

12/6/01

Proposed Special Session Talking Points

- Multnomah County has just completed a mid-year rebalance of our budget. Our \$20 million whole was filled by making some significant cuts to important programs, identifying administrative efficiencies, and finding additional revenues.
- As the county embarked on its budget process, a comprehensive public communication plan was organized so that constituents, stakeholders, and government partners could receive information and provide input. It is important that the impacts of state budget cuts on Multnomah County be communicated. (For D caucus members: We appreciated the opportunity to discuss our budget crisis with Senator Kate Brown and Deborah Kafoury.)
- Multnomah County took the same approach that the Governor is taking: no across-the-board cuts. These shortfalls are too significant to simply reduce staff and infrastructure while providing the same services. We cannot afford to "thin the soup" any longer. And we cannot continue to disinvest in our public schools, social services, health care and public safety services. Instead, we must participate in strategic discussions that take the entire system - and our mutual clients - into consideration.
- Throughout the last decade, Oregon, the metropolitan area especially, has witnessed a healthy, robust economy, however, state and local governments have lost the ability to capitalize on these increasing tax revenues. With the passage of Ballot Measures 5, 47, and 50, we have lost a real opportunity to make strides in helping out those who access our services. We are now facing an economic decline like no other in the past 20 years. As we adjust to these changes, we must consider exploring revenue options.
- Multnomah County continues to support efforts to find efficiencies in all of our organizations. Our recent budget rebalance process did just that: an estimated \$4.5 million was restored in restructuring, reorganizing and reprioritizing our operations. We will continue these efforts as we plan for the future.
- The county also supports efforts to expand and diversify our tax base. We will continue to partner with other public and private organizations to strengthen not just our economy, but the quality of life for all Oregonians.



Multnomah County Oregon

Board of Commissioners & Agenda

connecting citizens with information and services

BOARD OF COMMISSIONERS

Diane Linn, Chair

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

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

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

Maria Rojo de Steffey,

Commission Dist. 1

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

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

Email: district1@co.multnomah.or.us

Serena Cruz, Commission Dist. 2

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

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

Email: serena@co.multnomah.or.us

Lisa Naito, Commission Dist. 3

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

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

Email: lisa.h.naito@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

ANY QUESTIONS? CALL BOARD

CLERK DEB BOGSTAD @ (503) 988-3277

Email: deborah.l.bogstad@co.multnomah.or.us

INDIVIDUALS WITH DISABILITIES PLEASE
CALL THE BOARD CLERK AT (503) 988-3277,
OR MULTNOMAH COUNTY TDD PHONE
(503) 988-5040, FOR INFORMATION ON
AVAILABLE SERVICES AND ACCESSIBILITY.

DECEMBER 4 & 6, 2001

BOARD MEETINGS

FASTLOOK AGENDA ITEMS OF INTEREST

Pg 2	9:30 a.m. Tuesday Executive Session
Pg 2	10:00 a.m. Tuesday Briefings: Safety and Loss Control Section Annual Report; and Evaluation of Human Resource Functions Final Report
Pg 3	9:30 a.m. Thursday Regular Board Meeting
Pg 4	10:00 a.m. Thursday Agreement with Portland Regarding Metro's 2040 Functional Plan Compliance Program
Pg 4	10:30 a.m. Thursday Ordinance Adopting a Temporary Moratorium on Expansions of the Howard Canyon Quarry
***	Board and Agenda Web Site: http://www.co.multnomah.or.us/cc/index.html

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

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

Friday, 11:00 PM, Channel 30

Saturday, 10:00 AM, Channel 30

(Saturday Playback for East County Only)

Sunday, 11:00 AM, Channel 30

Produced through Multnomah Community
Television

(503) 491-7636, ext. 333 for further info

or: <http://www.mctv.org>

Tuesday, December 4, 2001 - 9:30 AM
Multnomah Building, First Floor Commissioners Conference Room 112
501 SE Hawthorne Boulevard, Portland

EXECUTIVE SESSION

- E-1 The Multnomah County Board of Commissioners Will Meet in Executive Session Pursuant to ORS 192.660(1)(h) for Consultation with Counsel Concerning Current Litigation or Litigation Likely to be Filed. Only Representatives of the News Media and Designated Staff are allowed to Attend. Representatives of the News Media and All Other Attendees are Specifically Directed Not to Disclose Information that is the Subject of the Executive Session. No Final Decision will be made in the Executive Session. Presented by Sandra Duffy, Kathy Busse, Susan Muir and Kim Peoples. 30 MINUTES REQUESTED.
-

Tuesday, December 4, 2001 - 10:00 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

BOARD BRIEFINGS

- B-1 Presentation of the Multnomah County Fiscal Year 2000-2001 Annual Report, Safety & Loss Control Section. Presented by Gail Parnell and Chuck Tilden. 10 MINUTES REQUESTED.
- B-2 Presentation of the Multnomah County Evaluation of Human Resource Functions Final Report. Presented by Gail Parnell and Lonnie Hayhurst. 30 MINUTES REQUESTED.

Thursday, December 6, 2001 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

CONSENT CALENDAR - 9:30 AM

DEPARTMENT OF SUSTAINABLE COMMUNITY DEVELOPMENT

- C-1 RESOLUTION Authorizing Execution of Deed D021820 for Repurchase of Tax Foreclosed Property to Former Owners, JUDITH S WEIS and WILLIAM M SCHUSTER
- C-2 RESOLUTION Authorizing Execution of Deed D021821 for Repurchase of Tax Foreclosed Property to Former Owner, CAROL ODIN
- C-3 RESOLUTION Authorizing Private Sale of Certain Tax Foreclosed Property to Kathleen Kent as Trustee of the Kathleen Kent Trust, Including Direction to Tax Title for Publication of Notice Pursuant to ORS 275.225
- C-4 RESOLUTION Authorizing Private Sale of Certain Tax Foreclosed Property to Joseph P & Heather B Waldram, Including Direction to Tax Title for Publication of Notice Pursuant to ORS 275.225
- C-5 RESOLUTION Authorizing Execution of a Deed to the City of Portland for the Remaining Parcels of "Raymond Park", Mistakenly Omitted from a Deed Dated December 30, 1993 from Multnomah County to the City of Portland

REGULAR AGENDA - 9:30 AM

PUBLIC COMMENT - 9:30 AM

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

SHERIFF'S OFFICE - 9:30 AM

- R-1 NOTICE OF INTENT to Apply to the National Institute of Justice "Solicitation for Research and Evaluation in Corrections" Grant for Funding to Support a Study of the County's Most Frequently Booked Inmate Population

DEPARTMENT OF HEALTH - 9:35 AM

- R-2 NOTICE OF INTENT to Submit an Application for Funding through the American Legacy Foundation's "Priority Populations Initiative" to Support an Anti-Tobacco Media Campaign Directed at Tobacco Use in the African American Community
- R-3 NOTICE OF INTENT to Submit a Proposal to the Susan G. Komen Breast Cancer Foundation for \$40,000 to Provide Training and Technical Assistance to Promotores de Salud (Community Health Workers) Recruited from and serving Spanish-speaking Communities in Multnomah and Surrounding Counties

NON-DEPARTMENTAL - 9:50 AM

- R-4 Budget Modification 02_NOND 02 Requesting a One-Time \$25,000 General Fund Contingency to Cover Costs Associated with Enforcement of the County's Civil Rights Ordinance

DEPARTMENT OF SUSTAINABLE COMMUNITY DEVELOPMENT - 10:00 AM

- R-5 Intergovernmental Agreement 4600002792 with the City of Portland, Providing Planning Services for Properties Located in Unincorporated Multnomah County within the METRO 2040 Functional Plan Compliance Program
- R-6 Public Hearing, First Reading and Possible Adoption of an ORDINANCE Adopting, Under the Authority of ORS 197.520(3)(b), a Temporary Moratorium on Expansions of the Howard Canyon Quarry in Unincorporated Multnomah County Pending the County's Completion of a Reevaluation and Amendment to the Howard Canyon Reconciliation Report Under Statewide Planning Goal 5 and an Evaluation of the Requirements of the Endangered Species Act to Protect Nearby Fish-bearing Streams, Potential Changes in Mining Methods, Use of Rock, Associated Noise from Mining, and Potential Impacts of Mining on Surrounding Farm Uses, and Declaring an Emergency

Thursday, December 6, 2001 - 10:30 AM
(OR IMMEDIATELY FOLLOWING REGULAR MEETING)
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

BOARD BRIEFING

- B-3 Briefing and Board Discussion Regarding County Impact to State of Oregon
December Revenue Forecast. Presented by Gina Mattioda and Stephanie
Soden. 45 MINUTES REQUESTED.

MEETING DATE: December 6, 2001
AGENDA NO: C-1
ESTIMATED START TIME: 9:30 AM
LOCATION: Boardroom 100

(Above Space for Board Clerk's use only)

AGENDA PLACEMENT FORM

SUBJECT: Request Approval of Repurchase Deed to Former Owner

BOARD BRIEFING: Date Requested: _____
Requested by: _____
Amount of Time Needed: _____

REGULAR MEETING: Date Requested: December 6, 2001
Amount of Time Needed: _____

DEPARTMENT: Sustainable Community DIVISION: Housing

CONTACT: Gary Thomas TELEPHONE #: 503-988-3590 x22591

BLDG/ROOM #: 503/320/Tax Title

PERSON(S) MAKING PRESENTATION Consent Calendar

ACTION REQUESTED:

{ } INFORMATION ONLY { } POLICY DIRECTION {X} APPROVAL { } OTHER

SUGGESTED AGENDA TITLE:

Request approval of Repurchase Deed to Former Owner under ORS 275.180 to JUDITH S WEIS & WILLIAM M SCHUSTER

Return original documents and copies of all to Becky Grace 503/320 following approval

12/10/01 original Deed & Copies of All to Becky Grace

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: Michael Oswald

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email
deborah.I.bogstad@co.multnomah.or.

01 NOV 23 PM 4:43
MULTNOMAH COUNTY
CLERK OF COUNTY COMMISSIONERS

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Authorizing Execution of Deed D021820 for Repurchase of Tax Foreclosed Property to Former Owners, JUDITH S WEIS and WILLIAM M SCHUSTER.

The Multnomah County Board of Commissioners Finds:

- a) Multnomah County acquired the real property hereinafter described through foreclosure of liens for delinquent taxes, and JUDITH S WEIS and WILLIAM M SCHUSTER are the former owners of record.
- b) JUDITH S WEIS and WILLIAM M SCHUSTER have applied to the County to repurchase the property for \$16,267.73, which amount is not less than that required by ORS 275.180; and it is in the best interest of the County that the property be sold to the former owners.
- c) The County's Tax Title Division has received \$16,267.73 from the former owners.

The Multnomah County Board of Commissioners Resolves:

- 1. The Chair is authorized to execute Deed D021820 as attached, conveying to the former owners the following described real property:

The Northerly 50 feet of Lot 2, Block 20, FAIRVALE, in the City of Portland, Multnomah County, Oregon.

ADOPTED this 6th day of December 2001.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

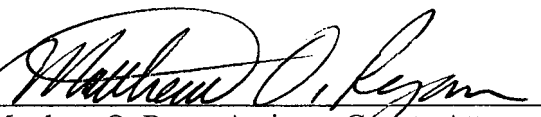
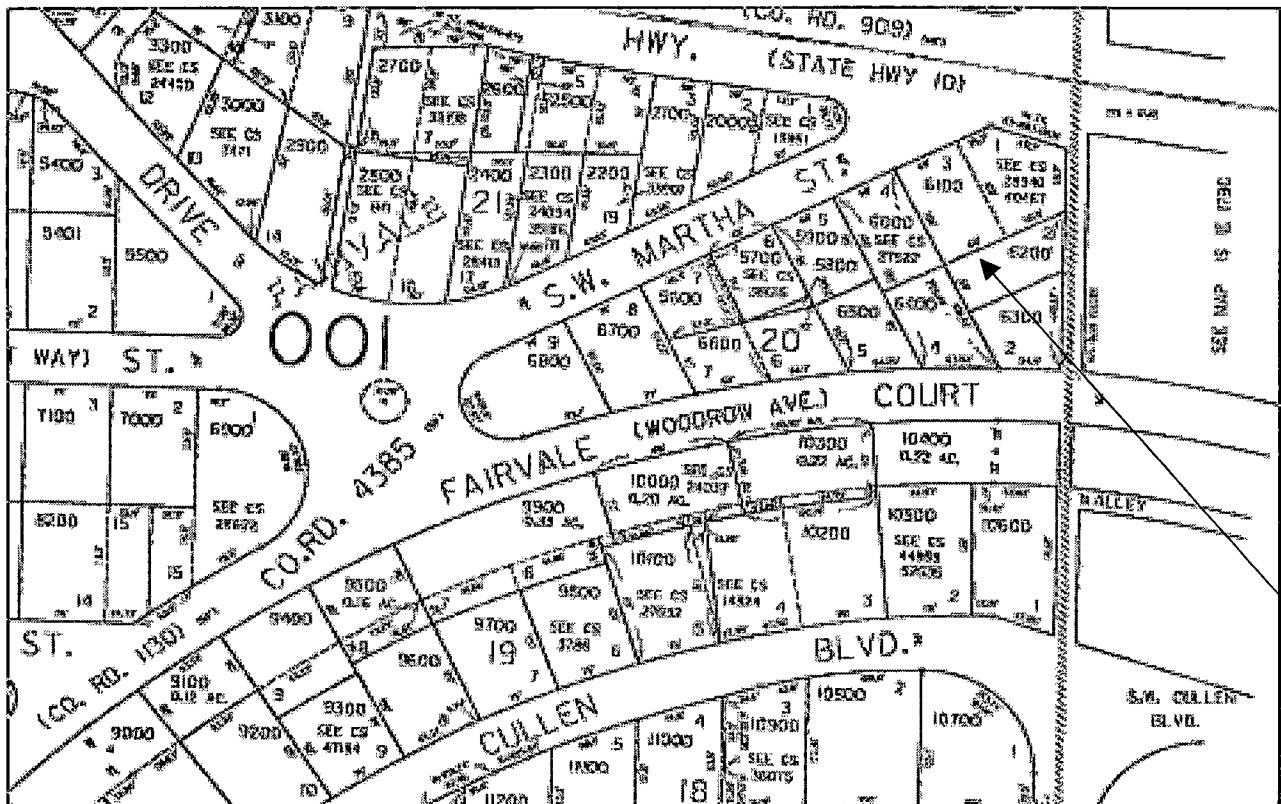
By 
Matthew O. Ryan, Assistant County Attorney

Exhibit A (Resolution)

Tax Account Number R160581



BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 01-157

Authorizing Execution of Deed D021820 for Repurchase of Tax Foreclosed Property to Former Owners, JUDITH S WEIS and WILLIAM M SCHUSTER

The Multnomah County Board of Commissioners Finds:

- a) Multnomah County acquired the real property hereinafter described through foreclosure of liens for delinquent taxes, and JUDITH S WEIS and WILLIAM M SCHUSTER are the former owners of record.
- b) JUDITH S WEIS and WILLIAM M SCHUSTER have applied to the County to repurchase the property for \$16,267.73, which amount is not less than that required by ORS 275.180; and it is in the best interest of the County that the property be sold to the former owners.
- c) The County's Tax Title Division has received \$16,267.73 from the former owners.

The Multnomah County Board of Commissioners Resolves:

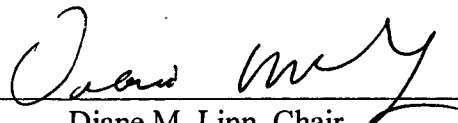
- 1. The Chair is authorized to execute Deed D021820 as attached, conveying to the former owners the following described real property:

The Northerly 50 feet of Lot 2, Block 20, FAIRVALE, in the City of Portland, Multnomah County, Oregon.

ADOPTED this 6th day of December 2001.



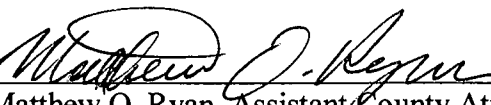
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Diane M. Linn, Chair

REVIEWED:

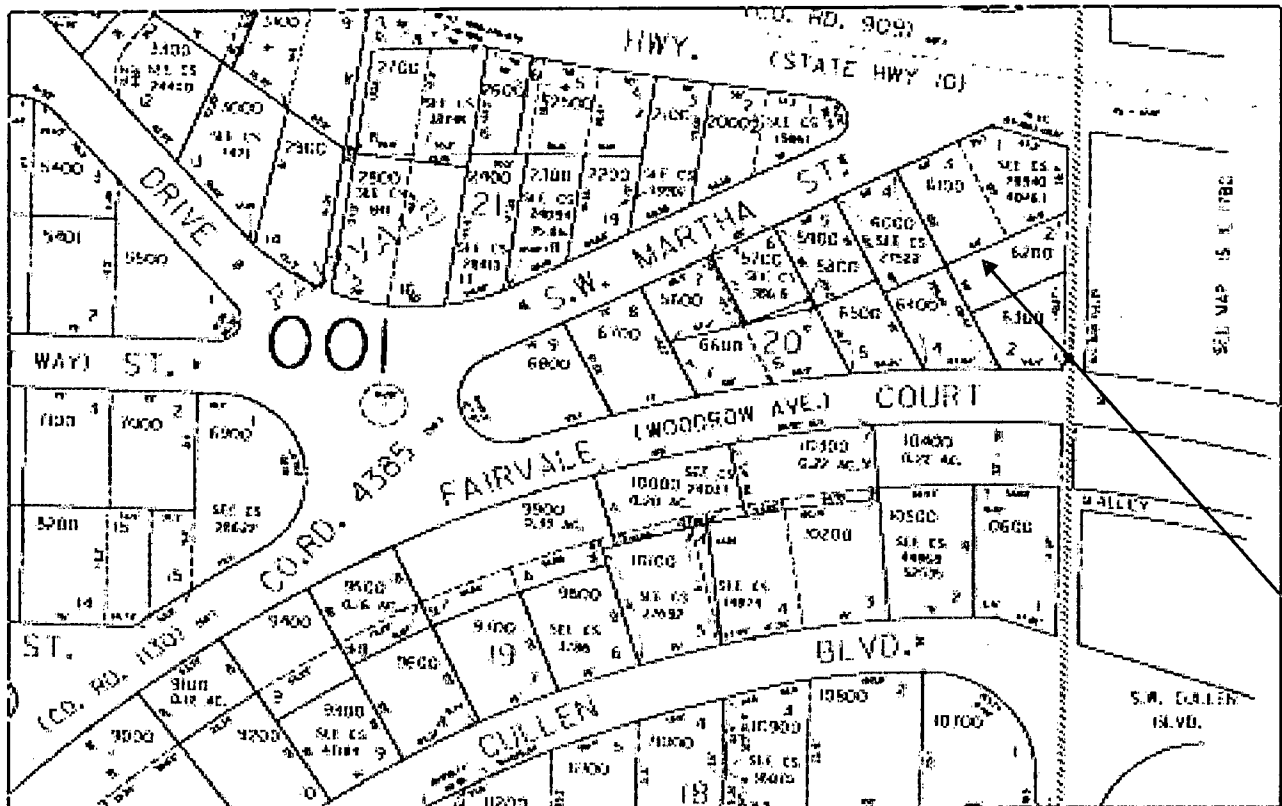
THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 

Matthew O. Ryan, Assistant County Attorney

Exhibit A (Resolution)

Tax Account Number R160581



MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to JUDITH S WEIS AND WILLIAM M SCHUSTER, Grantees, the following described real property:

The Northerly 50 feet of Lot 2, Block 20, FAIRVALE, in the City of Portland, Multnomah County, Oregon.

The true and actual consideration paid for this transfer, stated in the terms of dollars is \$16,267.73.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

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

JUDITH S WEIS AND WILLIAM S SCHUSTER
5303 SW 45TH AVE
PORTLAND, OR 97221-3501

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 6th day of December 2001, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

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

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

Diane M. Linn, acknowledged this Deed before me this 6th day of December 2001, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

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

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to JUDITH S WEIS AND WILLIAM M SCHUSTER, Grantees, the following described real property:

The Northerly 50 feet of Lot 2, Block 20, FAIRVALE, in the City of Portland, Multnomah County, Oregon.

The true and actual consideration paid for this transfer, stated in the terms of dollars is \$16,267.73.

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JUDITH S WEIS AND WILLIAM S SCHUSTER
5303 SW 45th AVE
PORTLAND, OR 97221-3501

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 6th day of December 2001, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.



**BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

Diane M. Linn, Chair

REVIEWED:

THOMAS SPONSER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By

Matthew O. Ryan, Assistant County Attorney

STATE OF OREGON

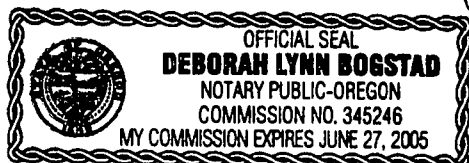
)

) SS

COUNTY OF MULTNOMAH

)

Diane M. Linn, acknowledged this Deed before me this 6th day of December 2001, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.



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

MEETING DATE: December 6, 2001
AGENDA NO: C-2
ESTIMATED START TIME: 9:30 AM
LOCATION: Boardroom 100

(Above Space for Board Clerk's use only)

AGENDA PLACEMENT FORM

SUBJECT: Request Approval of Repurchase Deed to Former Owner

BOARD BRIEFING: Date Requested: _____
Requested by: _____
Amount of Time Needed: _____

REGULAR MEETING: Date Requested: December 6, 2001
Amount of Time Needed: _____

DEPARTMENT: Sustainable Community DIVISION: Housing

CONTACT: Gary Thomas TELEPHONE #: 503-988-3590 x22591

BLDG/ROOM #: 503/320/Tax Title

PERSON(S) MAKING PRESENTATION Consent Calendar

ACTION REQUESTED:

{ } INFORMATION ONLY { } POLICY DIRECTION {X} APPROVAL { } OTHER

SUGGESTED AGENDA TITLE:

Request approval of Repurchase Deed to Former Owner under ORS 275.180 to CAROL ODIN.

Return original documents and copies of all to Becky Grace 503/320 following approval

12/10/01 ORIGINAL Deed & copies of all to Becky GRACE

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: Michael Oswald

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email
deborah.I.bogstad@co.multnomah.or.

BOARD OF
COUNTY COMMISSIONERS
01 NOV 28 PM 4:46
MULTNOMAH COUNTY
OREGON

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Authorizing Execution of Deed D021821 for Repurchase of Tax Foreclosed Property to Former Owner, CAROL ODIN.

The Multnomah County Board of Commissioners Finds:

- a) Multnomah County acquired the real property hereinafter described through foreclosure of liens for delinquent taxes, and CAROL ODIN is the former owner of record.
- b) CAROL ODIN has applied to the County to repurchase the property for \$1495.67, which amount is not less than that required by ORS 275.180; and it is in the best interest of the County that the property be sold to the former owner.
- c) The County's Tax Title Division has received \$1495.67 from the former owner.

The Multnomah County Board of Commissioners Resolves:

1. The Chair is authorized to execute Deed D021820 as attached, conveying to the former owner the following described real property:

Lot 14, Block 8, BERTHA, in the City of Portland, Multnomah County, Oregon.

ADOPTED this 6th day of December 2001.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

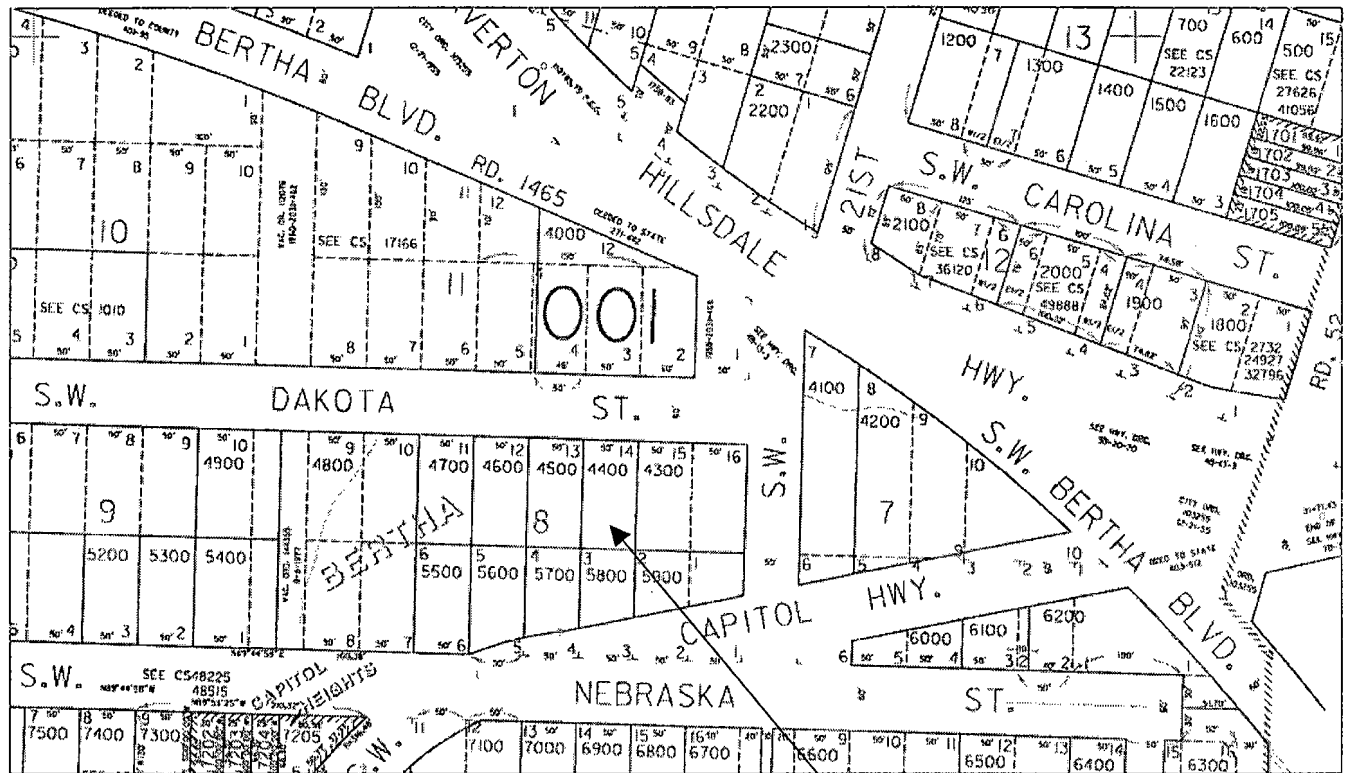
REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

Exhibit A (Resolution)

Tax Account Number R115810



BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 01-158

Authorizing Execution of Deed D021821 for Repurchase of Tax Foreclosed Property to Former Owner, CAROL ODIN

The Multnomah County Board of Commissioners Finds:

- a) Multnomah County acquired the real property hereinafter described through foreclosure of liens for delinquent taxes, and CAROL ODIN is the former owner of record.
- b) CAROL ODIN has applied to the County to repurchase the property for \$1495.67, which amount is not less than that required by ORS 275.180; and it is in the best interest of the County that the property be sold to the former owner.
- c) The County's Tax Title Division has received \$1495.67 from the former owner.

The Multnomah County Board of Commissioners Resolves:

- 1. The Chair is authorized to execute Deed D021820 as attached, conveying to the former owner the following described real property:

Lot 14, Block 8, BERTHA, in the City of Portland, Multnomah County, Oregon.

ADOPTED this 6th day of December, 2001.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

A handwritten signature in cursive script, appearing to read "Diane M. Linn", is written over a horizontal line.

Diane M. Linn, Chair

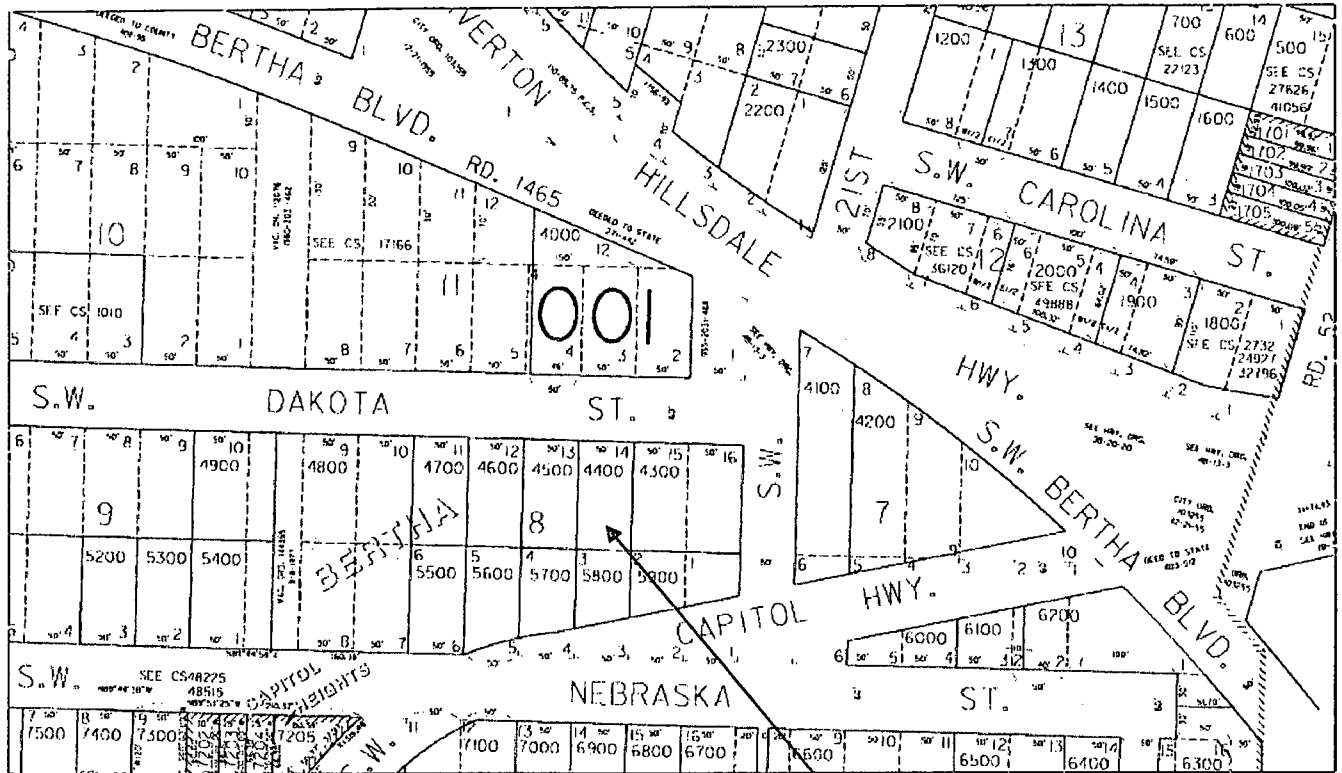
REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By A handwritten signature in cursive script, appearing to read "Matthew O. Ryan", is written over a horizontal line.
Matthew O. Ryan, Assistant County Attorney

Exhibit A (Resolution)

Tax Account Number R115810



MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to CAROL ODIN, Grantee, the following described real property:

The true and actual consideration paid for this transfer, stated in the terms of dollars is \$1,495.67.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

CAROL ODIN
6475 SW CAPITOL HWY
PORTLAND, OR 97201-1939

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 6th day of December, 2001, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

REVIEWED:

THOMAS SPONSER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

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

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

Diane M. Linn, acknowledged this Deed before me this 6th day of December, 2001, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

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

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to CAROL ODIN, Grantee, the following described real property:

The true and actual consideration paid for this transfer, stated in the terms of dollars is \$1,495.67.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

CAROL ODIN
6475 SW CAPITOL HWY
PORTLAND, OR 97201-1939

**BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

Matthew O. Ryan, Assistant County Attorney

)

) SS

)

OFFICIAL SEAL
DEBORAH LYNN BOGSTAD
 NOTARY PUBLIC-OREGON
 COMMISSION NO. 345246
 MY COMMISSION EXPIRES JUNE 27, 2005

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

MEETING DATE: December 6, 2001
AGENDA NO: C-3
ESTIMATED START TIME: 9:30 AM
LOCATION: Boardroom 100

(Above Space for Board Clerk's use only)

AGENDA PLACEMENT FORM

SUBJECT: Request Approval of Private Sale

BOARD BRIEFING: Date Requested: _____
Requested by: _____
Amount of Time Needed: _____

REGULAR MEETING: Date Requested: December 6, 2001
Amount of Time Needed: _____

DEPARTMENT: Sustainable Community DIVISION: Housing

CONTACT: Gary Thomas TELEPHONE #: 503-988-3590 x22591
BLDG/ROOM #: 503/320/Tax Title

PERSON(S) MAKING PRESENTATION Consent Calendar

ACTION REQUESTED:

{ } INFORMATION ONLY { } POLICY DIRECTION {X} APPROVAL { } OTHER

SUGGESTED AGENDA TITLE:

Request approval of Private Sale of Tax Foreclosed Property under ORS 275.225 to KATHLEEN KENT AS TRUSTEE OF THE KATHLEEN KENT TRUST.

