicle access to and circulation on the site; and

(65) ~~The applicable~~ development standards of this Chapter are met or can be satisfied through appropriate conditions of approval.

~~(I) Approval Conditions—The approval authority may impose approval limitations or conditions as listed in MCC 36.6005 (E).~~

11.15.7022 Limited Alternative Uses of Surplus Public School Space

A. Purpose The purpose of this section is to facilitate the efficient alternative use of vacant or under-utilized public school building space by authorizing those uses which are beneficial to or compatible with the community.

~~1. The school district board having jurisdiction over the school building in question, is hereby designated as the approval authority for the purposes of MCC 11.15.7022.~~

B. Minor Uses The Board finds that the uses listed in this subsection are so similar to school use in land use impact, that they should be allowed as accessory or alternative uses to approved school use. At the same time, the policy of citizen involvement and open public participation dictates that these listed uses only be permitted after public review in a new Type III approval process by the affected school district board.

Subject to the provisions of MCC .7022(F),(H), and ~~(I)~~ Community Service approval criteria of MCC .11.15.7015 and the restrictions of MCC 11.15.7025, one or more of the following alternative uses may be permitted to occupy vacant or under-utilized space in

an existing public school building where the total of such space does not exceed 20 percent of the classroom space in the building:

1. Adult, teen or senior center.
2. Community food or non-profit hot meals service.
3. ~~Day nursery, kindergarten or a~~After-school child care.
- 4.~~Day or evening classes, such as high school or college level courses, vocational school, physical fitness, indoor or outdoor recreation.~~
- 5.4. Health center, including counseling, well-baby clinic, or physical therapy.
- ~~6.~~Library.
- 7.5. Accessory uses common to the above uses.

~~The 20 percent of the classroom space standard shall be interpreted narrowly so as to rule out the applicability of this subsection in the event of doubt.~~

C. Other Uses Subject to the provisions of MCC .7022(G), (H), and (I) approval criteria of MCC 11.15.7022(D) and the restrictions of 11.15.7025, the following alternative uses may be permitted to occupy vacant or under-utilized space in the existing public school building after public review in a Type III approval process:

- ~~1. These uses listed in (B) above when occupying more than 20 percent of the building classroom space.~~
- 2.1. Arts or crafts gallery or sales.
- 3.2. Community access cable TV studio.
- ~~4. Computer or data processing facility.~~
- 5.3. ~~Governmental branch office or subcenter~~Non-profit community theater.
- 6.4. Office of non-profit or charitable group or association.
- 7.5. Professional or business office.
- 8.6. Accessory uses common to the above uses.

~~D. Exceptions The uses listed in .7022(B) and (C) do not include a corrections center, halfway house or rehabilitation facility.~~

~~E. Pre-existing Uses A use listed in MCC .7022(B) or (C) which occupied public school building space on August 19, 1982, shall be deemed to have satisfied the provisions of this section.~~

~~F. Action on Minor Uses Action on a proposal to locate a use listed in MCC .7022(B) shall be taken by the school district board.~~

- ~~1. The proposal shall be considered at a regular school board meeting and again at a public hearing called by the school board for the purpose.~~
- ~~2. Notice of the meetings and purpose shall be given by the school board by first class mail at least 15 days in advance of each meeting to each owner of property within 250 feet of the school site, and to such other persons or groups as have requested notice on such matters.~~

~~3. The school board shall conduct the public hearing generally in accordance with the Rules of Procedure adopted by the Approval Authority under MCC .8125(A).~~

~~4. The decision and the statement of findings of fact and conclusions adopted by the school board at the public hearing shall be filed with the Planning Director within ten days of the action.~~

~~G. Action on Other Uses Action on a proposal to locate a use listed in MCC .7022(C) shall be taken under the provisions of MCC .8205 through .8285, modified to substitute School District Board for Approval Authority or Planning Commission, and further modified as follows:~~

~~1. An action may only be initiated by the school district board under MCC .8210(A).~~

~~2. The school district board shall:~~

~~a. Act to give notice of public hearing under MCC .8220;~~

~~b. Conduct the required hearing(s) under MCC .8230;~~

~~c. Make findings of fact and conclusions under MCC .8235;~~

~~d. Make decisions under MCC .8240;~~

~~e. Maintain proceeding records under MCC .8245; and~~

~~3. The school district board shall file the written decision in accordance with MCC .8240. The Planning Director and the Clerk of the Board shall follow the requirements of MCC .8255.~~

~~4. The decision of the school district board shall become final on the tenth business day following submittal to the Clerk of the Board of County Commissioners unless the Board of County Commissioners orders review under MCC .8265.~~

~~5. Exception At the option of the school district board, action proceedings may be taken by the Approval Authority.~~

~~H.D. Approval Criteria In approving an alternative use listed in .7022(B) or (C), the approval authority shall find:~~

~~1. The approval criteria of MCC .7015 are satisfied; and~~

~~2. The use will occupy existing public school building space which is surplus to the current or anticipated need for school purposes; and~~

~~3. The use;~~

~~a. Will provide an appropriate public facility or public non-profit service to the immediate area of community; or~~

~~4.b. The use is consistent with urban-rural area needs in a location and under circumstances reasonably suitable for the purpose; and~~

~~5.4. There are safe, convenient and reasonably suitable means of pedestrian, bicycle and vehicle access to and circulation on the site; and~~

~~6.5. The applicable development standards of this Chapter are met or can be satisfied through appropriate conditions of approval.~~

~~I. Approval Conditions The approval authority may impose approval limitations or conditions as listed in MCC 7010(E). [Amended 1982, Ord. 329 § 4]~~

Section 3. Policy 38A of the Comprehensive Framework Plan is amended as follows:

POLICY 38A. ALTERNATIVE USES OF PUBLIC SCHOOL BUILDINGS

The County's policy is to facilitate the location of alternative use of existing school building space where:

- A. The school district board finds that the space is surplus to current or anticipated need for school purposes; and
- B. Citizens of the community are afforded opportunity to be involved during decisions on an alternative use proposal; and
- C. Location of an alternative use will provide:
 1. ~~an~~ An appropriate public facility, or
 2. A public non-profit service to the immediate area or community; ~~or~~
 3. ~~D. The~~ An alternative use that is consistent with ~~urban~~ the area needs in a location and under circumstances reasonably suitable for the purpose.

This policy shall not affect the authority of a school district board to reduce occupancy, vacate or dispose of any existing public school building.

STRATEGIES

1. The County should assist school districts, community groups and citizens in the cooperative planning and development of programs for the appropriate alternative use of existing public school buildings.
2. The Zoning Ordinance should include measures for the expeditious implementation of this policy by including additional alternative uses of public school buildings in the list of allowed Community Service Uses, with primary decisions on alternative use made thereunder by the school district board. Alternative uses shall be allowed in rural areas only in "exception" zoning districts.

PART II - Amending MCC Chapters 33-36, 38 and 11.45 To Alter Lot Of Record Provisions To Correct Unlawfully Divided Parcels And Easement Placement During Land Divisions

Section 4. MCC §§ 33.0005, 34.0005, 35.0005 and 36.0005 are amended as follows:

33.0005 Definitions.

As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.

* * *

Lot – A unit of land created by a subdivision of land, see definition in MCC 33.7705. Depending upon the context in which the term appears in this Chapter, a Lot may also mean a lot, parcel (result of partitioning), unit of land (lawfully created by deed or land sale contract) or area of land owned by or under the lawful control and in the lawful possession of one distinct ownership.

* * *

Parcel – A unit of land created by a partitioning of land, see definition in MCC 33.7705. Depending upon the context in which the term appears in this Chapter, Parcel and Lot may at times be used interchangeably. The term, Parcel, also includes a unit of land (lawfully created by deed or land sale contract).

* * *

Unit of Land – A unit of land created by a deed or land sales contract in compliance with all applicable planning, zoning, and subdivision or partition ordinances and regulations.

* * *

34.0005 Definitions

As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.

* * *

Lot – A unit of land created by a subdivision of land, see definition in MCC 34.7705. Depending upon the context in which the term appears in this Chapter, a Lot may also mean a lot, parcel (result of partitioning), unit of land (lawfully created by deed or land sale contract) or area of land owned by or under the lawful control and in the lawful possession of one distinct ownership.

* * *

Parcel – A unit of land created by a partitioning of land, see definition in MCC 33.7705. Depending upon the context in which the term appears in this Chapter, Parcel and Lot may at times be used interchangeably. The term, Parcel, also includes a unit of land (lawfully created by deed or land sale contract).

* * *

Unit of Land – A unit of land created by a deed or land sales contract in compliance with all applicable planning, zoning, and subdivision or partition ordinances and regulations.

* * *

35.0005 Definitions

As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.

* * *

Lot – A unit of land created by a subdivision of land, see definition in MCC 35.7705. Depending upon the context in which the term appears in this Chapter, a Lot may also mean a lot, parcel (result of partitioning), unit of land (lawfully created by deed or land sale contract) or area of land owned by or under the lawful control and in the lawful possession of one distinct ownership.

* * *

Parcel – A unit of land created by a partitioning of land, see definition in MCC 33.7705. Depending upon the context in which the term appears in this Chapter, Parcel and Lot may at times be used interchangeably. The term, Parcel, also includes a unit of land (lawfully created by deed or land sale contract).

* * *

Unit of Land – A unit of land created by a deed or land sales contract in compliance with all applicable planning, zoning, and subdivision or partition ordinances and regulations.

* * *

36.0005 Definitions

As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.

* * *

Lot - A unit of land created by a subdivision of land, see definition in MCC 36.7705. Depending upon the context in which the term appears in this Chapter, a Lot may also mean a lot, parcel (result of partitioning), unit of land (lawfully created by deed or land sale contract) or area of land owned by or under the lawful control and in the lawful possession of one distinct ownership.

* * *

Parcel – A unit of land created by a partitioning of land, see definition in MCC 33.7705. Depending upon the context in which the term appears in this Chapter, Parcel and Lot may at times be used interchangeably. The term, Parcel, also includes a unit of land (lawfully created by deed or land sale contract).

* * *

Unit of Land – A unit of land created by a deed or land sales contract in compliance with all applicable planning, zoning, and subdivision or partition ordinances and regulations.

* * *

Section 5. MCC Lot of Record §§ 36.2075(E), 33.2075(E), 33.2275(E), 35.2075(E), 35.2275(E), 33.2475(E), 33.2675(E), 34.2675(E), 35.2675(E), 36.2675(E), 33.2870(E), 34.2870(E), 35.2870(E), 36.2870(E), 33.3170(E), 34.3170(E), 35.3170(E), 36.3170(E), 33.3370(E), 34.3370(E), 35.3370(E), 36.3370(E), 36.3470(E), 36.3570(E) are deleted as follows:

~~(E) Issuance of building permit as verification of a Lot of Record.~~

~~(1) The issuance of a building permit described in this subsection for new development on a lot or parcel is considered verification of compliance with applicable zoning and land division regulations for the creation of a lawful lot or parcel. The lot or parcel described in the building permit is considered a Lot of Record if the building permit was issued prior to July 1, 1986 (date of intergovernmental agreement contracting for building permit services with other jurisdictions) and complies with all of the following:~~

~~(a) There is a copy of the building permit in the Multnomah County or City of Portland permit records and the building permit indicates that the proposed development complied with zoning and land division requirements; and~~

~~(b) The building permit was for a new principle use, such as a new dwelling, commercial, industrial, community service, or conditional use; and~~

~~(c) There is a clear property description on the permit for the property for which the building or placement permit was issued. The description may be confirmed by tax lot references, tax lot maps, site plans, or deeds recorded at the time.~~

~~(2) A request for verification that a lot or parcel is a Lot of Record under the provisions of this section (E) may be submitted to the Planning Director. A decision by the Planning Director is a ministerial action based upon the evidence described in this section. An appeal of the director's decision for verification of a Lot of Record shall be submitted under the provisions of MCC 37.0740.~~

Section 6. MCC §§ 33.7785, 34.7785, 35.7785 and 36.7785, Creation of Lots and Parcels That Were Unlawfully Divided, are amended as follows:

ORS 92.177 authorizes the County to approve an application to create new legal lots or parcels notwithstanding that less than all of the owners of the existing legal lot or parcel have applied for the approval. This Code section provides the mechanism to review and, based upon findings of compliance with specific approval criteria, to approve certain unlawfully divided lots or parcels. The review mechanism to correct an unlawfully divided unit of land differs according to the date the unlawful lot or parcel was divided as provided in (A) and (B) below, or under (C) if a land use permit was issued for a primary use. For the purposes of this section, an "unlawfully divided" lot or parcel means a lot or parcel that, when divided, did not satisfy all applicable zoning and land division laws.

(A) An application to create a legal lot or parcel from an unlawfully divided unit of land ~~that was unlawfully divided~~ before January 27, 1994 (eff. date of Mult. Co. Ord. 781) shall be a Category 4 Land Division and be reviewed as a Type II permit process. In addition to the applicable Category 4 Land Division requirements, the application shall satisfy the following approval criteria:

(1) The lot or parcel either:

(a) Conforms to current dimensional, access and area standards,

(b) Conforms to the dimensional, access and density standards in effect when the lot or parcel was unlawfully divided, or

(c) The lot or parcel has a property line that is contiguous to a road, street or zone boundary that intersected the property and the applicable zoning district on the date the lot or parcel was unlawfully divided allowed a land division when a County-maintained road, street or zoning district boundary intersects a parcel of land. The zoning districts and effective dates that apply to this provision are as follows:

1. The Rural Center (RC), Rural Residential (RR), and Multiple Use Agriculture-20 (MUA-20) zoning districts on or after October 6, 1977 (eff. date of Mult. Co. Ord. 148) and before January 27, 1994;
2. The Multiple Use Forest-20 (MUF-20) zoning district on or after October 6, 1977 (eff. date of Mult. Co. Ord. 148) and before August 14, 1980 (eff. date of Mult. Co. Ord. 236); and
3. The Multiple Use Forest-19 (MUF-19) and Multiple Use Forest-38 (MUF-38) zoning districts on or after August 14, 1980 (eff. date of Mult. Co. Ord. 236) and before January 7, 1993 (eff. date of Mult. Co. Ord. 743).

~~(2) No subsequent division of the lot or parcel or a property line adjustment has occurred.~~

~~(32) The owner or applicant demonstrates that the resulting lot or parcel can physically accommodate a use allowed in the zone, including necessary facilities and utilities, in compliance with all applicable siting standards of this zoning code chapter.~~

~~(43) Practical physical access to the site currently exists from a public road or can be provided through an irrevocable easement or equivalent means. Practical physical access at a minimum must meet the standards of MCC 29.012 and allow emergency vehicle access to the building site.~~

~~(54) The application shall include a tentative plan consisting of maps, written information and supplementary material adequate to provide the information required for a Category 4 land division and, if found to comply with the applicable approval criteria, a partition plat or subdivision plat shall be submitted in accordance with the requirements of ORS Chapter 92.~~

(B) An application to create legal lots or parcels from an unlawfully divided unit of land that were unlawfully divided on or after January 27, 1994 (effective date of Mult. Co. Ord. 781) to January 1, 2007, shall be subject to current review procedures for a land division. The application shall satisfy the following approval criteria:

(1) The lot or parcel conforms to current zoning requirements, or

(2) An unlawfully divided lot or parcel may be approved notwithstanding the required dimensional, access, and area requirements, subject to the following:

(a) The lot or parcel has a property line that is contiguous to a road, street or zone boundary that intersected the property; and

(b) The applicable zoning district on the date the lot or parcel was unlawfully divided allowed a land division when a County-maintained road, street or zoning district boundary intersects a parcel of land. The zoning districts and effective dates that apply to this provision are the Rural Center (RC), Rural Residential (RR), and Multiple Use Agriculture-20 (MUA-20)

zoning districts on or after January 27, 1994 (eff. date of Mult. Co. Ord. 781) and before October 4, 2000 (eff. date of "Rural Residential" amendments to OAR 660-004-0040).