Return original documents and copies of all to Becky Grace 503/320 following approval
12/10/01 ORIGINAL DEED & COPIES OF ALL TO BECKY GRACE

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
OR
DEPARTMENT MANAGER: Michael Oswald

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email
deborah.I.bogstad@co.multnomah.or.

01 NOV 28 PM 4:50
MULTNOMAH COUNTY
OREGON
CLERK OF BOARD
DEBORAH I. BOGSTAD



Department of Sustainable Community Development
MULTNOMAH COUNTY OREGON

501 SE Hawthorne Blvd, Suite 320
Portland, Oregon 97214
(503) 988-5000 phone
(503) 988-3048 fax

SUPPLEMENTAL STAFF REPORT

TO: Board of County Commissioners
FROM: Tax Title, Gary Thomas
DATE: Thursday, December 6, 2001
RE: Request approval to sell a Tax Foreclosed Property by Private Sale

1. Recommendation/Action Requested:

Approval to sell a Tax Foreclosed Property by Private Sale.

2. Background/Analysis:

This property was deeded to the County on 9/23/1999, after foreclosure for non-payment of property taxes. This property was made available to Government Agencies in fiscal year 2000 and Non-Profit Housing Developers of Multnomah County during fiscal year 2001, in accordance with Multnomah County Code Chapter 27. The Private Sale parcel is a strip of land, approximately 8.27' by 92.7' (approx. 767 square feet) assessed at \$110.00. Although no Planning Agency was contacted, it seems reasonable to conclude based on the irregular shape and small size, that the property is unsuitable for the construction or placement of a dwelling thereon under current zoning ordinances and building codes.

The Multnomah County Tax Title Division conducted a sealed bid auction limited to only adjacent property owners. The individual named in this proposed sale was the successful bidder.

3. Financial Impact:

The Private Sale will allow for recovery of delinquent taxes, interest, fees, and costs, in the amount of \$245.00. The sale will also reinstate the property on the tax roll (see Exhibit A and Exhibit A-1).

4. Legal Issues:

Under ORS 275.225 Private Sales are available on property that is unsuitable for the construction or placement of a dwelling thereon under current zoning ordinances and building codes and that is assessed at less than \$5,000. As stated above, the current assessed value on the property is \$110. No legal issues are expected.

5. Controversial Issues:

This parcel would be sold "AS IS" without guarantee of clear title.

6. Link to Current County Policies:

This property has been through all the processes provided by Multnomah County Code Chapter 27.

7. Citizen Participation:

Once the Board of Commissioners approves the action to sell, a notice will be placed in the Daily Journal of Commerce to advertise the Private Sale.

8. Other Government Participation:

Property sold at Multnomah County Public or Private Sale is subject to ORS 275.275.

EXHIBIT A (SUPPLEMENTAL STAFF REPORT)

PROPOSED PROPERTY LISTED FOR PRIVATE SALE FISCAL YEAR 2001/02

Legal Description:

A tract of land in the N.E. One-Quarter of Section 12, Township 1 North, Range 1 West, of the Willamette Meridian, Multnomah County, Oregon, being a portion of Lot B, St. Johns Heights a duly recorded plat in Multnomah County and being described as follows:

Beginning at the Northwest corner of that tract of land conveyed to William McBeath on December 30, 1902 in Deed Book 301 Page 291 said point being on the North line of Lot B, St. Johns Heights, according to plat thereof of record in Multnomah County, said point being 235.10 feet Northwesterly of the Northeast corner of said Lot B; thence in a Southerly direction parallel to the Westerly line of Lot B, a distance of 92.70 feet to the Southwest corner of said Book and Page; thence Easterly parallel to the Southerly line of Lot B, a distance of 8.27 feet more or less to the Southwest corner of that property conveyed to Virginia Penwell and Esther Penwell recorded on July 25, 1906 in Deed Book 367 Page 188; thence Northerly along the West line of said Book 367 Page 188 and parallel to the Westerly line of Lot B, a distance of 92.70 feet to the Northwest corner of said book and page and the Northerly line of Lot B; thence Westerly along the Northerly line to the point of beginning.

Multnomah County Deed No.: D021819

Tax Account No.: R263897

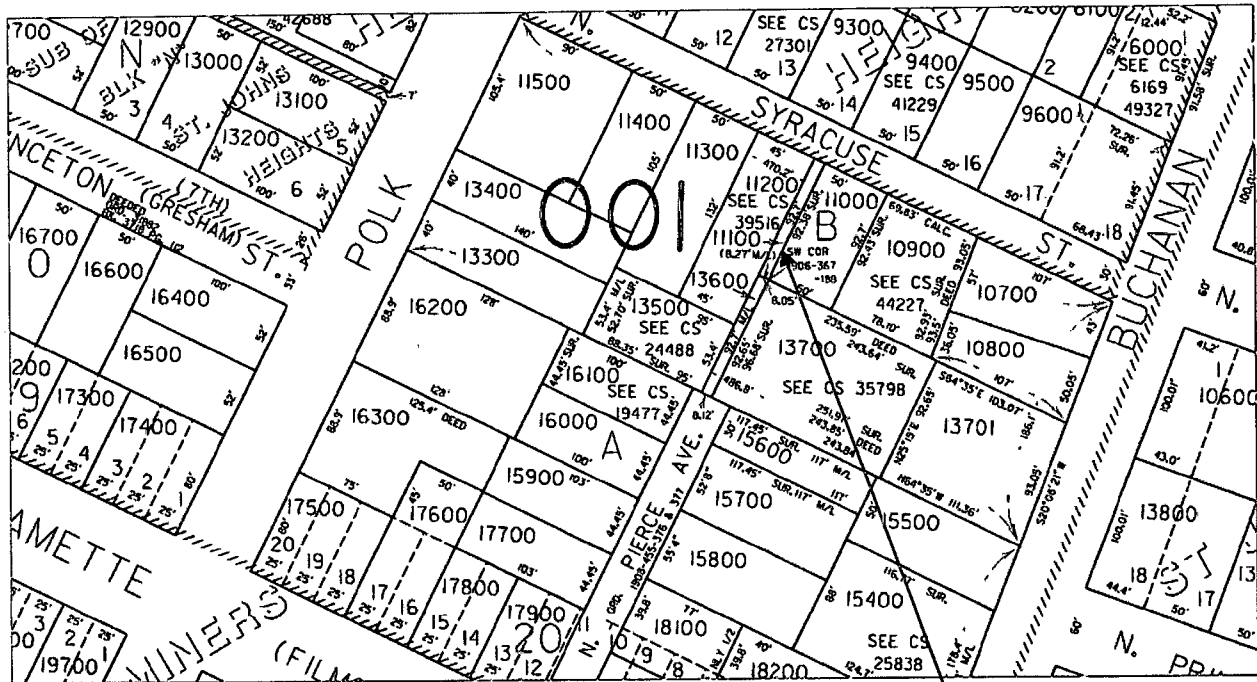
ADJACENT PROPERTY ADDRESSES:	7538 N Syracuse & 7552 N Syracuse
TAX ACCOUNT NUMBER:	R263897
GREENSPACE DESIGNATION:	No Designation
SIZE OF PARCEL:	Approx. 8.27' by 92.7' (767 square feet)
ASSESSED VALUE 2001:	\$110.00

ITEMIZED EXPENSES FOR TOTAL PRICE OF PRIVATE SALE:

BACK TAXES & INTEREST:	74.64
TAX TITLE MAINTENANCE COST & EXPENSES:	2.55
ADVERTISING COST:	120.00
RECORDING FEE:	24.00
CITY LIENS:	00.00
SUB-TOTAL	<hr/> \$221.19
MINIMUM PRICE REQUEST OF PRIVATE SALE	\$240.00

EXHIBIT A-1 (SUPPLEMENTAL STAFF REPORT)

Subject Property



R263897

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

RESOLUTION NO. _____

Authorizing Private Sale of Certain Tax Foreclosed Property to KATHLEEN KENT AS TRUSTEE OF THE KATHLEEN KENT TRUST, including direction to Tax Title for Publication of Notice Pursuant to ORS 275.225.

The Multnomah County Board of Commissioners Finds:

- a) Multnomah County acquired the real property hereinafter described through the foreclosure of liens for delinquent taxes.
- b) The property is assessed at \$110.00 in value on the County's current tax roll.
- c) Although no written confirmation from the City of Portland was obtained, the Tax Title Division is confident the irregular shape and size of the property, i.e. 8.27' by 92.7', make it unsuitable for construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.
- d) KATHLEEN KENT AS TRUSTEE OF THE KATHLEEN KENT TRUST has agreed to pay \$245.00 an amount the Board hereby finds to be a reasonable price for the property in conformity with ORS 275.225.
- e) KATHLEEN KENT AS TRUSTEE OF THE KATHLEEN KENT TRUST has agreed to reimburse the County for the cost of publishing the notice of this sale.

The Multnomah County Board of Commissioners Resolves:

- 1. That Multnomah County Tax Title Division is directed to publish notice of this sale in a newspaper of general circulation as provided under ORS 275.225(2).
- 2. That not earlier than 15 days after publication of the notice and upon Tax Title's receipt of the payment of \$245.00, the Chair on behalf of Multnomah County, is hereby authorized to execute a deed conveying to KATHLEEN KENT AS TRUSTEE OF THE KATHLEEN KENT TRUST the real property described in attached Exhibit A.

ADOPTED this 6th day of December 2001.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:
THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON


By 
Matthew O. Ryan, Assistant County Attorney

EXHIBIT A (RESOLUTION)

Legal Description:

A tract of land in the N.E. One-Quarter of Section 12, Township 1 North, Range 1 West, of the Willamette Meridian, Multnomah County, Oregon, being a portion of Lot B, St. Johns Heights a duly recorded plat in Multnomah County and being described as follows:

Beginning at the Northwest corner of that tract of land conveyed to William McBeath on December 30, 1902 in Deed Book 301 Page 291 said point being on the North line of Lot B, St. Johns Heights, according to plat thereof of record in Multnomah County, said point being 235.10 feet Northwesterly of the Northeast corner of said Lot B; thence in a Southerly direction parallel to the Westerly line of Lot B, a distance of 92.70 feet to the Southwest corner of said Book and Page; thence Easterly parallel to the Southerly line of Lot B, a distance of 8.27 feet more or less to the Southwest corner of that property conveyed to Virginia Penwell and Esther Penwell recorded on July 25, 1906 in Deed Book 367 Page 188; thence Northerly along the West line of said Book 367 Page 188 and parallel to the Westerly line of Lot B, a distance of 92.70 feet to the Northwest corner of said book and page and the Northerly line of Lot B; thence Westerly along the Northerly line to the point of beginning.

Multnomah County Deed No.: D021819

Tax Account No.: R263897

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to KATHLEEN KENT AS TRUSTEE OF THE KATHLEEN KENT TRUST U/A/D 4/16/01, that certain real property, located in the City of Portland, Multnomah County, Oregon more particularly described as follows:

The true and actual consideration paid for this transfer; stated in the terms of dollars is \$245.00.

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

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 24th day of December 2001, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

Diane M. Linn, Chair

Bv

)

) SS

)

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

EXHIBIT A (DEED)

Legal Description:

A tract of land in the N.E. One-Quarter of Section 12, Township 1 North, Range 1 West, of the Willamette Meridian, Multnomah County, Oregon, being a portion of Lot B, St. Johns Heights a duly recorded plat in Multnomah County and being described as follows:

Beginning at the Northwest corner of that tract of land conveyed to William McBeath on December 30, 1902 in Deed Book 301 Page 291 said point being on the North line of Lot B, St. Johns Heights, according to plat thereof of record in Multnomah County, said point being 235.10 feet Northwesterly of the Northeast corner of said Lot B; thence in a Southerly direction parallel to the Westerly line of Lot B, a distance of 92.70 feet to the Southwest corner of said Book and Page; thence Easterly parallel to the Southerly line of Lot B, a distance of 8.27 feet more or less to the Southwest corner of that property conveyed to Virginia Penwell and Esther Penwell recorded on July 25, 1906 in Deed Book 367 Page 188; thence Northerly along the West line of said Book 367 Page 188 and parallel to the Westerly line of Lot B, a distance of 92.70 feet to the Northwest corner of said book and page and the Northerly line of Lot B; thence Westerly along the Northerly line to the point of beginning.

Multnomah County Deed No.: D021819

Tax Account No.: R263897

**NOTICE OF PRIVATE SALE
PURSUANT TO ORS 275.225**

Multnomah County, Department of Sustainable Community Development, Tax Title Unit, 501 SE Hawthorne Blvd., Room 320, Portland, Oregon 97214-3560, will sell the following property:

Legal Description:

A tract of land in the N.E. One-Quarter of Section 12, Township 1 North, Range 1 West, of the Willamette Meridian, Multnomah County, Oregon, being a portion of Lot B, St. Johns Heights a duly recorded plat in Multnomah County and being described as follows:

Beginning at the Northwest corner of that tract of land conveyed to William McBeath on December 30, 1902 in Deed Book 301 Page 291 said point being on the North line of Lot B, St. Johns Heights, according to plat thereof of record in Multnomah County, said point being 235.10 feet Northwesterly of the Northeast corner of said Lot B; thence in a Southerly direction parallel to the Westerly line of Lot B, a distance of 92.70 feet to the Southwest corner of said Book and Page; thence Easterly parallel to the Southerly line of Lot B, a distance of 8.27 feet more or less to the Southwest corner of that property conveyed to Virginia Penwell and Esther Penwell recorded on July 25, 1906 in Deed Book 367 Page 188; thence Northerly along the West line of said Book 367 Page 188 and parallel to the Westerly line of Lot B, a distance of 92.70 feet to the Northwest corner of said book and page and the Northerly line of Lot B; thence Westerly along the Northerly line to the point of beginning.

This parcel also known as Tax Account No. R263897 has a current assessed value of \$110.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 01-159

Authorizing Private Sale of Certain Tax Foreclosed Property to KATHLEEN KENT AS TRUSTEE OF THE KATHLEEN KENT TRUST, Including Direction to Tax Title for Publication of Notice Pursuant to ORS 275.225

The Multnomah County Board of Commissioners Finds:

- a) Multnomah County acquired the real property hereinafter described through the foreclosure of liens for delinquent taxes.
- b) The property is assessed at \$110.00 in value on the County's current tax roll.
- c) Although no written confirmation from the City of Portland was obtained, the Tax Title Division is confident the irregular shape and size of the property, i.e. 8.27' by 92.7', make it unsuitable for construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.
- d) KATHLEEN KENT AS TRUSTEE OF THE KATHLEEN KENT TRUST has agreed to pay \$245.00 an amount the Board hereby finds to be a reasonable price for the property in conformity with ORS 275.225.
- e) KATHLEEN KENT AS TRUSTEE OF THE KATHLEEN KENT TRUST has agreed to reimburse the County for the cost of publishing the notice of this sale.

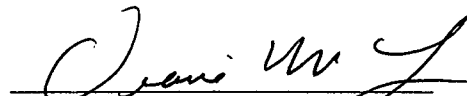
The Multnomah County Board of Commissioners Resolves:

- 1. That Multnomah County Tax Title Division is directed to publish notice of this sale in a newspaper of general circulation as provided under ORS 275.225(2).
- 2. That not earlier than 15 days after publication of the notice and upon Tax Title's receipt of the payment of \$245.00, the Chair on behalf of Multnomah County, is hereby authorized to execute a deed conveying to KATHLEEN KENT AS TRUSTEE OF THE KATHLEEN KENT TRUST the real property described in attached Exhibit A.

ADOPTED this 6th day of December, 2001.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

REVIEWED:
THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

EXHIBIT A (RESOLUTION)

Legal Description:

A tract of land in the N.E. One-Quarter of Section 12, Township 1 North, Range 1 West, of the Willamette Meridian, Multnomah County, Oregon, being a portion of Lot B, St. Johns Heights a duly recorded plat in Multnomah County and being described as follows:

Beginning at the Northwest corner of that tract of land conveyed to William McBeath on December 30, 1902 in Deed Book 301 Page 291 said point being on the North line of Lot B, St. Johns Heights, according to plat thereof of record in Multnomah County, said point being 235.10 feet Northwesterly of the Northeast corner of said Lot B; thence in a Southerly direction parallel to the Westerly line of Lot B, a distance of 92.70 feet to the Southwest corner of said Book and Page; thence Easterly parallel to the Southerly line of Lot B, a distance of 8.27 feet more or less to the Southwest corner of that property conveyed to Virginia Penwell and Esther Penwell recorded on July 25, 1906 in Deed Book 367 Page 188; thence Northerly along the West line of said Book 367 Page 188 and parallel to the Westerly line of Lot B, a distance of 92.70 feet to the Northwest corner of said book and page and the Northerly line of Lot B; thence Westerly along the Northerly line to the point of beginning.

Multnomah County Deed No.: D021819

Tax Account No.: R263897

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to KATHLEEN KENT AS TRUSTEE OF THE KATHLEEN KENT TRUST U/A/D 4/16/01, that certain real property, located in the City of Portland, Multnomah County, Oregon more particularly described as follows:

The true and actual consideration paid for this transfer; stated in the terms of dollars is \$245.00.

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

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 24th day of December 2001, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

Diane M. Linn, Chair

THOMAS SPONSER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

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

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Deed was acknowledged before me this 24th day of December 2001, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

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

EXHIBIT A (DEED)

Legal Description:

A tract of land in the N.E. One-Quarter of Section 12, Township 1 North, Range 1 West, of the Willamette Meridian, Multnomah County, Oregon, being a portion of Lot B, St. Johns Heights a duly recorded plat in Multnomah County and being described as follows:

Beginning at the Northwest corner of that tract of land conveyed to William McBeath on December 30, 1902 in Deed Book 301 Page 291 said point being on the North line of Lot B, St. Johns Heights, according to plat thereof of record in Multnomah County, said point being 235.10 feet Northwesterly of the Northeast corner of said Lot B; thence in a Southerly direction parallel to the Westerly line of Lot B, a distance of 92.70 feet to the Southwest corner of said Book and Page; thence Easterly parallel to the Southerly line of Lot B, a distance of 8.27 feet more or less to the Southwest corner of that property conveyed to Virginia Penwell and Esther Penwell recorded on July 25, 1906 in Deed Book 367 Page 188; thence Northerly along the West line of said Book 367 Page 188 and parallel to the Westerly line of Lot B, a distance of 92.70 feet to the Northwest corner of said book and page and the Northerly line of Lot B; thence Westerly along the Northerly line to the point of beginning.

Multnomah County Deed No.: D021819

Tax Account No.: R263897

**NOTICE OF PRIVATE SALE
PURSUANT TO ORS 275.225**

Multnomah County, Department of Sustainable Community Development, Tax Title Unit, 501 SE Hawthorne Blvd., Room 320, Portland, Oregon 97214-3560, will sell the following property:

Legal Description:

A tract of land in the N.E. One-Quarter of Section 12, Township 1 North, Range 1 West, of the Willamette Meridian, Multnomah County, Oregon, being a portion of Lot B, St. Johns Heights a duly recorded plat in Multnomah County and being described as follows:

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This parcel also known as Tax Account No. R263897 has a current assessed value of \$110.

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to KATHLEEN KENT AS TRUSTEE OF THE KATHLEEN KENT TRUST U/A/D 4/16/01, that certain real property, located in the City of Portland, Multnomah County, Oregon more particularly described as follows:

The true and actual consideration paid for this transfer; stated in the terms of dollars is \$245.00.

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

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 24th day of December 2001, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.


Diane M. Linn, Chair



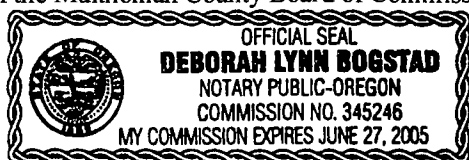
THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By

Matthew O. Ryan, Assistant County Attorney

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Deed was acknowledged before me this 24th day of December 2001, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.



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

EXHIBIT A (DEED)

Legal Description:

A tract of land in the N.E. One-Quarter of Section 12, Township 1 North, Range 1 West, of the Willamette Meridian, Multnomah County, Oregon, being a portion of Lot B, St. Johns Heights a duly recorded plat in Multnomah County and being described as follows:

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Multnomah County Deed No.: D021819

Tax Account No.: R263897

MEETING DATE: December 6, 2001
AGENDA NO: C-4
ESTIMATED START TIME: 9:30 AM
LOCATION: Boardroom 100

(Above Space for Board Clerk's use only)

AGENDA PLACEMENT FORM

SUBJECT: Request Approval of Private Sale

BOARD BRIEFING: Date Requested: _____
Requested by: _____
Amount of Time Needed: _____

REGULAR MEETING: Date Requested: December 6, 2001
Amount of Time Needed: _____

DEPARTMENT: Sustainable Community DIVISION: Housing

CONTACT: Gary Thomas TELEPHONE #: 503-988-3590 x22591
BLDG/ROOM #: 503/320/Tax Title

PERSON(S) MAKING PRESENTATION Consent Calendar

ACTION REQUESTED:

{ } INFORMATION ONLY { } POLICY DIRECTION {X} APPROVAL { } OTHER

SUGGESTED AGENDA TITLE:

Request approval of Private Sale of Tax Foreclosed Property under ORS 275.225 to JOSEPH P & HEATHER B WALDRAM.

Return original documents and copies of all to Becky Grace 503/320 following approval

12/10/01 ORIGINAL DEED & COPIES OF ALL TO BECKY GRACE

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
OR
DEPARTMENT MANAGER: Michael Oswald

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email
deborah.I.bogstad@co.multnomah.or.

BOARD OF
MULTNOMAH COUNTY
COMMISSIONERS
NOV 28 PM 4:57
MULTNOMAH COUNTY
OREGON



Department of Sustainable Community Development
MULTNOMAH COUNTY OREGON

501 SE Hawthorne Blvd, Suite 320
Portland, Oregon 97214
(503) 988-5000 phone
(503) 988-3048 fax

SUPPLEMENTAL STAFF REPORT

TO: Board of County Commissioners
FROM: Tax Title, Gary Thomas
DATE: Thursday, December 6, 2001
RE: Request approval to sell a Tax Foreclosed Property by Private Sale

1. Recommendation/Action Requested:

Approval to sell a Tax Foreclosed Property by Private Sale.

2. Background/Analysis:

This property was deeded to the County on 4/2/1985, through foreclosure for non-payment of property taxes. This property was made available to Government Agencies and Non-Profit Housing Developers of Multnomah County during fiscal year 1996/97, in accordance with Multnomah County Code Chapter 27. The Private Sale parcel is a vacant, triangular shaped lot approximately 2,180 square feet in size. It is located adjacent to Old Germantown Road and a 9.9 acre parcel. At its widest point the parcel is 19' to 21' wide. It decreases in width at each end until it comes into contact with the right-of-way of Old Germantown Road. It seems reasonable to conclude based on the irregular shape and size, that the property is unsuitable for the construction or placement of a dwelling thereon under current zoning ordinances and building codes.

The parcel was originally a part of TL #2000 located to the south of Old Germantown Road. When the road was widened and a survey completed the subject parcel was created and placed on the tax roll in 1978. The lot slopes up steeply from Old Germantown Road and has a brush and tree cover. I have talked with the Multnomah County Planning Department and they are of the opinion that the best way to dispose of the parcel is to sell it to the adjacent property owner.

The Multnomah County Tax Title Division conducted a sealed bid auction limited to only adjacent property owners. The individual named in this proposed sale was the successful bidder.

3. Financial Impact:

The Private Sale will allow for recovery of delinquent taxes, interest, fees, and costs. The sale will also reinstate the property on the tax roll (see Exhibit A and Exhibit A-1).

4. Legal Issues:

Under ORS 275.225 Private Sales are available on property that is unsuitable for the construction or placement of a dwelling thereon under current zoning ordinances and building codes and that is assessed at less than \$5,000. When the parcel was originally created a value of \$100 was placed on it. The property was appraised again in 1996 and a value of \$500 was placed on it and it has been trended to the \$540 value that is currently shown on the roll. The property is of no use to anyone other than the adjacent property owner to be consolidated into the property that he owns. Because of its proximity to Old Germantown Road I initially thought that the Multnomah County Transportation Department would request transfer of the parcel to include as part of the adjacent road and right-of-way. The property was included on the 2001 list of properties again made available to government agencies but it was not requested. The parcel would most likely be considered to be excess land because of its size and shape. Because of this it was the opinion of Tax Title that the minimum asking price should consist of the back taxes, interest and expenses instead of the current value on the roll.

The property is located in an area that is zoned RR, Rural Residential. The parcel is not considered to be a Lot of Record because it was not created prior to 1977. The Lot of Record is a requirement that Multnomah County adheres to when looking at parcels as Lots of Exception and Property Line Adjustments when they do not meet the minimum size requirements. The minimum lot size required for properties in this zoning is 5 acres. The minimum yard dimensions required for properties in this zoning are 30 feet at the front and 30 feet at the rear. The subject parcel is 19 feet to 21 feet wide at its widest point. No legal issues are expected.

5. Controversial Issues:

This parcel would be sold "AS IS" without guarantee of clear title.

6. Link to Current County Policies:

This property has been through all the processes provided by Multnomah County Code Chapter 27.

7. Citizen Participation:

Once the Board of Commissioners approves the action to sell, a notice will be placed in the Daily Journal of Commerce to advertise the Private Sale.

8. Other Government Participation:

Properties sold at Multnomah County Public or Private Sale are subject to ORS 275.275.

EXHIBIT A (SUPPLEMENTAL STAFF REPORT)

PROPOSED PROPERTY LISTED FOR PRIVATE SALE FISCAL YEAR 2001/02

Legal Description:

A portion of Government Lot 1, in Section 10, Township 1 North, Range 1 West of the Willamette Meridian, in the County of Multnomah and State of Oregon, described as follows:

Beginning at the southwest corner of said Lot 1; thence East, along the south line of the said Lot 1, a distance of 430 feet to the westerly line of Germantown Rd, as located on November 19, 1924; thence Northerly and northwesterly following the west line of said road as then located to the point of intersection of said westerly line with the west line of Section 10; thence South, along the west line of Section 10 to the point of beginning; Subject to the rights of the public in and to that portion lying in County Rd No. 1281. EXCEPT that part conveyed to Herman F. Tedsen and Anita T. McKeown in Book 76 page 221 recorded 7-2-64, and EXCEPT that part conveyed to Raymond G. Clifford and Wanda S. Clifford in book 1880 page 204 recorded 1-17-58.

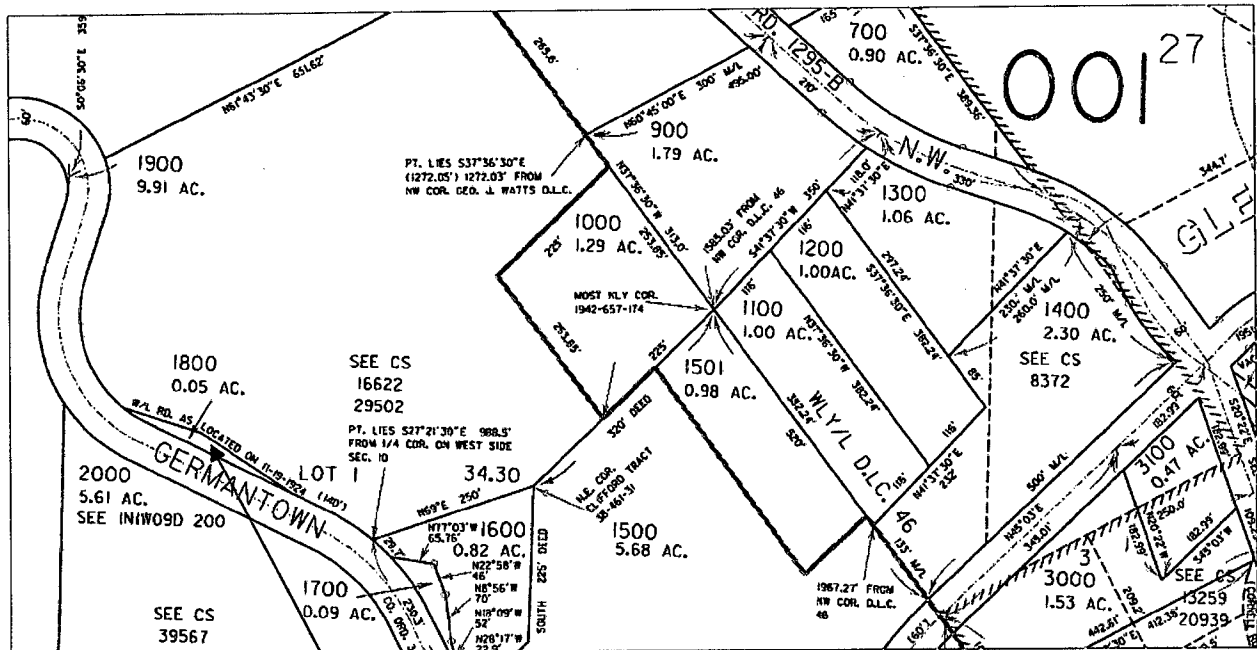
Multnomah County Deed No.: D021817
Tax Account No.: R324059

ADJACENT PROPERTY ADDRESS:	Vacant land across from 12600 NW Germantown RD
TAX ACCOUNT NUMBER:	R324059
GREENSPACE DESIGNATION:	No Designation
SIZE OF PARCEL:	Irregular Shaped, 2,180 sq. ft.
ASSESSED VALUE:	\$540.00

ITEMIZED EXPENSES FOR TOTAL PRICE OF PRIVATE SALE:

BACK TAXES & INTEREST:	16.22
TAX TITLE MAINTENANCE COST & EXPENSES:	0.00
ADVERTISING COST:	100.00
RECORDING FEE:	24.00
CITY LIENS:	0.00
SUB-TOTAL	<hr/> \$140.22
MINIMUM PRICE REQUEST OF PRIVATE SALE	\$250.00

EXHIBIT A-1 (SUPPLEMENTAL STAFF REPORT)



R324059

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

RESOLUTION NO. _____

Authorizing Private Sale of Certain Tax Foreclosed Property to JOSEPH P & HEATHER B WALDRAM, including direction to Tax Title for Publication of Notice Pursuant to ORS 275.225.

The Multnomah County Board of Commissioners Finds:

- a) Multnomah County acquired the real property hereinafter described through the foreclosure of liens for delinquent taxes.
- b) The property is assessed at \$540 in value on the County's current tax roll.
- c) Although no written confirmation from the City of Portland was obtained, the Tax Title Division is confident the irregular shape and size of the property make it unsuitable for construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.
- d) JOSEPH P & HEATHER B WALDRAM have agreed to pay \$251.00 an amount the Board hereby finds to be a reasonable price for the property in conformity with ORS 275.225
- e) JOSEPH P & HEATHER B WALDRAM have agreed to reimburse the County for the cost of publishing the notice of this sale.

The Multnomah County Board of Commissioners Resolves:

- 1. That Multnomah County Tax Title Division is directed to publish notice of this sale in a newspaper of general circulation as provided under ORS 275.225(2).
- 2. That not earlier than 15 days after publication of the notice and upon Tax Title's receipt of the payment of \$251.00, the Chair on behalf of Multnomah County, is hereby authorized to execute a deed conveying to JOSEPH P & HEATHER B WALDRAM the real property as described in attached Exhibit A.

ADOPTED this 6th day of December 2001.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:
THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

EXHIBIT A (RESOLUTION)

Legal Description:

A portion of Government Lot 1, in Section 10, Township 1 North, Range 1 West of the Willamette Meridian, in the County of Multnomah and State of Oregon, described as follows:

Beginning at the southwest corner of said Lot 1; thence East, along the south line of the said Lot 1, a distance of 430 feet to the westerly line of Germantown Rd, as located on November 19, 1924; thence Northerly and northwesterly following the west line of said road as then located to the point of intersection of said westerly line with the west line of Section 10; thence South, along the west line of Section 10 to the point of beginning; Subject to the rights of the public in and to that portion lying in County Rd No. 1281. EXCEPT that part conveyed to Herman F. Tedsen and Anita T. McKeown in Book 76 page 221 recorded 7-2-64, and EXCEPT that part conveyed to Raymond G. Clifford and Wanda S. Clifford in book 1880 page 204 recorded 1-17-58.

Multnomah County Deed No.: D021817

Tax Account No.:R324059

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to JOSEPH P & HEATHER B WALDRAM Grantees, that certain real property, located in the City of Portland, Multnomah County, Oregon more particularly described as follows:

The true and actual consideration paid for this transfer; stated in the terms of dollars is \$251.00.

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

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 24th day of December 2001, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

Diane M. Linn, Chair

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

This Deed was acknowledged before me this 24th day of December 2001, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

Page 3 of 5 – Resolution and Deed Authorizing Private Sale

EXHIBIT A (DEED)

Legal Description:

A portion of Government Lot 1, in Section 10, Township 1 North, Range 1 West of the Willamette Meridian, in the County of Multnomah and State of Oregon, described as follows:

Beginning at the southwest corner of said Lot 1; thence East, along the south line of the said Lot 1, a distance of 430 feet to the westerly line of Germantown Rd, as located on November 19, 1924; thence Northerly and northwesterly following the west line of said road as then located to the point of intersection of said westerly line with the west line of Section 10; thence South, along the west line of Section 10 to the point of beginning; Subject to the rights of the public in and to that portion lying in County Rd No. 1281. EXCEPT that part conveyed to Herman F. Tedsen and Anita T. McKeown in Book 76 page 221 recorded 7-2-64, and EXCEPT that part conveyed to Raymond G. Clifford and Wanda S. Clifford in book 1880 page 204 recorded 1-17-58.

Multnomah County Deed No.: D021817

Tax Account No.:R324059

**NOTICE OF PRIVATE SALE
PURSUANT TO ORS 275.225**

Multnomah County, Department of Sustainable Community Development, Tax Title Unit, 501 SE Hawthorne Blvd., Room 320, Portland, Oregon 97214-3560, will sell the following property:

Legal Description:

A portion of Government Lot 1, in Section 10, Township 1 North, Range 1 West of the Willamette Meridian, in the County of Multnomah and State of Oregon, described as follows:

Beginning at the southwest corner of said Lot 1; thence East, along the south line of the said Lot 1, a distance of 430 feet to the westerly line of Germantown Rd, as located on November 19, 1924; thence Northerly and northwesterly following the west line of said road as then located to the point of intersection of said westerly line with the west line of Section 10; thence South, along the west line of Section 10 to the point of beginning; Subject to the rights of the public in and to that portion lying in County Rd No. 1281. EXCEPT that part conveyed to Herman F. Tedsen and Anita T. McKeown in Book 76 page 221 recorded 7-2-64, and EXCEPT that part conveyed to Raymond G. Clifford and Wanda S. Clifford in book 1880 page 204 recorded 1-17-58.

The parcel also known as Tax Account No. R324059 has a current assessed value of \$540.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 01-160

Authorizing Private Sale of Certain Tax Foreclosed Property to JOSEPH P & HEATHER B WALDRAM, Including Direction to Tax Title for Publication of Notice Pursuant to ORS 275.225

The Multnomah County Board of Commissioners Finds:

- a) Multnomah County acquired the real property hereinafter described through the foreclosure of liens for delinquent taxes.
- b) The property is assessed at \$540 in value on the County's current tax roll.
- c) Although no written confirmation from the City of Portland was obtained, the Tax Title Division is confident the irregular shape and size of the property make it unsuitable for construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.
- d) JOSEPH P & HEATHER B WALDRAM have agreed to pay \$251.00 an amount the Board hereby finds to be a reasonable price for the property in conformity with ORS 275.225
- e) JOSEPH P & HEATHER B WALDRAM have agreed to reimburse the County for the cost of publishing the notice of this sale.

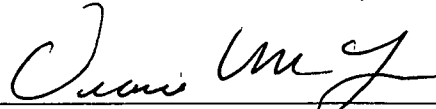
The Multnomah County Board of Commissioners Resolves:

- 1. That Multnomah County Tax Title Division is directed to publish notice of this sale in a newspaper of general circulation as provided under ORS 275.225(2).
- 2. That not earlier than 15 days after publication of the notice and upon Tax Title's receipt of the payment of \$251.00, the Chair on behalf of Multnomah County, is hereby authorized to execute a deed conveying to JOSEPH P & HEATHER B WALDRAM the real property as described in attached Exhibit A.

ADOPTED this 6th day of December, 2001.

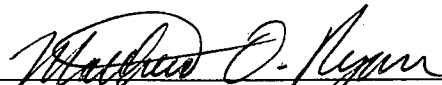


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Diane M. Linn, Chair

REVIEWED:
THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 

Matthew O. Ryan, Assistant County Attorney

EXHIBIT A (RESOLUTION)

Legal Description:

A portion of Government Lot 1, in Section 10, Township 1 North, Range 1 West of the Willamette Meridian, in the County of Multnomah and State of Oregon, described as follows:

Beginning at the southwest corner of said Lot 1; thence East, along the south line of the said Lot 1, a distance of 430 feet to the westerly line of Germantown Rd, as located on November 19, 1924; thence Northerly and northwesterly following the west line of said road as then located to the point of intersection of said westerly line with the west line of Section 10; thence South, along the west line of Section 10 to the point of beginning; Subject to the rights of the public in and to that portion lying in County Rd No. 1281. EXCEPT that part conveyed to Herman F. Tedsen and Anita T. McKeown in Book 76 page 221 recorded 7-2-64, and EXCEPT that part conveyed to Raymond G. Clifford and Wanda S. Clifford in book 1880 page 204 recorded 1-17-58.

Multnomah County Deed No.: D021817

Tax Account No.:R324059

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to JOSEPH P & HEATHER B WALDRAM Grantees, that certain real property, located in the City of Portland, Multnomah County, Oregon more particularly described as follows:

The true and actual consideration paid for this transfer; stated in the terms of dollars is \$251.00.

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

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 24th day of December, 2001, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

Diane M. Linn, Chair

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

This Deed was acknowledged before me this 24th day of December, 2001, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

Page 3 of 5 – Resolution and Deed Authorizing Private Sale

EXHIBIT A (DEED)

Legal Description:

A portion of Government Lot 1, in Section 10, Township 1 North, Range 1 West of the Willamette Meridian, in the County of Multnomah and State of Oregon, described as follows:

Beginning at the southwest corner of said Lot 1; thence East, along the south line of the said Lot 1, a distance of 430 feet to the westerly line of Germantown Rd, as located on November 19, 1924; thence Northerly and northwesterly following the west line of said road as then located to the point of intersection of said westerly line with the west line of Section 10; thence South, along the west line of Section 10 to the point of beginning; Subject to the rights of the public in and to that portion lying in County Rd No. 1281. EXCEPT that part conveyed to Herman F. Tedsen and Anita T. McKeown in Book 76 page 221 recorded 7-2-64, and EXCEPT that part conveyed to Raymond G. Clifford and Wanda S. Clifford in book 1880 page 204 recorded 1-17-58.

Multnomah County Deed No.: D021817

Tax Account No.:R324059

**NOTICE OF PRIVATE SALE
PURSUANT TO ORS 275.225**

Multnomah County, Department of Sustainable Community Development, Tax Title Unit, 501 SE Hawthorne Blvd., Room 320, Portland, Oregon 97214-3560, will sell the following property:

Legal Description:

A portion of Government Lot 1, in Section 10, Township 1 North, Range 1 West of the Willamette Meridian, in the County of Multnomah and State of Oregon, described as follows:

Beginning at the southwest corner of said Lot 1; thence East, along the south line of the said Lot 1, a distance of 430 feet to the westerly line of Germantown Rd, as located on November 19, 1924; thence Northerly and northwesterly following the west line of said road as then located to the point of intersection of said westerly line with the west line of Section 10; thence South, along the west line of Section 10 to the point of beginning; Subject to the rights of the public in and to that portion lying in County Rd No. 1281. EXCEPT that part conveyed to Herman F. Tedsen and Anita T. McKeown in Book 76 page 221 recorded 7-2-64, and EXCEPT that part conveyed to Raymond G. Clifford and Wanda S. Clifford in book 1880 page 204 recorded 1-17-58.

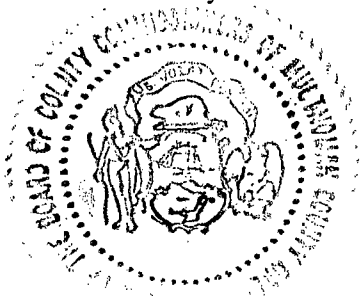
The parcel also known as Tax Account No. R324059 has a current assessed value of \$540.


MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to JOSEPH P & HEATHER B WALDRAM Grantees, that certain real property, located in the City of Portland, Multnomah County, Oregon more particularly described as follows:

The true and actual consideration paid for this transfer; stated in the terms of dollars is \$251.00.

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

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 24th day of December, 2001, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.



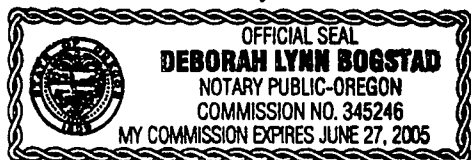

Diane M. Linn, Chair

THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

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

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Deed was acknowledged before me this 24th day of December, 2001, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.



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

EXHIBIT A (DEED)

Legal Description:

A portion of Government Lot 1, in Section 10, Township 1 North, Range 1 West of the Willamette Meridian, in the County of Multnomah and State of Oregon, described as follows:

Beginning at the southwest corner of said Lot 1; thence East, along the south line of the said Lot 1, a distance of 430 feet to the westerly line of Germantown Rd, as located on November 19, 1924; thence Northerly and northwesterly following the west line of said road as then located to the point of intersection of said westerly line with the west line of Section 10; thence South, along the west line of Section 10 to the point of beginning; Subject to the rights of the public in and to that portion lying in County Rd No. 1281. EXCEPT that part conveyed to Herman F. Tedsen and Anita T. McKeown in Book 76 page 221 recorded 7-2-64, and EXCEPT that part conveyed to Raymond G. Clifford and Wanda S. Clifford in book 1880 page 204 recorded 1-17-58.

Multnomah County Deed No.: D021817

Tax Account No.:R324059

MEETING DATE: December 6, 2001
AGENDA NO: C-5
ESTIMATED START TIME: 9:30 AM
LOCATION: Boardroom 100

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Resolution Authorizing Execution of Deed to Transfer Parcels Omitted in Deed Dated December 30, 1993 Conveying Raymond Park to the City of Portland

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

REGULAR MEETING: DATE REQUESTED: Thursday, December 6, 2001
AMOUNT OF TIME NEEDED: N/A

DEPARTMENT: DSCD DIVISION: Facilities & Property Mgmt

CONTACT: Jennifer De Gregorio TELEPHONE #: (503) 988-3322, x 28674
BLDG/ROOM #: 274

PERSON(S) MAKING PRESENTATION: Consent Calendar

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

RESOLUTION Authorizing Execution of a Deed to the City of Portland for the Remaining
Parcels of "Raymond Park", Mistakenly Omitted from a Deed Dated December 30, 1993
from Multnomah County to the City of Portland

12/10/01 original Deed & copies of All to Jennifer DeGregorio

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)

DEPARTMENT MANAGER: Michael Oswald

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email
deborah.l.bogstad@co.multnomah.or.us



Department of Sustainable Community Development

MULTNOMAH COUNTY

Facilities and Property Management

401 N. Dixon Street

Portland, Oregon 97227

(503) 988-3322 phone

(503) 988-5082 fax

SUPPLEMENTAL STAFF REPORT

TO: Multnomah County Board of Commissioners

FROM: Jennifer De Gregorio, Property Management Specialist

DATE: November 26, 2001

RE: Authorization of Execution of Deed to Transfer Parcels Omitted in the Original Deed dated December 30, 1993 Conveying Raymond Park to the City of Portland.

1. Recommendation/Action Required:
Authorization of the execution of the Deed.
2. Background/Action Requested:
Multnomah County acquired Raymond Park from School District No. 40 in November of 1972 through a warranty deed. Pursuant to a December 1993 Intergovernmental Agreement between the City of Portland and Multnomah County, the County Board authorized the Chair to execute a deed for Raymond Park to the City of Portland. Three parcels of the park were unintentionally omitted from the resultant deed and the City of Portland has requested that the omitted parcels be conveyed in fulfillment of the original agreement.
3. Financial Impact:
None known.
4. Legal Issues:
The deed duplicates exactly the limiting language of the original deed regarding the use, maintenance and operation of the park.
5. Controversial Issues.
None known.
6. Link to Current County Policies:
The conveyance of the omitted parcels is not inconsistent with any known County policies.

Supplemental Staff Report
November 26, 2001
Page Two

7. Citizen Participation.
None known.

8. Other Government Participation.
Consistent with the original deed, this deed conveyance is subject to the Neighborhood Parks Master Plan Mid-Multnomah County approved by Multnomah County, the City of Portland and the City of Gresham, and is subject also to the requirements of the Federal Land and Water Conservation Fund Act.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Authorizing Execution of a Deed to the City of Portland for the Remaining Parcels of "Raymond Park", Mistakenly Omitted from a Deed Dated December 30, 1993 from Multnomah County to the City of Portland

The Multnomah County Board of Commissioners Finds:

- a) On November 28, 1972, Multnomah County acquired Raymond Park from School District No. 40, Multnomah County, Oregon, through warranty deed.
- b) Pursuant to Intergovernmental Agreement No. 50249 dated December 30, 1993 between the City of Portland and Multnomah County, the County authorized the conveyance of all of the properties that constitute Raymond Park to the City of Portland.
- c) The Multnomah County Board of Commissioners' Order No. 93-398 authorized the Chair to execute a deed for Raymond Park to the City of Portland, and unfortunately omitted Parcels I, II and III, which were part of the Park and are more particularly described below.
- d) The City of Portland discovered the mistake and requests the County to convey the omitted Parcels, I, II and III in furtherance of the original Agreement.
- e) The completion of the transfer of Raymond Park to the City of Portland as provided herein is in the best interest of the public.

The Multnomah County Board of Commissioners Resolves:

- 1. The Chair of the Multnomah County Board of County Commissioners is authorized to execute a deed substantially identical to and consistent with the deed identified as Exhibit A, which is attached hereto and incorporated by this reference, conveying the following described real property to the City of Portland:

PARCEL I: Lots 10, 11 and 12, except the West 150 feet there from, Block 3, Guisness Berry Farms, in the County of Multnomah and State of Oregon,

PARCEL II: Lots 10 and 11 except the West 220 feet there from, Block 1 Guisness Berry Farms, in the County of Multnomah and State of Oregon,

PARCEL III: Lots 17, 18, 19 and 20, Choloma Addition, County of Multnomah and State of Oregon.

- 2. This conveyance shall be subject to the following conditions:

- a) Raymond Park shall be used for park and open space purposes only unless the Grantor approves another use in accordance with the procedures in the Intergovernmental Agreement between Grantor and Grantee dated December 30, 1993.
- b) The property is subject to the terms and conditions of the Federal Land and Water Conservation Fund Act. Any change of use to other than outdoor recreation may result in penalties in accordance with the above Federal Act.
- c) The property shall be used, maintained and operated in accordance with the Neighborhood Parks Master Plan, Mid-Multnomah County, dated 1984, as approved by Multnomah County, the City of Portland and the City of Gresham.

ADOPTED this 6th day of December, 2001.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Matthew O. Ryan, Assistant County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 01-161

Authorizing Execution of a Deed to the City of Portland for the Remaining Parcels of "Raymond Park", Mistakenly Omitted from a Deed Dated December 30, 1993 from Multnomah County to the City of Portland

The Multnomah County Board of Commissioners Finds:

- a) On November 28, 1972, Multnomah County acquired Raymond Park from School District No. 40, Multnomah County, Oregon, through warranty deed.
- b) Pursuant to Intergovernmental Agreement No. 50249 dated December 30, 1993 between the City of Portland and Multnomah County, the County authorized the conveyance of all of the properties that constitute Raymond Park to the City of Portland.
- c) The Multnomah County Board of Commissioners' Order No. 93-398 authorized the Chair to execute a deed for Raymond Park to the City of Portland, and unfortunately omitted Parcels I, II and III, which were part of the Park and are more particularly described below.
- d) The City of Portland discovered the mistake and requests the County to convey the omitted Parcels, I, II and III in furtherance of the original Agreement.
- e) The completion of the transfer of Raymond Park to the City of Portland as provided herein is in the best interest of the public.

The Multnomah County Board of Commissioners Resolves:

1. The Chair of the Multnomah County Board of County Commissioners is authorized to execute a deed substantially identical to and consistent with the deed identified as Exhibit A, which is attached hereto and incorporated by this reference, conveying the following described real property to the City of Portland:

PARCEL I: Lots 10, 11 and 12, except the West 150 feet there from, Block 3, Guisness Berry Farms, in the County of Multnomah and State of Oregon,

PARCEL II: Lots 10 and 11 except the West 220 feet there from, Block 1 Guisness Berry Farms, in the County of Multnomah and State of Oregon,

PARCEL III: Lots 17, 18, 19 and 20, Choloma Addition, County of Multnomah and State of Oregon.

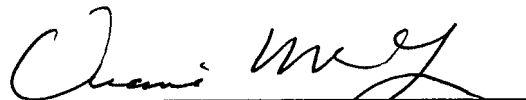
2. This conveyance shall be subject to the following conditions:

- a) Raymond Park shall be used for park and open space purposes only unless the Grantor approves another use in accordance with the procedures in the Intergovernmental Agreement between Grantor and Grantee dated December 30, 1993.
- b) The property is subject to the terms and conditions of the Federal Land and Water Conservation Fund Act. Any change of use to other than outdoor recreation may result in penalties in accordance with the above Federal Act.
- c) The property shall be used, maintained and operated in accordance with the Neighborhood Parks Master Plan, Mid-Multnomah County, dated 1984, as approved by Multnomah County, the City of Portland and the City of Gresham.

ADOPTED this 6th day of December, 2001.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

Multnomah County
401 N. Dixon Street
Portland OR 97227

Grantor's Name and Address

City of Portland
1021 SW 4th Avenue
Portland OR 97204

Grantee's Name and Address

After recording, return to (Name, Address, Zip)

City of Portland
1021 SW 4th Avenue
c/o Susan Hathaway - Marxer
Portland OR 97204

This space for recorder's use

Send all tax statements to

City of Portland Bureau of Parks
1021 SW 4th Avenue
Portland OR 97204

DEED

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, GRANTEE, conveys to the CITY OF PORTLAND, a municipal corporation of the State of Oregon, GRANTEE, subject to the terms and conditions set forth below, three parcels of land more particularly described as follows:

- PARCEL I: Lots 10, 11 and 12, except the West 150 feet there from, Block 3, Guisness Berry Farms, in the County of Multnomah and State of Oregon,
- PARCEL II: Lots 10 and 11 except the West 220 feet there from, Block 1 Guisness Berry Farms, in the County of Multnomah and State of Oregon,
- PARCEL III: Lots 17, 18, 19 and 20, Choloma Addition, County of Multnomah and State of Oregon,

As shown on the attached map marked Exhibit A and hereby made a part of this document, provided, that should there be any conflict between written legal descriptions herein and the map, the written legal descriptions shall prevail.

The purpose of this deed is to correct a Bargain and Sale Deed dated December 30, 1993, accepted by the City of Portland by Ordinance No. 167380, February 16, 1994 and recorded on March 14, 1994 as Fee. No. 94039688 Multnomah County Records. That Deed was intended to convey to the City of Portland all of the area that is commonly known as "Raymond Park", as provided for in Multnomah County Board of Commissioners Order No. 93-398, pursuant to Intergovernmental Agreement 50249 between the City of Portland and Multnomah County, from which said Deed the above-described Parcels I, II and III were inadvertently omitted.

THIS CONVEYANCE IS SUBJECT TO FOLLOWING TERMS AND CONDITIONS:

1. Raymond Park, Park Site No. 55, shall be used for park and open space purposes only unless the Grantor approves another use in accordance with the

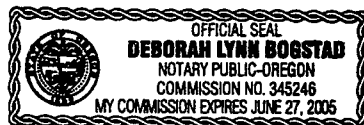


Exhibit A

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR MULTNOMAH COUNTY, OREGON

In the Matter of Conveying the County
Park known as Raymond Park, Park Site No. 55
to the City of Portland

}
O R D E R
93-398
}

WHEREAS, by agreement dated December 30, 1993, between Multnomah County and the City of Portland, the County has agreed to convey certain County Parks within the City's urban services boundary to the City of Portland upon request, without payment of consideration; and

WHEREAS, the City of Portland requests transfer of Raymond Park, Park Site, No. 55 in accordance with the terms of the agreement described above and the provisions of ORS 275.330.

NOW, THEREFORE, THE BOARD ORDERS:

1. The Board finds the transfer of Raymond Park, Park Site No. 55 to the City of Portland for park purposes is in the best interest of the public and is hereby approved.
2. The Chair is authorized to execute and deliver to the City of Portland a deed conveying without warranties the following described real property;

A parcel of land situated in the northeast one-quarter of Section 15, T1S, R2E, W.M., Multnomah County, Oregon, more particularly described as follows:

Beginning at the northwest corner of the 10 acre tract of land conveyed by C.H. Chambreau and wife to Victor Coiteaux, by deed recorded in Book 361, Page 440, Deed Records of Multnomah County, Oregon, said corner also being the northwest corner of the Hugh Fury Homestead Claim; thence S 00°48' W, a distance of 265 feet to the northwest corner of that tract deeded to James Ellis Fox and Frances Arlene Fox, by deed recorded December 21, 1948, in Book 1311, Page 42, Multnomah County Deed Records; thence N 89°16' E, a distance of 243.62 feet to a point on the west right-of-way line of SE 118th Avenue, 25.00 feet westerly, when measured at right angles, of the centerline thereof; thence N 01°22' E along said west right-of-way line, a distance of 100.00 feet to a point on the westerly extension of the centerline of SE Raymond Street; thence easterly along said extension, a distance of 14.40 feet; thence northerly a distance of 165.00 feet to a point on the north line of said Hugh Fury Homestead Claim; thence westerly along said north line, a distance of 261.38 feet to the point of beginning.

Containing 1.55 acres, more or less.

RAYMOND PARK
Park Site No. 55
Item 93-201
November 17, 1993
Page 2

3. The conveyance shall be subject to the following:

- a) Raymond Park, Park Site No. 55, shall be used for park and open space purposes only unless the Grantor approves another use in accordance with the procedures in the Intergovernmental Agreement between Grantor and Grantee dated December 30, 1993.
- b) The property is subject to the terms and conditions of the Federal Land and Water Conservation Fund Act. Any change of use to other than outdoor recreation may result in penalties in accordance with the above Federal Act.
- c) The property shall be used, maintained and operated in accordance with the Neighborhood Parks Master Plan, Mid-Multnomah County, dated 1984, as approved by Multnomah County, the City of Portland and the City of Gresham.

Adopted this 30th day of December, 1993.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

By: _____

Beverly Stein
BEVERLY STEIN, Chair

REVIEWED:

LAURENCE KRESSEL
COUNTY COUNSEL
for Multnomah County, Oregon

By: _____

John L. DuBay
JOHN L. DuBAY
Chief Asst. County Counsel

RAYMOPK.ORD

RAYMOND PARK
Park Site No. 55
Item 93-201
November 17, 1993

BARGAIN AND SALE DEED

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to the CITY OF PORTLAND, a municipal corporation of the State of Oregon, GRANTEE, the real property described as follows:

A parcel of land situated in the northeast one-quarter of Section 15, T1S, R2E, W.M., Multnomah County, Oregon, more particularly described as follows:

Beginning at the northwest corner of the 10 acre tract of land conveyed by C.H. Chambreau and wife to Victor Coiteaux, by deed recorded in Book 361, Page 440, Deed Records of Multnomah County, Oregon, said corner also being the northwest corner of the Hugh Fury Homestead Claim; thence S 00°48' W, a distance of 265 feet to the northwest corner of that tract deeded to James Ellis Fox and Frances Arlene Fox, by deed recorded December 21, 1948, in Book 1311, Page 42, Multnomah County Deed Records; thence N 89°16' E, a distance of 243.62 feet to a point on the west right-of-way line of SE 118th Avenue, 25.00 feet westerly, when measured at right angles, of the centerline thereof; thence N 01°22' E along said west right-of-way line, a distance of 100.00 feet to a point on the westerly extension of the centerline of SE Raymond Street; thence easterly along said extension, a distance of 14.40 feet; thence northerly a distance of 165.00 feet to a point on the north line of said Hugh Fury Homestead Claim; thence westerly along said north line, a distance of 261.38 feet to the point of beginning.

Containing 1.55 acres, more or less.

As shown on the attached map marked Exhibit A and hereby made a part of this document.

SUBJECT TO:

1. Raymond Park, Park Site No. 55, shall be used for park and open space purposes only unless the Grantor approves another use in accordance with the procedures in the Intergovernmental Agreement between Grantor and Grantee dated December 30, 1993.
2. The property shall be used, maintained and operated in accordance with the Neighborhood Parks Master Plan, Mid-Multnomah County, dated 1984, as approved by Multnomah County, the City of Portland and the City of Gresham.

DH

2
RETURN TO CITY AUDITOR
131/202/Toni

94-39688

RAYMOND PARK
Park Site No. 55
Item 93-201
November 17, 1993
Page 2

3. The property is subject to the terms and conditions of the Federal Land and Water Conservation Fund Act. Any change of use to other than outdoor recreation may result in penalties in accordance with the Federal Act.

This transfer is without monetary consideration

Dated this 30th day of December, 1993.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

By:

Beverly Stein
BEVERLY STEIN, Chair
Board of Commissioners

LAURENCE KRESSEL
County Counsel
for Multnomah County, Oregon

By:

John L. DuBay
John L. DuBay

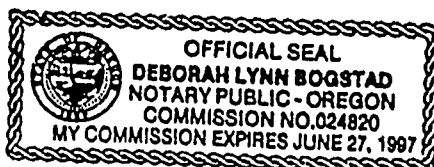
STATE OF OREGON)

) ss.

County of Multnomah)

On this 30th day of December, 1993, A.D., before me, a Notary Public in and for the County and State, personally appeared Beverly Stein, to me personally known, Chair of the Board of County Commissioners of Multnomah County, Oregon, to sign official County documents and that the seal affixed to said instrument was signed and sealed on behalf of said County by authority of its Board of County Commissioners, and Beverly Stein acknowledged said instrument to be the free act and deed of said County.

IN TESTIMONY WHEREOF, I have hereunto set my hand, affixed my official seal, the day and year first in this, my certificate, written.



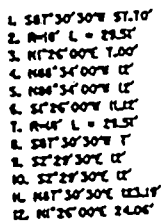
RAYMNDPK.BSD

Deborah Lynn Bogstad
Notary Public for Oregon

My Commission Expires: 6/27/97

3

EXHIBIT 'A'



2700

100'

TRACT 'A'

S.E. INSLEY ST.

153'

RADIAL LINE

C/L INSLEY ST.

PULP BOUNDARY

This is a detailed plat map of Stevens Park and Roese Park. The map shows various lots with their respective acreages and area numbers. Key features include:

- Stevens Park:** Located in the upper left, it contains lots 1100 (156 AC.), 1200 (0.41 AC.), 1400 (0.82 AC.), 1300 (0.25 AC.), 1500, 1600, 1900, 2000, 2100, 2200, and 2300. A large cross symbol is present in the center of the park.
- Roese Park:** Located in the lower left, it contains lots 1800, 1900, 2000, 2100, 2200, and 2300.
- Other Lots:** Numerous other lots are shown with acreages ranging from 0.01 AC. to 0.85 AC. These include lots 4700, 4800, 4900, 4600, 4500, 4400, 4300, 4200, 4100, 3900, 4000, 3800, 3700, and 3400.
- Streets and Roads:** The map shows 118th Ave. running vertically, Co. Rd. 4103 running horizontally, and Stevens Park Road running diagonally. Other roads include 118th St., 119th St., 120th St., 121st St., 122nd St., 123rd St., 124th St., 125th St., 126th St., 127th St., 128th St., 129th St., 130th St., 131st St., 132nd St., 133rd St., 134th St., 135th St., 136th St., 137th St., 138th St., 139th St., 140th St., 141st St., 142nd St., 143rd St., 144th St., 145th St., 146th St., 147th St., 148th St., 149th St., 150th St., 151st St., 152nd St., 153rd St., 154th St., 155th St., 156th St., 157th St., 158th St., 159th St., 160th St., 161st St., 162nd St., 163rd St., 164th St., 165th St., 166th St., 167th St., 168th St., 169th St., 170th St., 171st St., 172nd St., 173rd St., 174th St., 175th St., 176th St., 177th St., 178th St., 179th St., 180th St., 181st St., 182nd St., 183rd St., 184th St., 185th St., 186th St., 187th St., 188th St., 189th St., 190th St., 191st St., 192nd St., 193rd St., 194th St., 195th St., 196th St., 197th St., 198th St., 199th St., 200th St., 201st St., 202nd St., 203rd St., 204th St., 205th St., 206th St., 207th St., 208th St., 209th St., 210th St., 211st St., 212nd St., 213th St., 214th St., 215th St., 216th St., 217th St., 218th St., 219th St., 220th St., 221st St., 222nd St., 223rd St., 224th St., 225th St., 226th St., 227th St., 228th St., 229th St., 230th St., 231st St., 232nd St., 233rd St., 234th St., 235th St., 236th St., 237th St., 238th St., 239th St., 240th St., 241st St., 242nd St., 243rd St., 244th St., 245th St., 246th St., 247th St., 248th St., 249th St., 250th St., 251st St., 252nd St., 253rd St., 254th St., 255th St., 256th St., 257th St., 258th St., 259th St., 260th St., 261st St., 262nd St., 263rd St., 264th St., 265th St., 266th St., 267th St., 268th St., 269th St., 270th St., 271st St., 272nd St., 273rd St., 274th St., 275th St., 276th St., 277th St., 278th St., 279th St., 280th St., 281st St., 282nd St., 283rd St., 284th St., 285th St., 286th St., 287th St., 288th St., 289th St., 290th St., 291st St., 292nd St., 293rd St., 294th St., 295th St., 296th St., 297th St., 298th St., 299th St., 300th St., 301st St., 302nd St., 303rd St., 304th St., 305th St., 306th St., 307th St., 308th St., 309th St., 310th St., 311st St., 312nd St., 313th St., 314th St., 315th St., 316th St., 317th St., 318th St., 319th St., 320th St., 321st St., 322nd St., 323rd St., 324th St., 325th St., 326th St., 327th St., 328th St., 329th St., 330th St., 331st St., 332nd St., 333rd St., 334th St., 335th St., 336th St., 337th St., 338th St., 339th St., 340th St., 341st St., 342nd St., 343rd St., 344th St., 345th St., 346th St., 347th St., 348th St., 349th St., 350th St., 351st St., 352nd St., 353rd St., 354th St., 355th St., 356th St., 357th St., 358th St., 359th St., 360th St., 361st St., 362nd St., 363rd St., 364th St., 365th St., 366th St., 367th St., 368th St., 369th St., 370th St., 371st St., 372nd St., 373rd St., 374th St., 375th St., 376th St., 377th St., 378th St., 379th St., 380th St., 381st St., 382nd St., 383rd St., 384th St., 385th St., 386th St., 387th St., 388th St., 389th St., 390th St., 391st St., 392nd St., 393rd St., 394th St., 395th St., 396th St., 397th St., 398th St., 399th St., 400th St., 401st St., 402nd St., 403rd St., 404th St., 405th St., 406th St., 407th St., 408th St., 409th St., 410th St., 411st St., 412nd St., 413th St., 414th St., 415th St., 416th St., 417th St., 418th St., 419th St., 420th St., 421st St., 422nd St., 423rd St., 424th St., 425th St., 426th St., 427th St., 428th St., 429th St., 430th St., 431st St., 432nd St., 433rd St., 434th St., 435th St., 436th St., 437th St., 438th St., 439th St., 440th St., 441st St., 442nd St., 443rd St., 444th St., 445th St., 446th St., 447th St., 448th St., 449th St., 450th St., 451st St., 452nd St., 453rd St., 454th St., 455th St., 456th St., 457th St., 458th St., 459th St., 460th St., 461st St., 462nd St., 463rd St., 464th St., 465th St., 466th St., 467th St., 468th St., 469th St., 470th St., 471st St., 472nd St., 473rd St., 474th St., 475th St., 476th St., 477th St., 478th St., 479th St., 480th St., 481st St., 482nd St., 483rd St., 484th St., 485th St., 486th St., 487th St., 488th St., 489th St., 490th St., 491st St., 492nd St., 493rd St., 494th St., 495th St., 496th St., 497th St., 498th St., 499th St., 500th St., 501st St., 502nd St., 503rd St., 504th St., 505th St., 506th St., 507th St., 508th St., 509th St., 510th St., 511st St., 512nd St., 513th St., 514th St., 515th St., 516th St., 517th St., 518th St., 519th St., 520th St., 521st St., 522nd St., 523rd St., 524th St., 525th St., 526th St., 527th St., 528th St., 529th St., 530th St., 531st St., 532nd St., 533rd St., 534th St., 535th St., 536th St., 537th St., 538th St., 539th St., 540th St., 541st St., 542nd St., 543rd St., 544th St., 545th St., 546th St., 547th St., 548th St., 549th St., 550th St., 551st St., 552nd St., 553rd St., 554th St., 555th St., 556th St., 557th St., 558th St., 559th St., 560th St., 561st St., 562nd St., 563rd St., 564th St., 565th St., 566th St., 567th St., 568th St., 569th St., 570th St., 571st St., 572nd St., 573rd St., 574th St., 575th St., 576th St., 577th St., 578th St., 579th St., 580th St., 581st St., 582nd St., 583rd St., 584th St., 585th St., 586th St., 587th St., 588th St., 589th St., 590th St., 591st St., 592nd St., 593rd St., 594th St., 595th St., 596th St., 597th St., 598th St., 599th St., 600th St., 601st St., 602nd St., 603rd St., 604th St., 605th St., 606th St., 607th St., 608th St., 609th St., 610th St., 611st St., 612nd St., 613th St., 614th St., 615th St., 616th St., 617th St., 618th St., 619th St., 620th St., 621st St., 622nd St., 623rd St., 624th St., 625th St., 626th St., 627th St., 628th St., 629th St., 630th St., 631st St., 632nd St., 633rd St., 634th St., 635th St., 636th St., 637th St., 638th St., 639th

94-39688

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PAGE 1 of 4

RECORDING SECTION
MULTNOMAH COUNTY

State of Oregon
County of Multnomah

I hereby certify that the attached
instrument was received and duly
recorded by me in Multnomah County
records:

Cindy Swick, Deputy

	RECORD	<u>DM</u>
FEES -	SURVEY	<u> </u>
	D.O.R.	<u> </u>

AGREEMENT BETWEEN MULTNOMAH COUNTY AND CITY OF PORTLAND

This is an intergovernmental agreement between Multnomah County, a political subdivision of the State of Oregon, ("COUNTY" herein), and THE CITY OF PORTLAND, an Oregon municipal corporation ("CITY" herein).