(C) If an application for a legal lot or parcel is approved under this subsection, the date of creation of the lots and parcels shall be the date the Partition or Subdivision Plat is recorded. A lot legalization application to create a lot or parcel may be made through a Type I application process when the County issued a land use permit prior to January 1, 2007 for a dwelling or other building on an unlawfully established unit of land, provided the following criteria are met:

(1) The land use permit was issued after the sale of the unlawfully established unit of land to a new property owner; and

(2) There is a clear property description on the permit for the unlawfully established unit of land for which the building or placement permit was issued. The description may be confirmed by tax lot references, tax lot maps, site plans, or deeds recorded at the time; and

(3) The land use permit was for a building for a new principle use, such as a new dwelling, commercial, industrial, community service, or conditional use; and

(4) There is a copy of the land use permit in the records of Multnomah County or its authorized agents and the land use permit indicates that the proposed development on the unlawfully established unit of land complied with zoning and land division requirements; and

(5) If the approved land use permit was for a dwelling, the building currently qualifies as a habitable dwelling as defined in this chapter; and

(6) The building was constructed under a valid building permit and the building remains on the unlawfully established unit of land described in (2) above.

(a) A County building permit was issued at the time and does not include plumbing, mechanical, electrical or other type of trade permit. An exempt farm structure approval is not a building permit.

(D) Within 90 days of a final decision being approved under (A), (B) or (C) of this section, the property owner(s) shall record a partition plat or subdivision plat, as appropriate, in accordance with the requirements of ORS Chapter 92.

(E) If an application to legalize a unit of land is approved under (A), (B) or (C) of this section, the date of creation of the legalized parcel or lot shall be the date the partition or subdivision plat is recorded.

(F) Development of a parcel or lot approved pursuant to this section shall be subject to the laws in effect at the time of the development application pursuant to ORS 215.427(3)(a). No retroactive use of land use laws is authorized by this code provision once the parcel or lot is lawfully created.

(G) From January 5, 1966 to December 31, 2000, the County's zoning ordinance specified that in cases where a building permit is required under the Multnomah County Building Code, such building permit shall be deemed to be a land use permit. When reviewing a lot legalization application under (C) above, building permits during this time period shall constitute a land use permit.

(H) The following do not qualify to legalize a lot or parcel under this code section:

(1) An area of land described as a tax lot solely for assessment and taxation purposes;

(2) An area of land created by the foreclosure of a security interest;

(3) A mortgage lot.

(4) An area of land created by court decree.

Section 7. MCC § 11.15.0010 is amended as follows:

§ 11.15.0010 Definitions.

As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.

* * *

Habitable Dwelling – An existing dwelling that:

(a) Has intact exterior walls and roof structure;

(b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(c) Has interior wiring for interior lights;

(d) Has a heating system; and

(e) Was lawfully established.

* * *

Lot - A plot, parcel or ~~area-unit~~ of land owned by or under the lawful control and in the lawful possession of one distinct ownership.

* * *

Lot of Record – Subject to additional provisions within each Zoning District, a Lot of Record is a parcel, lot, unit of land or a group thereof that, when created or reconfigured, (a) satisfied all applicable zoning laws and (b) satisfied all applicable land division laws, or (c) complies with the criteria for the creation of new lots or parcels described in MCC 11.45.117. Those laws shall include all required zoning and land division review procedures, decisions, and conditions of approval.

(a) “Satisfied all applicable zoning laws” shall mean: the parcel, lot, or group thereof was created and, if applicable, reconfigured in full compliance with all zoning minimum lot size, dimensional standards, and access requirements.

(b) “Satisfied all applicable land division laws” shall mean the parcel or lot was created:

1. By a subdivision plat under the applicable subdivision requirements in effect at the time; or

2. By a deed, or a sales contract dated and signed by the parties to the transaction, that was recorded with the Recording Section of the public office responsible for public records prior to October 19, 1978; or

3. By a deed, or a sales contract dated and signed by the parties to the transaction, that was in recordable form prior to October 19, 1978; or
4. By partitioning land under the applicable land partitioning requirements in effect on or after October 19, 1978; and
5. "Satisfied all applicable land division laws" shall also mean that any subsequent boundary reconfiguration completed on or after December 28, 1993 was approved under the property line adjustment provisions of the land division code. (See Date of Creation and Existence for the effect of property line adjustments on qualifying a Lot of Record for the siting of a dwelling in the EFU and CFU districts.)

* * *

Section 8. MCC Chapter 11.45 is amended to add a new section as follows:

§ 11.45.117 Creation Of Lots And Parcels That Were Unlawfully Divided,

This Code section provides the mechanism to review and, based upon findings of compliance with specific approval criteria, to approve certain unlawfully divided lots or parcels. The review mechanism to correct an unlawfully divided unit of land differs according to the date the unlawful lot or parcel was divided as provided in (A) and (B) below, or under (C) if a land use permit was issued for a primary use. For the purposes of this section, an "unlawfully divided" lot or parcel means a lot or parcel that, when divided, did not satisfy all applicable zoning and land division laws.

(A) An application to create a legal lot or parcel from an unlawfully divided unit of land divided before January 27, 1994 (eff. date of Mult. Co. Ord. 781) shall be a Category 4 Land Division and be reviewed as a Type II process. In addition to the applicable Category 4 Land Division requirements, the application shall satisfy the following approval criteria:

(1) The lot or parcel either:

- (a) Conforms to current dimensional, access and area standards,
- (b) Conforms to the dimensional, access and density standards in effect when the lot or parcel was unlawfully divided, or
- (c) The lot or parcel has a property line that is contiguous to a road, street or zone boundary that intersected the property and the applicable zoning district on the date the lot or parcel was unlawfully divided allowed a land division when a County-maintained road, street or zoning district boundary intersects a parcel of land. The zoning districts and effective dates that apply to this provision are as follows:

1. The Rural Center (RC), Rural Residential (RR), and Multiple Use Agriculture-20 (MUA-20) zoning districts on or after October 6, 1977 (eff. date of Mult. Co. Ord. 148) and before January 27, 1994;
2. The Multiple Use Forest-20 (MUF-20) zoning district on or after October 6, 1977 (eff. date of Mult. Co. Ord. 148) and before August 14, 1980 (eff. date of Mult. Co. Ord. 236); and
3. The Multiple Use Forest-19 (MUF-19) and Multiple Use Forest-38 (MUF-38) zoning districts on or after August 14, 1980 (eff. date of Mult. Co. Ord. 236) and before January 7, 1993 (eff. date of Mult. Co. Ord. 743).

(2) The owner or applicant demonstrates that the resulting lot or parcel can physically accommodate a use allowed in the zone, including necessary facilities and utilities, in

compliance with all applicable siting standards of this zoning code chapter.

(3) Practical physical access to the site currently exists from a public road or can be provided through an irrevocable easement or equivalent means. Practical physical access at a minimum must meet the standards of MCC 29.012 and allow emergency vehicle access to the building site.

(4) The application shall include a tentative plan consisting of maps, written information and supplementary material adequate to provide the information required for a Category 4 land division.

(B) An application to create a legal lots or parcels from an unlawfully divided unit of land divided on or after January 27, 1994 (effective date of Mult. Co. Ord. 781) to January 1, 2007 shall be subject to current review procedures for a land division. The application shall satisfy the following approval criteria:

(1) The lot or parcel conforms to current zoning requirements, or

(2) An unlawfully divided lot or parcel may be approved notwithstanding the required dimensional, access, and area requirements, subject to the following:

(a) The lot or parcel has a property line that is contiguous to a road, street or zone boundary that intersected the property; and

(b) The applicable zoning district on the date the lot or parcel was unlawfully divided allowed a land division when a County-maintained road, street or zoning district boundary intersects a parcel of land. The zoning districts and effective dates that apply to this provision are the Rural Center (RC), Rural Residential (RR), and Multiple Use Agriculture-20 (MUA-20) zoning districts on or after January 27, 1994 (eff. date of Mult. Co. Ord. 781) and before October 4, 2000 (eff. date of "Rural Residential" amendments to OAR 660-004-0040).

(C) A Lot Legalization application to create a lot or parcel may be made through a Type I application process when the County issued a land use permit prior to January 1, 2007 for a dwelling or other building on an unlawfully established unit of land, provided the following criteria are met:

(1) The land use permit was issued after the sale of the unlawfully established unit of land to a new property owner; and

(2) There is a clear property description on the permit for the unlawfully established unit of land for which the building or placement permit was issued. The description may be confirmed by tax lot references, tax lot maps, site plans, or deeds recorded at the time; and

(3) The land use permit was for a building associated with a new principle use, such as a new dwelling, commercial, industrial, community service, or conditional use; and

(4) There is a copy of the land use permit in the records of Multnomah County or its authorized agent's and the land use permit indicates that the proposed development on the unlawfully established unit of land complied with zoning and land division requirements; and

(5) If the approved land use permit was for a dwelling, the building currently qualifies as a habitable dwelling as defined in MCC Chapter 11.15; and

(6) The building was constructed under a valid building permit and the building remains on the unlawfully established unit of land described in (2) above.

(a) A County building permit was issued at the time and does not include plumbing, mechanical, electrical or other type of trade permit. An Exempt Farm Structure

approval is not a building permit.

(D) Within 90 days of a final decision being approved under (A), (B) or (C) of this section, the property owner(s) shall record a partition plat or subdivision plat, as appropriate, in accordance with the requirements of ORS Chapter 92.

(E) If an application to legalize a unit of land is approved under (A), (B) or (C) of this section, the date of creation of the legalized parcel or lot shall be the date the partition or subdivision plat is recorded.

(F) Development of a parcel or lot approved pursuant to this section shall be subject to the laws in effect at the time of the development application pursuant to ORS 215.427(3)(a). No retroactive use of land use laws is authorized by this code provision once the parcel or lot is lawfully created.

(G) From January 5, 1966 to December 31, 2000, the County's zoning ordinance specified that in cases where a building permit is required under the Multnomah County Building Code, such building permit shall be deemed to be a land use permit. When reviewing a Lot Legalization application under (C) above, building permits during this time period shall constitute a land use permit.

(H) The following do not qualify to legalize a lot or parcel under this code section:

- (1) An area of land described as a tax lot solely for assessment and taxation purposes;
- (2) An area of land created by the foreclosure of a security interest;
- (3) A Mortgage Lot.
- (4) An area of land created by court decree.

Section 9. MCC §§ 33.7705, 34.7705, 35.7705, 36.7705 and 11.45.010, Definitions, are amended as follows:

* * *

~~(D)~~ **Partition land** means to divide an area or tract of land into ~~two or~~ not more than three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. Partition land does not include:

* * *

Utility Easement means an easement for the purpose of installing or maintaining public or private utility infrastructure for the provision of water, power, heat or telecommunications to the public.

Section 10. MCC §§ 33.7935, 34.7935, 35.7935, 36.7935, 38.7935 and 11.45.550, Easements, are amended as follows:

Easements shall be provided and designed according to the following:

~~(A) Easements for utilities and storm or sanitary sewers may be required where appropriate to serve abutting lots or parcels. Such easements shall be not less than 10 feet in width, centered on side or rear property lines or five feet in width along front property lines. Along the front property line abutting a Street, a five foot utility easement shall be required. The placement of the utility easement may be modified as requested by a public or private utility provider. Utility infrastructure may not be placed within one foot of a survey monument location noted on a subdivision or partition plat.~~

* * *

PART III - Amending MCC Chapter 37 Relating To Land Use Permit Processing Timelines

Section 11. MCC § 37.0600 is amended as follows:

37.0600 Completeness Review And 150-Day Rule.

* * *

(B) Upon receipt of a letter indicating the application is incomplete, the applicant has 180 days from the original application submittal date within which to submit the missing information or the application shall be ~~rejected-void~~ and all materials returned to the applicant. If the applicant submits the requested information within the 180 day period, the Planning Director shall again verify whether the application, as augmented, is complete. Each such review and verification shall follow the procedure in subsection (A) of this section.

* * *

(D) Once the Planning Director determines the application is complete, or the applicant refuses to submit any more information, the County shall declare the application complete and take final action on the application within 150 days of that date unless the applicant waives or extends the 150-day period. The 150-day period, however, does not apply in the following situations:

(1) Any hearing continuance or other process delay requested by the applicant shall be deemed an extension or waiver, as appropriate, of the 150-day period.

(2) The 150-day period shall be replaced with a 120-day period on all lands within an Urban Growth Boundary or applications involving mineral extraction.

(3) The 150-day period does not apply to any application for an amendment to the County's comprehensive plan or land use regulations nor to any application for a permit, the approval of which depends upon a plan amendment.

(4) The 150 day period may be extended for a specified period of time at the written request of the applicant. The total of all extensions may not exceed 215 days.

(5) The 120-day period on all lands within an Urban Growth Boundary or for applications involving mineral extraction may be extended for a specified period of time at the written request of the applicant. The total of all extensions may not exceed 215 days.

(E) The approval criteria and standards which control the County's review and decision on a complete application are those which were in effect on the date the application was first submitted.

**PART IV - Amending MCC Chapters 33-36 To Include Biofuel Facilities and Allow Creation Of
Lots Below Minimum Lot Size For Public Parks Or Conservation**

Section 12. MCC §§ 33.2610, 34.2610, 35.2610 and 36.2610, Definitions, are amended as follows:

* * *

Area: As used in ORS 215.203 for the production of biofuel, "area" is limited to Clark and Skamania counties in Washington State, Multnomah, Columbia, Washington, Clackamas, Yamhill, Hood River and Marion counties in Oregon.

* * *

Section 13. MCC §§33.2625, 34.2625, 35.2625 and 36.2625, Review Uses, are amended as follows:

33.2625 Review Uses

* * *

(N) A facility for the processing of farm crops, or the production of biofuel as defined in ORS 215, that is located on a farm operation that provides at least one-quarter of the farm crops processed at the facility. The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm use or devote more than 10,000 square feet to the processing activities within another building supporting farm uses. A processing facility shall comply with the requirements of MCC 33.4100 through MCC 33.4215 (off-street parking), MCC 33.2660(C), (D) & (E) (yards), and MCC 33.7450 (signs).

* * *

34.2625 Review Uses

* * *

(N) A facility for the processing of farm crops, or the production of biofuel as defined in ORS 215, that is located on a farm operation that provides at least one-quarter of the farm crops processed at the facility. The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm use or devote more than 10,000 square feet to the processing activities within another building supporting farm uses. A processing facility shall comply with the requirements of MCC 34.4100 through MCC 34.4215 (off-street parking), MCC 34.2660(C), (D) & (E) (yards), and MCC 34.7450 (signs).

* * *

35.2625 Review Uses

* * *

(N) A facility for the processing of farm crops, or the production of biofuel as defined in ORS 215, that is located on a farm operation that provides at least one-quarter of the farm crops processed at the

facility. The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm use or devote more than 10,000 square feet to the processing activities within another building supporting farm uses. A processing facility shall comply with the requirements of MCC 35.4100 through MCC 35.4215 (off-street parking), MCC 35.2660(C), (D) & (E) (yards), and MCC 35.7450 (signs).

* * *

36.2625 Review Uses.

* * *

(N) A facility for the processing of farm crops, or the production of biofuel as defined in ORS 215, that is located on a farm operation that provides at least one-quarter of the farm crops processed at the facility. The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm use or devote more than 10,000 square feet to the processing activities within another building supporting farm uses. A processing facility shall comply with all applicable siting standards but the standards shall not be applied in a manner that prohibits the siting of the processing facility. The siting standards are the requirements of MCC 36.4100 through MCC 36.4215 (off-street parking), MCC 36.2660(C), (D) & (E) (yards), and MCC 36.7450 (signs).

* * *

Section 14. MCC §§ 33.2065, 33.2265, 33.2465, 35.2265 and 36.2065, Lots of Exception, are amended as follows:

* * *

(D) Land Divisions for Park and Open Space.

(1) The governing body of a county or its designee may approve a proposed division of land in a forest zone or a mixed farm and forest zone to create two parcels if the proposed division of land is for the purpose of allowing a provider of public parks or open space, or a non-for-profit land conservation organization, to purchase one of the resulting parcels as provided in this section.

(2) A parcel created by the land division that is not sold to a provider of public parks or open space or to a not-for-profit land conservation organization must comply with the following:

(a) If the parcel contains a dwelling or another use allowed under ORS chapter 215, the parcel must be large enough to support continued residential use of other allowed use of the parcel;
or

(b) If the parcel does not contain a dwelling, the parcel is eligible for siting a dwelling as may be authorized under ORS 195.120 or as may be authorized under ORS 215.705 to 215.750, based on the size and configuration of the parcel.