RECITALS:

- A. COUNTY owns properties in unincorporated portions of the County and within the CITY's urban services boundary that are dedicated and used for public parks.
- B. COUNTY has agreed to transfer its regional parks, golf courses, natural areas, marine facilities, and other properties to METRO to help create a regional park and recreation system. The County's neighborhood parks within the CITY's urban services boundary will not be transferred to METRO.
- C. The CITY and COUNTY deem it to be in the public interest to transfer ownership of those COUNTY neighborhood parks to the CITY that are within the CITY's urban services boundary before annexation into the CITY, providing the CITY continues use of the properties for park purposes and in accordance with the Neighborhood Parks Master Plan, Mid-Multnomah County, dated 1984, and approved by Multnomah County, the City of Portland, and the City of Gresham.

THEREFORE, THE PARTIES AGREE:

1. COUNTY shall, upon request by CITY, execute and deliver to CITY deed conveying, without warranties of title, Dickenson, East Lynchwood, Gilbert Heights, Gilbert Primary, Holladay, Lincoln, Lynchview, North Powellhurst, Parklane, and Raymond Parks. The transfers shall be without consideration in accordance with ORS 275.330.
2. Except as herein provided, after each park has been conveyed, CITY, shall use, maintain and operate the park properties for parks and open spaces and in accordance with the Neighborhood Parks Master Plan, Mid-Multnomah County, dated 1984, as approved by COUNTY, CITY, and the City of Gresham. Gilbert Heights, Lynchview, Raymond, Gilbert Primary, and North Powellhurst Parks may be used for park and open space purposes only.
 - a. If proposals come forward from public or private interests to acquire the property, Grantee shall:
 - (1) determine whether the sale or trade of the park site would result in the acquisition of land better suited for park purposes; and
 - (2) hold a community meeting to include both immediate park residents and appropriate community groups.

- b. If Grantee determines that the property should be sold or traded, Grantee shall:
- (1) notify all abutting property owners;
 - (2) give first option to buy or trade to the appropriate school district, if there is an abutting school;
 - (3) assure that the sale or trade of the park site shall not result in a planning area becoming park-deficient (however, if the park title is transferred to a school district resulting in it remaining open space available to the public for recreational purposes, this requirement shall not apply);
 - (4) use money obtained from the sale of park land to acquire a new site or sites; and
 - (5) provide Grantor with documentation showing that all conditions specified in this Agreement have been met.
3. The parties recognize that Lynchwood and Raymond Parks are subject to the terms and conditions of the Federal Land and Water Conservation Fund Act. Any change of use to other than outdoor recreation may result in penalties in accordance with the above Federal Act. The CITY assumes full responsibility for compliance with all terms and conditions of the Federal Land and Water Conservation Fund Act upon approval of this agreement.

Dated this 30th day of December, 1993.

MULTNOMAH COUNTY

By: 

Beverly Stein, Chair

REVIEWED:

Laurence Kressel
County Counsel

By: 

John L. DuBay

NCV00954.AGR

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-1 DATE 12/30/93
DEB BOGSTAD
BOARD CLERK

CITY OF PORTLAND

By: 

Comm. of Public Safety

APPROVED AS TO FORM

Jeffrey L. Rogers
City Attorney

By: 

Deputy City Attorney

ORDINANCE 167380

*Agreement with and acceptance of bargain and sale deeds from Multnomah County for ten neighborhood parks. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The City of Portland (City) has or will annex unincorporated Multnomah County land which includes ten neighborhood parks within the City's urban services boundary.
2. Multnomah County has offered Dickinson, East Holladay, East Lynchwood, Gilbert Heights, Gilbert Primary, Lincoln, Lynchview, North Powellhurst, Parklane, and Raymond Parks to the City in fee simple.
3. Transferring these parks to the City is consistent with the City's Urban Services Policy since it will further the transition of urban services from the County to the City.
4. Transfer is contingent upon the City entering into an intergovernmental agreement with the County indicating the City's understanding of the findings and policies of the Multnomah County Parks Master Plan, which is part of Multnomah County's Comprehensive Plan.
5. Pursuant to ORS 190, the City has the authority to enter into such an agreement.
6. Portland Parks and Recreation has estimated the cost of accepting these parks as follows: \$130,000 one-time during FY 1993-94 for immediate fix up, hazard removal, and park maintenance for the remainder of 1993-94; \$221,160 one-time during 1994-95 for remaining fix up and hazard removal; and \$222,720 ongoing for park maintenance and sewer assessments beginning in 1994-95. Of the \$130,000 needed during FY 1993-94, \$75,000 has already been budgeted as a one-time allotment in Portland Parks and Recreation's budget, so only \$55,000 more is needed at this time.

NOW, THEREFORE, the Council directs:

- a. The Commissioner of Public Safety and Auditor to execute an Agreement with Multnomah County in a form substantially similar to the attached.
- b. The Commissioner of Public Safety to accept ten bargain and sale deeds in conformance with those attached, and the Auditor to file these deeds with Multnomah County Assessment and Taxation.
- c. That priority consideration be given in the 1994-95 budget for the following add: \$221,160 for the remaining one-time fix up costs, and \$222,720 for ongoing parks maintenance costs. The former should be considered for funding from either the capital set aside or one-time funds. The operating funds should be considered along with any City urban source requirements.

- d. The FY 1993-94 budget is hereby amended as follows:

GENERAL FUND (101)

Requirements

General Operating Contingency (\$55,000)
2971001/571000

Requirements

Portland Parks and
Recreation, AU 130 \$55,000
13019075/529000

- Section 2. The Council declares an emergency exists because of the need to initiate and complete transfer of these parks for the benefit and enjoyment of the public; therefore, this ordinance will become effective immediately following its approval by Council.

Adopted by Council, FEB 16 1994

Commissioner Hales
John Sewell
January 6, 1994

Barbara Clark
Auditor of the City of Portland

By

Brittany Olson

Deputy

#1

SPEAKER SIGN UP CARDS

DATE 12/6/01
NAME Bob Willough
ADDRESS City Administrator
Cascade Locks, OR
PHONE (541) 374-8484
SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC Public Comment
GIVE TO BOARD CLERK

#2

SPEAKER SIGN UP CARDS

DATE 12/6/01
NAME Joy Gohl
ADDRESS 14405 SE 500th St
Ptld 97236
PHONE 503-762-0939
SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC MCAC
GIVE TO BOARD CLERK

SOUTHBANK SITUATION OVERVIEW

The City of Cascade Locks formed its own municipal electric utility in the 1930's to provide power to its citizens. The City's power source is Bonneville dam and the Bonneville Power Administration transmits the electricity to the City.

In the 1950's, the City expanded its electricity service to include what is referred to as the "Southbank" area. This is the area from approximately one mile west of Cascade Locks to approximately 18 miles west of Cascade Locks. The City's electricity lines run mostly along the Historic Columbia River Highway. Specifically, the service area ends just west of Bridal Veil in the scenic Columbia River Gorge area.

Over the years, the City has provided electricity to not only residents of this area but to state parks, including Multnomah Falls, the Union Pacific Railroad (UPRR), a large lumber mill at Bridal Veil and the fish hatchery at Bonneville Dam. As the years have passed, the number and size of the City's customers in this area has dwindled significantly. This is largely due to the development restrictions placed on both residents and businesses located in the Gorge area by the Columbia River Gorge National Scenic Area Act of 1986. These restrictions have encouraged the relocation of both residents and businesses away from the Columbia Gorge and at the same time have discouraged other residents and businesses from coming to that area.

From an operational standpoint, this dwindling number of electricity users has created an increasing economic hardship on the City. Electricity revenues have dropped sharply in recent years. (The number of customers has remained relatively constant because UPRR has installed a number of radio transmitter sites which draw virtually no electricity but are each counted as "customers" for record keeping purposes). This combined with the increasing costs of line maintenance, primarily tree and brush trimming, is making it increasingly costly for the remaining Southbank customers to afford electricity.

For the past several years, the rate payers within the City limits of Cascade Locks have subsidized the Southbank customer's rates in order to avoid having to raise rates for the Southbank users, which were already higher than the rates within the City limits. However, in the summer of 1999, after an extensive rate study performed by a professional consultant, the City Council decided it could no longer expect the customers within the City limits to subsidize the Southbank customers. The result was a 12% rate increase for the Southbank ratepayers phased in over a 3-year period. This rate increase will only bring the Southbank rates up to the point where the customers on this part of the system begin to cover the cost of providing service to that area. That is, only when the increase is fully implemented will the Southbank ratepayers begin paying "their own way". As maintenance costs continue to climb, due to overhead expenses associated with tree and brush trimming, costs in the Southbank area will continue to escalate, meaning additional rate increases.

The actual locations of some of the Southbank area electricity lines and poles illustrate the reason why the cost of maintenance is so high (in heavily forested areas, in wetlands, etc.) Also, due to both geographic and environmental constraints associated with the Scenic Columbia River Gorge area, some of the City's poles and lines are inaccessible to equipment, meaning even higher maintenance costs.

This information is intended to provide readers with an insight as to why the City of Cascade Locks is requesting technical and financial assistance in undergrounding its electricity lines in the Southbank area. This project will achieve four significant goals:

- (1) It will allow for the burial of the power lines and removal of power poles throughout the Scenic Columbia River Gorge area. This will virtually eliminate the ever-increasing maintenance costs associated with this area and therefore significantly lower the electricity rates for the users in that area (many of whom are state or federal agencies). The only alternative to undergrounding the system is to raise rates in the area even higher.
- (2) It will greatly decrease the environmental impacts of providing electricity to the customers in this area by eliminating the need for repair and replacement work along the Historic Columbia River Highway, and make it no longer necessary to work every summer in wetlands areas.
- (3) It will remove unsightly lines and poles, which impact the aesthetic value of this area, especially along the Historic Highway. This will allow for better achievement of the management objectives put forth in the Columbia River Gorge National Scenic Act.
- (4) It will remove poles and lines from the bike path being constructed in the Southbank area by ODOT along portions of the Historic Highway. Because of terrain, some of these poles and overhead lines have been placed in the paved portion of the existing bike path. Removal of these overhead facilities will not only improve the aesthetics of the bike path, it will make it safer for users.

The City of Cascade Locks has been actively pursuing funding and general support for the project for several years. To date, we have presented the proposal to: Senator Ron Wyden's office, Senator Godon Smith's office, Representative Earl Blummenauer's office, Representative Greg Walden's office, the Columbia River Gorge Commission, Friends of the Columbia Gorge, the United States Forest Service, the Bonneville Power Administration, the Oregon Municipal Electric Utilities Association, the Multnomah County Planning Department, the Hood River County Commission, the Oregon Economic and Community Development Department, the Oregon Department of Transportation, the Oregon Department of Energy, and the Warm Springs and Yakima tribes. To date, we have received no expression of opposition to the project. The general consensus is that the project is a good idea. The Gorge Commission did not comment on the proposal or take a position because it will review the project as a quasi-judicial hearing body as part of the approval process.

Mayor and City Council
City of Cascade Locks
PO Box 308
Cascade Locks, OR 98014

Re: Southbank Undergrounding Project

Attn: Bob Willoughby, City Administrator

Dear Bob,

Your request for an endorsement of the City's proposed project to underground all 18 miles of its electrical distribution system in the Southbank area west of town has been reviewed by _____. We are pleased to inform you that we do support putting all 18 miles of this distribution power lines underground. The line runs mostly along the Historic Columbia River Highway. In places, the line runs through historically significant and environmentally sensitive areas. The lines themselves and the tree and brush trimming you are required to do to maintain them diminish the natural beauty of the gorge. We support the Columbia River Gorge National Scenic Act Management Plan where it encourages utilities to place power lines underground. Doing so will not only lower your costs (and ultimately your customer's electric bill), but also greatly reduce the need to access these overhead lines in the sensitive areas.

We also support the City's efforts to find federal and state grant money to fund the cost of this project. We understand that it may be necessary to construct this project in phases as funding allows. We agree that the highest priority phase should be the approximately 2 miles of the line in the area of Moffett and McCord Creek. Undergrounding this section will support the next phase of the Scenic Highway bike path being constructed by ODOT west of Cascade Locks. Both the bike path project and the undergrounding of this power line are important projects worthy of grant funding and have our full support. Please call me if there is anything else we can do to assist you in getting funding for this project or approval of the necessary permits.

Sincerely,

MEETING DATE: December 6, 2001
AGENDA NO: R-1
ESTIMATED START TIME: 9:30 AM
LOCATION: Boardroom 100

(Above Space for Board Clerk's use only)

AGENDA PLACEMENT FORM

SUBJECT: NOTICE OF INTENT to Apply for National Institute of Justice Funding

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

REGULAR MEETING: DATE REQUESTED: Thursday, December 6, 2001
AMOUNT OF TIME NEEDED: 5 minutes

DEPARTMENT: Non-Departmental DIVISION: Sheriff's Office
CONTACT: Bethany Wurtz TELEPHONE #: (503) 988-4473
BLDG/ROOM #: 503/350

PERSON(S) MAKING PRESENTATION: Bethany Wurtz

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

NOTICE OF INTENT to Apply to the National Institute of Justice "Solicitation for Research and Evaluation in Corrections" Grant for Funding to Support a Study of the County's Most Frequently Booked Inmate Population

SIGNATURES REQUIRED:

ELECTED OFFICIAL: Dan Noelle
(OR)

DEPARTMENT MANAGER: _____

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email
deborah.l.bogstad@co.multnomah.or.us

01 NOV 23 PM 5:40
CLERK OF
MULTNOMAH COUNTY
OREGON



Multnomah County Sheriff's Office

501 SE Hawthorne Blvd. Ste 350. Portland, OR 97214

DAN NOELLE
SHERIFF

Phone: (503) 988-4300

TTY: (503) 988-4500

To:	Board of County Commissioners
From:	Barbara Simon
Today's Date:	November 26, 2001
Requested Placement Date:	December 6, 2001

Supplemental Staff Report

I. Recommendation/Action Requested - Authorize the Multnomah County Sheriff to submit an application for funding to the National Institute of Justice "Solicitation for Research and Evaluation in Corrections" to support a study of the County's most frequently booked inmate population.

II. Background/Analysis - In Multnomah County, a group of approximately 2,600 individuals are booked into the County jail system with great frequency. Once released from custody, these "frequently booked" individuals require extensive services provided by local social service agencies (e.g., alcohol and drug treatment, physical and mental health care, social and legal services, housing, etc.). The costs in terms of human suffering and public resources as a result of this relatively small population are believed to be staggering. In an effort to better meet the needs of this population, and to minimize the associated drain on public resources, County officials need to gain an understanding of the behavioral characteristics that contribute to these individuals' frequent arrests and incarceration, and their dependence on public services.

The goal of this project is to examine the behaviors and needs of frequently booked inmates in order to develop new policies and treatment approaches for members of this special population. Through this research project, County policy-makers will establish an understanding the characteristics of this special population, and identify relationships between booking frequency and offender dependence on public services during periods of their release from custody.

III. Purpose of Grant Funding - NIJ grant funding will be used to hire a principal investigator and research staff to conduct activities associated with this study.

IV. Financial Impact - The Sheriff's Office will request approximately \$500,000 from the National Institute of Justice to conduct the one-year study. Long-term, the results of the study could have a dramatic impact on the County's responsibility for providing jail space and public services to this population.

V. Legal Issues - This project will involve the sharing of confidential personal data between the Sheriff's Office, Health Department, Department of Community and Family Services, and Community Justice for specific individuals who are considered "frequently booked." Each department will enter into a memorandum of understanding to address specific data security

issues associated with the project. The County Attorney's Office will review the memorandum of understanding.

VI. Controversial Issues – The sharing of confidential data between departments is potentially controversial. To assure the confidentiality of data about the human subjects involved in this study, the Sheriff's Office will submit the proposed project to the Institutional Review Board (IRB) of the Multnomah County Health Department and the Oregon Health Division. The IRB has the authority to stipulate that changes be made in study design to ensure the protection of the individuals involved in the research.

VII. Link to Current County Policies – The research results from this project will contribute to the assurance that County policies and programs designed to address the needs of the frequently booked are responsive to this special population. Research results and recommendations for policy and programmatic changes will be brought before the Board for consideration as a part of the project's final product.

VIII. Citizen Participation – NA

IX. Other Government Participation - The Multnomah County Sheriff's Office will partner with the Health Department, Department of Community and Family Services, and Department of Community Justice on this project.

MEETING DATE: December 6, 2001
AGENDA NO: R-2
ESTIMATED START TIME: 9:35 AM
LOCATION: Boardroom 100

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Notice of Intent to Apply for Grant Funding

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

REGULAR MEETING: DATE REQUESTED: Thursday, December 6, 2001
AMOUNT OF TIME NEEDED: 10 minutes

DEPARTMENT: Health DIVISION: Planning and Development
CONTACT: Wendy Rankin TELEPHONE #: (503) 988-3663, #26221
BLDG/ROOM #: Portland Bldg. 106/14

PERSON(S) MAKING PRESENTATION: Wendy Rankin, Tobacco Prevention Manager

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

•NOTICE OF INTENT to Submit an Application for Funding through the American Legacy Foundation's "Priority Populations Initiative" to Support an Anti-Tobacco Media Campaign Directed at Tobacco Use in the African American Community

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)

DEPARTMENT MANAGER: Lillian Shirley

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email
deborah.l.bogstad@co.multnomah.or.us

BOARD OF
COUNTY COMMISSIONERS
01 NOV 28 PM 6:05
MULTNOMAH COUNTY
OREGON



MULTNOMAH COUNTY OREGON



TO: Diane Linn, County Chair

FROM: Wendy Rankin, Tobacco Prevention Program Manager

THROUGH: Lillian Shirley, RN, MPH, MPA, Director

SUBJECT: Notice of Intent to Apply for Grant Funding through the American Legacy Foundation

DATE: November 28, 2001

REQUESTED PLACEMENT DATE: December 06, 2001

I. Recommendation/Action Requested - Authorize the Director of the Multnomah County Health Department to submit an application for funding through the American Legacy Foundation's "Priority Populations Initiative" to support a counter-media campaign directed at tobacco use in the African American community.

II. Background/Analysis – The State of Oregon has designed a powerful anti-tobacco media campaign that uses print, television, radio and billboards to present the health effects of tobacco products. However, with the exception of Spanish language ads, the State's campaign images and messages are predominately directed at White mainstream populations. There is no counter tobacco advertising directed towards African Americans.

Multnomah County is home to 67 percent of the African American population in Oregon. There is a need to ensure that this population is exposed to effective messages about the dangers of using tobacco products. The project will build on work initiated earlier this year by the Health Department in partnership with the Portland Urban League.

Proposed project activities will include working with a local advertising firm to develop a tobacco prevention media campaign based on data from a survey conducted in collaboration with the Urban League. Project staff will also convene focus groups and other informal community gatherings using existing and enhanced networks to evaluate the effectiveness of media messages.

III. Purpose of Grant Funding – Funding through the American Legacy Foundation will be used to hire project staff to organize, monitor and evaluate activities associated with this project. Funding will also be used to retain a media consultant, and to purchase advertising space in local print media.

- IV. Financial Impact** – The Health Department will request approximately \$200,000 from the American Legacy Foundation to conduct the media campaign. A portion of the Tobacco Prevention Program Manager's time will be contributed as in-kind support to ensure the management and oversight of the project.
- V. Legal Issues** – None. Advertising messages will be reviewed by County Counsel before being published.
- VI. Controversial Issues** – A counter-media campaign that is designed to raise community awareness regarding the health implications of tobacco use might be considered by some to be controversial. However, the focus of this campaign will be to encourage individuals to avoid tobacco use in the interest of personal and public health.
- VII. Link to Current County Policies** – Multnomah County has a long history of supporting public policies that discourage the use of tobacco products. For example, avoiding the use of (and exposure to) tobacco products is specific to County benchmarks #28 (tobacco use by expecting mothers), and #34 (tobacco use by children).
- VIII. Citizen Participation** – To ensure that the messages delivered through this media campaign are effective, input will be provided by the African American community through a partnership with the Portland Urban League. Input will also be provided through the Multnomah County Tobacco Prevention Coalition.
- IX. Other Government Participation** – None.

MEETING DATE: December 6, 2001
AGENDA NO: R-3
ESTIMATED START TIME: 9:45 AM
LOCATION: Boardroom 100

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Notice of Intent to Apply for Susan B. Komen Breast Cancer Grant

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

REGULAR MEETING: DATE REQUESTED: Thursday, December 6, 2001
AMOUNT OF TIME NEEDED: 5 minutes

DEPARTMENT: Health DIVISION: Planning and Development
CONTACT: Jo Ann Davich TELEPHONE #: (503) 988-3663, ext 26561
BLDG/ROOM #: 106/14th

PERSON(S) MAKING PRESENTATION: Julio Maldonado

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

NOTICE OF INTENT to Submit a Proposal to the Susan G. Komen Breast Cancer Foundation for \$40,000 to Provide Training and Technical Assistance to Promotores de Salud (Community Health Workers) Recruited from and serving Spanish-speaking Communities in Multnomah and Surrounding Counties

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)

DEPARTMENT MANAGER: Lillian Shirley

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email
deborah.l.bogstad@co.multnomah.or.us

BOARD OF
MULTNOMAH COUNTY
NOV 23 PM 5:56
MULTNOMAH COUNTY
OREGON




MULTNOMAH COUNTY OREGON




HEALTH DEPARTMENT
1120 SW FIFTH AVENUE, 14TH FLOOR
PORTLAND, OREGON 97204-2394
(503) 988-3674
FAX (503) 988-3283
TDD (503) 988-3816

MEMORANDUM

TO: Multnomah County Board of Commissioners

FROM: Bonnie Kosteletzky, Director
Planning and Development 

THROUGH: Lillian Shirley, Director 

SUBJECT: Notice of Intent to Submit a Proposal to the Susan G. Komen Breast Cancer Foundation

DATE: November 26, 2001

REQUESTED PLACEMENT DATE: December 6, 2001

I. Recommendation/Action Requested

The Multnomah County Health Department (MCHD) is requesting approval to submit a proposal to the Susan G. Komen Breast Cancer Foundation in the amount of \$40,000 to provide training and technical assistance to *promotores de salud* (community health workers) recruited from and serving Spanish-speaking communities in Multnomah, Washington and Clackamas counties. These promotores will provide culturally and linguistically appropriate education about breast health and breast cancer among low-income Spanish-speaking women.

II. Background/Analysis

The Komen Foundation identified a need for breast health education geared to underserved populations including low-income and non-English speaking women. Further, the Foundation identified a need for services that address the deeply rooted fears about breast cancer and ambivalence about screening among at-risk women, and that reach women over 50. All these needs are related to the lack of public health educators who both speak the language and share the life experience of the women they are attempting to serve. *Promotores de salud*, also known as Community Health Workers (CHWs), are community members who are carefully chosen

based on their ability to relate to and build trust with people in their own community. They have been shown to be highly effective in addressing a number of persistent health issues, including breast and cervical cancer.¹

Currently, Oregon lacks a centralized point where Spanish-speaking *promotores de salud* can participate in capacitation regarding breast health or receive on-going support for their work in breast health promotion. Even less are there programs that offer academic credit for this capacitation. Because of lack of support, Spanish-speaking *promotores de salud* are working largely in isolation from one another.

The Community Capacitation Center of MCHD has pioneered a model for capacitating and supporting CHWs working on a variety of health issues. This model is based on best practice research in the CHW field, the experience of other similar training programs around the country, and the past experience and national involvement of the Center's staff. The Center's Director has also provided training regarding the CHW model and outreach strategies to the CDC's Breast and Cervical Cancer grantees at the national level.

The CCC will build on its successful experience of developing a holistic CHW capacitation curriculum and providing this curriculum to CHWs from a variety of agencies. We will develop new modules specifically related to breast health and breast cancer. We will provide both initial and on-going credit-bearing capacitation to Spanish-speaking *promotores* and support them as they go about their work. By so doing, we will increase the availability and quality of breast health education geared to low-income Spanish-speaking women and support health workers who can successfully address women's fears and ambivalence. The project goals are:

GOAL 1: Provide initial and on-going capacitation to Spanish-speaking *promotores de salud* regarding breast health and breast cancer.

GOAL 2: Provide technical assistance to *promotore* programs providing breast cancer and breast health outreach in the Latino community.

GOAL 3: Provide support, mentoring and professional development to Spanish-speaking *promotores* providing breast cancer and breast health outreach and education in the Latino community.

The participating *promotores* will benefit in a variety of ways. First, their knowledge about breast health and breast cancer will increase. Because of the empowering Popular Education methodology used in all programs of the CCC, their self-confidence and ability to use this knowledge will also increase. They will enhance their leadership skills and thus become focal points for organizing and advocacy around breast health issues for the women in their community. Additionally, the *promotores* will become linked to a network of Community Health Workers (CHWs) throughout the state. They will be invited to join the monthly meetings and other events of the CHW Committee of the Oregon Public Health Association (OPHA). At these meetings, they will learn about additional resources for their clients and be mentored by

¹ Brownstein, JN, et al. (1992). Breast and cervical cancer screening in minority populations: a model for using lay health workers. *J Cancer Educ.* 7: 321-325.

experienced CHWs. Finally, the *promotores* will benefit from the on-going support of the staff of the Community Capacitation Center.

The *promotore* programs will also receive technical assistance from the CCC. Technical assistance will include up-to-date research- and experience-based information in the following areas: skills and qualities of effective CHWs; recruitment and retention of effective CHWs; capacitation of CHWs; support and supervision of CHWs; policy developments in the CHW field; and funding opportunities for CHW programs. Project staff will be available to the participating programs for both one-on-one and group consultation. Outcomes will include stronger, more effective and more resilient programs.

III. Financial Impact

No new county funds are needed.

IV. Legal Issues

None.

V. Controversial Issues

None.

VI. Link to Current County Policies

The proposed project is consistent with current County policies and addresses the benchmark related to health care access and the Health Department's commitment to providing culturally appropriate services.

VII. Citizen Participation

Citizen stakeholders are represented on the MCHD's Community Health Council.

VIII. Other Government Participation

None.

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR:

11/29/2001

(Date)

DEPARTMENT: NondepartmentalDIVISION: Board of CommissionersCONTACT: Charlotte ComitoPHONE: 83822

* NAME(S) OF PERSON MAKING PRESENTATION TO BOARD:

Charlotte ComitoSUGGESTED AGENDA TITLE (To assist in preparing a description for the printed agenda)

Approve Contingency transfer of \$25,000 to enforce the County's Civil Rights Ordinance

2. DESCRIPTION OF MODIFICATION: [Explain the changes being made: What budget does it increase / decrease? What do the changes accomplish? Where does the money come from?]

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

The County's Civil Rights ordinance will require complaint processing, investigation, mediation and negotiation, and preparation and representation of administrative hearings. BOLI has agreed to provide these services for 2001-02 for a cost not to exceed \$25,000. This budget modification transfers \$25,000 from General Fund Contingency and authorizes County Counsel to spend up to that amount in payments for enforcement of the Civil Rights Ordinance.

The Board included the following note in its list of transfers it would consider outside normal criteria for use of Contingency during 2001-02:

"Civil Rights Ordinance Enforcement: The Board may appropriate up to \$25,000 for enforcement of the County's Civil Rights Ordinance."

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

TOTAL

BOARD OF
COMMISSIONERS
01 NOV 28 AM 9:15
MULTIOMAH COUNTY
OREGON

4. CONTINGENCY STATUS [To Be Completed by Budget]

(Specify Fund) Fund Contingency BEFORE THIS MODIFICATION AS OF _____

AFTER THIS MODIFICATION: _____

Originated By: <u>Charlotte Comito</u>	Date: <u>11-27-01</u>	Department Director: <u>Cecilia Johnson</u>	Date: <u>11/28/01</u>
Plan / Budget Analyst: <u>Julie Neburka</u>	Date: <u>11-27-01</u>	Employee Services:	Date:
Board Approval: <u>Deborah Bogstad</u>	Date: <u>12/06/01</u>		

Budget Modification: 02_NOND 02

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
			Internal Order	Cost Center	WBS Element						
1	70-01	1000		707000		60170		25,000	25,000		BOLI for ordinance enforcement
2	19	1000		9500001000		60470		(25,000)	(25,000)		GF Contingency
3											
4											
5								0			
6								0			
7								0			
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28								0			
29								0			
								0	0	0	Total - Page 1
								0	0	0	GRAND TOTAL

REQUEST FOR GENERAL FUND CONTINGENCY TRANSFER

1. Attachment to Bud Mod: 02_NOND 02

2. Amount requested from General Fund Contingency: \$25,000

3. Summary of request:

Transfer will cover the 2001-02 costs of BOLI enforcement of the County's Civil Rights Ordinance

4. Has the expenditure for which this transfer is sought been included in any budget request during the past five years? NO If so, when?
If so, what were the circumstances of its denial?

5. Why was this expenditure not included in the annual budget process?

It was earmarked in Contingency pending research as to actual costs.

6. What efforts have been made to identify funds from another source within the Department to cover this expenditure? Why are no other Departmental sources of funds available?

Enforcement of the ordinance is new in 2001-02 as the ordinance was not effective prior to this year.

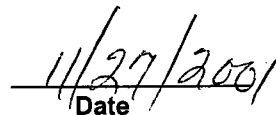
7. Describe any new revenue that this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.

8. This request is for a (Quarterly X) (Emergency) review.

9. For emergency requests only: Describe in detail on an additional sheet the costs or risks that would be incurred by waiting for the next quarterly review, in justification of the emergency nature of this request.