(3) Before approving a proposed division of land under this section, the governing body of a county or its designee shall require as a condition of approval that the provider of public parks or open space, or the not-for-profit land conservation organization, present for recording in the deed records for the county in which the parcel retained by the provider or organization is located an irrevocable deed restriction prohibiting the provider or organization and their successors in interest from:

(a) Establishing a dwelling on the parcel or developing the parcel for any use not authorized in a forest zone or mixed farm and forest zone except park or conservation uses; and

(b) Pursuing a cause of action or claim of relief alleging an injury from farming or forest practices for which a claim or action is not allowed under ORS 30.936 or 30.937.

(4) If a proposed division of land under this section results in the disqualification of a parcel for a special assessment described in ORS 308A.718 or the withdrawal of a parcel from designation as riparian habitat under ORS 308A.365, the owner must pay additional taxes as provided under ORS 308A.371 or 308A.700 to 308A.733 before the county may approve the division.

(DE) A landowner allowed a land division under this section shall sign a statement that shall be recorded with the Multnomah County Recorder, declaring that the landowner and the landowner's successors in interest will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

FIRST READING:

May 22, 2008

SECOND READING AND ADOPTION:

May 29, 2008

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Sandra N. Duffy, Assistant County Attorney

SUBMITTED BY:

M. Cecilia Johnson, Director, Department of Community Services

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1114

Amending the Multnomah County Code and Framework Plan Relating to: Alternative Uses of Public School Buildings; Lot of Record Requirements to Correct Unlawfully Divided Parcels; Easement Placement During Land Divisions; Permit Processing Timelines; Biofuel Facilities; and Substandard Lot Size for Public Parks or Conservation

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

Multnomah County Ordains as follows:

**PART I - Amending MCC Chapters 33-36 and 11.15 and The Framework Plan Relating To
Alternative Uses Of Public School Buildings**

Section 1. MCC §§ 33.6015, 34.6015, 35.6015 and 11.15.7020 are amended as follows:

33.6015 Uses

(A) Except as otherwise limited in the EFU, CFU-1, CFU-2, and CFU-5 districts, the following Community Service Uses and those of a similar nature, may be permitted in any district when approved at a public hearing by the approval authority.

Allowed Community Service Uses in the EFU, CFU-1, CFU-2, and CFU-5 districts are limited to those uses listed in each respective district.

* * *

(27) Wireless communications facilities

(28) Limited alternative uses of surplus public school space pursuant to the provisions in MCC 33.6050.

(2829) Accessory uses to the above.

(B) Approval of a Community Service Use shall be deemed to authorize associated public utilities, including energy and communication facilities.

34.6015 Uses

(A) Except as otherwise limited in the EFU district, the following Community Service Uses and those of a similar nature, may be permitted in any district when approved at a public hearing by the approval authority.

Allowed Community Service Uses in the EFU district are limited to those uses listed in the district.

* * *

(27) Wireless communication facilities.

(28) Limited alternative uses of surplus public school space pursuant to the provisions in MCC 34.6050.

(2829) Accessory uses to the above.

(B) Approval of a Community Service Use shall be deemed to authorize associated public utilities, including energy and communication facilities.

35.6015 Uses

(A) Except as otherwise limited in the EFU, CFU-3, and CFU-4 districts, the following Community Service Uses and those of a similar nature, may be permitted in any district when approved at a public hearing by the approval authority.

Allowed Community Service Uses in the EFU, CFU-3, and CFU-4 districts are limited to those uses listed in each respective district.

* * *

(27) Wireless communications facilities.

(28) Limited alternative uses of surplus public school space pursuant to the provisions in MCC 35.6050.

(2829) Accessory uses to the above.

(B) Approval of a Community Service Use shall be deemed to authorize associated public utilities, including energy and communication facilities.

36.6015 Uses.

(A) Except as otherwise limited in the EFU and CFU districts, the following Community Service Uses and those of a similar nature, may be permitted in any district when approved at a public hearing by the approval authority.

Allowed Community Service Uses in the EFU and CFU districts are limited to those uses listed in each respective district.

* * *

(16) Mining and processing of geothermal resources.

(17) Limited alternative uses of surplus public school space pursuant to the provisions in MCC 36.6050.

(1718) Accessory uses to the above.

(B) Approval of a Community Service Use shall be deemed to authorize associated public utilities, including energy and communication facilities.

11.15.7020 Uses

A. Except as otherwise provided in MCC 11.15.2008 through .2012 and MCC 11.15.2048 through .2050, the following Community Service Uses and those of a similar nature, may be permitted in any district when approved at a public hearing by the approval authority.

* * *

26. Mining and processing of geothermal resources.

27. Limited alternative uses of surplus public school space pursuant to the provisions in MCC 11.15.7022.

2728. Accessory uses to the above.

B. Approval of a Community Service Use shall be deemed to authorize associated public utilities, including energy and communication facilities.

Section 2. MCC §§ 33.6050, 34.6050, 35.6050, 36.6050 and 11.15.7022 are amended as follows:

33.6050- Limited Alternative Uses of Surplus Public School Space Located in MUA-20, RR, and RC Districts

(A) Purpose – The purpose of this section is to facilitate the efficient alternative use of vacant or under-utilized public school building space located in MUA-20, RR, and RC districts by authorizing those uses which are beneficial to or compatible with the community.

~~(1) The school district board having jurisdiction over the school building in question, is hereby designated as the approval authority for the purposes of MCC 33.6050.~~

(B) Minor Uses – The Board finds that the uses listed in this subsection are so similar to school use in land use impact, that they should be allowed as accessory or alternative uses to approved school use. At the same time, the policy of citizen involvement and open public participation dictates that these listed uses ~~only be permitted after public review in a Type III approval process by the affected school district board.~~

~~Subject to the provisions of MCC 33.6050 (F), (H), and (I) Community Service approval criteria of MCC 33.6010 and the restrictions of MCC 33.6020,~~ one or more of the following alternative uses may be permitted to occupy vacant or under-utilized space in an existing public school building ~~where the total of such space does not exceed 20 percent of the classroom space in the building:~~

(1) Adult, teen or senior center.

(2) Community food or non-profit hot meals service.

(3) ~~Day nursery, kindergarten or a~~ After-school child care.

(4) ~~Day or evening classes, such as high school or college level courses, vocational school, physical fitness, indoor or outdoor recreation.~~

(54) Health center, including counseling, well-baby clinic, or physical therapy.

~~(6) Library.~~

(75) Accessory uses common to the above uses.

The 20 percent of the classroom space standard shall be interpreted narrowly so as to rule out the applicability of this subsection in the event of doubt.

(C) Other Uses – Subject to the provisions of MCC 33.6050 (G), (H), and (I) approval criteria of MCC 33.6050(D) and the restrictions of MCC 33.6020, the following alternative uses may be permitted to occupy vacant or under-utilized space in the existing public school building after public review in a Type III approval process:

~~(1) Those uses listed in (B) above when occupying more than 20 percent of the building classroom space.~~

~~(2) Arts or crafts gallery or sales.~~

(32) Community access cable TV studio.

~~(4) Computer or data processing facility.~~

~~(53) Governmental branch office or subcenter~~ Non-profit community theater.

~~(64) Office of non-profit or charitable group or association.~~

(75) Professional or business office.

(86) Accessory uses common to the above uses.

~~(D) Exceptions – The uses listed in 33.6050 (B) and (C) do not include a corrections center, halfway house or rehabilitation facility.~~

~~(E) Pre-existing Uses – A use listed in 33.6050 (B) and (C) which occupied public school building space on August 19, 1982, shall be deemed to have satisfied the provisions of this section.~~

~~(F) Action on Minor Uses – Action on a proposal to locate a use listed in MCC 33.6050 (B) shall be taken by the school district board.~~

~~(1) The proposal shall be considered at a regular school board meeting and again at a public hearing called by the school board for the purpose.~~

~~(2) Notice of the meetings and purpose shall be given by the school board by first class mail at least 15 days in advance of each meeting to each owner of property within 250 feet of the school site, and to such other persons or groups as have requested notice on such matters.~~

~~(3) The school board shall conduct the public hearing generally in accordance with the Rules of Procedure adopted by the Approval Authority under MCC 33.0670 (A).~~

~~(4) The decision and the statement of findings of fact and conclusions adopted by the school board at the public hearing shall be filed with the Planning Director within ten days of the action.~~

~~(G) Action on Other Uses — Action on a proposal to locate a use listed in MCC 33.6050 (C) shall be taken under the provisions of MCC 33.0700 through 33.0790, modified to substitute *School District Board for Approval Authority or Planning Commission*, and further modified as follows:~~

~~(1) An action may only be initiated by the school district board under MCC 33.0705 (A).~~

~~(2) The school district board shall:~~

~~(a) Act to give notice of public hearing under MCC 33.0715;~~

~~(b) Conduct the required hearing(s) under MCC 33.0725;~~

~~(c) Make findings of fact and conclusions under MCC 33.0730;~~

~~(d) Make decisions under MCC 33.0735;~~

~~(e) Maintain proceeding records under MCC 33.0740; and~~

~~(3) The school district board shall file the written decision in accordance with MCC 33.0735. The Planning Director and the Clerk of the Board shall follow the requirements of MCC 33.0720.~~

~~(4) The decision of the school district board shall become final on the 12th business day following submittal to the Clerk of the Board of County Commissioners unless the Board of County Commissioners orders review under MCC 33.0760.~~

~~(5) Exception — At the option of the school district board, action proceedings may be taken by the Approval Authority.~~

~~(HD) Approval Criteria — In approving an alternative use listed in 33.6050 (B) or (C), the approval authority shall find:~~

~~(1) The approval criteria of MCC 33.6010 are satisfied; and~~

~~(2) The use will occupy existing public school building space which is surplus to the current or anticipated need for school purposes; and~~

~~(3) The use:~~

~~(a) will provide an appropriate public facility or public non-profit service to the immediate area of or community; or~~

~~(b) (4) The use is consistent with urban-rural area needs in a location and under circumstances reasonably suitable for the purpose; and~~

~~(5) There are safe, convenient and reasonably suitable means of pedestrian, bicycle and vehicle access to and circulation on the site; and~~

~~(6) The applicable development standards of this Chapter are met or can be satisfied through appropriate conditions of approval.~~

~~(I) Approval Conditions — The approval authority may impose approval limitations or conditions as listed in MCC 33.6005 (E).~~

34.6050- Limited Alternative Uses of Surplus Public School Space Located in MUA-20, RR and RC Districts

(A) Purpose – The purpose of this section is to facilitate the efficient alternative use of vacant or under-utilized public school building space located in MUA-20, RR, and RC districts by authorizing those uses which are beneficial to or compatible with the community.

~~(1) The school district board having jurisdiction over the school building in question, is hereby designated as the approval authority for the purposes of MCC 34.6050.~~

(B) Minor Uses – The Board finds that the uses listed in this subsection are so similar to school use in land use impact, that they should be allowed as accessory or alternative uses to approved school use. At the same time, the policy of citizen involvement and open public participation dictates that these listed uses only be permitted after public review in a Type III approval process by the affected school district board.

Subject to the Community Service approval criteria of MCC 34.6010 and the restrictions of MCC 34.6020 provisions of MCC 34.6050 (F), (H), and (I), one or more of the following alternative uses may be permitted to occupy vacant or under-utilized space in an existing public school building where the total of such space does not exceed 20 percent of the classroom space in the building:

(1) Adult, teen or senior center.

(2) Community food or non-profit hot meals service.

(3) ~~Day nursery, kindergarten or a~~ After-school child care.

~~(4) Day or evening classes, such as high school or college level courses, vocational school, physical fitness, indoor or outdoor recreation.~~

~~(5)~~ Health center, including counseling, well-baby clinic, or physical therapy.

~~(6) Library.~~

~~(7)~~ Accessory uses common to the above uses.

~~The 20 percent of the classroom space standard shall be interpreted narrowly so as to rule out the applicability of this subsection in the event of doubt.~~

(C) Other Uses – Subject to the provisions of MCC 34.6050 (G), (H), and (I) approval criteria of MCC 34.6050(D) and the restrictions of MCC 34.6020, the following alternative uses may be permitted to occupy vacant or under-utilized space in the existing public school building after public review in a Type III approval process:

~~(1) Those uses listed in (B) above when occupying more than 20 percent of the building classroom space.~~

~~(2)~~ Arts or crafts gallery or sales.

~~(3)~~ Community access cable TV studio.

~~(4) Computer or data processing facility.~~

~~(53) Governmental branch office or subcenter~~ Non-profit community theater.

~~(64) Office of non-profit or charitable group or association.~~

~~(75) Professional or business office.~~

~~(86) Accessory uses common to the above uses.~~

~~(D) Exceptions—The uses listed in 34.6050 (B) and (C) do not include a corrections center, halfway house or rehabilitation facility.~~

~~(E) Pre-existing Uses—A use listed in 34.6050 (B) or (C) which occupied public school building space on August 19, 1982, shall be deemed to have satisfied the provisions of this section.~~

~~(F) Action on Minor Uses—Action on a proposal to locate a use listed in 34.6050 (B) shall be taken by the school district board.~~

~~(1) The proposal shall be considered at a regular school board meeting and again at a public hearing called by the school board for the purpose.~~

~~(2) Notice of the meetings and purpose shall be given by the school board by first class mail at least 15 days in advance of each meeting to each owner of property within 250 feet of the school site, and to such other persons or groups as have requested notice on such matters.~~

~~(3) The school board shall conduct the public hearing generally in accordance with the Rules of Procedure adopted by the Approval Authority under MCC 34.0670 (A).~~

~~(4) The decision and the statement of findings of fact and conclusions adopted by the school board at the public hearing shall be filed with the Planning Director within ten days of the action.~~

~~(G) Action on Other Uses—Action on a proposal to locate a use listed in MCC 34.6050 (C) shall be taken under the provisions of MCC 34.0700 through 34.0790, modified to substitute *School District Board for Approval Authority or Planning Commission*, and further modified as follows:~~

~~(1) An action may only be initiated by the school district board under MCC 34.0705 (A).~~

~~(2) The school district board shall:~~

~~(a) Act to give notice of public hearing under MCC 34.0715;~~

~~(b) Conduct the required hearing(s) under MCC 34.0725;~~

~~(c) Make findings of fact and conclusions under MCC 34.0730;~~

~~(d) Make decisions under MCC 34.0735;~~

~~(e) Maintain proceeding records under MCC 34.0740; and~~

~~(3) The school district board shall file the written decision in accordance with MCC 34.0734. The Planning Director and the Clerk of the Board shall follow the requirements of MCC 34.0720.~~

~~(4) The decision of the school district board shall become final on the 12th business day following submittal to the Clerk of the Board of County Commissioners unless the Board of County Commissioners orders review under MCC 34.0760.~~

~~(5) Exception — At the option of the school district board, action proceedings may be taken by the Approval Authority.~~

~~(HD)~~ Approval Criteria – In approving an alternative use listed in 34.6050 ~~(B)~~ or (C), the approval authority shall find:

(1) The approval criteria of MCC 34.6010 are satisfied; and

(2) The use will occupy existing public school building space which is surplus to the current or anticipated need for school purposes; and

(3) The use:

~~(a) w~~(a) Will provide an appropriate public facility or public non-profit service to the immediate area of community; or

~~(4b) The use i~~(4b)s consistent with ~~urban-rural~~ area needs in a location and under circumstances reasonably suitable for the purpose; and

~~(54)~~ There are safe, convenient and reasonably suitable means of pedestrian, bicycle and vehicle access to and circulation on the site; and

~~(65)~~ The applicable development standards of this Chapter are met or can be satisfied through appropriate conditions of approval.

~~(I) Approval Conditions — The approval authority may impose approval limitations or conditions as listed in MCC 34.6005 (E).~~

35.6050- Limited Alternative Uses of Surplus Public School Space Located in MUA-20, RR and RC Districts

(A) Purpose – The purpose of this section is to facilitate the efficient alternative use of vacant or under-utilized public school building space located in MUA-20, RR, and RC districts by authorizing those uses which are beneficial to or compatible with the community.

~~(1) The school district board having jurisdiction over the school building in question, is hereby designated as the approval authority for the purposes of MCC 35.6050.~~

(B) Minor Uses – The Board finds that the uses listed in this subsection are so similar to school use in land use impact, that they should be allowed as accessory or alternative uses to approved school use. At the same time, the policy of citizen involvement and open public participation dictates that these listed uses ~~only~~ be permitted after public review in a Type III approval process ~~by the affected school district board.~~

Subject to the provisions of MCC 35.6050 (F), (H), and (I) Community Service approval criteria of MCC 35.6010 and the restrictions of MCC 35.6020, one or more of the following alternative uses may be permitted to occupy vacant or under-utilized space in an existing public school building ~~where the total of such space does not exceed 20 percent of the classroom space in the building:~~

(1) Adult, teen or senior center.

(2) Community food or non-profit hot meals service.

(3) ~~Day nursery, kindergarten or a~~After-school child care.

(4) ~~Day or evening classes, such as high school or college level courses, vocational school, physical fitness, indoor or outdoor recreation.~~

(54) Health center, including counseling, well-baby clinic, or physical therapy.

(6) ~~Library.~~

(75) Accessory uses common to the above uses.

~~The 20 percent of the classroom space standard shall be interpreted narrowly so as to rule out the applicability of this subsection in the event of doubt.~~

(C) Other Uses – Subject to the provisions of MCC 35.6050 (G), (H), and ~~(D)~~approval criteria of MCC 35.6050(D) and the restrictions of MCC 35.6020, the following alternative uses may be permitted to occupy vacant or under-utilized space in the existing public school building after public review in a Type III approval process:

(1) ~~Those uses listed in (B) above when occupying more than 20 percent of the building classroom space.~~

(21) Arts or crafts gallery or sales.

(32) Community access cable TV studio.

(4) ~~Computer or data processing facility.~~

(53) ~~Governmental branch office or subcenter~~Non-profit community theater.

(64) Office of non-profit ~~or charitable~~ group or association.

(75) Professional or business office.

(86) Accessory uses common to the above uses.

~~(D) Exceptions – The uses listed in 35.6050 (B) and (C) do not include a corrections center, halfway house or rehabilitation facility.~~

~~(E) Pre-existing Uses – A use listed in 35.6050 (B) or (C) which occupied public school building space on August 19, 1982, shall be deemed to have satisfied the provisions of this section.~~

~~(F) Action on Minor Uses – Action on a proposal to locate a use listed in 35.6050 (B) shall be taken by the school district board.~~

(1) ~~The proposal shall be considered at a regular school board meeting and again at a public hearing called by the school board for the purpose.~~

(2) ~~Notice of the meetings and purpose shall be given by the school board by first class mail at least 15 days in advance of each meeting to each owner of property within 250 feet of the school site, and to such other persons or groups as have requested notice on such matters.~~

~~(3) The school board shall conduct the public hearing generally in accordance with the Rules of Procedure adopted by the Approval Authority under MCC 35.0670 (A).~~

~~(4) The decision and the statement of findings of fact and conclusions adopted by the school board at the public hearing shall be filed with the Planning Director within ten days of the action.~~

~~(G) Action on Other Uses — Action on a proposal to locate a use listed in MCC 35.6050 (C) shall be taken under the provisions of MCC 35.0700 through 35.0790, modified to substitute *School District Board for Approval Authority or Planning Commission*, and further modified as follows:~~

~~(1) An action may only be initiated by the school district board under MCC 35.0705 (A).~~

~~(2) The school district board shall:~~

~~(a) Act to give notice of public hearing under MCC 35.0715;~~

~~(b) Conduct the required hearing(s) under MCC 35.0725;~~

~~(c) Make findings of fact and conclusions under MCC 35.0730;~~

~~(d) Make decisions under MCC 35.0735;~~

~~(e) Maintain proceeding records under MCC 35.0740; and~~

~~(3) The school district board shall file the written decision in accordance with MCC 35.0735. The Planning Director and the Clerk of the Board shall follow the requirements of MCC 35.0720.~~

~~(4) The decision of the school district board shall become final on the 12th business day following submittal to the Clerk of the Board of County Commissioners unless the Board of County Commissioners orders review under MCC 35.0760.~~

~~(5) Exception — At the option of the school district board, action proceedings may be taken by the Approval Authority.~~

~~(HD) Approval Criteria — In approving an alternative use listed in 35.6050 (B) or (C), the approval authority shall find:~~

~~(1) The approval criteria of MCC 35.6010 are satisfied; and~~

~~(2) The use will occupy existing public school building space which is surplus to the current or anticipated need for school purposes; and~~

~~(3) The use:~~

~~(a) wWill provide an appropriate public facility or public non-profit service to the immediate area of community; or~~

~~(4b) The use is consistent with urban-rural area needs in a location and under circumstances reasonably suitable for the purpose; and~~

~~(54) There are safe, convenient and reasonably suitable means of pedestrian, bicycle and vehicle access to and circulation on the site; and~~

(65) The applicable development standards of this Chapter are met or can be satisfied through appropriate conditions of approval.

~~(I) Approval Conditions — The approval authority may impose approval limitations or conditions as listed in MCC 35.6005 (E).~~

36.6050- Limited Alternative Uses of Surplus Public School Space Located in MUA-20, RR, PH-RC, and OR Districts.

(A) Purpose - The purpose of this section is to facilitate the efficient alternative use of vacant or under-utilized public school building space located in MUA-20, RR, PH-RC, and OR districts by authorizing those uses which are beneficial to or compatible with the community.

~~(1) The school district board having jurisdiction over the school building in question, is hereby designated as the approval authority for the purposes of MCC 36.6050.~~

(B) Minor Uses - The Board finds that the uses listed in this subsection are so similar to school use in land use impact, that they should be allowed as accessory or alternative uses to approved school use. At the same time, the policy of citizen involvement and open public participation dictates that these listed uses only be permitted after public review in a Type III approval process by the affected school district board.

Subject to the provisions of MCC 36.6050 (F), (H), and (I) Community Service approval criteria of MCC 36.6010 and the restrictions of MCC 33.6020, one or more of the following alternative uses may be permitted to occupy vacant or under-utilized space in an existing public school building ~~where the total of such space does not exceed 20 percent of the classroom space in the building:~~

- (1) Adult, teen or senior center.
- (2) Community food or non-profit hot meals service.
- (3) ~~Day nursery, kindergarten or a~~ After-school child care.
- (4) ~~Day or evening classes, such as high school or college level courses, vocational school, physical fitness, indoor or outdoor recreation.~~
- (5) Health center, including counseling, well-baby clinic, or physical therapy.
- (6) ~~Library.~~
- (7) Accessory uses common to the above uses.

~~The 20 percent of the classroom space standard shall be interpreted narrowly so as to rule out the applicability of this subsection in the event of doubt.~~

(C) Other Uses - Subject to the provisions of MCC 36.6050 (G), (H), and (I) approval criteria of MCC 36.6050(D) and the restrictions of MCC 36.6020, the following alternative uses may be permitted to occupy vacant or under-utilized space in the existing public school building after public review in a Type III approval process:

- (1) ~~Those uses listed in (B) above when occupying more than 20 percent of the building classroom space.~~

- (21) Arts or crafts gallery or sales.
- (32) Community access cable TV studio.
- (4) ~~Computer or data processing facility.~~
- (53) ~~Governmental branch office or subcenter~~ Non-profit community theater.
- (64) Office of non-profit or charitable group or association.
- (75) Professional or business office.
- (86) Accessory uses common to the above uses.

~~(D) Exceptions—The uses listed in 36.6050 (B) and (C) do not include a corrections center, halfway house or rehabilitation facility.~~

~~(E) Pre-existing Uses—A use listed in MCC 36.6050 (B) or (C) which occupied public school building space on August 19, 1982, shall be deemed to have satisfied the provisions of this section.~~

~~(F) Action on Minor Uses—Action on a proposal to locate a use listed in MCC 36.6050 (B) shall be taken by the school district board.~~

~~(1) The proposal shall be considered at a regular school board meeting and again at a public hearing called by the school board for the purpose.~~

~~(2) Notice of the meetings and purpose shall be given by the school board by first class mail at least 15 days in advance of each meeting to each owner of property within 250 feet of the school site, and to such other persons or groups as have requested notice on such matters.~~

~~(3) The school board shall conduct the public hearing generally in accordance with the Rules of Procedure adopted by the Approval Authority under MCC 36.0670 (A).~~

~~(4) The decision and the statement of findings of fact and conclusions adopted by the school board at the public hearing shall be filed with the Planning Director within ten days of the action.~~

~~(G) Action on Other Uses—Action on a proposal to locate a use listed in MCC 36.6050 (C) shall be taken under the provisions of MCC 36.0700 through 36.0790, modified to substitute School District Board for Approval Authority or Planning Commission, and further modified as follows:~~

~~(1) An action may only be initiated by the school district board under MCC 36.0705 (A).~~

~~(2) The school district board shall:~~

~~(a) Act to give notice of public hearing under MCC 36.0715;~~

~~(b) Conduct the required hearing(s) under MCC 36.0725;~~

~~(c) Make findings of fact and conclusions under MCC 36.0730;~~

~~(d) Make decisions under MCC 36.0735;~~

~~(e) Maintain proceeding records under MCC 36.0740; and~~

~~(3) The school district board shall file the written decision in accordance with MCC 36.0736. The Planning Director and the Clerk of the Board shall follow the requirements of MCC 36.0720.~~

~~(4) The decision of the school district board shall become final on the 12th business day following submittal to the Clerk of the Board of County Commissioners unless the Board of County Commissioners orders review under MCC 36.0760.~~

~~(5) Exception—At the option of the school district board, action proceedings may be taken by the Approval Authority.~~

(HD) Approval Criteria - In approving an alternative use listed in 36.6050 ~~(B)~~ or (C), the approval authority shall find:

(1) The approval criteria of MCC 36.6010 are satisfied; and

(2) The use will occupy existing public school building space which is surplus to the current or anticipated need for school purposes; and

(3) The use;

~~(a) will~~ Will provide an appropriate public facility or public non-profit service to the immediate area of community; or

~~(4b) The use is~~ consistent with urban-rural area needs in a location and under circumstances reasonably suitable for the purpose; and

~~(54)~~ There are safe, convenient and reasonably suitable means of pedestrian, bicycle and vehicle access to and circulation on the site; and

~~(65)~~ The applicable development standards of this Chapter are met or can be satisfied through appropriate conditions of approval.

~~(I) Approval Conditions—The approval authority may impose approval limitations or conditions as listed in MCC 36.6005 (E).~~

11.15.7022 Limited Alternative Uses of Surplus Public School Space

A. Purpose The purpose of this section is to facilitate the efficient alternative use of vacant or under-utilized public school building space by authorizing those uses which are beneficial to or compatible with the community.

~~1. The school district board having jurisdiction over the school building in question, is hereby designated as the approval authority for the purposes of MCC 11.15.7022.~~

B. Minor Uses The Board finds that the uses listed in this subsection are so similar to school use in land use impact, that they should be allowed as accessory or alternative uses to approved school use. At the same time, the policy of citizen involvement and open public participation dictates that these listed uses only be permitted after public review in a new Type III approval process by the affected school district board.

Subject to the provisions of MCC 7022(F), (H), and (I) Community Service approval criteria of MCC 11.15.7015 and the restrictions of MCC 11.15.7025, one or more of the following alternative uses may be permitted to occupy vacant or under-utilized space in

an existing public school building where the total of such space does not exceed 20 percent of the classroom space in the building:

1. Adult, teen or senior center.
2. Community food or non-profit hot meals service.
3. ~~Day nursery, kindergarten or a~~After-school child care.
- 4.~~Day or evening classes, such as high school or college level courses, vocational school, physical fitness, indoor or outdoor recreation.~~
- 5.4. Health center, including counseling, well-baby clinic, or physical therapy.
- ~~6.~~Library.
- 7.5. Accessory uses common to the above uses.

~~The 20 percent of the classroom space standard shall be interpreted narrowly so as to rule out the applicability of this subsection in the event of doubt.~~

- C. Other Uses Subject to the provisions of MCC .7022(G), ~~(H)~~, and ~~(I)~~approval criteria of MCC 11.15.7022(D) and the restrictions of 11.15.7025, the following alternative uses may be permitted to occupy vacant or under-utilized space in the existing public school building after public review in a Type III approval process:

- ~~1. Those uses listed in (B) above when occupying more than 20 percent of the building classroom space.~~
- 2.1. Arts or crafts gallery or sales.
- 3.2. Community access cable TV studio.
- ~~4. Computer or data processing facility.~~
- 5.3. ~~Governmental branch office or subcenter~~Non-profit community theater.
- 6.4. Office of non-profit ~~or charitable group or association.~~
- 7.5. Professional or business office.
- 8.6. Accessory uses common to the above uses.

- ~~D. Exceptions The uses listed in .7022(B) and (C) do not include a corrections center, halfway house or rehabilitation facility.~~

- ~~E. Pre-existing Uses A use listed in MCC .7022(B) or (C) which occupied public school building space on August 19, 1982, shall be deemed to have satisfied the provisions of this section.~~

- ~~F. Action on Minor Uses Action on a proposal to locate a use listed in MCC .7022(B) shall be taken by the school district board.~~

- ~~1. The proposal shall be considered at a regular school board meeting and again at a public hearing called by the school board for the purpose.~~
- ~~2. Notice of the meetings and purpose shall be given by the school board by first class mail at least 15 days in advance of each meeting to each owner of property within 250 feet of the school site, and to such other persons or groups as have requested notice on such matters.~~

~~3. The school board shall conduct the public hearing generally in accordance with the Rules of Procedure adopted by the Approval Authority under MCC .8125(A).~~

~~4. The decision and the statement of findings of fact and conclusions adopted by the school board at the public hearing shall be filed with the Planning Director within ten days of the action.~~

~~G. Action on Other Uses Action on a proposal to locate a use listed in MCC .7022(C) shall be taken under the provisions of MCC .8205 through .8285, modified to substitute School District Board for Approval Authority or Planning Commission, and further modified as follows:~~

~~1. An action may only be initiated by the school district board under MCC .8210(A).~~

~~2. The school district board shall:~~

~~a. Act to give notice of public hearing under MCC .8220;~~

~~b. Conduct the required hearing(s) under MCC .8230;~~

~~c. Make findings of fact and conclusions under MCC .8235;~~

~~d. Make decisions under MCC .8240;~~

~~e. Maintain proceeding records under MCC .8245; and~~

~~3. The school district board shall file the written decision in accordance with MCC .8240. The Planning Director and the Clerk of the Board shall follow the requirements of MCC .8255.~~

~~4. The decision of the school district board shall become final on the tenth business day following submittal to the Clerk of the Board of County Commissioners unless the Board of County Commissioners orders review under MCC .8265.~~

~~5. Exception At the option of the school district board, action proceedings may be taken by the Approval Authority.~~

H.D. Approval Criteria In approving an alternative use listed in .7022(B) or (C), the approval authority shall find:

1. The approval criteria of MCC .7015 are satisfied; and

2. The use will occupy existing public school building space which is surplus to the current or anticipated need for school purposes; and

3. The use;

a. ~~w~~Will provide an appropriate public facility or public non-profit service to the immediate area of or community; or

4.b. The use ~~i~~s consistent with urban-rural area needs in a location and under circumstances reasonably suitable for the purpose; and

5.4. There are safe, convenient and reasonably suitable means of pedestrian, bicycle and vehicle access to and circulation on the site; and

6.5. The applicable development standards of this Chapter are met or can be satisfied through appropriate conditions of approval.

~~I. Approval Conditions The approval authority may impose approval limitations or conditions as listed in MCC 7010(E). [Amended 1982, Ord. 329 § 4]~~

Section 3. Policy 38A of the Comprehensive Framework Plan is amended as follows:

POLICY 38A. ALTERNATIVE USES OF PUBLIC SCHOOL BUILDINGS

The County's policy is to facilitate the location of alternative use of existing school building space where:

- A. The school district board finds that the space is surplus to current or anticipated need for school purposes; and
- B. Citizens of the community are afforded opportunity to be involved during decisions on an alternative use proposal; and
- C. Location of an alternative use will provide:
 1. ~~an~~ An appropriate public facility, or
 2. A public non-profit service to the immediate area or community; ~~or~~
 3. ~~D. The~~ An alternative use that is consistent with ~~urban~~ the area needs in a location and under circumstances reasonably suitable for the purpose.

This policy shall not affect the authority of a school district board to reduce occupancy, vacate or dispose of any existing public school building.