10. Attach any additional information or comments which you feel would be helpful.


Signature of Department Head / Elected Official


Date



Board of County Commissioners
MULTNOMAH COUNTY OREGON

501 SE Hawthorne Boulevard, Suite 600
Portland, Oregon 97214
(503) 988-3277 phone
(503) 988-3013 fax

SUPPLEMENTAL STAFF REPORT

TO: Board of County Commissioners

FROM: Commissioner Lisa Naito and Commissioner Serena Cruz

DATE: November 28, 2001

RE: Budget Modification for Enforcement of Multnomah County Ordinance No. 969

1. Recommendation/Action Requested: Approve transfer of \$25,000 from General Fund Contingency and authorizes the Department of Support Services to spend up to that amount in payments for enforcement of the Civil Rights Ordinance.
2. Background/Analysis: In FY 2000 the BCC unanimously voted to dedicate \$25,000 from contingency funds to cover enforcement of a proposed Civil Rights Ordinance with a note in its list of Contingency fund transfers for FY 2001-02. On November 29, 2001 the Board of County Commissioners adopted Multnomah County Ordinance No. 969 which bans discrimination on the basis of sexual orientation, gender identity and source of income in housing, employment and public accommodations for all Multnomah County residents. The Department of Support Services will contract with the Bureau of Labor and Industries to enforce Civil Rights Protections included in Ordinance No. 969.
3. Financial Impact: In FY 2000 the BCC unanimously voted to dedicate \$25,000 from contingency funds to cover enforcement.
4. Legal Issues: None.
5. Controversial Issues: None
6. Link to Current County Policies: Diversity: We honor and celebrate differences as sources of strength, Government Responsiveness, Sense of Community.
7. Citizen Participation: The task force included representatives of several groups including Parents and Friends of Lesbians and Gays, Basic Rights Oregon, the Portland Bisexual Alliance, housing advocates, Commission on Children and Families, the Oregon Gay and Lesbian Lawyers Association, the Bureau of Labor and Industries. There were two public hearings where citizens gave testimony regarding discrimination.
8. Other Government Participation: Representatives from jurisdictions and cities within Multnomah County including the City of Gresham, City of Troutdale and City of Portland participated in the task force work.



MULTNOMAH COUNTY, OREGON

BOARD OF COUNTY COMMISSIONERS
DIANE LINN
MARIA ROJO DE STEFFEY
SERENA CRUZ
LISA NAITO
LONNIE ROBERTS

BUDGET & QUALITY
MULTNOMAH BUILDING
501 SE HAWTHORNE BLVD, 4TH FLOOR
P. O. BOX 14700
PORTLAND, OR 97214
PHONE (503) 988-3883

SUPPLEMENTAL STAFF REPORT

TO: Board of County Commissioners
FROM: Julie Neburka, Budget & Quality Office ^{TN}
DATE: November 20, 2001
RE: Bud Mod Nondepartmental 02

The Board of County Commissioners is requesting \$25,000 from the General Fund Contingency in order to cover costs associated with the County's relatively new civil rights ordinance. This ordinance is expected to require some amount of complaint processing, investigation, mediation, negotiation, and preparation for and representation at administrative hearings. The Bureau of Labor & Industries (BOLI) has agreed to provide these services in FY 2002 for a cost not to exceed \$25,000. The Department of Support Services will administer and monitor the performance of this small contract

A budget note included in the FY 2002 budget states that "the Board may appropriate up to \$25,000 for enforcement of the County's civil rights ordinance."

The Budget Office recommends approval of this bud mod. The Board Budget Notes for FY 2002 identify the General Fund contingency as an appropriate place from which to request one-time funding for civil rights enforcement. This bud mod will reduce the General Fund contingency by \$25,000.

MEETING DATE: December 6, 2001
AGENDA NO: R-5
ESTIMATED START TIME: 10:00 AM
LOCATION: Boardroom 100

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: An Intergovernmental Agreement for the Multnomah County - City of Portland Compliance Project related to Metro's 2040 Functional Plan Compliance Program.

BOARD BRIEFING Date Requested:
 Amt. of Time Needed:
 Requested By:

REGULAR MEETING Date Requested: December 6, 2001
 Amt. of Time Needed: 30 minutes

DEPARTMENT: DSCD **DIVISION:** Land Use Planning
CONTACT: Susan Muir **TELEPHONE:** 988-3043
 BLDG/ROOM: 455/116

PERSON(S) MAKING PRESENTATION: Susan Muir

ACTION REQUESTED

☐ Informational Only ☐ Policy Direction ☒ Approval ☐ Other

SUGGESTED AGENDA TITLE

Intergovernmental Agreement 4600002792 with the City of Portland, Providing Planning Services for Properties Located in Unincorporated Multnomah County within the METRO 2040 Functional Plan Compliance Program

*12/7/01 Originals to Toni Anderson City Auditor's Office;
Copies to Stuart Faenle two original CAF*

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)

DEPARTMENT MANAGER: Michael Oswald

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email
deborah.l.bogstad@co.multnomah.or.us



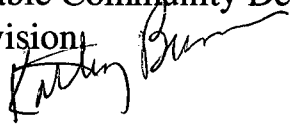
MULTNOMAH COUNTY OREGON

DEPARTMENT OF SUSTAINABLE COMMUNITY DEVELOPMENT
LAND USE PLANNING DIVISION
1600 SE 190TH AVE., SUITE 116
PORTLAND, OREGON 97233
(503) 988-3043 (503) 988-3389 FAX
land.use.planning@co.multnomah.or.us

BOARD OF COUNTY COMMISSIONERS
DIANE LINN - CHAIR OF THE BOARD
MARIA ROJO DE STEFFEY - DISTRICT 1 COMMISSIONER
SERENA CRUZ - DISTRICT 2 COMMISSIONER
LISA NAITO - DISTRICT 3 COMMISSIONER
LONNIE ROBERTS - DISTRICT 4 COMMISSIONER

SUPPLEMENTAL STAFF REPORT

TO: Board of County Commissioners

FROM: Department of Sustainable Community Development,
Land Use Planning Division
Kathy Busse, Director 

DATE: November 21, 2001

RE: An Intergovernmental Agreement for the Multnomah County- City of Portland
Compliance Project related to Metro's 2040 Functional Plan Compliance Project.

1. Recommendation/Action Requested:

Enter into the IGA with Portland as the final step in the planning process to gain compliance with the Metro Urban Growth Management Functional Plan. The first step of this process was completed by the Board in September and October of 2001 with the adoption of the City of Portland zoning codes for the urban unincorporated areas.

2. Background/Analysis:

The purpose of this project is to complete the process of transferring planning authority within the urban areas of Multnomah County and Portland's Urban Services Boundary to comply with the requirements of the Metro 2040 Functional Plan. Multnomah County and Portland have a history of working together in areas of common interest. Long-range future planning for County urban lands located within the City's Urban Services Boundary is one common interest area.

The County and the City of Portland have a jointly adopted agreement on land use policy for these County urban lands. Part of this agreement calls for the City to provide urban planning services to the County to address Metro's Urban

Growth Management Functional Plan. Since Multnomah County focuses its resources on rural planning, the County cannot cost-effectively provide urban planning services. The County and the City of Portland have entered into the agreement to achieve compliance by applying Portland's codes to the County's unincorporated areas.

The Board of County Commissioners adopted the City zoning code in October 2001. Administration of planning services for these areas now must be transferred to Portland's Office of Planning and Development Review (OPDR) to properly execute this project.

3. Financial Impact:

No city general fund money is available to cover the costs associated with administering non-city applications, therefore, the full costs to the City shall be reimbursed or paid by (1) fees for land use services and (2) payments from the County.

The fee schedule (attached) will be established for the affected area land use reviews to reflect 100% cost recovery with the following exception: the Board recognizes certain development activity has public benefit rather than private economic benefit. For those specific applications, the County would agree to pay the City an amount of \$37,000 for the initial 18-month period (\$25,000 per 12 month period, prorated for 18 months) to reduce those fees for county applicants.

In addition, there is a county one-time-only payment of \$50,000 to the City to cover their expenses associated with the transfer. Both the one-time-only payment (\$50,000) and the initial estimated payment to reduce certain permit fees (\$12,660 for FY '02) are currently in the Land Use Planning Division Budget.

4. Legal Issues:

The County Attorney's office was involved in the drafting of the IGA and has provided language regarding the processing of appeals and future legislative amendments to the Portland zoning code.

During the legislative zone change process, the Board requested language for the IGA allowing for applications that are submitted prior to January 1, 2002 to be processed under the existing County codes and to ensure that approved subdivisions be allowed to continue development under the County code per state statute. Those provisions have both been included in the attached draft.

5. Controversial Issues:

The issue about ensuring applications can proceed under the existing County code if filed prior to January 1, 2002 was identified as controversial and has been addressed.

6. Link to Current County Policies:

As mentioned earlier, this is the second step in the process to transfer planning authority to the City of Portland to allow Multnomah County to achieve compliance with the Metro Functional Plan. Beginning with Resolution A in 1983, the County chose to reduce urban services including land use planning. This project has furthered that policy by transferring the final urban planning areas within the Portland Urban Service Boundary to the City of Portland.

7. Citizen Participation:

None.

8. Other Government Participation:

The County has worked closely with the City of Portland to prepare and recommend this IGA to the Board for adoption.

Attached: Contract Approval Form
Intergovernmental Agreement
Fee Schedule

MULTNOMAH COUNTY CONTRACT APPROVAL FORM

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

Contract #: 4600002792

Amendment #:

CLASS I	CLASS II	CLASS III
<input type="checkbox"/> Professional Services not to exceed \$50,000 (and not awarded by RFP or Exemption) <input type="checkbox"/> Revenue not to exceed \$50,000 (and not awarded by RFP or Exemption) <input checked="" type="checkbox"/> Intergovernmental Agreement (IGA) not to exceed \$50,000 <input type="checkbox"/> Expenditure <input type="checkbox"/> Revenue <input type="checkbox"/> Architectural & Engineering not to exceed \$10,000 (for tracking purposes only)	<input type="checkbox"/> Professional Services that exceed \$50,000 or awarded by RFP or Exemption (regardless of amount) <input type="checkbox"/> PCRB Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue that exceeds \$50,000 or awarded by RFP or Exemption (regardless of amount)	<input type="checkbox"/> Intergovernmental Agreement (IGA) that exceeds \$50,000 <input type="checkbox"/> Expenditure <input type="checkbox"/> Revenue APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS AGENDA # <u>2-5</u> DATE <u>12-06-01</u> DEB BOGSTAD, BOARD CLERK

Department: Sustainable Community Development

Division: Land Use Planning

Date: 11/20/01

Originator: Kathy Busse

Phone: 988-5651

Bldg/Rm: 455/116

Contact: Stuart Farmer

Phone: 988-5276

Bldg/Rm: 455/116

Description of Contract: Providing Planning Services for properties located in the unincorporated areas of the County within the METRO 2040

Compliance Program

RENEWAL: ☐ PREVIOUS CONTRACT #(S):

RFP/BID:

RFP/BID

DATE:

EXEMPTION

EXEMPTION EXPIRATION

ORS/AR

#/DATE:

DATE:

#:

CONTRACTOR IS: ☐ MBE ☐ WBE ☐ ESB ☐ QRF ☐ N/A ☒ NONE (Check all boxes that apply)

Contractor	City of Portland Environmental Services	Remittance address	Same
Address	1900 SW 4th Ave	(If different)	
Portland			
Oregon 97204			
Phone	503-823-7300	Payment Schedule / Terms	
Employer ID# or SS#		<input type="checkbox"/> Lump Sum \$	<input type="checkbox"/> Due on Receipt
Effective Date	01/01/02	<input type="checkbox"/> Monthly \$	<input type="checkbox"/> Net 30
Termination Date	06/30/03	<input type="checkbox"/> Other \$	<input type="checkbox"/> Other
Original Contract Amount \$	37,000	<input checked="" type="checkbox"/> Requirements Not to Exceed \$	25,000 Annually
Total Amt of Previous Amendments	0	Encumber	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Amount of Amendment \$	0		
Total Amount of Agreement \$	37,000		

REQUIRED SIGNATURES:

Department Manager

DATE

Purchasing Manager

DATE

(Class II Contracts Only)

County Counsel

DATE

County Chair

DATE

Sheriff

DATE

Contract Administration

DATE

(Class I, Class II Contracts only)

LGFS VENDOR CODE 12048						DEPT REFERENCE					
LINE #	FUND	AGENCY	ORG	SUB-ORG	ACTIVITY	OBJ/REV	SUB OBJ	REP CAT	LGFS DESCRIPTION	AMOUNT	INC DEC
01	1000					60170			Cost Center 901000	37,000	
02											
03											

Exhibit A, Rev. 3/25/98 DIST: Originator, Accts Payable, Contract Admin - Original If additional space is needed, attach separate page. Write contract # on top of page.

**IGA Contract****Vendor Address**

PORTLAND CITY OF ENVIRONMENTAL SVCS
106/10TH FLOOR

Information

Contract Number 4600002792
Date 11/20/2001
Vendor No. 12048
Contact/Phone DSCD Land Use Plng /
X85276
Validity Period: 01/01/2002 - 06/30/2003
Minority Indicator: Not Identified

Estimated Target Value: 37,000.00 USD

Item	Material/Description	Target Qty	UM	Unit Price
0001	2040 Compliance Project Plant: F030 Sustainable Community Dvpmt Requirements Tracking Number: 12048	1	Dollars	\$ 37000.0000

**INTERGOVERNMENTAL AGREEMENT TO TRANSFER LAND USE
PLANNING RESPONSIBILITIES**

BETWEEN

CITY OF PORTLAND AND MULTNOMAH COUNTY

This is an Intergovernmental Agreement to Transfer Land Use Planning Responsibilities, hereinafter the "Agreement", between MULTNOMAH COUNTY, hereinafter "County", a home rule county and a political subdivision of the State of Oregon, and the CITY OF PORTLAND, hereinafter "City", a home rule city and a political subdivision of the State of Oregon.

RECITALS:

- A. The City and County are authorized under the provisions of ORS 190.003 to 190.030 to enter into intergovernmental agreements for the performance of any or all functions that a party to the agreement has authority to perform. This Agreement is made pursuant to the authority granted by ORS Chapter 190;
- B. The City and County entered into an Urban Planning Area Agreement (hereinafter "UPAA") dated March 5, 1998 and amended November 4, 1998. The UPAA provided for the coordination and orderly conversion of unincorporated urbanizable land in the County to urban uses and authorized the City to prepare applicable comprehensive plan and implementing ordinances for the County's urban areas. This planning work has now largely been completed by the County's adoption of the City's applicable land use regulations, comprehensive plan and zoning through County Ordinance 967 on October 11, 2001, with an effective date of January 1, 2002;
- C. The UPAA also directed the City to complete work required to enable the county to comply with the METRO Urban Growth Management Functional Plan. That work is currently being completed pursuant to an Intergovernmental Agreement dated April 19, 2001; and
- D. Under Sections II.A and B of the UPAA, the County agreed to transfer to the City responsibility for implementing and administering comprehensive plan and zoning regulations for all County unincorporated areas within the City's Urban Services Boundary. The UPAA provided that the transfer of functions could be accomplished through a separate agreement between the County and City.

NOW , THEREFORE, THE CITY AND COUNTY DO MUTUALLY AGREE AS FOLLOWS:

I. INTENT OF AGREEMENT

- A. This Agreement implements Sections II.A and B of the UPAA by transferring responsibilities for implementing and administering comprehensive plan and zoning regulations from the County to the City for properties within unincorporated Multnomah County that are within the City's Urban Services Boundary, the METRO Urban Services Area and Urban Growth Boundary;
- B. The area that is subject to this Agreement is defined as depicted in Exhibit 1, attached to this Agreement (hereinafter the "Affected Area"). The Affected Area, in general, includes all of the properties within unincorporated Multnomah County that are also within Portland's Urban Services Boundary, with two exceptions. The first, West Hayden Island (map attached as Exhibit 2), is already covered by an intergovernmental agreement and will retain County zoning. It is not subject to this Agreement. The second, a site known as Fred's Marina (attached as Exhibit 3), will remain under County land use jurisdiction and is not subject to this Agreement for all matters related to the settlement agreement entered into on February 6, 2001 in the United States District Court, and confirmed in writing on February 27, 2001. However, any plans for further development not specifically covered under the settlement agreement shall be covered by this Agreement.
- C. The full costs to the City of transfer of land use planning and zoning responsibilities and performance of services under this Agreement shall be reimbursed or paid by (1) fees for land use services and (2) payments from the County.
- D. All actions specified by this Agreement shall be taken to assure that the County's comprehensive plan, zoning ordinances, and regulations for land divisions, signs, erosion control and stormwater disposal, grading and floodplain review remain consistent with the City's. The County has adopted the City comprehensive plan, zoning ordinance and other regulations as the County's for the Affected Area and intends to adopt future amendments to the City's comprehensive plan, zoning ordinance, and regulations for land divisions, signs, erosion control and stormwater disposal, grading and floodplain review. The City intends to administer the same codes and regulations for County properties in the Affected Area as it does for City properties.
- E. This Agreement does not expressly promote annexation of properties in the Affected Area to the City. However, the City and County recognize the City's intent to annex within its established urban services boundary

according to City/County agreements such as the UPAA and as described in the City's urban services policy and comprehensive plan. Furthermore, the City and County understand that approval of requests for zone changes or comprehensive plan amendments that require new or extension of urban services or that increase density over allowed density under adopted zoning will be contingent on annexation.

- F. If any property in the Affected Area annexes to the City or is removed from the City's Urban Services Boundary, it will no longer be subject to this Agreement.
- G. The City will interpret specific references to City agencies and organizations in City Codes and regulations adopted by the County to mean the appropriate City or County agency or organization. For example, when the City Zoning Code requires notification to organizations recognized by the City's Office of Neighborhood Involvement (O.N.I.), the notification will be sent to the organizations recognized by the County's equivalent of O.N.I. and the requirement for notice will be met.
- H. As part of a future legislative project, the City and County anticipate applying a recreation trail designation near the Willamette River in the Affected Area.

II. DELEGATION OF AUTHORITY

The County agrees to delegate to the City any and all authority that it possesses and which is needed by the City to carry out land use planning and zoning implementation for the Affected Area. The effective date and terms of the delegation of authority are as provided for in this Agreement and County Ordinance No. 967. Among the actions that the County authorizes the City to take in the Affected Area pursuant to this Agreement are those enumerated in Section III.C. below which are hereby incorporated into this Delegation of Authority by reference. This delegation of authority should be construed broadly.

III. RESPONSIBILITIES OF THE PARTIES

A. Fees and Costs.

1. General Provisions

It is the intention of the parties that all costs and expenses incurred by the City in performing tasks described in Section III.C. of this Agreement shall be paid or reimbursed by City's collection and retention of application fees and by payment from County funds. For purposes of this Agreement, "costs and expenses incurred by the City" include without limitation employee salaries, fringe benefits and City overhead attributed to such employees, expenses incurred for publication and mailing related to land use reviews and services, provided such costs, expenses and fees

are attributed to applications which the City processes under this Agreement. Operational and start-up costs are to be fully covered by:

- a. the fees collected for development applications or other services according to the schedule adopted by the City for development review, attached as Exhibit 4 and incorporated as part of this Agreement;
- b. an annual payment from the County to the City, as needed, to reimburse the City for the gap between the City's costs of fulfilling its responsibilities under the Agreement and the development fee revenues;
- c. a one-time payment from the County to the City for the start up costs of creating and implementing this Agreement; and
- d. payment of attorney fees by the County to the City for appeals of land use decisions to the Land Use Board of Appeals, the Court of Appeals and the Oregon Supreme Court.

2. The Fee Schedule

a. Establishment

For most land use reviews, the proposed fees for land use applications and zoning services in the Affected Area reflect 100% of the estimated cost of providing the service.

b. Amending the Fee Schedule

The City, annually or as determined by need, amends its fee schedule to cover costs of services. The fees established for services and applications for properties in the Affected Area may also be amended at the same time. The County will not have to adopt or approve amended fee schedules that are consistent with the cost of living increases adopted for the City fee schedule. Other amendments to the fee schedule will require County approval.

3. Annual Payment

a. Initial Payment

City land use fees are supplemented by money that comes directly to the Office of Planning and Development Review (OPDR) from the City's General Fund. No General Fund

money is available to cover costs associated with work on applications and services for development outside of the City limits. Therefore, the fee schedule attached at Exhibit 4 will be established for Affected Area land use reviews and services to reflect 100% cost recovery with the following exception. The County recognizes certain development activity has public benefit and no private economic benefit. For those certain applications, the County agrees to pay the City an amount of \$37,000 for the initial 18 month period (\$25,000 per 12 month period, prorated for 18 months) from January 2002 through June 2003 to reduce certain fees in Exhibit 4. The amount is estimated to cover the expected difference between the City's actual costs and expenses of processing land use cases and other planning and zoning services and the anticipated revenue brought in from fees for these services and applications in the Affected Area. The fee shall be paid as provided in Section III.B.1.b. below.

b. Determining the Amount of Annual Payment

1. Timing of Annual Review

Both parties recognize that the number and type of cases and services that the City will process for the Affected Area may change over time. To cover the actual costs and expenses of providing services to the Affected Area without subsidy from the City, the amount of payment will be reviewed and determined annually by both parties.

To allow enough time to assess actual work involved in the processing of cases and services and to allow the County's annual payment to be included in the County budget, the first review shall occur in January 2003. Thereafter, annual review and assessment will occur in January of each year of the Agreement.

2. Reconciliation of Costs

In addition to considering costs and expenses incurred by the City for land use reviews and services, the proportionate costs of legislative services for the Affected Area will be considered as part of the annual review.

If, at the time of annual review, the City and County determine that the City's actual costs and expenses for the Affected Area exceed fee revenues plus the County's

annual payment, the County shall reimburse the City for this difference.

If, at the time of annual review, the City and County determine that fee revenues for the Affected Area plus the County's annual payment exceed the City's actual costs and expenses, the City shall apply the difference to the following fiscal year's services and the County's payment to the City for the following fiscal year (defined for purposes of this Agreement as July 1 through June 30 of each year) will be reduced accordingly.

Subsequent assessment and agreements for payment shall be considered amendments to this Agreement and shall be adopted by both parties. Such amendments may be made by the County Planning Director on behalf of the County and by the Director of the Office of Planning and Development Review and Director of Planning on behalf of the City when the annual payment from the County to the City does not exceed \$25,000. Otherwise, the annual payment must be approved by the County Board of Commissioners and City Council.

4. One-time Payment to Cover Cost of Transfer of Services

The City and County agree that there are costs involved with transferring land use and planning responsibilities from the County to the City. The work to implement this Agreement includes but is not limited to:

- a. Creation of new zoning maps for unincorporated areas covered by this Agreement,
- b. Updating of databases and maps to include information about County properties (land use history, historic resources, land hazards, flood data, cell sites, plan districts),
- c. Amending City's Title 33 to reflect the land use appeals process for County properties,
- d. Transferring land use history from the County to the City,
- e. Creation of new and revised handouts and forms for processing of County land use cases,

- f. Creation of new notification lists and contacts for land use cases (service providers and recognized associations),
- g. Changes to the City's permit tracking system (TRACS) to identify, assign, and provide information about County permits in the affected area,
- h. Work necessary to take over addressing responsibilities for the affected area,
- i. Work necessary to determine land use fees, and
- j. Work involved in creating this Agreement and
- k. Training staff about procedural, computer, database and history changes relevant to the project.

The County shall transfer \$50,000 to OPDR to cover costs. The amount shall be paid as provided in Section III.B.1.b. below. The City and County acknowledge that while this amount may not fully cover the costs associated with the transfer of responsibilities, it is a reasonable amount given County financial circumstances, available funds and the cooperative nature of this Agreement.

5. Costs of Land Use Appeals

The City, through the City Attorney's Office, will represent the County in appeals to the Land Use Board of Appeals, Court of Appeals and Supreme Court of land use decisions made by the City for the Affected Area, as described in Section III.C.4. below. The County agrees to pay to the City Attorney's Office its fully burdened hourly rate for its work in representing the County before the Land Use Board of Appeals, the Court of Appeals and the Oregon Supreme Court. The County shall make payment to the City Attorney's Office within 30 days of billing.

B. County Responsibilities

The County agrees to perform the following activities for the Affected Area as part of this Agreement:

1. General Responsibilities

- a. Within 5 working days of the effective date of this Agreement, transfer all documents, files and computer data relevant to the land use history of the Affected Area and any particular services denoted in the Agreement. The data shall be in a format acceptable to the City. The City's cost

of this transfer is included in the One-time Payment outlined above in Section III.A.4.

- b. Transfer funds for the first year of this Agreement identified in above in Sections III.A.3.a. and III.A.4. within 30 days of the effective date of this Agreement. Thereafter within 30 days of the start of each ensuing fiscal year and as long as this Agreement is in effect, the County will pay to the City an amount which reflects the actual experience of the parties as to the costs to the City for its services under this Agreement which are not covered by application fees.
- c. Promptly notify Office of Planning and Development Review and City Bureau of Planning of changes to County's list of recognized associations and of other staff or organizational changes affecting notice or review of land use cases or development permits.
- d. Adopt the Fee Schedule for land use reviews and services for properties in Multnomah County and subsequent revisions as required in Section III.A.2. above.
- e. Pay land use appeal fees for recognized County neighborhood organizations for appeals of decisions affecting property in the organization's geographic boundaries.
- f. Pursuant to County Ordinance 967, and in accordance with ORS 215.427(3), this Agreement does not apply to any land use decision or services for an application that was submitted to the County before January 1, 2002 and that was made complete prior to January 1, 2002 or within 180 days of the initial submission of the application. In these instances, the County will provide land use services and review based on the land use regulations in effect at the time of the application. However, an applicant may choose to apply under the regulations adopted under County Ordinance 967 (as amended at the time of application) for development approved by a pre-January 1, 2002 land use decision.
- g. Pursuant to County Ordinance 967, and in accordance with ORS 92.040(2), for any subdivisions for which the initial application was submitted before January 1, 2002, the subdivision application and any subsequent application for construction approved by the subdivision shall be governed

by the County land use regulations in effect as of the date the subdivision application was first submitted. The County retains land use service and review responsibility in these cases. However, an applicant may choose to apply the regulations adopted under County Ordinance 967.

- h. Provide, as needed, technical assistance to the City to help in interpreting County land use history, regulations or other land use related services requiring County expertise. This assistance shall be delivered to the City at no charge and in a timely manner.
- i. All other actions reasonably necessary to carry out the authority given to the City as provided for in this Agreement.

2. Continuing Review Obligations

- a. Maintain responsibility for land use reviews and services including review of building permits in the Affected Area when the County land use regulations prior to January 1, 2002 are applicable to such reviews, permits or services.
- b. Maintain the responsibility for review and comment on all land uses cases with regard to transportation concerns, standards and requirements.
- c. Respond to request for responses to land use reviews within the time identified in the requests. The County's failure to respond in a timely manner to requests for responses shall mean no comment regarding the proposal.
- d. Use City standards for street and stormwater improvements when improvements are required as part of either land use review or building permit approval.
- e. Retain responsibility for engineering and ownership review of plats and coordinate review with City staff.
- f. For quasi-judicial applications for comprehensive plan amendments and statewide goal exceptions, the City Council will first review the application. If the application is approved, the County Board of Commissioners must make the final land use decision.

3. Amendments to City and County Regulations

- a. The County will refer property owners and residents in the Affected Area to the City as the provider of the appropriate public process for their input on City legislative proposals that will be considered by the County.
- b. The County will ensure that the County Planning Commission and the County Board of Commissioners are notified of all proposed comprehensive plan map or text amendments or development-related amendments to the City's Code, including amendments to the zoning code or maps, and regulations for land divisions, signs, erosion control, floodplain review, grading and stormwater disposal. The County Planning Director will notify County Planning Commissioners and County Commissioners that any concerns they may have about the City's proposed amendments should be addressed through oral or written testimony as part of the City's legislative process.
- c. The County will ensure that any City Council adopted amendments to the City comprehensive plan, zoning code and other regulations adopted by the County Board of Commissioners will be considered by the County Board of Commissioners at the earliest possible meeting. The County Board of Commissioners shall enact all comprehensive plan and code amendments so that they take effect on the same date specified by the City's enacting ordinance, except as provided in d. below.
- d. In the event the City Council adopts amendments to the development regulations adopted by the County Board of Commissioners by emergency ordinance to be effective immediately, the County Board of Commissioners will consider the amendments at their next regularly scheduled meeting. The County Board of Commissioners will also consider adoption of the amendments as an emergency ordinance with an immediate effective date. Any and all immediately effective amendments adopted by the City Council by emergency ordinance will not apply to properties within the unincorporated areas until the County Board of Commissioners adopt the same immediately effective amendments by emergency ordinance.
- e. In the event the County Board of Commissioners chooses not to adopt amendments to the comprehensive plan, zoning code or maps, and regulations for land divisions,

signs, erosion control, floodplain review, grading or stormwater disposal or other development-related titles of the City Code as adopted by City Council, the City may terminate this Agreement as provided in Section V.B. In this event, the County will resume responsibility for planning and zoning administration within the Affected Area.

C. City Responsibilities

The City is authorized by the County and agrees to perform the following activities for the Affected Area as part of this Agreement:

1. General Provisions

- a. Notify the County of proposed fee increases related to the land use activities covered in this Agreement.
- b. Notify the County Planning Director of land use cases in the Affected Area for both comment and tracking of workload to help assess subsequent payments to offset City cost of providing land use services to the Affected Area.
- c. Assign addresses to properties in the Affected Area.
- d. Apply street classifications to County rights-of-way that are comparable to City street classifications.

2. Land Use Reviews and Services

- a. Perform land use, zoning and planning services (pre-application conferences, information, case review, building permit review, long range planning) for the Affected Area using the City's comprehensive plan, zoning, land division, sign, erosion control, floodplain, grading, stormwater disposal and other applicable City regulations as adopted by the County.
- b. Process land use cases as provided in City codes adopted by the County, including but not limited to required notifications, preparation of staff reports, site visits, presentation at public hearings, preparation of findings and maintaining records.
- c. Collect fees for development applications, land use reviews and services and appeals.

- d. Conduct public hearings before the land use authority as provided in City codes adopted by the County.
- e. Make land use decisions.
- f. Interpret the applicable comprehensive plan and implementing regulations.
- g. Assume land division authority and responsibility, except as provided in Section III.B.1.f. and g.
- h. Enforce land use regulations, code violations and permit violations and perform code enforcement services, including inspections, under the City codes adopted by the County for land use and related activities, including zoning, conditions of approval, signs, erosion control, stormwater disposal, floodplain and grading review.
- i. Provide zoning information to the general public and applicants in the Affected Area.
- j. Review building and development permits for compliance with City zoning, sign, erosion control, floodplain review, grading and stormwater disposal regulations and requirements adopted by the County.
- k. Regulate home occupations according to City codes adopted by the County.
- l. Review OLCC, DMV and other land use compatibility statements for land use compliance.
- m. Notify County Transportation and Engineering of land use cases and building permits for comment and approval in a timely manner to ensure meeting required and desired deadlines.
- n. Notify organizations (neighborhood associations and interested parties) recognized by the County for land use purposes to meet City requirement for notification to recognized organizations. The City will use the most current list of associations and contacts provided by the County.
- o. Land use planning review and services shall be provided in a manner consistent with applicable best management practices as set forth in the City of Portland National Pollution Discharge Elimination System (NPDES)

Municipal Stormwater Permit. The level of review and services shall be provided at the same level provided by the City to other areas within the City limits.

3. Amendments to City and County Regulations
 - a. Include the Affected Area (and all areas within the City's Urban Services Boundary) in appropriate planning projects.
 - b. For all legislative amendments to the City's land use code and comprehensive plan that will also be adopted by the County, the City will provide notice of proposed amendments to the Land Conservation and Development Commission on the County's behalf as required by state law.
 - c. The City will include all residents and property owners in the Affected Area in any legislative public process that may result in changes to the comprehensive plan or maps or development-related regulations adopted by the County Board of Commissioners, including the zoning code, land division regulations, sign regulations, erosion control, floodplain review, grading and stormwater disposal regulations of the City's Code. It is to be understood that the public process for the Affected Area is one and the same as the process held by the City. All residents and property owners in the Affected Area will be noticed on City legislative processes as required by State law and the City Code. Residents and property owners in the Affected Area who come forward with concerns or comments regarding proposed City amendments to development regulations will be considered by the City's various review bodies. The City's review bodies will consider testimony from Affected Area residents and property owners regarding the City's proposed amendments to development regulations just as they consider testimony from City residents.
 - d. The City will include County decision-making bodies in any legislative public process that may result in changes to the development regulations adopted by the County Board of Commissioners. In addition, the City will notify the County Planning Director prior to the first evidentiary public hearing on any proposed amendments to the City's development regulations. County decision-makers and staff will be encouraged to participate in the City's public process.

- e. After the City Council has taken final action on any ordinance amending the development regulations adopted by the County Board of Commissioners, the City will forward the final decision to the County Board of Commissioners for adoption.

4. Legal Representation

- a. Represent the County at the Land Use Board of Appeals, Court of Appeals and Oregon Supreme Court for any appeal of a land use decision made by the City for property in the Affected Area at the expense of the County, as provided in Section III.A.5.
- b. Represent the County at no County expense for Writs of Mandamus based on the City's failure to issue a final decision within the time limits set by statute, unless the City's failure is the result of the County's failure to perform one or more of its responsibilities under this Agreement.

IV. OPERATING PROCEDURES AND RELATIONSHIPS

A. Dispute Resolution

In the case of a dispute under this Agreement, the County Planning Director, City Director of the Office of Planning and Development Review, and City Planning Director shall attempt to resolve the dispute informally. If the dispute cannot be resolved through this process, the parties shall submit their dispute to intergovernmental arbitration pursuant to ORS 190.710 through 190.800. Each of the parties shall bear its own expense of attorney fees and arbitration.

B. Amendment

This Agreement may be amended by mutual written agreement of the parties. Amendment shall be valid only when reduced to writing, approved as required and signed.

To the extent that an amendment has no budgetary impact, the City Council and County Board of Commissioners grant authority to the County Planning Director, the City Director of the Office of Planning and Development Review and the City Planning Director to make changes to this Agreement needed to carry out the intent and provisions of the Agreement. Amendments that will result in a budgetary impact need to be made by the City Council and the Board of County Commissioners, except as provided otherwise in Section III.A.3.b.2. regarding annual payment from the County.

V. TERM OF AGREEMENT AND TERMINATION

A. General Term

This Agreement shall be effective January 4, 2002 and shall remain in effect until terminated by mutual agreement of both parties, or as determined by dispute resolution.

B. Termination by City

This Agreement may be terminated by the City if the County fails to adopt changes to the City's comprehensive plan, comprehensive plan maps, zoning maps, applicable community plans, Titles 10, 32, 33, and 34, or regulations for stormwater disposal, floodplain review or grading in a timely manner as provided in Section III.B.3. above. The City shall notify the County in writing 90 days prior to such termination. In the event of such termination, the City will continue land use reviews in process prior to the date of termination and will continue to accept applications up until the date of termination, but only to the extent that development fee payments and the County's annual payment (or a supplemental payment from the County if the annual payment is insufficient) fully reimburse the City for its costs and expenses. If the City determines that the City's costs and expenses for completing the land use reviews after termination were less than the County's payment to the City for those services, the City will return the remaining balance to the County. The City will return to the County documents, files and computer data needed by the County to provide land use services to the Affected Area within 5 working days after the date of termination.

C. Nonappropriation

In the event of nonappropriation of funds or staff resources by the City or County, either party may terminate or reduce the scope of services to be provided and contract funding accordingly, but such party must provide notification of termination or reduction in scope of services to the other party as soon as practicable.

VI. INDEMNIFICATION

A. General Provisions

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

and costs arising out of or resulting from the acts of City, its officers, employees and agents in the performance of this agreement.

B. Indemnity for Takings and Tort Claims

For constitutional takings claims, tort claims, alternative writs of mandamus and inverse condemnation claims, including without limitation civil rights actions alleging a taking, the County shall indemnify the City for City's acts or omissions, including defense costs, attorney fees and any settlements or judgments. In no event shall either party be responsible for any punitive damages awarded against the other party, its officers, employees or agents. The intent of the parties is that the County would be financially responsible for takings claims arising out of the application of the county zoning code, as applied by the City, including conditions of approval. It is not the intent of the parties to hold the County financially liable for negligent or intentional "bad" acts of City employees.

VII. INSURANCE

County and City shall each be responsible for providing worker's compensation insurance as required by law. Neither party shall be required to provide or show proof of any other insurance coverage.

VIII. ADHERENCE TO LAW

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

IX. NONDISCRIMINATION

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

X. ACCESS TO RECORDS

Each party shall have access to the books, documents and other records of the other which are related to this Agreement for the purpose of examination, copying and audit, unless otherwise limited by law.

XI. SUBCONTRACTS AND ASSIGNMENT

Neither party will subcontract or assign any part of this Agreement without the written consent of the other party, except that the City may subcontract or assign services under this Agreement if the subcontract or assignment applies generally to City land use services and not only to the Affected Area.

XII. PROPERTY OF COUNTY

In the event of termination of this Contract, all files and documents of any kind related to the scope of work set forth in this Contract shall be transferred back to the County. The County shall only pay the actual costs of the transfer.

XIII. CONTRACT ADMINISTRATION

County designates Kathy Busse, 1600 SE 190th, Portland, OR 97233 to represent County in all matters pertaining to the administration of this Agreement. The City designates Margaret Mahoney, 1900 SW 4th Avenue, Portland, OR 97201 to represent the city in all matters pertaining to the administration of this Agreement.

XIV. ENTIRETY OF AGREEMENT

This Agreement constitutes the entire Agreement between the parties. No waiver, consent, modification or change of the terms of this Agreement shall bind either party unless made in writing and signed by both parties.

XV. SEVERABILITY

County and City agree that if any terms or provision of this Agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid.

MULTNOMAH COUNTY

CITY OF PORTLAND

By: _____
Diane Linn, Chair

By: _____
Vera Katz, Mayor

Date: _____

Date: _____

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # _____ DATE _____
DEB BOGSTAD, BOARD CLERK

By: _____
Gary Blackmer, Auditor

Date: _____

Approved as to Form:
Thomas Sponsler, County Attorney
For Multnomah County

Approved as to Form:
Jeffrey Rogers, City Attorney
For City of Portland

By: Sandra Dwyer

By: _____

Estimated County Fees for Land Use Reviews

Land Use Review	*Estimated County Fee
Adjustment	
Residential Use (only)	\$1,612
Non-residential or mixed use	\$1,618
Comprehensive Plan Map Amendment	\$16,230
Conditional Use	
Type III (Major)	\$8,827
Type II (Minor)	\$3,162
Type I	\$2,219
Conditional Use Master Plan and Central City Master Plan	
New/Amendment (Major)	\$12,722
Amendment (Minor)	\$7,111
Convenience Store Review	\$2,340
Demolition	
Accessory Buildings	\$795
Landmarks, Inventoried Structures	\$2,983
Design Review	
Major	0.004 of construction cost (\$5,145 min/\$17,682 max)
Minor A	0.004 of construction cost (\$2,980 min/\$5,905 max)
Minor B	0.004 of construction cost (\$635 min/\$3205 max)
Environmental Conservation	
Residential use (only)	\$5,835
Non-residential or mixed use	\$6,950
Environmental Enhancement	\$550
Environmental Protection II	\$3,704
Environmental Protection III	\$4,988
Environmental Violation	\$9,195
Excavation and Fill	\$2,390
Greenway	
Residential use (only)	\$890
Non-residential or mixed use	\$4,000
Hazardous Substances	\$9,011
Historic Landmark designation or removal	
Individual properties	\$3,830
Multiple properties or districts	\$4,602
Impact Mitigation Plan	
New/Amendment (Major)	\$21,429
Amendment (Use)	\$5,556
Amendment (Minor)	\$2,746
Implementation	\$3,500
Industrial Park	\$3,376
Major Land Division	\$8405 + \$120 per lot
Final Plat Maps	\$2,861
Title 34 Variance	\$924
Minor Land Division	\$3,564

* Other agency fees may apply.

* Hearings Officers fee included, where applicable.

Estimated County Fees for Land Use Reviews

Land Use Review	*Estimated County Fee
With concurrent Type II Review	\$3,970
Title 34 Variance	\$3,248
Final Plat Maps	\$820
Non-conforming Status Review	\$2,153
Non-conforming Situation Review	
C, E or I Zone	\$12,267
OS or R Zone	\$4,181
Planned Unit Development	
Major	\$7502 + \$124 per lot
Minor	\$3,633
Pre-Application Conference	\$1,865
Reasonable Use	\$1,325
Statewide Planning Goal	\$28,710
Substandard Lot	\$1,471
Tree Removal	\$965
Zoning Map Amendment	\$5,290
Other Unassigned Reviews	
Type I	\$2,402
Type II	\$2,500
Type III	\$6,355
Development Review	
Community Design Standards Plan	
Check	\$122
Environmental Plan Check	\$350
Consultation	\$80 per hour
Photocopies	\$.50 cents/page
Plan Check	\$1.15 per \$1,000 valuation
Both residential and commercial	\$95 minimum
Property Line Adjustment	\$907
Renotification Fee	\$476
Transcripts	Actual cost
Zoning Confirmation	
Tier A	\$267
	\$775
Tier B (zoning/development analysis, nonconforming standard evidence)	
DMV Renewal	\$41
Appeals Type II	\$250
Appeals Type III	1/2 of application fee

* Other agency fees may apply.

* Hearings Officers fee included, where applicable.

**INTERGOVERNMENTAL AGREEMENT TO TRANSFER LAND USE
PLANNING RESPONSIBILITIES**

BETWEEN

CITY OF PORTLAND AND MULTNOMAH COUNTY

This is an Intergovernmental Agreement to Transfer Land Use Planning Responsibilities, hereinafter the "Agreement", between MULTNOMAH COUNTY, hereinafter "County", a home rule county and a political subdivision of the State of Oregon, and the CITY OF PORTLAND, hereinafter "City", a home rule city and a political subdivision of the State of Oregon.

RECITALS:

- A. The City and County are authorized under the provisions of ORS 190.003 to 190.030 to enter into intergovernmental agreements for the performance of any or all functions that a party to the agreement has authority to perform. This Agreement is made pursuant to the authority granted by ORS Chapter 190;
- B. The City and County entered into an Urban Planning Area Agreement (hereinafter "UPAA") dated March 5, 1998 and amended November 4, 1998. The UPAA provided for the coordination and orderly conversion of unincorporated urbanizable land in the County to urban uses and authorized the City to prepare applicable comprehensive plan and implementing ordinances for the County's urban areas. This planning work has now largely been completed by the County's adoption of the City's applicable land use regulations, comprehensive plan and zoning through County Ordinance 967 on October 11, 2001, with an effective date of January 1, 2002;
- C. The UPAA also directed the City to complete work required to enable the county to comply with the METRO Urban Growth Management Functional Plan. That work is currently being completed pursuant to an Intergovernmental Agreement dated April 19, 2001; and
- D. Under Sections II.A and B of the UPAA, the County agreed to transfer to the City responsibility for implementing and administering comprehensive plan and zoning regulations for all County unincorporated areas within the City's Urban Services Boundary. The UPAA provided that the transfer of functions could be accomplished through a separate agreement between the County and City.

NOW , THEREFORE, THE CITY AND COUNTY DO MUTUALLY AGREE AS FOLLOWS:

I. INTENT OF AGREEMENT

- A. This Agreement implements Sections II.A and B of the UPAA by transferring responsibilities for implementing and administering comprehensive plan and zoning regulations from the County to the City for properties within unincorporated Multnomah County that are within the City's Urban Services Boundary, the METRO Urban Services Area and Urban Growth Boundary;
- B. The area that is subject to this Agreement is defined as depicted in Exhibit 1, attached to this Agreement (hereinafter the "Affected Area"). The Affected Area, in general, includes all of the properties within unincorporated Multnomah County that are also within Portland's Urban Services Boundary, with two exceptions. The first, West Hayden Island (map attached as Exhibit 2), is already covered by an intergovernmental agreement and will retain County zoning. It is not subject to this Agreement. The second, a site known as Fred's Marina (attached as Exhibit 3), will remain under County land use jurisdiction and is not subject to this Agreement for all matters related to the settlement agreement entered into on February 6, 2001 in the United States District Court, and confirmed in writing on February 27, 2001. However, any plans for further development not specifically covered under the settlement agreement shall be covered by this Agreement.
- C. The full costs to the City of transfer of land use planning and zoning responsibilities and performance of services under this Agreement shall be reimbursed or paid by (1) fees for land use services and (2) payments from the County.
- D. All actions specified by this Agreement shall be taken to assure that the County's comprehensive plan, zoning ordinances, and regulations for land divisions, signs, erosion control and stormwater disposal, grading and floodplain review remain consistent with the City's. The County has adopted the City comprehensive plan, zoning ordinance and other regulations as the County's for the Affected Area and intends to adopt future amendments to the City's comprehensive plan, zoning ordinance, and regulations for land divisions, signs, erosion control and stormwater disposal, grading and floodplain review. The City intends to administer the same codes and regulations for County properties in the Affected Area as it does for City properties.
- E. This Agreement does not expressly promote annexation of properties in the Affected Area to the City. However, the City and County recognize the City's intent to annex within its established urban services boundary

according to City/County agreements such as the UPAA and as described in the City's urban services policy and comprehensive plan. Furthermore, the City and County understand that approval of requests for zone changes or comprehensive plan amendments that require new or extension of urban services or that increase density over allowed density under adopted zoning will be contingent on annexation.

- F. If any property in the Affected Area annexes to the City or is removed from the City's Urban Services Boundary, it will no longer be subject to this Agreement.
- G. The City will interpret specific references to City agencies and organizations in City Codes and regulations adopted by the County to mean the appropriate City or County agency or organization. For example, when the City Zoning Code requires notification to organizations recognized by the City's Office of Neighborhood Involvement (O.N.I.), the notification will be sent to the organizations recognized by the County's equivalent of O.N.I. and the requirement for notice will be met.
- H. As part of a future legislative project, the City and County anticipate applying a recreation trail designation near the Willamette River in the Affected Area.

II. DELEGATION OF AUTHORITY

The County agrees to delegate to the City any and all authority that it possesses and which is needed by the City to carry out land use planning and zoning implementation for the Affected Area. The effective date and terms of the delegation of authority are as provided for in this Agreement and County Ordinance No. 967. Among the actions that the County authorizes the City to take in the Affected Area pursuant to this Agreement are those enumerated in Section III.C. below which are hereby incorporated into this Delegation of Authority by reference. This delegation of authority should be construed broadly.

III. RESPONSIBILITIES OF THE PARTIES

A. Fees and Costs.

1. General Provisions

It is the intention of the parties that all costs and expenses incurred by the City in performing tasks described in Section III.C. of this Agreement shall be paid or reimbursed by City's collection and retention of application fees and by payment from County funds. For purposes of this Agreement, "costs and expenses incurred by the City" include without limitation employee salaries, fringe benefits and City overhead attributed to such employees, expenses incurred for publication and mailing related to land use reviews and services, provided such costs, expenses and fees

are attributed to applications which the City processes under this Agreement. Operational and start-up costs are to be fully covered by:

- a. the fees collected for development applications or other services according to the schedule adopted by the City for development review, attached as Exhibit 4 and incorporated as part of this Agreement;
- b. an annual payment from the County to the City, as needed, to reimburse the City for the gap between the City's costs of fulfilling its responsibilities under the Agreement and the development fee revenues;
- c. a one-time payment from the County to the City for the start up costs of creating and implementing this Agreement; and
- d. payment of attorney fees by the County to the City for appeals of land use decisions to the Land Use Board of Appeals, the Court of Appeals and the Oregon Supreme Court.

2. The Fee Schedule

a. Establishment

For most land use reviews, the proposed fees for land use applications and zoning services in the Affected Area reflect 100% of the estimated cost of providing the service.

b. Amending the Fee Schedule

The City, annually or as determined by need, amends its fee schedule to cover costs of services. The fees established for services and applications for properties in the Affected Area may also be amended at the same time. The County will not have to adopt or approve amended fee schedules that are consistent with the cost of living increases adopted for the City fee schedule. Other amendments to the fee schedule will require County approval.

3. Annual Payment

a. Initial Payment

City land use fees are supplemented by money that comes directly to the Office of Planning and Development Review (OPDR) from the City's General Fund. No General Fund

money is available to cover costs associated with work on applications and services for development outside of the City limits. Therefore, the fee schedule attached at Exhibit 4 will be established for Affected Area land use reviews and services to reflect 100% cost recovery with the following exception. The County recognizes certain development activity has public benefit and no private economic benefit. For those certain applications, the County agrees to pay the City an amount of \$37,000 for the initial 18 month period (\$25,000 per 12 month period, prorated for 18 months) from January 2002 through June 2003 to reduce certain fees in Exhibit 4. The amount is estimated to cover the expected difference between the City's actual costs and expenses of processing land use cases and other planning and zoning services and the anticipated revenue brought in from fees for these services and applications in the Affected Area. The fee shall be paid as provided in Section III.B.1.b. below.

b. Determining the Amount of Annual Payment

1. Timing of Annual Review

Both parties recognize that the number and type of cases and services that the City will process for the Affected Area may change over time. To cover the actual costs and expenses of providing services to the Affected Area without subsidy from the City, the amount of payment will be reviewed and determined annually by both parties.

To allow enough time to assess actual work involved in the processing of cases and services and to allow the County's annual payment to be included in the County budget, the first review shall occur in January 2003. Thereafter, annual review and assessment will occur in January of each year of the Agreement.

2. Reconciliation of Costs

In addition to considering costs and expenses incurred by the City for land use reviews and services, the proportionate costs of legislative services for the Affected Area will be considered as part of the annual review.

If, at the time of annual review, the City and County determine that the City's actual costs and expenses for the Affected Area exceed fee revenues plus the County's

annual payment, the County shall reimburse the City for this difference.

If, at the time of annual review, the City and County determine that fee revenues for the Affected Area plus the County's annual payment exceed the City's actual costs and expenses, the City shall apply the difference to the following fiscal year's services and the County's payment to the City for the following fiscal year (defined for purposes of this Agreement as July 1 through June 30 of each year) will be reduced accordingly.

Subsequent assessment and agreements for payment shall be considered amendments to this Agreement and shall be adopted by both parties. Such amendments may be made by the County Planning Director on behalf of the County and by the Director of the Office of Planning and Development Review and Director of Planning on behalf of the City when the annual payment from the County to the City does not exceed \$25,000. Otherwise, the annual payment must be approved by the County Board of Commissioners and City Council.

4. One-time Payment to Cover Cost of Transfer of Services

The City and County agree that there are costs involved with transferring land use and planning responsibilities from the County to the City. The work to implement this Agreement includes but is not limited to:

- a. Creation of new zoning maps for unincorporated areas covered by this Agreement,
- b. Updating of databases and maps to include information about County properties (land use history, historic resources, land hazards, flood data, cell sites, plan districts),
- c. Amending City's Title 33 to reflect the land use appeals process for County properties,
- d. Transferring land use history from the County to the City,
- e. Creation of new and revised handouts and forms for processing of County land use cases,

- f. Creation of new notification lists and contacts for land use cases (service providers and recognized associations),
- g. Changes to the City's permit tracking system (TRACS) to identify, assign, and provide information about County permits in the affected area,
- h. Work necessary to take over addressing responsibilities for the affected area,
- i. Work necessary to determine land use fees, and
- j. Work involved in creating this Agreement and
- k. Training staff about procedural, computer, database and history changes relevant to the project.

The County shall transfer \$50,000 to OPDR to cover costs. The amount shall be paid as provided in Section III.B.1.b. below. The City and County acknowledge that while this amount may not fully cover the costs associated with the transfer of responsibilities, it is a reasonable amount given County financial circumstances, available funds and the cooperative nature of this Agreement.

5. Costs of Land Use Appeals

The City, through the City Attorney's Office, will represent the County in appeals to the Land Use Board of Appeals, Court of Appeals and Supreme Court of land use decisions made by the City for the Affected Area, as described in Section III.C.4. below. The County agrees to pay to the City Attorney's Office its fully burdened hourly rate for its work in representing the County before the Land Use Board of Appeals, the Court of Appeals and the Oregon Supreme Court. The County shall make payment to the City Attorney's Office within 30 days of billing.

B. County Responsibilities

The County agrees to perform the following activities for the Affected Area as part of this Agreement:

- 1. General Responsibilities
 - a. Within 5 working days of the effective date of this Agreement, transfer all documents, files and computer data relevant to the land use history of the Affected Area and any particular services denoted in the Agreement. The data shall be in a format acceptable to the City. The City's cost

of this transfer is included in the One-time Payment outlined above in Section III.A.4.

- b. Transfer funds for the first year of this Agreement identified in above in Sections III.A.3.a. and III.A.4. within 30 days of the effective date of this Agreement. Thereafter within 30 days of the start of each ensuing fiscal year and as long as this Agreement is in effect, the County will pay to the City an amount which reflects the actual experience of the parties as to the costs to the City for its services under this Agreement which are not covered by application fees.
- c. Promptly notify Office of Planning and Development Review and City Bureau of Planning of changes to County's list of recognized associations and of other staff or organizational changes affecting notice or review of land use cases or development permits.
- d. Adopt the Fee Schedule for land use reviews and services for properties in Multnomah County and subsequent revisions as required in Section III.A.2. above.
- e. Pay land use appeal fees for recognized County neighborhood organizations for appeals of decisions affecting property in the organization's geographic boundaries.
- f. Pursuant to County Ordinance 967, and in accordance with ORS 215.427(3), this Agreement does not apply to any land use decision or services for an application that was submitted to the County before January 1, 2002 and that was made complete prior to January 1, 2002 or within 180 days of the initial submission of the application. In these instances, the County will provide land use services and review based on the land use regulations in effect at the time of the application. However, an applicant may choose to apply under the regulations adopted under County Ordinance 967 (as amended at the time of application) for development approved by a pre-January 1, 2002 land use decision.
- g. Pursuant to County Ordinance 967, and in accordance with ORS 92.040(2), for any subdivisions for which the initial application was submitted before January 1, 2002, the subdivision application and any subsequent application for construction approved by the subdivision shall be governed

by the County land use regulations in effect as of the date the subdivision application was first submitted. The County retains land use service and review responsibility in these cases. However, an applicant may choose to apply the regulations adopted under County Ordinance 967.

- h. Provide, as needed, technical assistance to the City to help in interpreting County land use history, regulations or other land use related services requiring County expertise. This assistance shall be delivered to the City at no charge and in a timely manner.
- i. All other actions reasonably necessary to carry out the authority given to the City as provided for in this Agreement.

2. Continuing Review Obligations

- a. Maintain responsibility for land use reviews and services including review of building permits in the Affected Area when the County land use regulations prior to January 1, 2002 are applicable to such reviews, permits or services.
- b. Maintain the responsibility for review and comment on all land uses cases with regard to transportation concerns, standards and requirements.
- c. Respond to request for responses to land use reviews within the time identified in the requests. The County's failure to respond in a timely manner to requests for responses shall mean no comment regarding the proposal.
- d. Use City standards for street and stormwater improvements when improvements are required as part of either land use review or building permit approval.
- e. Retain responsibility for engineering and ownership review of plats and coordinate review with City staff.
- f. For quasi-judicial applications for comprehensive plan amendments and statewide goal exceptions, the City Council will first review the application. If the application is approved, the County Board of Commissioners must make the final land use decision.

3. Amendments to City and County Regulations

- a. The County will refer property owners and residents in the Affected Area to the City as the provider of the appropriate public process for their input on City legislative proposals that will be considered by the County.
- b. The County will ensure that the County Planning Commission and the County Board of Commissioners are notified of all proposed comprehensive plan map or text amendments or development-related amendments to the City's Code, including amendments to the zoning code or maps, and regulations for land divisions, signs, erosion control, floodplain review, grading and stormwater disposal. The County Planning Director will notify County Planning Commissioners and County Commissioners that any concerns they may have about the City's proposed amendments should be addressed through oral or written testimony as part of the City's legislative process.
- c. The County will ensure that any City Council adopted amendments to the City comprehensive plan, zoning code and other regulations adopted by the County Board of Commissioners will be considered by the County Board of Commissioners at the earliest possible meeting. The County Board of Commissioners shall enact all comprehensive plan and code amendments so that they take effect on the same date specified by the City's enacting ordinance, except as provided in d. below.
- d. In the event the City Council adopts amendments to the development regulations adopted by the County Board of Commissioners by emergency ordinance to be effective immediately, the County Board of Commissioners will consider the amendments at their next regularly scheduled meeting. The County Board of Commissioners will also consider adoption of the amendments as an emergency ordinance with an immediate effective date. Any and all immediately effective amendments adopted by the City Council by emergency ordinance will not apply to properties within the unincorporated areas until the County Board of Commissioners adopt the same immediately effective amendments by emergency ordinance.
- e. In the event the County Board of Commissioners chooses not to adopt amendments to the comprehensive plan, zoning code or maps, and regulations for land divisions,

signs, erosion control, floodplain review, grading or stormwater disposal or other development-related titles of the City Code as adopted by City Council, the City may terminate this Agreement as provided in Section V.B. In this event, the County will resume responsibility for planning and zoning administration within the Affected Area.

C. City Responsibilities

The City is authorized by the County and agrees to perform the following activities for the Affected Area as part of this Agreement:

1. General Provisions

- a. Notify the County of proposed fee increases related to the land use activities covered in this Agreement.
- b. Notify the County Planning Director of land use cases in the Affected Area for both comment and tracking of workload to help assess subsequent payments to offset City cost of providing land use services to the Affected Area.
- c. Assign addresses to properties in the Affected Area.
- d. Apply street classifications to County rights-of-way that are comparable to City street classifications.

2. Land Use Reviews and Services

- a. Perform land use, zoning and planning services (pre-application conferences, information, case review, building permit review, long range planning) for the Affected Area using the City's comprehensive plan, zoning, land division, sign, erosion control, floodplain, grading, stormwater disposal and other applicable City regulations as adopted by the County.
- b. Process land use cases as provided in City codes adopted by the County, including but not limited to required notifications, preparation of staff reports, site visits, presentation at public hearings, preparation of findings and maintaining records.
- c. Collect fees for development applications, land use reviews and services and appeals.

- d. Conduct public hearings before the land use authority as provided in City codes adopted by the County.
- e. Make land use decisions.
- f. Interpret the applicable comprehensive plan and implementing regulations.
- g. Assume land division authority and responsibility, except as provided in Section III.B.1.f. and g.
- h. Enforce land use regulations, code violations and permit violations and perform code enforcement services, including inspections, under the City codes adopted by the County for land use and related activities, including zoning, conditions of approval, signs, erosion control, stormwater disposal, floodplain and grading review.
- i. Provide zoning information to the general public and applicants in the Affected Area.
- j. Review building and development permits for compliance with City zoning, sign, erosion control, floodplain review, grading and stormwater disposal regulations and requirements adopted by the County.
- k. Regulate home occupations according to City codes adopted by the County.
- l. Review OLCC, DMV and other land use compatibility statements for land use compliance.
- m. Notify County Transportation and Engineering of land use cases and building permits for comment and approval in a timely manner to ensure meeting required and desired deadlines.
- n. Notify organizations (neighborhood associations and interested parties) recognized by the County for land use purposes to meet City requirement for notification to recognized organizations. The City will use the most current list of associations and contacts provided by the County.
- o. Land use planning review and services shall be provided in a manner consistent with applicable best management practices as set forth in the City of Portland National Pollution Discharge Elimination System (NPDES)

Municipal Stormwater Permit. The level of review and services shall be provided at the same level provided by the City to other areas within the City limits.

3. Amendments to City and County Regulations

- a. Include the Affected Area (and all areas within the City's Urban Services Boundary) in appropriate planning projects.
- b. For all legislative amendments to the City's land use code and comprehensive plan that will also be adopted by the County, the City will provide notice of proposed amendments to the Land Conservation and Development Commission on the County's behalf as required by state law.
- c. The City will include all residents and property owners in the Affected Area in any legislative public process that may result in changes to the comprehensive plan or maps or development-related regulations adopted by the County Board of Commissioners, including the zoning code, land division regulations, sign regulations, erosion control, floodplain review, grading and stormwater disposal regulations of the City's Code. It is to be understood that the public process for the Affected Area is one and the same as the process held by the City. All residents and property owners in the Affected Area will be noticed on City legislative processes as required by State law and the City Code. Residents and property owners in the Affected Area who come forward with concerns or comments regarding proposed City amendments to development regulations will be considered by the City's various review bodies. The City's review bodies will consider testimony from Affected Area residents and property owners regarding the City's proposed amendments to development regulations just as they consider testimony from City residents.
- d. The City will include County decision-making bodies in any legislative public process that may result in changes to the development regulations adopted by the County Board of Commissioners. In addition, the City will notify the County Planning Director prior to the first evidentiary public hearing on any proposed amendments to the City's development regulations. County decision-makers and staff will be encouraged to participate in the City's public process.

- e. After the City Council has taken final action on any ordinance amending the development regulations adopted by the County Board of Commissioners, the City will forward the final decision to the County Board of Commissioners for adoption.

4. Legal Representation

- a. Represent the County at the Land Use Board of Appeals, Court of Appeals and Oregon Supreme Court for any appeal of a land use decision made by the City for property in the Affected Area at the expense of the County, as provided in Section III.A.5.
- b. Represent the County at no County expense for Writs of Mandamus based on the City's failure to issue a final decision within the time limits set by statute, unless the City's failure is the result of the County's failure to perform one or more of its responsibilities under this Agreement.

IV. OPERATING PROCEDURES AND RELATIONSHIPS

A. Dispute Resolution

In the case of a dispute under this Agreement, the County Planning Director, City Director of the Office of Planning and Development Review, and City Planning Director shall attempt to resolve the dispute informally. If the dispute cannot be resolved through this process, the parties shall submit their dispute to intergovernmental arbitration pursuant to ORS 190.710 through 190.800. Each of the parties shall bear its own expense of attorney fees and arbitration.

B. Amendment

This Agreement may be amended by mutual written agreement of the parties. Amendment shall be valid only when reduced to writing, approved as required and signed.

To the extent that an amendment has no budgetary impact, the City Council and County Board of Commissioners grant authority to the County Planning Director, the City Director of the Office of Planning and Development Review and the City Planning Director to make changes to this Agreement needed to carry out the intent and provisions of the Agreement. Amendments that will result in a budgetary impact need to be made by the City Council and the Board of County Commissioners, except as provided otherwise in Section III.A.3.b.2. regarding annual payment from the County.

V. TERM OF AGREEMENT AND TERMINATION

A. General Term

This Agreement shall be effective January 4, 2002 and shall remain in effect until terminated by mutual agreement of both parties, or as determined by dispute resolution.

B. Termination by City

This Agreement may be terminated by the City if the County fails to adopt changes to the City's comprehensive plan, comprehensive plan maps, zoning maps, applicable community plans, Titles 10, 32, 33, and 34, or regulations for stormwater disposal, floodplain review or grading in a timely manner as provided in Section III.B.3. above. The City shall notify the County in writing 90 days prior to such termination. In the event of such termination, the City will continue land use reviews in process prior to the date of termination and will continue to accept applications up until the date of termination, but only to the extent that development fee payments and the County's annual payment (or a supplemental payment from the County if the annual payment is insufficient) fully reimburse the City for its costs and expenses. If the City determines that the City's costs and expenses for completing the land use reviews after termination were less than the County's payment to the City for those services, the City will return the remaining balance to the County. The City will return to the County documents, files and computer data needed by the County to provide land use services to the Affected Area within 5 working days after the date of termination.

C. Nonappropriation

In the event of nonappropriation of funds or staff resources by the City or County, either party may terminate or reduce the scope of services to be provided and contract funding accordingly, but such party must provide notification of termination or reduction in scope of services to the other party as soon as practicable.

VI. INDEMNIFICATION

A. General Provisions

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

and costs arising out of or resulting from the acts of City, its officers, employees and agents in the performance of this agreement.

B. Indemnity for Takings and Tort Claims

For constitutional takings claims, tort claims, alternative writs of mandamus and inverse condemnation claims, including without limitation civil rights actions alleging a taking, the County shall indemnify the City for City's acts or omissions, including defense costs, attorney fees and any settlements or judgments. In no event shall either party be responsible for any punitive damages awarded against the other party, its officers, employees or agents. The intent of the parties is that the County would be financially responsible for takings claims arising out of the application of the county zoning code, as applied by the City, including conditions of approval. It is not the intent of the parties to hold the County financially liable for negligent or intentional "bad" acts of City employees.

VII. INSURANCE

County and City shall each be responsible for providing worker's compensation insurance as required by law. Neither party shall be required to provide or show proof of any other insurance coverage.

VIII. ADHERENCE TO LAW

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

IX. NONDISCRIMINATION

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

X. ACCESS TO RECORDS

Each party shall have access to the books, documents and other records of the other which are related to this Agreement for the purpose of examination, copying and audit, unless otherwise limited by law.

XI. SUBCONTRACTS AND ASSIGNMENT

Neither party will subcontract or assign any part of this Agreement without the written consent of the other party, except that the City may subcontract or assign services under this Agreement if the subcontract or assignment applies generally to City land use services and not only to the Affected Area.

XII. PROPERTY OF COUNTY

In the event of termination of this Contract, all files and documents of any kind related to the scope of work set forth in this Contract shall be transferred back to the County. The County shall only pay the actual costs of the transfer.

XIII. CONTRACT ADMINISTRATION

County designates Kathy Busse, 1600 SE 190th, Portland, OR 97233 to represent County in all matters pertaining to the administration of this Agreement. The City designates Margaret Mahoney, 1900 SW 4th Avenue, Portland, OR 97201 to represent the city in all matters pertaining to the administration of this Agreement.

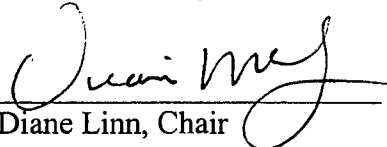
XIV. ENTIRETY OF AGREEMENT

This Agreement constitutes the entire Agreement between the parties. No waiver, consent, modification or change of the terms of this Agreement shall bind either party unless made in writing and signed by both parties.