STRATEGIES

1. The County should assist school districts, community groups and citizens in the cooperative planning and development of programs for the appropriate alternative use of existing public school buildings.
2. The Zoning Ordinance should include measures for the expeditious implementation of this policy by including additional alternative uses of public school buildings in the list of allowed Community Service Uses, with primary decisions on alternative use made thereunder by the school district board. Alternative uses shall be allowed in rural areas only in "exception" zoning districts.

PART II - Amending MCC Chapters 33-36, 38 and 11.45 To Alter Lot Of Record Provisions To Correct Unlawfully Divided Parcels And Easement Placement During Land Divisions

Section 4. MCC §§ 33.0005, 34.0005, 35.0005 and 36.0005 are amended as follows:

33.0005 Definitions.

As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.

* * *

Lot – A unit of land created by a subdivision of land, see definition in MCC 33.7705. Depending upon the context in which the term appears in this Chapter, a Lot may also mean a lot, parcel (result of partitioning), unit of land (lawfully created by deed or land sale contract) or area of land owned by or under the lawful control and in the lawful possession of one distinct ownership.

* * *

Parcel – A unit of land created by a partitioning of land, see definition in MCC 33.7705. Depending upon the context in which the term appears in this Chapter, Parcel and Lot may at times be used interchangeably. The term, Parcel, also includes a unit of land (lawfully created by deed or land sale contract).

* * *

Unit of Land – A unit of land created by a deed or land sales contract in compliance with all applicable planning, zoning, and subdivision or partition ordinances and regulations.

* * *

34.0005 Definitions

As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.

* * *

Lot – A unit of land created by a subdivision of land, see definition in MCC 34.7705. Depending upon the context in which the term appears in this Chapter, a Lot may also mean a lot, parcel (result of partitioning), unit of land (lawfully created by deed or land sale contract) or area of land owned by or under the lawful control and in the lawful possession of one distinct ownership.

* * *

Parcel – A unit of land created by a partitioning of land, see definition in MCC 33.7705. Depending upon the context in which the term appears in this Chapter, Parcel and Lot may at times be used interchangeably. The term, Parcel, also includes a unit of land (lawfully created by deed or land sale contract).

* * *

Unit of Land – A unit of land created by a deed or land sales contract in compliance with all applicable planning, zoning, and subdivision or partition ordinances and regulations.

* * *

35.0005 Definitions

As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.

* * *

Lot – A unit of land created by a subdivision of land, see definition in MCC 35.7705. Depending upon the context in which the term appears in this Chapter, a Lot may also mean a lot, parcel (result of partitioning), unit of land (lawfully created by deed or land sale contract) or area of land owned by or under the lawful control and in the lawful possession of one distinct ownership.

* * *

Parcel – A unit of land created by a partitioning of land, see definition in MCC 33.7705. Depending upon the context in which the term appears in this Chapter, Parcel and Lot may at times be used interchangeably. The term, Parcel, also includes a unit of land (lawfully created by deed or land sale contract).

* * *

Unit of Land – A unit of land created by a deed or land sales contract in compliance with all applicable planning, zoning, and subdivision or partition ordinances and regulations.

* * *

36.0005 Definitions

As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.

* * *

Lot - A unit of land created by a subdivision of land, see definition in MCC 36.7705. Depending upon the context in which the term appears in this Chapter, a Lot may also mean a lot, parcel (result of partitioning), unit of land (lawfully created by deed or land sale contract) or area of land owned by or under the lawful control and in the lawful possession of one distinct ownership.

* * *

Parcel – A unit of land created by a partitioning of land, see definition in MCC 33.7705. Depending upon the context in which the term appears in this Chapter, Parcel and Lot may at times be used interchangeably. The term, Parcel, also includes a unit of land (lawfully created by deed or land sale contract).

* * *

Unit of Land – A unit of land created by a deed or land sales contract in compliance with all applicable planning, zoning, and subdivision or partition ordinances and regulations.

* * *

Section 5. MCC Lot of Record §§ 36.2075(E), 33.2075(E), 33.2275(E), 35.2075(E), 35.2275(E), 33.2475(E), 33.2675(E), 34.2675(E), 35.2675(E), 36.2675(E), 33.2870(E), 34.2870(E), 35.2870(E), 36.2870(E), 33.3170(E), 34.3170(E), 35.3170(E), 36.3170(E), 33.3370(E), 34.3370(E), 35.3370(E), 36.3370(E), 36.3470(E), 36.3570(E) are deleted as follows:

(E) Issuance of building permit as verification of a Lot of Record.

(1) The issuance of a building permit described in this subsection for new development on a lot or parcel is considered verification of compliance with applicable zoning and land division regulations for the creation of a lawful lot or parcel. The lot or parcel described in the building permit is considered a Lot of Record if the building permit was issued prior to July 1, 1986 (date of intergovernmental agreement contracting for building permit services with other jurisdictions) and complies with all of the following:

(a) There is a copy of the building permit in the Multnomah County or City of Portland permit records and the building permit indicates that the proposed development complied with zoning and land division requirements; and

(b) The building permit was for a new principle use, such as a new dwelling, commercial, industrial, community service, or conditional use; and

(c) There is a clear property description on the permit for the property for which the building or placement permit was issued. The description may be confirmed by tax lot references, tax lot maps, site plans, or deeds recorded at the time.

(2) A request for verification that a lot or parcel is a Lot of Record under the provisions of this section (E) may be submitted to the Planning Director. A decision by the Planning Director is a ministerial action based upon the evidence described in this section. An appeal of the director's decision for verification of a Lot of Record shall be submitted under the provisions of MCC 37.0740.

Section 6. MCC §§ 33.7785, 34.7785, 35.7785 and 36.7785, Creation of Lots and Parcels That Were Unlawfully Divided, are amended as follows:

ORS 92.177 authorizes the County to approve an application to create new legal lots or parcels notwithstanding that less than all of the owners of the existing legal lot or parcel have applied for the approval. This Code section provides the mechanism to review and, based upon findings of compliance with specific approval criteria, to approve certain unlawfully divided lots or parcels. The review mechanism to correct an unlawfully divided unit of land differs according to the date the unlawful lot or parcel was divided as provided in (A) and (B) below, or under (C) if a land use permit was issued for a primary use. For the purposes of this section, an "unlawfully divided" lot or parcel means a lot or parcel that, when divided, did not satisfy all applicable zoning and land division laws.

(A) An application to create a legal lot or parcel from an unlawfully divided unit of land that was unlawfully divided before January 27, 1994 (eff. date of Mult. Co. Ord. 781) shall be a Category 4 Land Division and be reviewed as a Type II permit process. In addition to the applicable Category 4 Land Division requirements, the application shall satisfy the following approval criteria:

(1) The lot or parcel either:

(a) Conforms to current dimensional, access and area standards,

(b) Conforms to the dimensional, access and density standards in effect when the lot or parcel was unlawfully divided, or

(c) The lot or parcel has a property line that is contiguous to a road, street or zone boundary that intersected the property and the applicable zoning district on the date the lot or parcel was unlawfully divided allowed a land division when a County-maintained road, street or zoning district boundary intersects a parcel of land. The zoning districts and effective dates that apply to this provision are as follows:

1. The Rural Center (RC), Rural Residential (RR), and Multiple Use Agriculture-20 (MUA-20) zoning districts on or after October 6, 1977 (eff. date of Mult. Co. Ord. 148) and before January 27, 1994;
2. The Multiple Use Forest-20 (MUF-20) zoning district on or after October 6, 1977 (eff. date of Mult. Co. Ord. 148) and before August 14, 1980 (eff. date of Mult. Co. Ord. 236); and
3. The Multiple Use Forest-19 (MUF-19) and Multiple Use Forest-38 (MUF-38) zoning districts on or after August 14, 1980 (eff. date of Mult. Co. Ord. 236) and before January 7, 1993 (eff. date of Mult. Co. Ord. 743).

~~(2) No subsequent division of the lot or parcel or a property line adjustment has occurred.~~

(32) The owner or applicant demonstrates that the resulting lot or parcel can physically accommodate a use allowed in the zone, including necessary facilities and utilities, in compliance with all applicable siting standards of this zoning code chapter.

(43) Practical physical access to the site currently exists from a public road or can be provided through an irrevocable easement or equivalent means. Practical physical access at a minimum must meet the standards of MCC 29.012 and allow emergency vehicle access to the building site.

(54) The application shall include a tentative plan consisting of maps, written information and supplementary material adequate to provide the information required for a Category 4 land division ~~and, if found to comply with the applicable approval criteria, a partition plat or subdivision plat shall be submitted in accordance with the requirements of ORS Chapter 92.~~

(B) An application to create legal lots or parcels from an unlawfully divided unit of land that were unlawfully divided on or after January 27, 1994 (effective date of Mult. Co. Ord. 781) to January 1, 2007, shall be subject to current review procedures for a land division. The application shall satisfy the following approval criteria:

(1) The lot or parcel conforms to current zoning requirements, or

(2) An unlawfully divided lot or parcel may be approved notwithstanding the required dimensional, access, and area requirements, subject to the following:

(a) The lot or parcel has a property line that is contiguous to a road, street or zone boundary that intersected the property; and

(b) The applicable zoning district on the date the lot or parcel was unlawfully divided allowed a land division when a County-maintained road, street or zoning district boundary intersects a parcel of land. The zoning districts and effective dates that apply to this provision are the Rural Center (RC), Rural Residential (RR), and Multiple Use Agriculture-20 (MUA-20)

zoning districts on or after January 27, 1994 (eff. date of Mult. Co. Ord. 781) and before October 4, 2000 (eff. date of "Rural Residential" amendments to OAR 660-004-0040).

(C) If an application for a legal lot or parcel is approved under this subsection, the date of creation of the lots and parcels shall be the date the Partition or Subdivision Plat is recorded. A lot legalization application to create a lot or parcel may be made through a Type I application process when the County issued a land use permit prior to January 1, 2007 for a dwelling or other building on an unlawfully established unit of land, provided the following criteria are met:

(1) The land use permit was issued after the sale of the unlawfully established unit of land to a new property owner; and

(2) There is a clear property description on the permit for the unlawfully established unit of land for which the building or placement permit was issued. The description may be confirmed by tax lot references, tax lot maps, site plans, or deeds recorded at the time; and

(3) The land use permit was for a building for a new principle use, such as a new dwelling, commercial, industrial, community service, or conditional use; and

(4) There is a copy of the land use permit in the records of Multnomah County or its authorized agents and the land use permit indicates that the proposed development on the unlawfully established unit of land complied with zoning and land division requirements; and

(5) If the approved land use permit was for a dwelling, the building currently qualifies as a habitable dwelling as defined in this chapter; and

(6) The building was constructed under a valid building permit and the building remains on the unlawfully established unit of land described in (2) above.

(a) A County building permit was issued at the time and does not include plumbing, mechanical, electrical or other type of trade permit. An exempt farm structure approval is not a building permit.

(D) Within 90 days of a final decision being approved under (A), (B) or (C) of this section, the property owner(s) shall record a partition plat or subdivision plat, as appropriate, in accordance with the requirements of ORS Chapter 92.

(E) If an application to legalize a unit of land is approved under (A), (B) or (C) of this section, the date of creation of the legalized parcel or lot shall be the date the partition or subdivision plat is recorded.

(F) Development of a parcel or lot approved pursuant to this section shall be subject to the laws in effect at the time of the development application pursuant to ORS 215.427(3)(a). No retroactive use of land use laws is authorized by this code provision once the parcel or lot is lawfully created.

(G) From January 5, 1966 to December 31, 2000, the County's zoning ordinance specified that in cases where a building permit is required under the Multnomah County Building Code, such building permit shall be deemed to be a land use permit. When reviewing a lot legalization application under (C) above, building permits during this time period shall constitute a land use permit.

(H) The following do not qualify to legalize a lot or parcel under this code section:

(1) An area of land described as a tax lot solely for assessment and taxation purposes;

- (2) An area of land created by the foreclosure of a security interest;
- (3) A mortgage lot.
- (4) An area of land created by court decree.

Section 7. MCC § 11.15.0010 is amended as follows:

§ 11.15.0010 Definitions.

As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.

* * *

Habitable Dwelling – An existing dwelling that:

- (a) Has intact exterior walls and roof structure;
- (b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
- (c) Has interior wiring for interior lights;
- (d) Has a heating system; and
- (e) Was lawfully established.

* * *

Lot - A plot, parcel or area-unit of land owned by or under the lawful control and in the lawful possession of one distinct ownership.

* * *

Lot of Record – Subject to additional provisions within each Zoning District, a Lot of Record is a parcel, lot, unit of land or a group thereof that, when created or reconfigured, (a) satisfied all applicable zoning laws and (b) satisfied all applicable land division laws, or (c) complies with the criteria for the creation of new lots or parcels described in MCC 11.45.117. Those laws shall include all required zoning and land division review procedures, decisions, and conditions of approval.

- (a) “Satisfied all applicable zoning laws” shall mean: the parcel, lot, or group thereof was created and, if applicable, reconfigured in full compliance with all zoning minimum lot size, dimensional standards, and access requirements.
- (b) “Satisfied all applicable land division laws” shall mean the parcel or lot was created:
 - 1. By a subdivision plat under the applicable subdivision requirements in effect at the time; or
 - 2. By a deed, or a sales contract dated and signed by the parties to the transaction, that was recorded with the Recording Section of the public office responsible for public records prior to October 19, 1978; or

3. By a deed, or a sales contract dated and signed by the parties to the transaction, that was in recordable form prior to October 19, 1978; or
4. By partitioning land under the applicable land partitioning requirements in effect on or after October 19, 1978; and

5. "Satisfied all applicable land division laws" shall also mean that any subsequent boundary reconfiguration completed on or after December 28, 1993 was approved under the property line adjustment provisions of the land division code. (See Date of Creation and Existence for the effect of property line adjustments on qualifying a Lot of Record for the siting of a dwelling in the EFU and CFU districts.)

* * *

Section 8. MCC Chapter 11.45 is amended to add a new section as follows:

§ 11.45.117 Creation Of Lots And Parcels That Were Unlawfully Divided.

This Code section provides the mechanism to review and, based upon findings of compliance with specific approval criteria, to approve certain unlawfully divided lots or parcels. The review mechanism to correct an unlawfully divided unit of land differs according to the date the unlawful lot or parcel was divided as provided in (A) and (B) below, or under (C) if a land use permit was issued for a primary use. For the purposes of this section, an "unlawfully divided" lot or parcel means a lot or parcel that, when divided, did not satisfy all applicable zoning and land division laws.

(A) An application to create a legal lot or parcel from an unlawfully divided unit of land divided before January 27, 1994 (eff. date of Mult. Co. Ord. 781) shall be a Category 4 Land Division and be reviewed as a Type II process. In addition to the applicable Category 4 Land Division requirements, the application shall satisfy the following approval criteria:

(1) The lot or parcel either:

- (a) Conforms to current dimensional, access and area standards,
- (b) Conforms to the dimensional, access and density standards in effect when the lot or parcel was unlawfully divided, or
- (c) The lot or parcel has a property line that is contiguous to a road, street or zone boundary that intersected the property and the applicable zoning district on the date the lot or parcel was unlawfully divided allowed a land division when a County-maintained road, street or zoning district boundary intersects a parcel of land. The zoning districts and effective dates that apply to this provision are as follows:

1. The Rural Center (RC), Rural Residential (RR), and Multiple Use Agriculture-20 (MUA-20) zoning districts on or after October 6, 1977 (eff. date of Mult. Co. Ord. 148) and before January 27, 1994;
2. The Multiple Use Forest-20 (MUF-20) zoning district on or after October 6, 1977 (eff. date of Mult. Co. Ord. 148) and before August 14, 1980 (eff. date of Mult. Co. Ord. 236); and
3. The Multiple Use Forest-19 (MUF-19) and Multiple Use Forest-38 (MUF-38) zoning districts on or after August 14, 1980 (eff. date of Mult. Co. Ord. 236) and before January 7, 1993 (eff. date of Mult. Co. Ord. 743).

(2) The owner or applicant demonstrates that the resulting lot or parcel can physically accommodate a use allowed in the zone, including necessary facilities and utilities, in

compliance with all applicable siting standards of this zoning code chapter.

(3) Practical physical access to the site currently exists from a public road or can be provided through an irrevocable easement or equivalent means. Practical physical access at a minimum must meet the standards of MCC 29.012 and allow emergency vehicle access to the building site.