XV. SEVERABILITY

County and City agree that if any terms or provision of this Agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid.

MULTNOMAH COUNTY

By: 
Diane Linn, Chair

Date: 12.6.01

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-5 DATE 12.06.01
DEB BOGSTAD, BOARD CLERK

CITY OF PORTLAND

By: _____
Vera Katz, Mayor

Date: _____

By: _____
Gary Blackmer, Auditor

Date: _____

Approved as to Form:

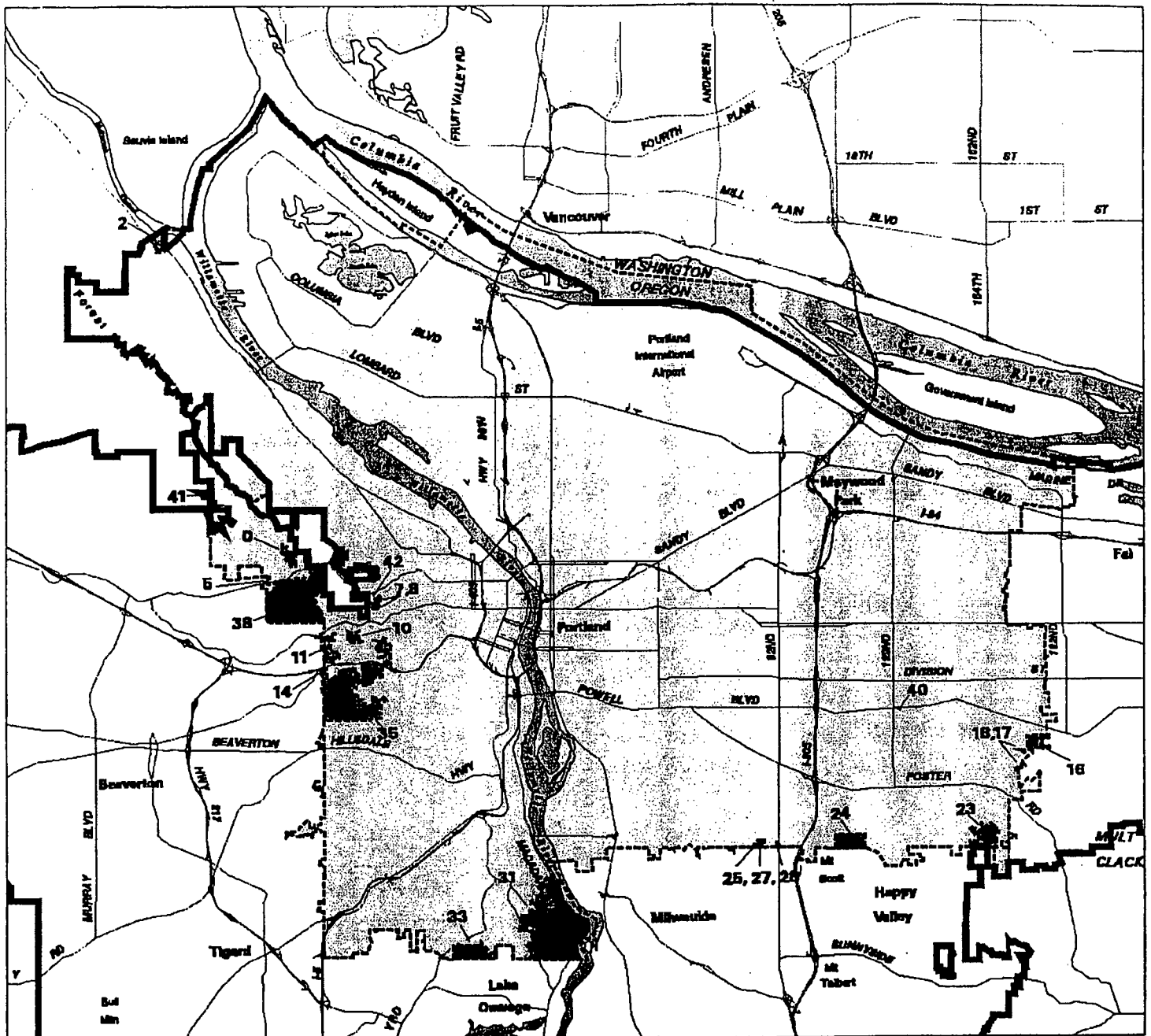
Thomas Sponsler, County Attorney
For Multnomah County

By: Sandra Duffy
Sandra N. Duffy
Deputy County Counsel

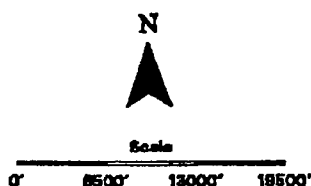
Approved as to Form:

Jeffrey Rogers, City Attorney
For City of Portland

By: _____



Multnomah County Compliance Project UIA's (Unincorporated Areas)



City of Portland
Bureau of Planning
Geographic
Information System
May 25, 2001

LEGEND

- Unincorporated Study Areas
- City of Portland (Incorporated)
- Urban Services Boundary
- Urban Growth Boundary

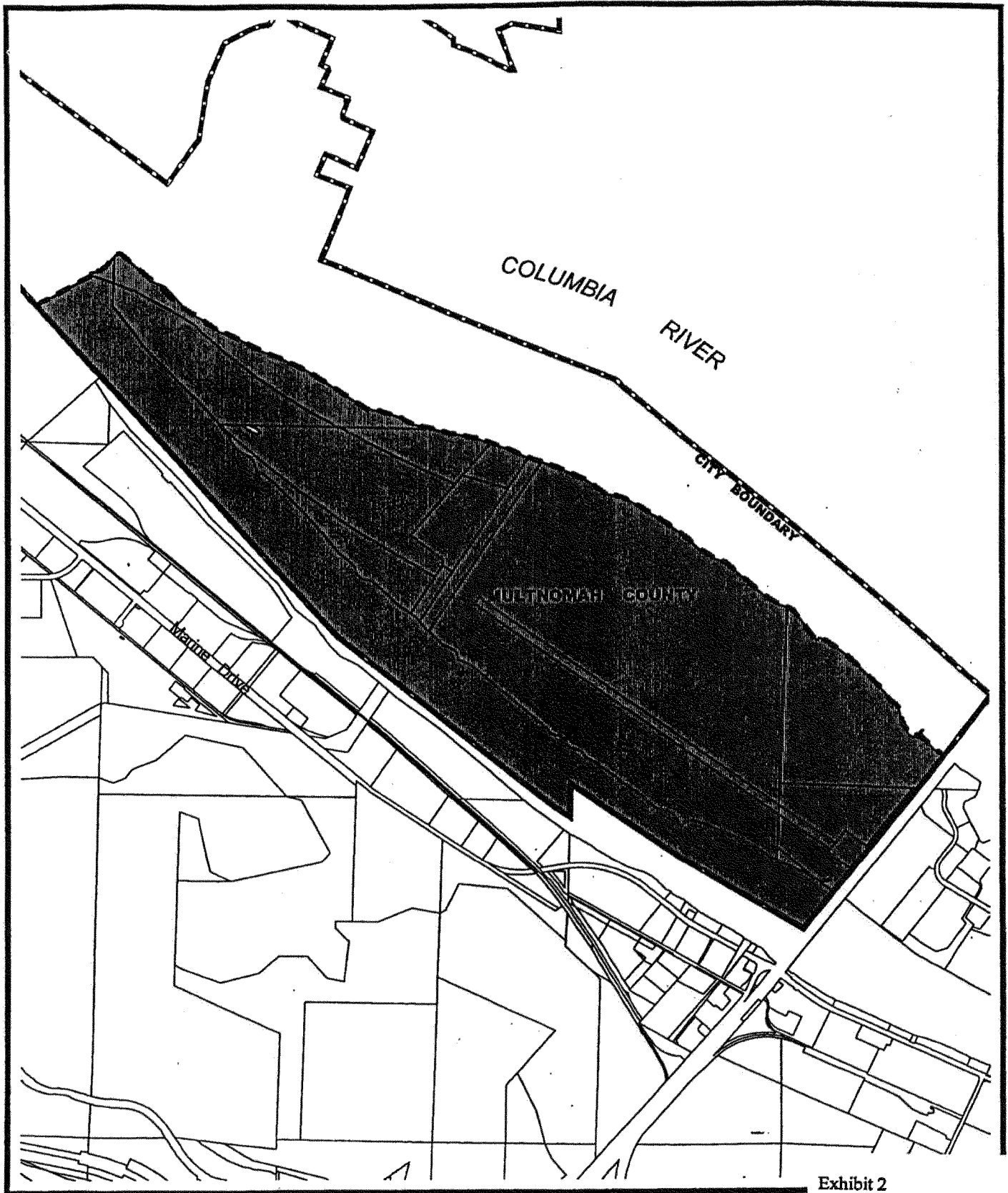
INFORMATION SOURCES:

Terrains: Originally produced by Oregon Dept. of Revenue. Modified and updated by Multnomah County Assessment & Taxation and Portland Dept. of Transportation. Updated through March 2001. Accuracy - +/- 3 feet.

Urban Growth Boundary:
Source: Digitized by Metro, updated by Washington County CLUT & Metro (Nov. 23, 1992). Registered to local base. Updated by Metro (Aug. 2000).




All data sampled from source materials at different scales. For more detail, please refer to the source materials or City of Portland, Bureau of Planning.

The information on the map was derived from digital data bases on the City of Portland, Bureau of Planning GIS. Care was taken in the creation of this map but it is provided "as is". The City of Portland cannot accept any responsibility for error, omissions, or positional accuracy and therefore, there are no warranties which accompany this product. However, notification of any errors will be appreciated.



City of Portland
Nov. 19, 2001

West Hayden Island

-  Site Location
-  Urban Services Boundary
-  City Boundary



1 inch = 2000 feet



Estimated County Fees for Land Use Reviews

Land Use Review	*Estimated County Fee
Adjustment	
Residential Use (only)	\$1,612
Non-residential or mixed use	\$1,618
Comprehensive Plan Map Amendment	\$16,230
Conditional Use	
Type III (Major)	\$8,827
Type II (Minor)	\$3,162
Type I	\$2,219
Conditional Use Master Plan and Central City Master Plan	
New/Amendment (Major)	\$12,722
Amendment (Minor)	\$7,111
Convenience Store Review	\$2,340
Demolition	
Accessory Buildings	\$795
Landmarks, Inventoried Structures	\$2,983
Design Review	
Major	0.004 of construction cost (\$5,145 min/\$17,682 max)
Minor A	0.004 of construction cost (\$2,980 min/\$5,905 max)
Minor B	0.004 of construction cost (\$635 min/\$3205 max)
Environmental Conservation	
Residential use (only)	\$5,835
Non-residential or mixed use	\$6,950
Environmental Enhancement	\$550
Environmental Protection II	\$3,704
Environmental Protection III	\$4,988
Environmental Violation	\$9,195
Excavation and Fill	\$2,390
Greenway	
Residential use (only)	\$890
Non-residential or mixed use	\$4,000
Hazardous Substances	\$9,011
Historic Landmark designation or removal	
Individual properties	\$3,830
Multiple properties or districts	\$4,602
Impact Mitigation Plan	
New/Amendment (Major)	\$21,429
Amendment (Use)	\$5,556
Amendment (Minor)	\$2,746
Implementation	\$3,500
Industrial Park	\$3,376
Major Land Division	\$8405 + \$120 per lot
Final Plat Maps	\$2,861
Title 34 Variance	\$924
Minor Land Division	\$3,564
With concurrent Type II Review	\$3,970
Title 34 Variance	\$3,248
Final Plat Maps	\$820

* Other agency fees may apply.

* Hearings Officers fee included, where applicable.

Estimated County Fees for Land Use Reviews

Land Use Review	*Estimated County Fee
Non-conforming Status Review	\$2,153
Non-conforming Situation Review	
C, E or I Zone	\$12,267
OS or R Zone	\$4,181
Planned Unit Development	
Major	\$7502 + \$124 per lot
Minor	\$3,633
Pre-Application Conference	\$1,865
Reasonable Use	\$1,325
Statewide Planning Goal	\$28,710
Substandard Lot	\$1,471
Tree Removal	\$965
Zoning Map Amendment	\$5,290
Other Unassigned Reviews	
Type I	\$2,402
Type II	\$2,500
Type III	\$6,355
Development Review	
Community Design Standards Plan	
Check	\$122
Environmental Plan Check	\$350
Consultation	\$80 per hour
Photocopies	\$.50 cents/page
Plan Check	\$1.15 per \$1,000 valuation
Both residential and commercial	\$95 minimum
Property Line Adjustment	\$907
Renotification Fee	\$476
Transcripts	Actual cost
Zoning Confirmation	
Tier A	\$267
	\$775
Tier B (zoning/development analysis, nonconforming standard evidence)	
DMV Renewal	\$41
Appeals Type II	\$250
Appeals Type III	1/2 of application fee

* Other agency fees may apply.

* Hearings Officers fee Included, where applicable.

#1

SPEAKER SIGN UP CARDS

DATE 12/6/01

NAME

Tim Ramis

ADDRESS

1727 NW Hoyt

Portland OR 97209

PHONE

503-222-4402

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC R-6

GIVE TO BOARD CLERK

#2

SPEAKER SIGN UP CARDS

DATE Dec 6 2001

NAME

Dan Kearns

ADDRESS

610 Sw Alder St

Suite 803 - Port 97205

PHONE

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC Howard Canyon Moratorium

GIVE TO BOARD CLERK

#3

SPEAKER SIGN UP CARDS

DATE 12-6-01

NAME

KLAUS HEYNE

ADDRESS

41101 SE Linden Rd.

Corbett. OR.

PHONE

655-3412

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC R-6

GIVE TO BOARD CLERK

MEETING DATE: December 6, 2001
AGENDA NO: R-6
ESTIMATED START TIME: 10:30 AM
LOCATION: Boardroom 100

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Public Hearing for a Moratorium on new quarry permits while amendments to the Howard Canyon Reconciliation Report are considered.

BOARD BRIEFING Date Requested:
 Amt. of Time Needed:
 Requested By:

REGULAR MEETING Date Requested: December 6, 2001
 Amt. of Time Needed: 60 minutes

DEPARTMENT: DSCD **DIVISION:** Land Use Planning
CONTACT: Kim Peoples **TELEPHONE:** 988-3043
 BLDG/ROOM: 455/116

PERSON(S) MAKING PRESENTATION: Kim Peoples & Kathy Busse

ACTION REQUESTED

☐ Informational Only ☐ Policy Direction ☒ Approval ☐ Other

SUGGESTED AGENDA TITLE

Public Hearing, First Reading and Possible Adoption of an ORDINANCE Adopting, Under the Authority of ORS 197.520(3)(b), a Temporary Moratorium on Expansions of the Howard Canyon Quarry in Unincorporated Multnomah County Pending the County's Completion of a Reevaluation and Amendment to the Howard Canyon Reconciliation Report Under Statewide Planning Goal 5 and an Evaluation of the Requirements of the Endangered Species Act to Protect Nearby Fish-bearing Streams, Potential Changes in Mining Methods, Use of Rock, Associated Noise from Mining, and Potential Impacts of Mining on Surrounding Farm Uses, and Declaring an Emergency

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)
DEPARTMENT MANAGER: Michael Oswald

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email
deborah.l.bogstad@co.multnomah.or.us

01 NOV 28 PM 6:52
MULTNOMAH COUNTY
CLERK OF BOARD
DEBORAH L. BOGSTAD



DEPARTMENT OF
SUSTAINABLE COMMUNITY DEVELOPMENT
LAND USE PLANNING DIVISION

1600 SE 190TH Avenue
Portland, OR 97233
(503) 988-3043 FAX: (503) 988 -3389

SUPPLEMENTAL STAFF REPORT

TO: Board of County Commissioners
FROM: Land Use Planning Division; Kim Peoples
DATE: November 21, 2001
RE: Howard Canyon Quarry Moratorium Ordinance

1. Recommendation/Action Requested: Adopt the attached ordinance.
2. Background/Analysis: On January 24 and March 6, 2000, the Multnomah County Planning Commission conducted two public hearings on a legislative zone change to place the Protected Aggregate and Mineral (PAM) Overlay Subdistrict on and around the Howard Canyon Quarry. This was the final step to implement the program to achieve protection of the resource under the state goal. The Planning Commission recommended on April 3, 2000 that the Board of County Commissioners adopt with conditions the PAM Overlay Subdistrict on properties in and around Howard Canyon quarry. The Board of County Commissioners held a public hearing on June 13, 2000, and agreed with testimony presented that circumstances have changed since the Howard Canyon Quarry Reconciliation Report was originally adopted. Changes cited include 1) the listing of salmonids in the Sandy River as threatened under the Endangered Species Act (ESA) and the subsequent adoption of the 4(d) rules; 2) the proposal to extract landscape rock rather than aggregate rock that was analyzed and protected in the HCRR; 3) increased noise and farm impacts associated with the different extraction processes used for the landscape rock; and 4) more road impacts due to transporting the landscape rock to a larger market area (as opposed to the local market foreseen for the aggregate). In addition, questions arose regarding the lack of evidence for protecting the westerly 1000-foot extent of the resource.

The Board determined that there had been a change of circumstances since the adoption of the HCRR. The Board tabled the motion to adopt the zone change and directed the staff to re-open part of Goal 5, and focus on specific issues. The Board directed staff not to make any revisions to the transportation portion of the HCRR. Issues to be addressed include:

- ESA and need for improved stream protection,

- Changes in mining methods and uses of rock,
- Associated noise and farm impacts have not been adequately addressed,
- Lack of evidence for westerly 1000-foot extent of the resource.

In response to the Board's direction, Land Use Planning staff added this project to the Division's Work Plan and has contracted with Winterbrook Planning to assist with the biologic, geologic, noise, and economic analysis.

Because a PAM Overlay Subdistrict has not been placed on the zoning map, the conditional use requirements of the EFU and CFU-4 zoning districts will have to be applied to an application if one were submitted today. Additionally, the Multnomah County Comprehensive Framework Plan must be applied directly, namely the criteria contained in the Howard Canyon Reconciliation Report (HCRR).

The Board also directed Planning Staff to explore a mechanism in which the County could conduct and conclude it's reanalysis of the HCRR and at the same time be assured that an application to expand quarry activities could not be submitted until the County had completed all necessary work as directed by the Board. A moratorium is such a mechanism. A temporary moratorium is a valid zoning tool. The courts have outlined three reasons how temporary moratoria promote effective planning. First, by preserving the status quo during the planning process temporary moratoria ensure that a community's problems are not exacerbated during the time it takes to formulate a regulatory scheme. Secondly, temporary development moratoria prevent developers and landowners from racing to carry out development that is destructive to the community's interest before a new plan goes into effect. Such a race-to-development would permit property owners to evade the land-use plan and undermine it's goals. Finally, the breathing room provided by temporary moratoria helps ensure the planning process is responsive to the property owners and citizens who will be affected by the resulting land-use regulations.

In this case, the practical effect of a moratorium is a way in which the County can legally halt the acceptance and processing of a land use application for the expansion of quarry activities. Therefore, the moratorium will not affect the current level of activity the quarry is presently engaged in. The moratorium will provide the Planning Staff the necessary breathing room to step back, and develop a land use plan that is responsive to not only the community's interest but also the quarry owners. Through the Goal 5 process both the property owner and the community will be invited to attend a planning workshop with the County and it's consultant. Additional opportunity for input will be through general Planning Commission and Board hearings.

3. Financial Impact: None identified.
4. Legal Issues: ORS 197.505 to 197.540, provides substantive as well as procedural guidelines under which the County must act if a moratorium is adopted. Those procedures and criteria have been followed to date.
5. Controversial Issues: The owners of the effected property testified at the Planning Commission public hearing they are opposed to the imposition of a moratorium. They

have proposed an alternative agreement, a contract in form and substance. The property owners acknowledge that the County intends to reopen it's analysis of the Howard Canyon Quarry Reconciliation Goal 5 work, and would like to do so before an application of substantially heightened activity is submitted. The proposed agreement is based on the premise that if the County suspends the pursuit of the moratorium, the property owners/ operators promise not to submit a Conditional Use application. Further, in the event the property owners/operator change their mind and elect to go forward with an application, they must provide sufficient notice to the County of their intent thereby allowing the County to re-start the process and adopt the moratorium.

6. Link to Current County Policies: The moratorium is narrowly tailored to allow the County to address Goal 5 and ESA issues pertaining to the Howard Canyon Quarry Reconciliation Report which is an amendment to the County's Comprehensive Plan.
7. Citizen Participation: The Planning Commission conducted one public hearing pertaining to the moratorium draft ordinance and directed staff to incorporate appropriate minor changes to the proposed ordinance. Additionally, planning staff met several times with the property owner's representative and a representative from the community surrounding the quarry to discuss an alternative to the moratorium. The County mailed notice of the Planning Commission hearing and Board of County commissioners hearing to the property owners.
8. Other Government Participation: The Department of Land Conservation and Development, was noticed on this issue and have informally commented that the State Attorney General's Office has noted verbally that the County's proposed moratorium is a proper use of the moratorium statute and has properly provided the State with the required notice. We have since requested that determination in writing.

DECISION OF THE
MULTNOMAH COUNTY PLANNING COMMISSION

In the matter of recommending adoption of)	RESOLUTION
a temporary Moratorium on Expansions of)	
the Howard Canyon Quarry in the East of)	PC – 01-006
Sandy River Rural Area.)	

WHEREAS, Multnomah County exercises land use planning and permitting authority over land within the jurisdiction of Multnomah County lying outside the Portland Metropolitan Urban Growth Boundary; and

WHEREAS, Multnomah County has adopted and applies its acknowledged land use regulations and Comprehensive Plan to those portions of Multnomah County lying outside the Metro Urban Growth Boundary, and Multnomah County's land use regulations and Comprehensive Plan have been acknowledged by the Department of Land Conservation and Development as being consistent with all of the State-wide Planning Goals, including Goal 5; and

WHEREAS, the Howard Canyon Quarry is located in unincorporated Multnomah County, outside the Portland Metro UGB on rural land and is an active rock quarry, currently producing less than 5,000 cy of material per year and disturbing less than one acre of land per year under a grant of Total Exemption and is therefore exempt from requirements of the Mined Land Reclamation Act and OAR chapter 632, Division 030 promulgated by the Oregon Department of Geology and Mineral Industries; and

WHEREAS, Multnomah County evaluated the Howard Canyon Quarry and in 1994 attempted to designate the Quarry as an aggregate source under Goal 5. In response the Department of Land Conservation and Development directed the County, through a revised Periodic Review Work Program, to reconcile stream, wildlife, scenic view and mineral and aggregate resource issues in separate reconciliation reports for each designated resource site, including the Howard Canyon Quarry; and

WHEREAS, Multnomah County released in 1996 the Howard Canyon Reconciliation Report (HCRR) that addressed the information known at that time about natural resources and residential and farm areas that could be impacted by a mining operation in the Howard Canyon Quarry. The HCRR assessed and evaluated the Economic, Social, Environmental and Energy consequences (ESEE analysis) of a particular type and level of aggregate rock mining operation in the Quarry; and

WHEREAS, the particular type of mining operation proposed by the property owner and analyzed by Multnomah County in the HCRR was a construction concrete aggregate operation with a crusher and with a particular mix of machinery which generated a particular level of noise, and based on this noise generation, the surrounding "impact

zone” analyzed in the HCRR was limited to 1,200 feet and did not include any analysis of impacts to recognized farm uses under state law or the county code; and

WHEREAS, based on the particular nature of the mining operation proposed by the Quarry owner at that time, the County’s ESEE analysis concluded that the impacts from such a mining operation were acceptable and that the Quarry should be designated for resource extraction and protected from near-by conflicting uses and the HCRR became an acknowledged part of Multnomah County’s Comprehensive Plan and State-wide Goal 5 compliance; and

WHEREAS, despite the specific assumptions and recommendations of the HCRR and DLCD’s acknowledgment of the Report, neither the County nor the Quarry owner acted on the HCRR and neither sought to apply the recommended zoning for Protected Aggregate Mineral (PAM) sites as provided by the County’s land use regulations, and instead the Quarry retained its Commercial Forest Use (CFU-4) designation, which allows aggregate mining as a conditional use; and

WHEREAS, in 1998, the National Marine Fisheries Service (NMFS) declared Lower Columbia River Steelhead, which is native to and still survives in east Multnomah County, as threatened under the Federal Endangered Species Act (ESA), and in 1999, NMFS listed 8 additional salmon populations in Oregon as threatened under the ESA; and

WHEREAS, in February 2000, NMFS designated the critical habitat necessary for the survival of the species previously listed as threatened under the ESA, and declared the 300 feet on either side of the Sandy River and several of its tributaries to be critical habitat for the survival of these species, most notably Steelhead; and

WHEREAS, the Sandy River lies approximately 1000 feet from the Howard Canyon Quarry property and three tributaries of the Sandy River, *i.e.*, Big Creek, Knieriem Creek and Howard Canyon Creek, either pass through or adjacent to the Howard Canyon Quarry property and stand to be severely impacted by mining operations in the Quarry; and

WHEREAS, in response to the ESA listings of Lower Columbia River Steelhead and 8 other salmonid species and the designation of critical habitat for these species in east Multnomah County, both Metro and Multnomah County adopted extensive measures to protect these species and their critical habitat from incompatible development; and

WHEREAS, in 2000, the County, acting on behalf of the Quarry owner, applied to change the zoning of the Howard Canyon Quarry and of the private property surrounding the Howard Canyon Quarry and apply the County’s PAM zoning protections designed to protect aggregate and mineral sites and restrict the use of surrounding private property; and

WHEREAS, on June 13, 2000, the Board of County Commissioners tabled indefinitely that zone change request and directed staff to reopen and revise the HCRR and the County's Goal 5 process regarding the Howard Canyon Quarry and "focus on several issues that would include the Endangered Species Act and the need for improved stream protections, the change in mining method and use of rock, associated noises and farm impact, and the lack of evidence for westerly one thousand foot extent of the resource;" and

WHEREAS, on September 21, 1999, the owners of the Howard Canyon Quarry deciding to not wait for County action on the zone change application or designation of the PAM zoning, applied for a conditional use permit (CUP) to expand the mining operation in the Quarry above the de minimis 5,000 cy per year extraction and less than one acre disturbance threshold, that had been the basic level for many years and was allowed outright, proposed a production level of 50,000 cy per year; and

WHEREAS, in addition to a 10-fold expansion in rock out-put, the Quarry owners' CUP application proposed to change the nature of the mining operation from construction aggregate to decorative landscape rock – a change that invalidated the fundamental assumptions of the HCRR analysis which assumed a particular type of mining operation using particular equipment with a known noise out-put; and

WHEREAS, the Quarry owners' CUP application did not address the changes to the underlying assumptions of the ESEE analysis, thus the application failed to evaluate any noise impacts on surrounding properties; it failed to evaluate any dust impacts on surrounding properties; it failed to evaluate any impacts on surrounding farm uses; it failed to evaluate the adequacy of the transportation system serving the Howard Canyon Quarry and the improvements needed to serve the Quarry as required by the HCRR; it failed to consider or evaluate the recent ESA listings or the newly designated critical habitat in east Multnomah County, and it failed to assess any impacts the expanded mining operation might have on water quality and fish habitat of any of the near-by streams that had been designated as critical habitat or which flowed into designated critical habitat streams; and

WHEREAS, in light of all of these significant deficiencies, County planning staff recommended that the Hearings Officer deny the CUP application, and before the application could be decided by the Hearings Officer, the Quarry owners withdrew their application for the quarry expansion leaving the opportunity for an application submittal in the future; and

WHEREAS, County planning staff is still in the process of responding to the Board of Commissioner's June 13, 2000 directive to reopen and reevaluate the HCRR and are not likely to complete the work which the Board requested in this matter until summer of 2002; and

WHEREAS, the result of County planning staff's reevaluation of the HCRR in light of the Board's June 13, 2000 directive will likely result in heightened protections for fish-

bearing streams that surround the Howard Canyon Quarry and increased restrictions and regulations on the size and nature of any mining that might be done in the Howard Canyon Quarry; and

WHEREAS, Oregon's development moratorium statute – ORS 197.520(3)(b) – allows the County to impose an interim and temporary moratorium on any expansion proposals in the Howard Canyon Quarry until the County planning staff completes the work required by the Board's June 13, 2000 directive so long as the Board of Commissioners determines there to exist a "compelling need" for such a moratorium and adopts findings on the following criteria:

- (A) That application of existing development ordinances or regulations and other applicable law is inadequate to prevent irrevocable public harm from development in affected geographical areas;
- (B) Stating the reasons alternative methods of achieving the objectives of the moratorium are unsatisfactory;
- (C) That the moratorium is sufficiently limited to ensure that lots or parcels outside the affected geographical areas are not unreasonably restricted by the adoption of the moratorium; and
- (D) That the city, county or special district proposing the moratorium has developed a work plan and time schedule for achieving the objectives of the moratorium.

WHEREAS, under the unique circumstances of this case and this property, and as documented in the record of the Howard Canyon Quarry, there, in fact, exists a compelling need for a prompt, yet temporary, halt to any development or expansion proposals in the Howard Canyon Quarry until the County planning staff are able to complete the reevaluation of the HCRR as required by the Board on June 13, 2000; and

WHEREAS, the findings attached as Exhibit A to this Ordinance provide a full discussion, explanation and justification for the finding of compelling need for a moratorium and address each of the 4 criteria of the Moratorium statute, except criteria (B). On that criteria, requiring a finding that there is no reasonable alternative, we find, in addition to the findings in the proposed Ordinance, which we ratify, that the alternative presented by owners' representative is not satisfactory. It was untimely, vague, and did not include all the owners of the subject land. Owners can still present any other alternative to the Board of County Commissioners who would make the agreement or the appropriate findings.

WHEREAS, notice has been provided to the owners of the properties effected by this moratorium which is limited to just the Howard Canyon Quarry as mapped in the HCRR; identified by the following:

Howard Canyon Quarry, 38500 SE Howard Road, Corbett, OR

Owners: Reuben Lenske & Raymond Smith

- 1S4E, Sec. 1A TL 100 (R994010010)
- 1S4E, Sec. 1A TL 200 (R994010020)
- 1S4E, Sec. 1B TL 100 (R994010170)
- 1N4E, Sec. 36D TL 500 (R944360130)
- 1S4E, Sec. 1B TL 1000 (R994010160)

Reed & Erin Mueller, 38266E. Knieriem Rd., Corbett, OR

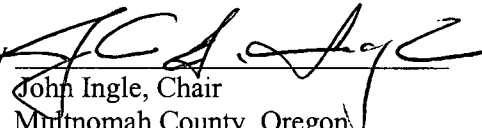
- 1N4E, Sec. 36C TL 200 (R944360710)

This moratorium shall remain in effect until November 1, 2002, unless dissolved or rescinded before then, and, if justified, may be extended as prescribed by state law.

NOW, THEREFORE BE IT RESOLVED that the Multnomah County Planning Commission hereby recommends that the attached draft ordinance, declaring a moratorium in limited duration and scope and adopted in furtherance to statewide planning goals and Multnomah County Comprehensive Framework Plan be adopted by emergency by the Multnomah County Board of Commissioners.