(4) The application shall include a tentative plan consisting of maps, written information and supplementary material adequate to provide the information required for a Category 4 land division.

(B) An application to create a legal lots or parcels from an unlawfully divided unit of land divided on or after January 27, 1994 (effective date of Mult. Co. Ord. 781) to January 1, 2007 shall be subject to current review procedures for a land division. The application shall satisfy the following approval criteria:

(1) The lot or parcel conforms to current zoning requirements, or

(2) An unlawfully divided lot or parcel may be approved notwithstanding the required dimensional, access, and area requirements, subject to the following:

(a) The lot or parcel has a property line that is contiguous to a road, street or zone boundary that intersected the property; and

(b) The applicable zoning district on the date the lot or parcel was unlawfully divided allowed a land division when a County-maintained road, street or zoning district boundary intersects a parcel of land. The zoning districts and effective dates that apply to this provision are the Rural Center (RC), Rural Residential (RR), and Multiple Use Agriculture-20 (MUA-20) zoning districts on or after January 27, 1994 (eff. date of Mult. Co. Ord. 781) and before October 4, 2000 (eff. date of "Rural Residential" amendments to OAR 660-004-0040).

(C) A Lot Legalization application to create a lot or parcel may be made through a Type I application process when the County issued a land use permit prior to January 1, 2007 for a dwelling or other building on an unlawfully established unit of land, provided the following criteria are met:

(1) The land use permit was issued after the sale of the unlawfully established unit of land to a new property owner; and

(2) There is a clear property description on the permit for the unlawfully established unit of land for which the building or placement permit was issued. The description may be confirmed by tax lot references, tax lot maps, site plans, or deeds recorded at the time; and

(3) The land use permit was for a building associated with a new principle use, such as a new dwelling, commercial, industrial, community service, or conditional use; and

(4) There is a copy of the land use permit in the records of Multnomah County or its authorized agent's and the land use permit indicates that the proposed development on the unlawfully established unit of land complied with zoning and land division requirements; and

(5) If the approved land use permit was for a dwelling, the building currently qualifies as a habitable dwelling as defined in MCC Chapter 11.15; and

(6) The building was constructed under a valid building permit and the building remains on the unlawfully established unit of land described in (2) above.

(a) A County building permit was issued at the time and does not include plumbing, mechanical, electrical or other type of trade permit. An Exempt Farm Structure

approval is not a building permit.

(D) Within 90 days of a final decision being approved under (A), (B) or (C) of this section, the property owner(s) shall record a partition plat or subdivision plat, as appropriate, in accordance with the requirements of ORS Chapter 92.

(E) If an application to legalize a unit of land is approved under (A), (B) or (C) of this section, the date of creation of the legalized parcel or lot shall be the date the partition or subdivision plat is recorded.

(F) Development of a parcel or lot approved pursuant to this section shall be subject to the laws in effect at the time of the development application pursuant to ORS 215.427(3)(a). No retroactive use of land use laws is authorized by this code provision once the parcel or lot is lawfully created.

(G) From January 5, 1966 to December 31, 2000, the County's zoning ordinance specified that in cases where a building permit is required under the Multnomah County Building Code, such building permit shall be deemed to be a land use permit. When reviewing a Lot Legalization application under (C) above, building permits during this time period shall constitute a land use permit.

(H) The following do not qualify to legalize a lot or parcel under this code section:

- (1) An area of land described as a tax lot solely for assessment and taxation purposes;
- (2) An area of land created by the foreclosure of a security interest;
- (3) A Mortgage Lot.
- (4) An area of land created by court decree.

Section 9. MCC §§ 33.7705, 34.7705, 35.7705, 36.7705 and 11.45.010, Definitions, are amended as follows:

* * *

(~~J~~) **Partition land** means to divide an area or tract of land into ~~two or~~ not more than three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. Partition land does not include:

* * *

Utility Easement means an easement for the purpose of installing or maintaining public or private utility infrastructure for the provision of water, power, heat or telecommunications to the public.

Section 10. MCC §§ 33.7935, 34.7935, 35.7935, 36.7935, 38.7935 and 11.45.550, Easements, are amended as follows:

Easements shall be provided and designed according to the following:

(A) Easements for utilities and storm or sanitary sewers may be required where appropriate to serve abutting lots or parcels. Such easements shall be not less than 10 feet in width, centered on side or rear property lines or five feet in width along front property lines. Along the front property line abutting a Street, a five foot utility easement shall be required. The placement of the utility easement may be modified as requested by a public or private utility provider. Utility infrastructure may not be placed within one foot of a survey monument location noted on a subdivision or partition plat.

* * *

PART III - Amending MCC Chapter 37 Relating To Land Use Permit Processing Timelines

Section 11. MCC § 37.0600 is amended as follows:

37.0600 Completeness Review And 150-Day Rule.

* * *

(B) Upon receipt of a letter indicating the application is incomplete, the applicant has 180 days from the original application submittal date within which to submit the missing information or the application shall be ~~rejected-void~~ and all materials returned to the applicant. If the applicant submits the requested information within the 180 day period, the Planning Director shall again verify whether the application, as augmented, is complete. Each such review and verification shall follow the procedure in subsection (A) of this section.

* * *

(D) Once the Planning Director determines the application is complete, or the applicant refuses to submit any more information, the County shall declare the application complete and take final action on the application within 150 days of that date unless the applicant waives or extends the 150-day period. The 150-day period, however, does not apply in the following situations:

(1) Any hearing continuance or other process delay requested by the applicant shall be deemed an extension or waiver, as appropriate, of the 150-day period.

(2) The 150-day period shall be replaced with a 120-day period on all lands within an Urban Growth Boundary or applications involving mineral extraction.

(3) The 150-day period does not apply to any application for an amendment to the County's comprehensive plan or land use regulations nor to any application for a permit, the approval of which depends upon a plan amendment.

(4) The 150 day period may be extended for a specified period of time at the written request of the applicant. The total of all extensions may not exceed 215 days.

(5) The 120-day period on all lands within an Urban Growth Boundary or for applications involving mineral extraction may be extended for a specified period of time at the written request of the applicant. The total of all extensions may not exceed 215 days.

(E) The approval criteria and standards which control the County's review and decision on a complete application are those which were in effect on the date the application was first submitted.

**PART IV - Amending MCC Chapters 33-36 To Include Biofuel Facilities and Allow Creation Of
Lots Below Minimum Lot Size For Public Parks Or Conservation**

Section 12. MCC §§ 33.2610, 34.2610, 35.2610 and 36.2610, Definitions, are amended as follows:

* * *

Area: As used in ORS 215.203 for the production of biofuel, "area" is limited to Clark and Skamania counties in Washington State, Multnomah, Columbia, Washington, Clackamas, Yamhill, Hood River and Marion counties in Oregon.

* * *

Section 13. MCC §§33.2625, 34.2625, 35.2625 and 36.2625, Review Uses, are amended as follows:

33.2625 Review Uses

* * *

(N) A facility for the processing of farm crops, or the production of biofuel as defined in ORS 215, that is located on a farm operation that provides at least one-quarter of the farm crops processed at the facility. The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm use or devote more than 10,000 square feet to the processing activities within another building supporting farm uses. A processing facility shall comply with the requirements of MCC 33.4100 through MCC 33.4215 (off-street parking), MCC 33.2660(C), (D) & (E) (yards), and MCC 33.7450 (signs).

* * *

34.2625 Review Uses

* * *

(N) A facility for the processing of farm crops, or the production of biofuel as defined in ORS 215, that is located on a farm operation that provides at least one-quarter of the farm crops processed at the facility. The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm use or devote more than 10,000 square feet to the processing activities within another building supporting farm uses. A processing facility shall comply with the requirements of MCC 34.4100 through MCC 34.4215 (off-street parking), MCC 34.2660(C), (D) & (E) (yards), and MCC 34.7450 (signs).

* * *

35.2625 Review Uses

* * *

(N) A facility for the processing of farm crops, or the production of biofuel as defined in ORS 215, that is located on a farm operation that provides at least one-quarter of the farm crops processed at the

facility. The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm use or devote more than 10,000 square feet to the processing activities within another building supporting farm uses. A processing facility shall comply with the requirements of MCC 35.4100 through MCC 35.4215 (off-street parking), MCC 35.2660(C), (D) & (E) (yards), and MCC 35.7450 (signs).

* * *

36.2625 Review Uses.

* * *

(N) A facility for the processing of farm crops, or the production of biofuel as defined in ORS 215, that is located on a farm operation that provides at least one-quarter of the farm crops processed at the facility. The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm use or devote more than 10,000 square feet to the processing activities within another building supporting farm uses. A processing facility shall comply with all applicable siting standards but the standards shall not be applied in a manner that prohibits the siting of the processing facility. The siting standards are the requirements of MCC 36.4100 through MCC 36.4215 (off-street parking), MCC 36.2660(C), (D) & (E) (yards), and MCC 36.7450 (signs).

* * *

Section 14. MCC §§ 33.2065, 33.2265, 33.2465, 35.2265 and 36.2065, Lots of Exception, are amended as follows:

* * *

(D) Land Divisions for Park and Open Space.

(1) The governing body of a county or its designee may approve a proposed division of land in a forest zone or a mixed farm and forest zone to create two parcels if the proposed division of land is for the purpose of allowing a provider of public parks or open space, or a non-for-profit land conservation organization, to purchase one of the resulting parcels as provided in this section.

(2) A parcel created by the land division that is not sold to a provider of public parks or open space or to a not-for-profit land conservation organization must comply with the following:

(a) If the parcel contains a dwelling or another use allowed under ORS chapter 215, the parcel must be large enough to support continued residential use of other allowed use of the parcel; or

(b) If the parcel does not contain a dwelling, the parcel is eligible for siting a dwelling as may be authorized under ORS 195.120 or as may be authorized under ORS 215.705 to 215.750, based on the size and configuration of the parcel.

(3) Before approving a proposed division of land under this section, the governing body of a county or its designee shall require as a condition of approval that the provider of public parks or open space, or the not-for-profit land conservation organization, present for recording in the deed records for the county in which the parcel retained by the provider or organization is located an irrevocable deed restriction prohibiting the provider or organization and their successors in interest from:

(a) Establishing a dwelling on the parcel or developing the parcel for any use not authorized in a forest zone or mixed farm and forest zone except park or conservation uses; and

(b) Pursuing a cause of action or claim of relief alleging an injury from farming or forest practices for which a claim or action is not allowed under ORS 30.936 or 30.937.

(4) If a proposed division of land under this section results in the disqualification of a parcel for a special assessment described in ORS 308A.718 or the withdrawal of a parcel from designation as riparian habitat under ORS 308A.365, the owner must pay additional taxes as provided under ORS 308A.371 or 308A.700 to 308A.733 before the county may approve the division.

(DE) A landowner allowed a land division under this section shall sign a statement that shall be recorded with the Multnomah County Recorder, declaring that the landowner and the landowner's successors in interest will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

FIRST READING:

May 22, 2008

SECOND READING AND ADOPTION:

May 29, 2008



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler
Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By *Sandra Duffy*
Sandra N. Duffy, Assistant County Attorney

SUBMITTED BY:

M. Cecilia Johnson, Director, Department of Community Services



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 05/29/08
Agenda Item #: R-14
Est. Start Time: 10:15 AM
Date Submitted: 05/05/08

Agenda Title: Regional Arts and Culture Council Update

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

Requested Meeting Date: May 29, 2008 **Amount of Time Needed:** 30 Minutes
Department: Non-Departmental **Division:** Chair's Office
Contact(s): Johnell Bell
Phone: 503 988-3928 **Ext.** 83928 **I/O Address:** 503/600
Presenter(s): Eloise Damrosch, Jeff Hawthorne, Cynthia Knapp and Carole Morse

General Information

1. What action are you requesting from the Board?

No action. This is an update on RACC activities.

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 Regional Arts & Culture Council (RACC) is a 501 C-3 non-profit arts council serving Multnomah, Clackamas and Washington Counties. Our mission is: Through vision, leadership and service the Regional Arts & Culture Council works to integrate arts and culture in all aspects of community life.

Formerly the Metropolitan Arts Commission, a joint bureau of Multnomah County and the City of Portland, RACC emerged as a result of Arts Plan 2000+, which was a broad cultural plan for the region. One of the primary recommendations of the plan was that MAC become non-profit and regional to better serve all citizens; be more entrepreneurial; raise funds; and be a proactive champion of arts and culture in three counties. RACC operates under an Intergovernmental Agreement with public funders and a contract with Multnomah County and the City of Portland.

RACC's main service areas are as follows: grants to arts organizations and individuals, public art, advocacy, community services, and arts education.

RACC is governed by a Board of Directors, four of whom are appointed by the Multnomah County Chair, who receives recommendations from RACC's Leadership Development Committee. Other members are appointed by Clackamas and Washington Counties, the City of Portland and Metro. The Board represents a range of expertise including business, arts, education, and advocacy. RACC strives for a board that is diverse in ethnicity, age, talent, and experience. All members share a passion for arts and culture and work hard to help RACC achieve its mission. Board members serve two-year terms with the possibility of three consecutive terms. RACC is Program #72117, under **Vibrant Communities, Existing Operating.**

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

Current year allocation in Chair's budget is \$187,831

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

Amendment of Percent for Art Ordinance and renewal of RACC Contract with Multnomah County

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

Carole Morse, Board Chair, and one or more of Multnomah County's appointees to the RACC Board will participate in the meeting.

Required Signature

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



Date: 05/05/08



regional arts & culture council

a report to

Multnomah County

our mission



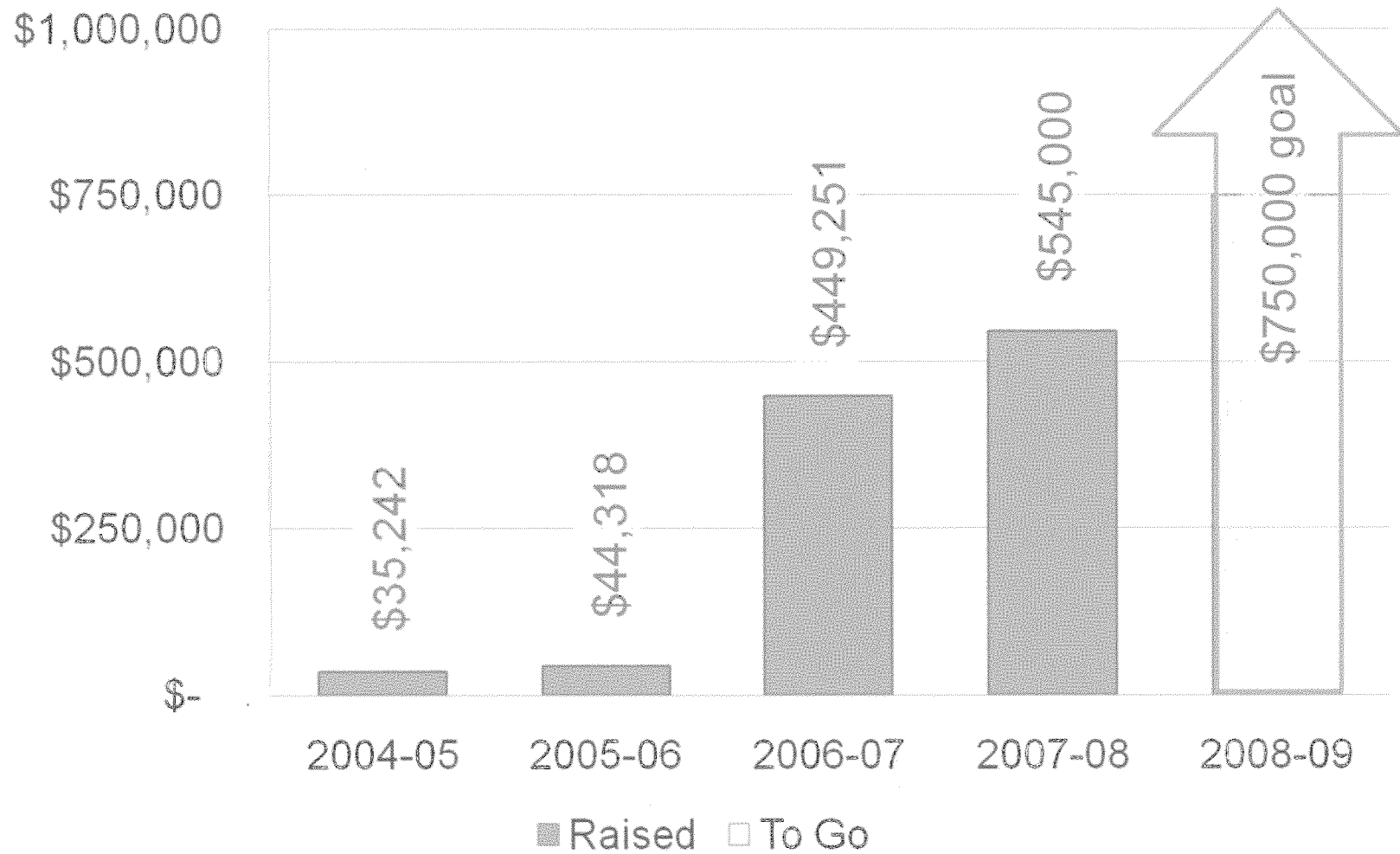
**Through vision, leadership and service
the Regional Arts & Culture Council
works to integrate arts and culture
in all aspects of community life.**

advocacy

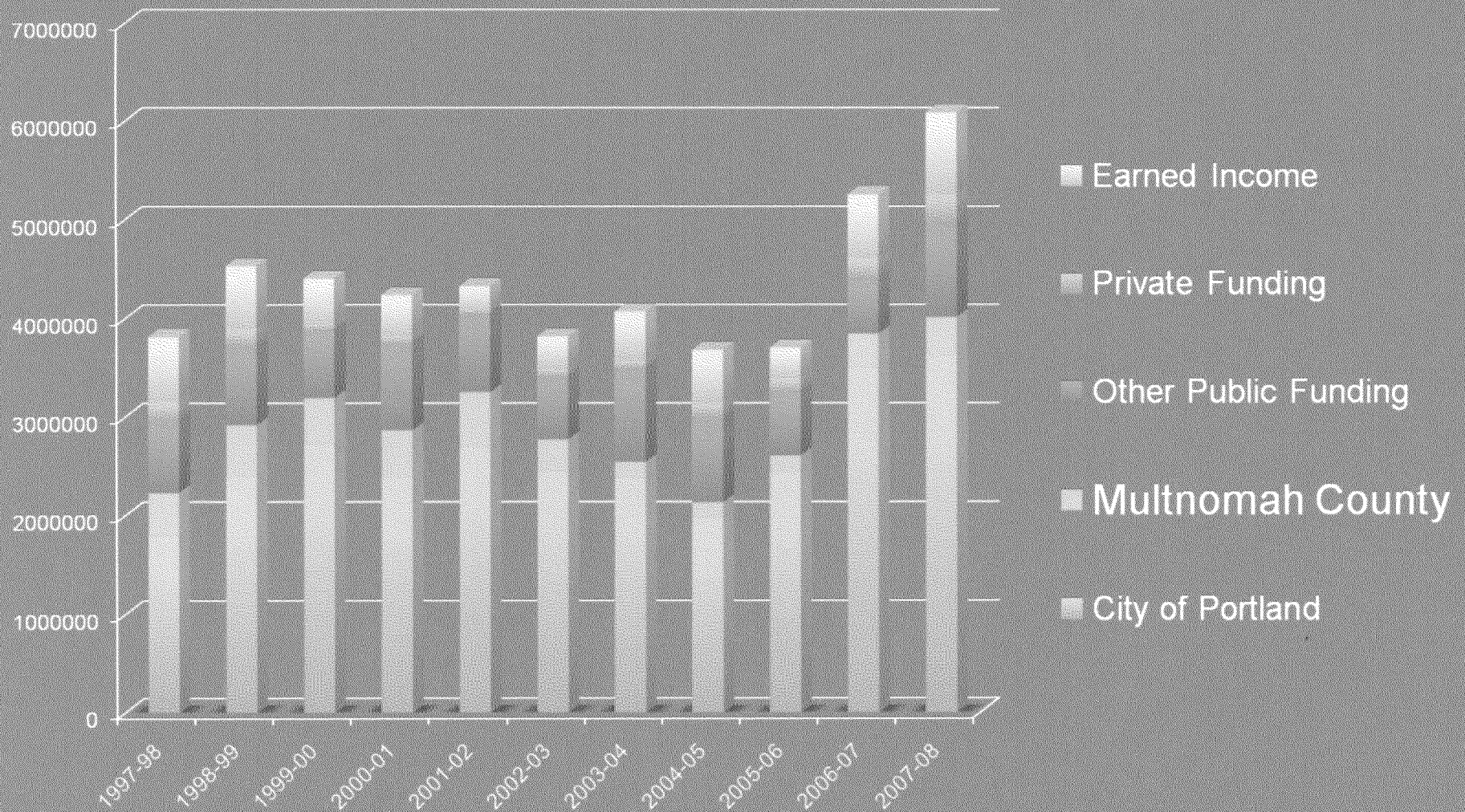


for a strong arts & culture community

Work for Art



RACC revenue



**The City's investments have grown,
and other sources have grown as well!**

grants



for organizations and individuals

grants

Artists Repertory Theatre Blue Sky Gallery Bodyvox Broadway
Rose Theatre Company Chamber Music Northwest Do Jump
Movement Theater Ethos Inc. Friends of Chamber Music
Homowo African Arts & Cultures Image Theatre Lakewood
Center for the Arts Literary Arts, Inc. Metropolitan Youth
Symphony Miracle Theatre Group Museum of Contemporary
Crafts Northwest Children's Theater School Oregon Ballet
Theatre Oregon Children's Theatre Oregon Repertory Singers
Oregon Symphony Portland Actors Conservatory Portland Art
Museum Portland Baroque Orchestra Portland Center Stage
Portland Chamber Orchestra Portland Gay Male Chorus
Portland Institute for Contemporary Art (PICA) Portland Opera
Portland Taiko Portland Youth Philharmonic Profile Theatre
Project Tears of Joy Theatre White Bird Write Around Portland
Young Audiences of Oregon

fy07-08 general support grants

grants

Michael Barber Judith Barrington Barbara Bernstein
Rose Bond Colleen Cavin Bruce Conkle Sher
Davidson Lisa DeGrace Christopher Dougeris David
Eckard Laura Fritz Dan Gilsdorf Sam Gould Anne G.
Greenwood Angela Heber Helen Hiebert Rick
Hudson Eric J. Hull Brian Jackson Diane Jacobs
Horacio Hung-Yan Law Kukatonon Ben Levit
Zachary Margolis Jane McIntyre Michael McKinney
Maldon Meehan Seth Nehil Hillary Pfeiffer Remedios
Rapoport Vanessa Olivia Renwick Ethan Rose Julie
Sabatier Kaia Sand Gwenn Seemel Kristan Seemel
Rachel Siegel Prawjwal Vajracharya Maro Vandorou
Holcombe Waller Shu-Ju Wang Lena McGrath Welker
Gosia Wozniacka Linda Wysong

fy07-08 project grants

public art



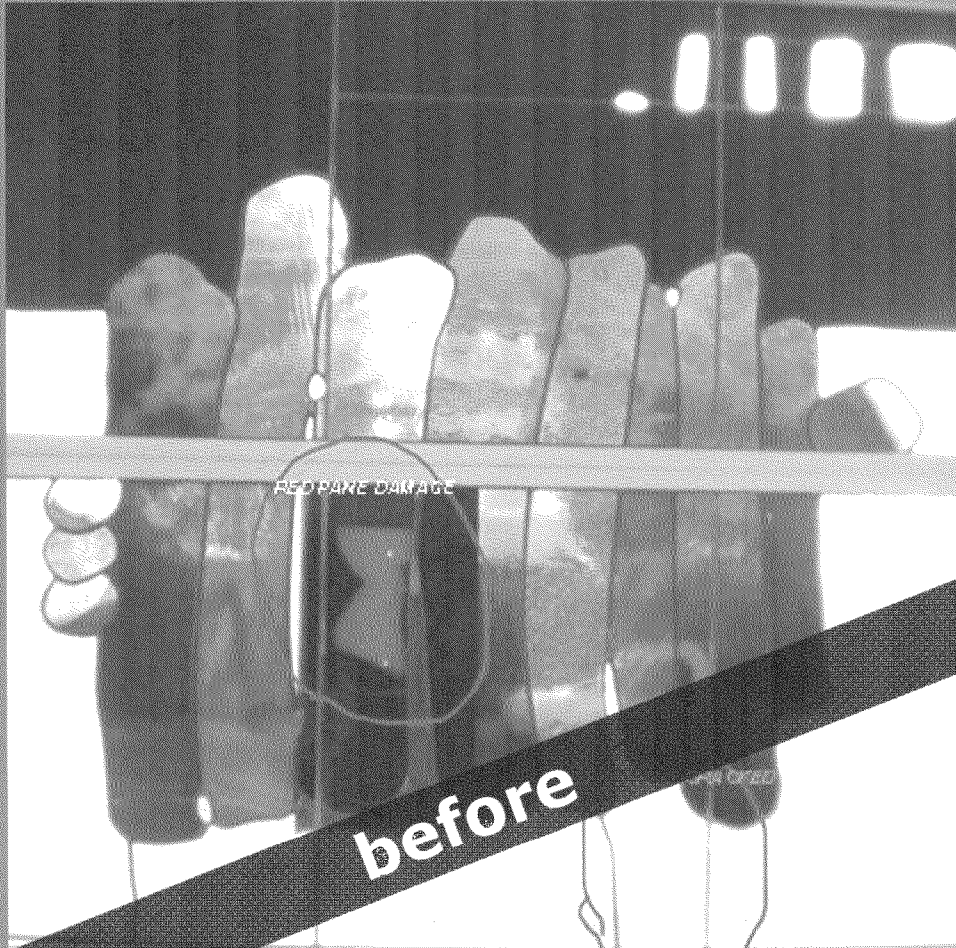
interior repairs



exterior repairs

city of portland public art maintenance

public art



before



after

city of portland public art maintenance

public art



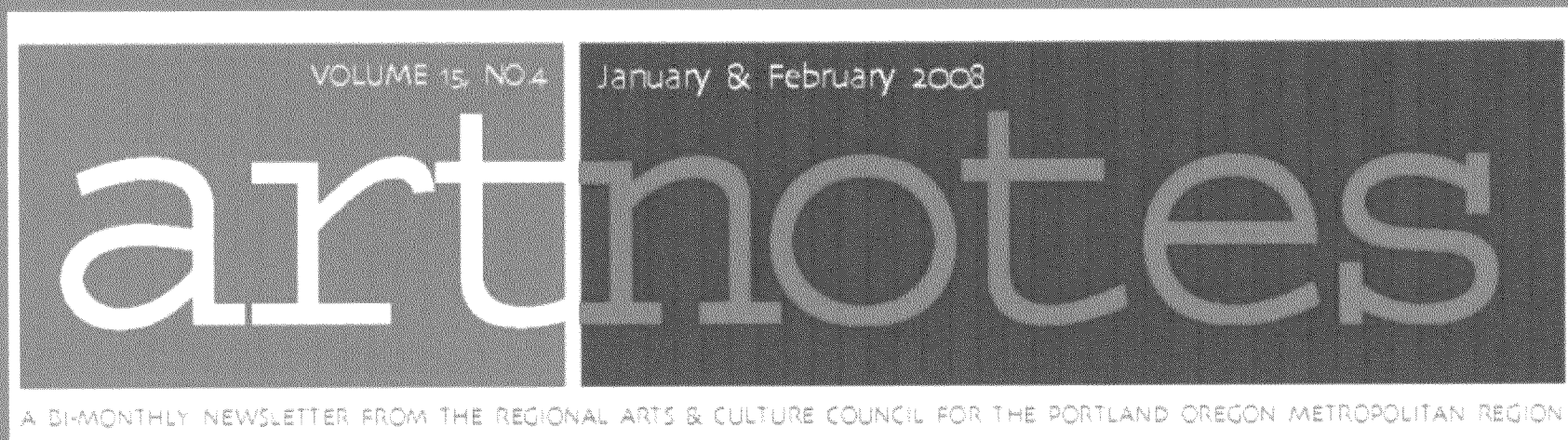
multnomah county percent for art projects

public art



multnomah county gifts to the collection

community services



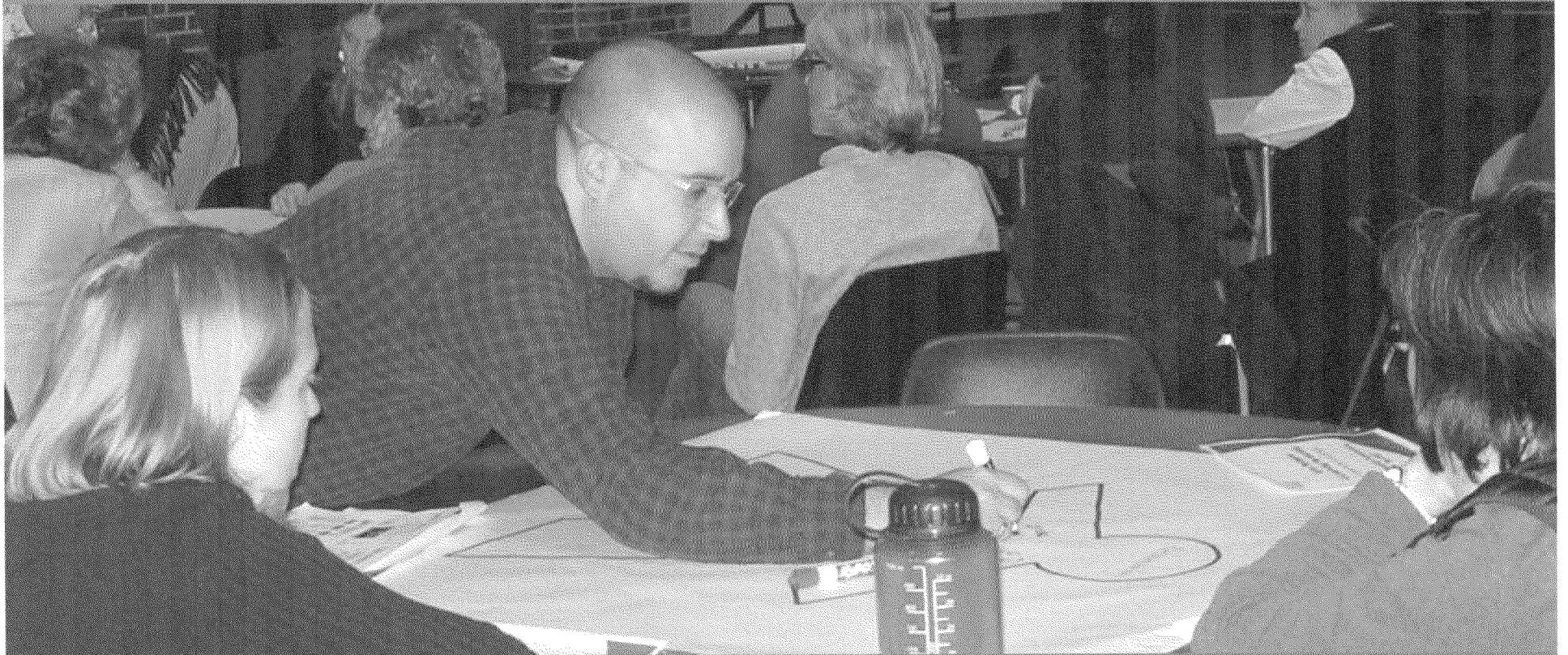
website, newsletter, free resources

arts education



arts partners

arts partners



community conversations

arts partners



next steps

arts partners



implementation

volunteers

fy07-08

RACC Board Members General Support Committee Individual Artist Fellowship (Media Arts) Opportunity Grant Panelists Project Grant Panelists Finance & Audit Committee Work for Art Campaign Cabinet Work for Art Event Volunteers MetLife Foundation National Arts Forum and Salon Series RACC Office Interns Public Art Advisory Committee Public Art Selection Panelists for the following projects: Denver Avenue Streetscape East Portland Community Center Ed Benedict Skate Plaza Portable Works Portland Building Installation Space Portland Mall RiverEast Center St. Johns 3rd & 4th Streetscape University Park Community Center Visual Chronicle of Portland Willamette River Greenway Trail, Swan Island Segment Zoobomb

thank you!

looking forward



focus on access



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 05/29/08
Agenda Item #: R-15
Est. Start Time: 10:45 AM
Date Submitted: 05/20/08

Agenda Title: **RESOLUTION Supporting Restoration of Simple Majority Voting Requirement**

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

Requested Meeting Date: May 29, 2008 **Amount of Time Needed:** 5 minutes
Department: Non-Departmental **Division:** Commissioner Maria Rojo
Contact(s): David Martinez
Phone: 503 988-4435 **Ext.** 84435 **I/O Address:** 503/600
Presenter(s): Ted Wheeler, Maria Rojo de Steffey, and Phillip Kennedy-Wong

General Information

1. What action are you requesting from the Board?

Adoption of Resolution supporting restoration of simple majority voting requirement.

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 double-majority requirement has resulted in many jurisdictions crowding the even-numbered General Election ballots with competing taxing interests. And, the double majority requirement has resulted in the failure of several local levy and bond measures, despite the measures' receiving a majority "yes" vote.

The 2007 Oregon Legislature passed HJR 15, which referred a proposed constitutional amendment to Oregon voters for the November 4, 2008 General Election. The proposal would remove the double-majority requirement for property tax measures and restore simple majority passage for such measure

The Resolutions affirms Multnomah County Board support of the Oregon Legislature's passage of HJR 15 to restore the simple majority voting requirement to all May and November elections, and supports a November ballot 2008 referral.

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.

Other jurisdictions have passed similar resolutions

Required Signature

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

Maria Rojo de Steffen

Date: 05/20/08

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Supporting Restoration of Simple Majority Voting Requirement

The Multnomah County Board of Commissioners Finds:

- a. The 2007 Oregon Legislature passed HJR 15, which referred a proposed constitutional amendment to Oregon voters for the November 4, 2008 General Election. The proposal would remove the double-majority requirement for property tax measures and restore simple majority passage for such measures.
- b. Under the double-majority requirement, to get voter approval of a local levy or bond measure, 50 percent of all registered voters must vote, along with 50 percent plus one vote in favor, with the exception of General Elections in even-numbered years. This requirement places more election power in the hands of residents who do not vote, rather than those who have decided to exercise this right.
- c. The double-majority requirement has resulted in many jurisdictions crowding the even-numbered General Election ballots with competing taxing interests. And, the double majority requirement has resulted in the failure of several local levy and bond measures, despite the measures' receiving a majority "yes" vote.

The Multnomah County Board of Commissioners Resolves:

1. To support the Oregon Legislature's passage of HJR 15 to restore the simple majority voting requirement to all May and November elections
2. To support the November ballot referral and encourage residents to vote yes on this ballot measure in November 2008.

ADOPTED this 29th day of May, 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:
Maria Rojo de Steffey, Commissioner District 1
Ted Wheeler, Chair

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 08-074

Supporting Restoration of Simple Majority Voting Requirement

The Multnomah County Board of Commissioners Finds:

- a. The 2007 Oregon Legislature passed HJR 15, which referred a proposed constitutional amendment to Oregon voters for the November 4, 2008 General Election. The proposal would remove the double-majority requirement for property tax measures and restore simple majority passage for such measures.
- b. Under the double-majority requirement, to get voter approval of a local levy or bond measure, 50 percent of all registered voters must vote, along with 50 percent plus one vote in favor, with the exception of General Elections in even-numbered years. This requirement places more election power in the hands of residents who do not vote, rather than those who have decided to exercise this right.
- c. The double-majority requirement has resulted in many jurisdictions crowding the even-numbered General Election ballots with competing taxing interests. And, the double majority requirement has resulted in the failure of several local levy and bond measures, despite the measures' receiving a majority "yes" vote.

The Multnomah County Board of Commissioners Resolves:

1. To support the Oregon Legislature's passage of HJR 15 to restore the simple majority voting requirement to all May and November elections
2. To support the November ballot referral and encourage residents to vote yes on this ballot measure in November 2008.

ADOPTED this 29th day of May, 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:

Maria Rojo de Steffey, Commissioner District 1
Ted Wheeler, Chair



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 05/29/08
Agenda Item #: R-16
Est. Start Time: 10:50 AM
Date Submitted: 05/20/08

Agenda Title: RESOLUTION Providing Direction for the County's Legislative Activities for the 2009 Session of the Oregon Legislature in Support of Funding for Court Facilities

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

Date Requested: May 29, 2008 Time Requested: 20 minutes
Department: Non-Departmental Division: Commissioner Lisa Naito
Contact(s): Mark Pengilly
Phone: 503 988-5217 Ext. 85217 I/O Address: 503/600
Presenter(s): Commissioner Lisa Naito, Mark Pengilly, Phillip Kennedy-Wong

General Information

1. What action are you requesting from the Board?

Approval of RESOLUTION Providing Direction for the County's Legislative Activities for the 2009 Session of the Oregon Legislature in Support of Funding for Court Facilities.

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

Multnomah County lacks authority to raise local revenues sufficient to build a new downtown courthouse. Oregon counties are preempted by State statutes from raising various fees locally. This resolution directs that the County's 2009 legislative activities promote legislation to lift statutory prohibitions on raising document recording fees and/or other fees locally so that the County may increase revenues for the purpose of constructing and maintaining court facilities.

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

No immediate fiscal impact. Future actions may result in increased revenues.

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

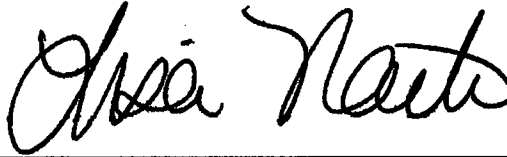
Oregon Revised Statutes preclude counties from utilizing various fees locally.

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

This resolution is based upon the directive of Resolution 04-028 to recommend viable financing strategies for the construction of a new downtown court facility, renovation of the historic Courthouse and necessary upgrades to the downtown Justice Center. Passage of legislation by the Oregon Legislature is necessary to give the County authority to raise new revenues.

Required Signature

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



Date: 05/20/08

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Providing Direction for the County's Legislative Activities for the 2009 Session of the Oregon Legislature in Support of Funding for Court Facilities

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County is mandated by Oregon Revised Statute 1.185 to provide suitable and sufficient court facilities for the operation of State Courts and to provide maintenance for State Court facilities. Oregon Revised Statute 3.014(3) requires Multnomah County to provide court facilities in the City of Gresham.
- b. The deficiencies of Multnomah County court facilities have been documented in 25 different studies since 1968. The 2003 Courthouse Blue Ribbon Steering Committee study recommended construction of an East County court facility and construction of a new court facility in downtown Portland.
- c. Multnomah County is in the process of constructing the East County Justice Facility. The cost of this project will be paid with the proceeds from sales of County-owned properties and other resources.
- d. The Multnomah County Courthouse, built in 1914, is a seismic hazard, is in poor condition and needs to be replaced as recommended in Resolution 04-028. Multnomah County owns the North Hawthorne Bridgehead Block in downtown Portland, which Resolution 06-203 found to be the preferred site for a new Multnomah County Courthouse.
- e. The cost of a new courthouse is estimated to exceed \$200 million. Multnomah County lacks sufficient revenues to construct a new downtown courthouse. State statutes currently preempt Oregon counties from increasing document recording fees or imposing various other fees locally in order to meet the rising cost of county obligations.

The Multnomah County Board of Commissioners Resolves:

1. The Board directs that the county's legislative activities for the 2009 Session shall promote legislation to lift statutory prohibitions on charging and collecting document recording fees and/or other revenue sources, to change the current or future distribution formula of such fees and to direct portions of the revenue toward construction and maintenance of court facilities.

2. The Board further directs its legislative activities to pursue opportunities to advance the county's long term interests in:
 - i. improving and maintaining its court facilities; and
 - ii. removing state preemption laws to enable counties to raise revenues.

ADOPTED this 29th day of May, 2008.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Agnes Sowle, County Attorney

SUBMITTED BY:

Lisa Naito, Multnomah County Commissioner

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 08-075

Providing Direction for the County's Legislative Activities for the 2009 Session of the Oregon Legislature in Support of Funding for Court Facilities

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County is mandated by Oregon Revised Statute 1.185 to provide suitable and sufficient court facilities for the operation of State Courts and to provide maintenance for State Court facilities. Oregon Revised Statute 3.014(3) requires Multnomah County to provide court facilities in the City of Gresham.
- b. The deficiencies of Multnomah County court facilities have been documented in 25 different studies since 1968. The 2003 Courthouse Blue Ribbon Steering Committee study recommended construction of an East County court facility and construction of a new court facility in downtown Portland.
- c. Multnomah County is in the process of constructing the East County Justice Facility. The cost of this project will be paid with the proceeds from sales of County-owned properties and other resources.
- d. The Multnomah County Courthouse, built in 1914, is a seismic hazard, is in poor condition and needs to be replaced as recommended in Resolution 04-028. Multnomah County owns the North Hawthorne Bridgehead Block in downtown Portland, which Resolution 06-203 found to be the preferred site for a new Multnomah County Courthouse.
- e. The cost of a new courthouse is estimated to exceed \$200 million. Multnomah County lacks sufficient revenues to construct a new downtown courthouse. State statutes currently preempt Oregon counties from increasing document recording fees or imposing various other fees locally in order to meet the rising cost of county obligations

The Multnomah County Board of Commissioners Resolves:

1. The Board directs that the county's legislative activities for the 2009 Session shall promote legislation to lift statutory prohibitions on charging and collecting document recording fees and/or other revenue sources, to change the current or future distribution formula of such fees and to direct portions of the revenue toward construction and maintenance of court facilities.

2. The Board further directs its legislative activities to pursue opportunities to advance the county's long term interests in:
- i. improving and maintaining its court facilities; and
 - ii. removing state preemption laws to enable counties to raise revenues.

ADOPTED this 29th day of May, 2008.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Agnes Sowle, County Attorney

SUBMITTED BY:

Lisa Naito, Multnomah County Commissioner



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 05/29/08
Agenda Item #: R-17
Est. Start Time: 11:10 AM
Date Submitted: 05/21/08

Agenda Title: RESOLUTION Directing Facilities to Pursue Land Use Entitlements for the North Hawthorne Bridgehead, the Preferred Site for a New Courthouse in Portland's Government Center Area

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

Requested Meeting Date: May 29, 2008 Amount of Time Needed: 25 Minutes
Department: County Management Division: Facilities and Property Management
Contact(s): Doug Butler
Phone: (503) 988-6294 Ext 84128 I/O Address: FPM / 274
Presenter(s): Commissioner Lisa Naito; Doug Butler, FPM

General Information

1. What action are you requesting from the Board?

Adopt Resolution Directing Facilities to Pursue Land Use Entitlements for the North Hawthorne Bridgehead, the Preferred Site for a New Courthouse in Portland's Government Center Area.

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.

Current zoning on the North Hawthorne Bridgehead property limits the height and size of any building constructed on the site. A new courthouse of sufficient size will exceed these current limits. This Resolution directs Facilities to begin the work of getting the property rezoned in a manner which is consistent with its requirements for a new courthouse.

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

None. It is anticipated that expert consultant assistance (land use/legal, architectural, historic, and/or others) will be required to obtain the desired entitlements. The resulting contracts will be authorized through separate actions, however. In addition, the budget for the new courthouse anticipates this

work and reserves funding to support it.

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

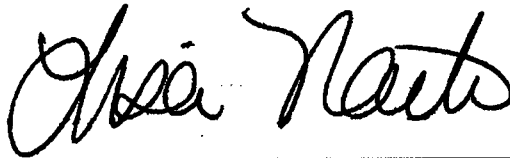
None

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

The entitlements for the North Hawthorne Bridgehead are governed by the City of Portland. The City is currently engaged in a process for updating the Central City Plan which includes this site. Continuing conversations are underway with the City to determine the best manner for pursuing these entitlements while this planning effort is in progress.

Required Signature

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

A handwritten signature in black ink, appearing to read "Lisa Nault", is written over a horizontal line.

Date: 05/20/08

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Directing Facilities to Pursue Land Use Entitlements for the North Hawthorne Bridgehead, the Preferred Site for a New Courthouse in Portland's Government Center Area

The Multnomah County Board of Commissioners Finds:

- a. Oregon Revised Statute 1.185 requires counties in which a circuit court is located to provide "suitable and sufficient courtrooms, office and jury rooms."
- b. Resolution 01-114 found that, "The existing Multnomah County Courthouse does not meet the requirements of the Fourth Judicial District, Circuit Court of the State of Oregon. The current size and configuration of the Courthouse do not meet the programmatic requirements of the Court."
- c. Resolution 06-033 resolved to "move forward with all due speed to address the needs of the Fourth Judicial District Circuit Court ... [with the] intent to acquire a site as the first step towards constructing a new facility for the Fourth Judicial District Circuit Court in, or in proximity to, downtown Portland's Government Center area by December 31, 2006."
- d. By Resolution 06-203, the Board declared the North Hawthorne Bridgehead Block to be the preferred site for a new Multnomah County Courthouse.
- e. Resolution 07-055 approved an agreement to provide \$9 million in urban renewal funding to help finance the relocation of the existing Hawthorne Bridge west-bound off-ramp and efforts are underway to select a contractor to design the new ramp.
- f. Resolution 07-193 approved an agreement with Two Main Development LLC for a Tunnel Easement between the Justice Center and the Courthouse site.
- g. Current zoning on the North Hawthorne Bridgehead Block limits the height of development and precludes the construction of a building of sufficient size to meet the needs for a new courthouse.
- h. The process to obtain the required zoning modifications needed to support the construction of a new courthouse is significant. It is important that this work begin immediately to insure the site is ready to accommodate the new courthouse when construction funding is identified.

The Multnomah County Board of Commissioners Resolves:

1. FPM is directed to begin work immediately to obtain the required zoning modifications needed to support the construction of a new courthouse on the North Hawthorne Bridgehead Block. FPM shall provide the Board with quarterly progress reports on this effort.

ADOPTED this 29th day of May 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:

Lisa Naito, Commissioner District 3

**MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP**

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 5/29/08

SUBJECT: R. 17

AGENDA NUMBER OR TOPIC: _____

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Matthew A Cole

ADDRESS: One SW Columbia, st, Suite 300

CITY/STATE/ZIP: Portland, OR 97258

PHONE: DAYS: 503-412-4925 EVES: _____

EMAIL: mcole(at)shorenstein.com FAX: 503-412-4848

SPECIFIC ISSUE: North Bridgehead Hawthorne,
Land Use

WRITTEN TESTIMONY: _____

IF YOU WISH TO ADDRESS THE BOARD:

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

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 08-076

Directing Facilities to Pursue Land Use Entitlements for the North Hawthorne Bridgehead, the Preferred Site for a New Courthouse in Portland's Government Center Area

The Multnomah County Board of Commissioners Finds:

- a. Oregon Revised Statute 1.185 requires counties in which a circuit court is located to provide "suitable and sufficient courtrooms, office and jury rooms."
- b. Resolution 01-114 found that, "The existing Multnomah County Courthouse does not meet the requirements of the Fourth Judicial District, Circuit Court of the State of Oregon. The current size and configuration of the Courthouse do not meet the programmatic requirements of the Court."
- c. Resolution 06-033 resolved to "move forward with all due speed to address the needs of the Fourth Judicial District Circuit Court ... [with the] intent to acquire a site as the first step towards constructing a new facility for the Fourth Judicial District Circuit Court in, or in proximity to, downtown Portland's Government Center area by December 31, 2006."
- d. By Resolution 06-203, the Board declared the North Hawthorne Bridgehead Block to be the preferred site for a new Multnomah County Courthouse.
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- f. Resolution 07-193 approved an agreement with Two Main Development LLC for a Tunnel Easement between the Justice Center and the Courthouse site.
- g. Current zoning on the North Hawthorne Bridgehead Block limits the height of development and precludes the construction of a building of sufficient size to meet the needs for a new courthouse.
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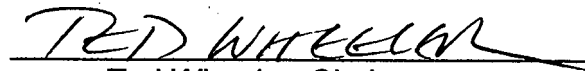
The Multnomah County Board of Commissioners Resolves:

1. FPM is directed to begin work immediately to obtain the required zoning modifications needed to support the construction of a new courthouse on the North Hawthorne Bridgehead Block. FPM shall provide the Board with quarterly progress reports on this effort.

ADOPTED this 29th day of May 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:

Lisa Naito, Commissioner District 3