Approved this 15th of October, 2001

By


John Ingle, Chair
Multnomah County, Oregon

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Adopting, Under the Authority of ORS 197.520(3)(B), a Temporary Moratorium on Expansions of the Howard Canyon Quarry in Unincorporated Multnomah County Pending the County's Completion of a Reevaluation and Amendment to the Howard Canyon Reconciliation Report Under State-Wide Planning Goal 5 and an Evaluation of the Requirements of the Endangered Species Act to Protect Nearby Fish-Bearing Streams, Potential Changes in Mining Methods, Use of Rock, Associated Noise from Mining, and Potential Impacts of Mining on Surrounding Farm Uses, and Declaring an Emergency

The Multnomah County Board of Commissioners Finds:

a. Multnomah County exercises land use planning and permitting authority over land within the jurisdiction of Multnomah County lying outside the Portland Metropolitan Urban Growth Boundary.

b. Multnomah County has adopted and applies its acknowledged land use regulations and Comprehensive Plan to those portions of Multnomah County lying outside the Metro Urban Growth Boundary, and Multnomah County's land use regulations and Comprehensive Plan have been acknowledged by the Department of Land Conservation and Development as being consistent with all of the State-wide Planning Goals, including Goal 5.

c. The Howard Canyon Quarry is located in unincorporated Multnomah County, outside the Portland Metro UGB on rural land and is an active rock quarry, currently producing no more than 5,000 cy of material per year and disturbing less than one acre of land per year under a grant of Total Exemption and is therefore exempt from requirements of the Mined Land Reclamation Act and OAR chapter 632, Division 030 promulgated by the Oregon Department of Geology and Mineral.

d. Multnomah County evaluated the Howard Canyon Quarry and in 1994 attempted to designate the Quarry as an aggregate source under Goal 5. In response the Department of Land Conservation and Development directed the County, through a revised Periodic Review Work Program, to reconcile stream, wildlife, scenic view and mineral and aggregate resource issues in separate reconciliation reports for each designated resource site, including the Howard Canyon Quarry.

e. Multnomah County released in 1996 the Howard Canyon Reconciliation Report (HCRR) that addressed the information known at that time about natural resources and residential areas that could be impacted by a mining operation in the Howard Canyon Quarry. The HCRR conducted this impacts assessment and evaluation of the Economic, Social, Environmental and Energy consequences (ESEE analysis) of a particular type and level of aggregate rock mining operation in the Quarry.

f. The particular type of mining operation proposed by the property owner and analyzed by Multnomah County in the HCRR was a construction concrete aggregate operation with a crusher and with a particular mix of machinery which generated a particular level of noise, and based on this noise generation, the surrounding "impact zone" analyzed in the HCRR was limited to 1200 feet and did not include any analysis of impacts to recognized farm uses under state law or the county code.

g. Based on the particular nature of the mining operation proposed by the Quarry owner at that time, the County's ESEE analysis concluded that the impacts from such a mining operation were acceptable and that the Quarry should be designated for resource extraction and protected from near-by conflicting uses and the HCRR became an acknowledged part of Multnomah County's Comprehensive Plan and State-wide Goal 5 compliance.

h. Despite the specific assumptions and recommendations of the HCRR and DLCD's acknowledgment of the Report, neither the County nor the Quarry owner acted on the HCRR and neither sought to apply the recommended zoning for Protected Aggregate Mineral (PAM) sites as provided by the County's land use regulations, and instead the Quarry retained its Commercial Forest Use (CFU-4) designation, which allows aggregate mining as a conditional use.

i. In 1998, the National Marine Fisheries Service (NMFS) declared Lower Columbia River Steelhead, which is native to and still survives in east Multnomah County, as threatened under the Federal Endangered Species Act (ESA), and in 1999, NMFS listed 8 additional salmon populations in Oregon as threatened under the ESA.

j. In February 2000, NMFS designated the critical habitat necessary for the survival of the species previously listed as threatened under the ESA, and declared the 300 feet on either side of the Sandy River and several of its tributaries to be critical habitat for the survival of these species, most notably Steelhead.

k. The Sandy River lies approximately 1000 feet from the Howard Canyon Quarry property and three tributaries of the Sandy River, *i.e.*, Big Creek, Knieriem Creek and Howard Canyon Creek, either pass through or adjacent to the Howard Canyon Quarry property and stand to be severely impacted by mining operations in the Quarry.

l. In response to the ESA listings of Lower Columbia River Steelhead and 8 other salmonid species and the designation of critical habitat for these species in east Multnomah County, both Metro and Multnomah County adopted extensive measures to protect these species and their critical habitat from incompatible development.

m. In 2000, the County, acting on behalf of the Quarry owner, applied to change the zoning of the Howard Canyon Quarry and of the private property surrounding the Howard Canyon Quarry and apply the County's PAM zoning protections designed to protect aggregate and mineral sites and restrict the use of surrounding private property.

n. On June 13, 2000, the Board of County Commissioners tabled indefinitely that zone change request and directed staff to reopen and revise the HCRR and the County's Goal 5 process regarding the Howard Canyon Quarry and "focus on several issues that would include the Endangered Species Act and the need for improved stream protections, the change in mining method and use of rock, associated noises and farm impact, and the lack of evidence for westerly one thousand foot extent of the resource".

o. On September 21, 1999, the owners of the Howard Canyon Quarry deciding to not wait for County action on the zone change application or designation of the PAM zoning, applied for a conditional use permit (CUP) to expand the mining operation in the Quarry above the de minimis 5,000 cy per year extraction and less than one acre disturbance threshold, that had been the basic level for many years and was allowed outright, and proposed a production level of 50,000 cy per year.

p. In addition to a 10-fold expansion in rock out-put, the Quarry owners' CUP application proposed to change the nature of the mining operation from construction aggregate to decorative landscape rock – a change that invalidated the fundamental assumptions of the HCRR analysis which assumed a particular type of mining operation using particular equipment with a known noise output.

q. The Quarry owners' CUP proposal failed to evaluate any noise impacts on surrounding properties; it failed to evaluate any dust impacts on surrounding properties; it failed to evaluate any impacts on surrounding farm uses; it failed to evaluate the adequacy of the transportation system serving the Howard Canyon Quarry and the improvements needed to serve the Quarry as required by the HCRR; it failed to consider or evaluate the recent ESA listings or the newly designated critical habitat in east Multnomah County, and it failed to assess any impacts the expanded mining operation might have on water quality and fish habitat of any of the near-by streams that had been designated as critical habitat or which flowed into designated critical habitat streams.

r. In light of all of these significant deficiencies, County planning staff recommended that the Hearings Officer deny the CUP application, and before the application could be decided by the Hearings Officer, the Quarry owners withdrew their application for the quarry expansion leaving the opportunity for an application submittal in the future.

s. County planning staff is still in the process of responding to the Board of Commissioner's June 13, 2000 directive to reopen and reevaluate the HCRR and are not likely to complete the work, which the Board requested in this matter until summer of 2002.

t. The result of County planning staff's reevaluation of the HCRR in light of the Board's June 13, 2000 directive will likely result in heightened protections for fish-bearing streams that surround the Howard Canyon Quarry and increased restrictions and regulations on the size and nature of any mining that might be done in the Howard Canyon Quarry.

u. Oregon's development moratorium statute – ORS 197.520(3)(b) – allows the County to impose an interim and temporary moratorium on any expansion proposals in the

Howard Canyon Quarry until the County planning staff completes the work required by the Board's June 13, 2000 directive so long as the Board of Commissioners determines there to exist a "compelling need" for such a moratorium and adopts findings on the following criteria:

- i. That application of existing development ordinances or regulations and other applicable law is inadequate to prevent irrevocable public harm from development in affected geographical areas;
- ii. Stating the reasons alternative methods of achieving the objectives of the moratorium are unsatisfactory;
- iii. That the moratorium is sufficiently limited to ensure that lots or parcels outside the affected geographical areas are not unreasonably restricted by the adoption of the moratorium; and
- iv. That the city, county or special district proposing the moratorium has developed a work plan and time schedule for achieving the objectives of the moratorium.

v. Under the unique circumstances of this case and this property, and as documented in the record of the Howard Canyon Quarry, there, in fact, exists a compelling need for a prompt, yet temporary, halt to any development or expansion proposals in the Howard Canyon Quarry until the County planning staff are able to complete the reevaluation of the HCRR as required by the Board on June 13, 2000.

w. Notice has been provided to the owners of the properties effected by this moratorium which is limited to the Howard Canyon Quarry as mapped in the HCRR and identified by the following MapTax Lot numbers and Alternate Account Numbers:

Reuben Lenske & Raymond Smith

- 1S4E, Sec. 1A TL 100 (R994010010)
- 1S4E, Sec. 1A TL 200 (R994010020)
- 1S4E, Sec. 1B TL 100 (R994010170)
- 1N4E, Sec. 36D TL 500 (R944360130)
- 1S4E, Sec. 1B TL 1000 (R994010160)

Reed & Erin Mueller

- 1N4E, Sec. 36C TL 200 (R944360710)

x. The findings attached as Exhibit A to this Ordinance provide a full discussion, explanation and justification for the finding of compelling need for a moratorium and address each of the 4 criteria of the Moratorium statute.

y. The findings attached as Exhibit A to this Ordinance provide a full discussion, explanation and justification for the finding that alternative methods of achieving the objectives of the moratorium are unsatisfactory.

Multnomah County Ordains as follows:

Section 1. The Board of Commissioners declares there is a demonstrable compelling need for a temporary halt to expansion and development in the Howard Canyon Quarry until such time as the Multnomah County planning staff are able to complete a reevaluation of the Howard Canyon Reconciliation Report that addresses the Endangered Species Act and the need for improved stream protections, the change in mining method and use of rock, associated noises and farm impact, and the lack of evidence for westerly 1000 foot extent of the resource. This declaration of compelling need is based on the record of this matter contained in the binder attached to this Ordinance and incorporated herein by this reference.

Section 2. The Board of Commissioners adopts the findings required to support a moratorium under ORS 197.520(3)(b) set forth in the findings document, Exhibit A, attached hereto and incorporated herein by this reference.

Section 3. Pursuant to ORS 197.520(3)(b), the Board of Commissioners hereby declares and adopts a moratorium on development and expansion of mining operations in the Howard Canyon Quarry beyond the current and existing level of 5,000 cy per year. Under this moratorium, Multnomah County will not accept, process or approve any application for an expansion in mining above the current level in the Howard Canyon Quarry. The property affected by this moratorium is limited to the Howard Canyon Quarry as mapped in the HCRR, mailing address of 38500 SE Howard Road, which is identified by the following tax lot numbers:

1S4E, Sec. 1A, TLs 100 & 200 (R99401-0010 & R99401-0020); 1S4E, Sec. 1B, TL 100 (R99401-0170); 1N4E, Sec. 36D, TL 500 (R94436-0130); 1S4E, Sec. 1B, TL 1000 (R99401-0160); and 1N4E, Sec. 36C, TL 200 (R944360710)

This moratorium shall remain in effect until November 1, 2002, unless dissolved or rescinded before then, and, if justified, may be extended as prescribed by state law.

Section 4. The preservation and protection of endangered fish species and the critical habitat upon which endangered species depends is a matter of urgent public concern. Protection of these species and their critical habitat and the protection of farm uses, and the preservation of the rights of private property owners surrounding the Howard Canyon Quarry are matters that directly affect the public health, safety, and general welfare.

Section 5. This ordinance being necessary to the development, adoption and implementation of new policies with respect to development and expansion of mining operations in the Howard Canyon Quarry beyond the current and existing level and to protect the health, safety, and general welfare of the people of Multnomah County, an emergency is hereby declared; and the ordinance shall take effect on execution by the County Chair pursuant to Section 5.50 of the Charter of Multnomah County.

Section 6. Statutory Severability. The validity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other provision of this ordinance which can be given effect without reference to the invalid part or parts.

FIRST READING AND ADOPTION:

December 6, 2001

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By Sandra N. Duffy
Sandra N. Duffy, Deputy County Attorney

EXHIBIT "A"

Findings Adopted Pursuant to ORS 197.520(3)(B), in Support of a Moratorium on Expansion or Enlargement of Mining at the Howard Canyon Quarry in East Multnomah County

I. Summary:

These findings pertain to an expansion moratorium adopted under ORS 197.520(3)(b) and provide support for a determination by the Board of County Commissioners that a "compelling need" exists to temporarily halt the acceptance, processing or approval of any development applications to expand, enlarge or change the mining operation of the Howard Canyon Quarry in east Multnomah County.¹ It is important to note that the Howard Canyon Quarry is currently operating, and will continue to operate, under a permit of limited exemption from the Department of Geology and Mineral Industries (DOGAMI) which allows up to 5,000 cubic yards (cy) per year within a 5-acre pit. This moratorium applies to expansion proposals only, and these findings specifically address the applicable requirements of Oregon's Moratorium Statute² and analyze the unique facts and history of the Howard Canyon Quarry that demonstrate a compelling need for a temporary halt to expansion proposals.

The primary reason that justifies this moratorium is that the Howard Canyon Reconciliation Report (HCRR), adopted in June 1996 as the County's final step in complying with State-wide Planning Goal 5, is now so critically outdated as to be destructive to the County's natural resources and near-by rural residences. The HCRR was supposed to have been a detailed description of the Howard Canyon quarry operation, a complete inventory of all near-by uses and resources that might conflict with the quarry operation and a comprehensive assessment of those impacts, considering the economic, social, environmental and energy (ESEE) consequences of allowing rock extraction over any of the conflicting near-by uses or

¹ The Howard Canyon Quarry is located at 38500 SE Howard Road and is identified by the following tax lot numbers: Reuben Lenske & Raymond Smith: 1S4E, Sec. 1A, TLs 100 & 200 (R99401-0010 & R99401-0020); 1S4E, Sec. 1B, TL 100 (R99401-0170); 1N4E, Sec. 36D, TL 500 (R94436-0130) and 1S4E, Sec. 1B, TL 1000 (R99401-0160); and Reed & Erin Mueller: 1N4E, Sec. 36C, TL 200 (R94436-0710).

² State law requires that a moratorium based on ORS 197.520(3)(b) must include findings on the following 4 issues, which are addressed in these findings:

- (A) That application of existing development ordinances or regulations and other applicable law is inadequate to prevent irrevocable public harm from development in affected geographical areas;
- (B) Stating the reasons alternative methods of achieving the objectives of the moratorium are unsatisfactory;
- (C) That the moratorium is sufficiently limited to ensure that lots or parcels outside the affected geographical areas are not unreasonably restricted by the adoption of the moratorium; and
- (D) That the city, county or special district proposing the moratorium has developed a work plan and time schedule for achieving the objectives of the moratorium.

resources. Following the adoption of the HCRR, however, neither the county nor the property owner attempted to implement the HCRR by applying the overlay zoning the HCRR prescribes to protect the quarry resource and prevent the establishment and expansion of surrounding conflicting uses.

Now nearly 6 years after the adoption of the HCRR, the owner and operator of the Howard Canyon Quarry wish to expand the mining operation from less than 5,000 cy per year to over 50,000 cy per year and change the basic function from extraction of aggregate-sized rock for concrete and construction to extraction of large pieces of basalt for landscaping. The County has also given Goal 5 protected status to several streams that will be impacted by any expansion in mining operations, and the federal government has listed at least two fish runs in the Sandy River mainstem as threatened under the Endangered Species Act.³ In the interval since the adoption of the HCRR in 1996, new homes, businesses and farm operations have become established or expanded near the Quarry and stand to be adversely impacted, especially if the mine is expanded in ways never anticipated in the 1996 HCRR.

This combination of changes has essentially invalidated the HCRR and raises the acute threat of irreparable harm to endangered Steelhead and Chinook Salmon, water quality and critical fish habitat in the 3 near-by creeks and the Sandy River mainstem as well as unacceptable noise, dust and vibration impacts to many near-by homes, businesses and farm operations. On June 13, 2000 the Multnomah County Board of Commissioners directed County Staff to begin a process to reevaluate these key aspects of the HCRR. That process has only just begun and is likely to take at least a year to complete. Consequently, there is a compelling need to halt all quarry expansion applications while the County revises, up-dates and amends the HCRR to address these changes.

II. Introduction and Overview:

This matter concerns the Howard Canyon Quarry, located in unincorporated Multnomah County. The property is approximately 33 acres in size, served by two haul roads, east of the Sandy River and near the confluence of Big Creek and the Sandy River.

A. State-wide Planning Goal 5: adoption of the Howard Canyon Reconciliation Report:

Mining on the Howard Canyon Quarry has had a difficult history due to the County's zoning restrictions, the rural residential character of the area, and the sensitive wetland and stream habitat surrounding the mine property. Mining activity first began on the property in the 1950s without benefit of land use permits. In 1971, Multnomah County denied an application for a temporary permit to mine and crush rock on the site.⁴ In 1980, a Multnomah County Hearings Officer again denied an application for a gravel mine and crusher, and the Board of County Commissioners upheld the denial on appeal. In 1987, Multnomah County again denied a CU for

³ Steelhead and fall Chinook Salmon are affected by the quarry operation. Additionally, native Cutthroat Trout, which inhabit all of these streams, are presently proposed for listing.

⁴ County case file BA 78-71.

a commercial gravel quarry on the site. These applications were all denied because of the stringent conditional use permit criteria that prohibited approval if the noise, dust and vibration impacts on surrounding properties and residents were too severe, and because of the destructive impacts that rock trucks would have on the rural road system.

In 1987, the Department of Land Conservation and Development (DLCD) notified the county of its obligation to complete its work under Statewide Planning Goal 5, specifically with regard to two aggregate mines in the county. Goal 5 requires local governments to inventory and analyze the location, quality and quantity of 12 different types of natural resources, including streams, wetlands, wildlife habitat, historic and cultural resources. Eleven of the 12 resource types addressed by Goal 5 are resources to be protected and preserved. Mineral and aggregate is the one natural resource addressed by Goal 5 that is a commodity to be exploited and not necessarily preserved. For all of the 12 natural resources covered by Goal 5, however, local governments are required to inventory the resource wherever it occurs in the jurisdiction, evaluate the quantity and quality of the resource and then assess the surrounding uses that could conflict with the preservation (or in the case of aggregate, that could conflict with the exploitation) of the resource. Goal 5 then requires a comprehensive evaluation of various preservation alternatives in light of the economic, social, environmental and energy consequences of each alternative.

In 1990, the Board of County Commissioners adopted a Goal 5 plan and submitted it to DLCD. In this plan, the Howard Canyon Quarry was given a "3B" classification which meant that the County would allow conflicting uses, *e.g.*, streams, wetlands and rural residential development, over protection of the mineral resource. DLCD rejected the "3B" classification in 1993 because the aggregate resource in Howard Canyon was found to be significant. DLCD directed the County to draft a report that reconciled the conflicts between exploitation of the mineral resource and preservation of the rural residential community in a way that favored mineral extraction.

In response, the Board of County Commissioners adopted the Howard Canyon Reconciliation Report (HCRR) in 1995. The HCRR changed the designation for Howard Canyon from "3B" to "3C" – a designation that would limit and regulate near-by conflicting uses and preserve the aggregate resource for exploitation. The property owner appealed the 1995 report to the Land Conservation and Development Commission (LCDC), who directed the county to make some specific changes to the report. The county made the required changes that included adding the western 1000 feet of the site to the extraction area, eliminating additional noise study requirements, and deleting provisions that would have allowed the Transportation Division to request additional traffic studies over and above those already required in the HCRR. Instead of allowing these issues to be assessed at the time of land use permitting, the County was required to authorize a specifically described mining operation at the quarry with certain assumed impacts and issues. Thus the final HCRR was a relatively rigid document, based on an assumed type of mining operation and an assumed set of operational characteristics for that type of mining. The particular type of mining operation is important because the levels of noise, dust, vibration and other impacts generated vary significantly depending upon the specific type of operation involved. The HCRR addressed only a specific type of operation with a specific

number and type of equipment. The Board of County Commissioners adopted the Howard Canyon Reconciliation Report in June, 1996, and it was not appealed.

B. Content of the Howard Canyon Reconciliation Report:

Under Goal 5, the HCRR, once adopted by the County and acknowledged by DLCD, is supposed to govern use and exploitation of the Howard Canyon Quarry and limit the use of surrounding lands. In particular, the HCRR is supposed to represent a comprehensive inventory of the then-known uses and resources near the mine that would be impacted by the mining operation. The HCRR, includes an analysis of how the mine will impact those uses and resources and the ESEE analysis that Goal 5 requires in order to determine whether to preserve the mine and its rock resource or preserve the near-by uses and resources that conflict with rock extraction.

The HCRR is premised on several assumptions that may have been valid at the time, but which are no longer. First, the HCRR presupposes that the mining operation would be limited to the extraction of aggregate for construction and concrete.⁵ Based on this assumption, the report includes an analysis of the mine's impact area based upon the extent to which noise, dust and vibration effects might extend beyond the mine site.⁶ This analysis assumes that noise from the mining equipment will have the greatest impact and will travel furthest off-site. The noise study was completed February 19, 1990 by Daly, Standlee & Associates, Inc. (the Daly, Standlee Report) and assumes a certain mix of specific mining equipment associated with aggregate extraction and the then-known sound generation of each piece of equipment.

Based on this very specific analysis of the Daly, Standlee Report, the HCRR concludes that the noise associated with the assumed aggregate operation will travel 1200 feet from the mine site. Consequently, the impact area for the Howard Canyon Quarry was determined to be 1200 feet, but that determination was based upon this very specific set of assumptions. As explained below, none of these assumptions is any longer true; therefore, the assumed 1200 foot impact area is no longer valid.

The HCRR also assesses the three natural streams that surround and drain the Howard Canyon Quarry site: Big Creek, Knieriem Creek and Howard Canyon Creek.⁷ Knieriem Creek and Howard Canyon are the closest streams to the mine and join to form Big Creek, which flows into the Sandy River through Metro's Oxbow Regional Park. The analysis matrix in the HCRR shows that all three streams have been designated by Oregon Department of Fish and Wildlife as Class 1 Streams and the scoring system shows that all three are "Significant" streams.⁸

⁵ Section III, pages III-7 through III-13, of the HCRR describes the quantity and quality of the rock resource in terms of its aggregate, *i.e.*, crushed basalt, for use in construction and concrete.

⁶ See pages III-13 through III-20 of the HCRR.

⁷ Section II of the HCRR describes and assesses the three streams and their resource values.

⁸ See page II-38 of the HCRR (Significance Matrix) and the explanation of what qualifies as "Significant" under the criteria at pages II-33 through II-36.

However, the matrix also shows that, in 1996, none of the streams were habitat of any endangered or threatened species. The final conclusion of the HCRR was that all three streams were or could be adequately protected to preserve their then-known resource values.

C. Federal Endangered Species Listings and Critical Habitat Designations:

In 1998, the National Marine Fisheries Service (NMFS) declared the Lower Columbia River Steelhead as a threatened species under the Federal Endangered Species Act (ESA).⁹ The listing included populations inhabiting east Multnomah County living in the Sandy River. Then one year later, in 1999, NMFS listed as threatened 8 additional salmon populations (ESUs or Evolutionary Significant Units) under the ESA, including fall run Chinook Salmon, which inhabits east Multnomah County including the Sandy River.¹⁰ Soon thereafter, NMFS identified and officially designated the critical habitat that was required for the long-term survival for these species.¹¹ In so doing, the NMFS gave federal protection to these species and the habitat upon which they depend to live, feed and reproduce.

The Sandy River basin, consisting of the Sandy River mainstem and its larger, fish-bearing tributaries, were included in this critical habitat designation for the endangered Steelhead and fall Chinook Salmon. Moreover, Multnomah County designated the three larger streams that drain the Howard Canyon Quarry, *i.e.*, Big Creek, Knieriem Creek and Howard Canyon Creek, as significant resources to be protected under State-wide Planning Goal 5 – the same designation and process by which the Quarry was designated.

Section 4(d) of the ESA requires NMFS to adopt protective regulations necessary for the conservation and survival of a listed species, and the 4(d) rule for these fish species was adopted in final form in July 2000.¹² The basic requirements of the ESA prohibit the taking of any listed species or the adverse modification of designated critical habitat. The purpose of the 4(d) rule is to provide a process by which certain categories of activities can obtain a legal exemption from the take and adverse modification prohibitions in advance. However, land use permitting in Multnomah County was not given a categorical exemption under NMFS' 4(d) rule nor were surface mining operations that the County might permit. Consequently, for both an applicant and Multnomah County, the basic liability under the ESA for the "Taking" of a listed species and the adverse modification of critical habitat remains.¹³ The "take" of a listed species or the adverse

⁹ 63 Fed.Reg. 13347 (March 19, 1998).

¹⁰ 64 Fed.Reg. 14308 (March 24, 1999).

¹¹ 65 Fed.Reg. 7764 (Feb. 16, 2000).

¹² 65 Fed.Reg. 42421-42481 (July 10, 2000), codified at 50 CFR 223.

¹³ Section 7 of the ESA makes it unlawful to "take" an endangered species of fish or wildlife. "Take" is defined to mean to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." 16 U.S.C. §1532(19). The term "harm" has been defined by regulation to mean any act resulting in the actual death or injury of fish or wildlife. 50 C.F.R. §222.105. Under this definition, "harm" can be direct, as when an activity actually injures or kills individual animals. Harm can also include indirect injury from "significant habitat modification or degradation which actually kills or injures fish or wildlife by significantly impairing essential behavioral patterns, including breeding, spawning, rearing, migrating, feeding or sheltering.

modification of critical habitat could occur, for example, if erosion, silt or chemically contaminated runoff were allowed to leave the Howard Canyon Quarry and drain into Knieriem or Howard Canyon Creeks and then into Big Creek and the Sandy River.

D. Belated effort to apply the Protected Aggregate and Mineral (PAM) overlay zone:

The HCRR was adopted as a component of the County's Comprehensive Plan in June 1996 and was supposed to be implemented through a series of zone changes. Either the property owner or the County could have applied immediately for a Protected Aggregate and Mineral (PAM) overlay zone to be applied to the mine site and the surrounding private properties. The importance of the PAM overlay to be applied to the mine site was that it would allow and facilitate the mining operation profiled in the HCRR. The significance of the PAM overlay to be applied to the surrounding properties is that it would have limited residential commercial and farming uses that could be made of these neighboring private properties that might conflict with the mining operations. However, neither the County nor the property owner attempted to seek or apply either zone to the mine site or to the surrounding properties, and years passed with no action. During the years since 1996, new homes have been built in the surrounding area which would not have been there had the PAM zoning been applied when the HCRR was adopted.

In early 2000, the County, acting as the applicant, initiated a zone change application to finally apply the PAM to the mine site and to the surrounding properties. On January 24 and March 6, 2000, the Planning Commission conducted two public hearings on the zone change request. Under the HCRR, this was supposed to be the final step to implement the program to protect the resource under Goal 5, but it was supposed to have taken place years before, immediately after the incorporation of the HCRR into the County's Comprehensive Plan. The Planning Commission heard a considerable amount of testimony from owners of the surrounding property whose property rights would be curtailed and limited under the PAM designation in order to make way for the mining operation.

Several governmental agencies opposed the PAM overlay rezone proposal. Metro representatives testified in opposition to the zone change proposal because of the Endangered Species Act listing that occurred in the interval since the HCRR had been adopted, and then NMFS's designation of critical habitat that included the Sandy River and all of its fish-bearing tributaries. Metro and many of the neighbors argued that simple adoption of the PAM, without any consideration of the federal ESA, would result in damage to fish habitat, water quality and could violate federal law. The neighbors also argued that the operational assumptions upon which the HCRR was based were no longer true, *i.e.*, the mining operation was no longer extracting aggregate for concrete and construction, but instead was removing decorative rock for landscaping with different equipment and different impacts.

The Planning Commission finally recommended on April 3, 2000, that the Board of County Commissioners adopt with conditions the PAM Overlay Subdistrict on properties in and around Howard Canyon quarry. The Planning Commission's recommended conditions specifically recognized that circumstances affecting the Howard Canyon Quarry had changed substantially in the 4 years since the HCRR had been adopted. In particular, the Planning

Commission's decision required that all of the underlying assumptions be revalidated and reanalyzed for their impacts on surrounding property owners and their impact on near-by streams and the Sandy River which had been designated as critical habitat for the threatened Lower Columbia River Steelhead.

The Board of County Commissioners held a public meeting on June 13, 2000, and agreed with the governmental agencies and neighboring property owners who testified that circumstances had changed since the HCRR was originally adopted, and that the following issues had to be reassessed:

- (1) The listing of salmonids in the Sandy River as threatened under the Endangered Species Act (ESA) and the subsequent adoption of the 4(d) rules;
- (2) The proposal to extract landscape rock instead of extraction of aggregate rock that was assessed in the HCRR;¹⁴
- (3) Increased noise and other impacts to lawful farm operations associated with the different extraction processes used for the landscape rock; and
- (4) A reanalysis of road impacts that would come from transporting more rock to a larger market area (as opposed to the local market foreseen for the aggregate).

In addition, the Board of Commissioners was concerned about the lack of evidence or justification for protecting the westerly 1000 feet of the mine area under the PAM – a designation that appeared to extend the mine into an area where it had never historically existed.

E. Board decision to reopen the Goal 5 process and amend the HCRR:

The Board determined that there had been a substantial change of circumstances since the adoption of the HCRR, and for that reason, the Board tabled the motion to adopt the PAM overlay zone and directed the staff to reopen part of the Goal 5 process by which the HCRR had been compiled. In particular, the Board directed staff to hire a professional consultant to gather and analyze data on the following issues:

- (1) Requirements of the federal ESA to protect the Lower Columbia River Steelhead and its critical habitat and the need for improved stream protection,
- (2) Changes in mining methods and uses of rock in the Howard Canyon Quarry,
- (3) Associated noise and impacts on surrounding farm operations that had not been adequately addressed in the HCRR,

¹⁴ The difference in mining operations is important because the extraction of landscape rock has several steps that cause more and louder noise impacts. For example, the jackhammers used to dislodge the larger rock pieces and dropping large rock pieces into trucks both create high noise levels and are not part of an aggregate extraction operation.

- (4) The apparent lack of evidence for westerly 1000 foot extent of the mine area.

In response to the Board's direction, Land Use Planning staff have added this project to the Division's Work Plan to begin in fiscal year 2002. Staff will shortly advertise for a professional consultant who will gather and analyze data on the issues which the Board identified, and the work will likely be complete in 2002. The results of the consultant's data and analysis will then be formulated by staff in to a revision of the HCRR through the process prescribed by State-wide Planning Goal 5.

F. Permit application to operate the Quarry without the PAM overlay:

Even though the County has never implemented the HCRR by applying the PAM Overlay Subdistrict to the quarry site or to the surrounding land, the property is still zoned CFU-4 – a zone in which surface mining is a conditional use. Evidentially unwilling to wait for the application of the PAM overlay zoning, the owners and operators of the Howard Canyon Quarry applied to the County on July 27, 2000 for a conditional use permit (CUP) to expand the quarry. The application proposed an expansion of the mine from the base level operation of less than 5,000 cy per year to approximately 50,000 cy per year, to change the operation to extract much larger pieces of basalt for landscaping and to keep this mine in operation for 50 years.¹⁵

The CUP application remained incomplete for a long time without the applicant preparing and submitting a number of items, including the comprehensive transportation study and traffic infrastructure improvement plan required by the HCRR.¹⁶ Almost a year later, staff produced a report, based on the application without the missing items and without the traffic or

¹⁵ In its report for the CUP, staff described the proposed mine expansion as follows:

"The applicant, Interstate Rock Products Incorporated is proposing to mine basalt rock, consistent with Goal 5, for use predominantly as construction material in Multnomah County, and for landscape purposes, to be sold on the retail market in the Portland Metropolitan area. The rock produced will be processed on-site. The five-year (5) plan for the site will involve the mining of approximately nine and one-half acres (9.5) of property, over two separate tax lots. In the first year of operation, only one (1) acre will be disturbed by the proposed operation. The site is currently producing 5,000 cubic yards of basalt rock annually, and will increase in production to 50,000 cubic yards per annum. The predominant amount, approximately 70% per year will be used throughout Multnomah County for construction purposes. The remainder, approximately 30% per year, will be sold in the Metropolitan Area."

¹⁶ In particular, staff notified the applicant within a week of submission, on August 2, 2000, that the CUP application was incomplete and would remain so until the applicant provided the following items:

1. Responses to the conditional use criteria in MCC 11.15.7325(C)(1)(a) through (e), (9), (10) and (11).
2. Responses to criteria and standards in the Howard Canyon Reconciliation Report "Program to Achieve the Goal" sections (v) through (xvi), and
3. Maps showing the entire proposed project, including any existing and proposed improvements, haul roads and stream locations.

transportation infrastructure report required by the HCRR, and recommended denial. The application was finally scheduled for a hearing before the Hearings Officer on March 29, 2001.

The staff report applied the permit requirements that were stated in the HCRR as well as the CUP approval criteria in the current version of the Multnomah County Code. These substantive approval criteria included the following:

Specified uses of MCC 35.2230 (D), (E) and (F) may be allowed upon a finding that the use will:

- (1) Not force a significant change in, or significantly increase the cost of, accepted forestry or farming practices on surrounding forest or agricultural lands;
- (2) Not significantly increase fire hazard, or significantly increase fire suppression costs, or significantly increase risks to fire suppression personnel; and
- (3) A statement has been recorded with the Division of Records that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct forest operations consistent with the Forest Practices Act and Rules, and to conduct accepted farming practices.

In addition, the substantive approval criteria for a CUP for mineral extraction in MCC 35.6520 were applied by staff, many of which staff concluded were not met.

Both Metro and the Oregon Department of Fish and Wildlife were alarmed at the prospect that the Howard Canyon Quarry could be expanded by an order of magnitude in complete disregard of the recent ESA listings and the compelling need to protect water quality and critical fish habitat in the 3 creeks near the mine site and the Sandy River mainstem. In a March 28, 2001 letter, Metro submitted the following objections to the expansion proposal into the record:

“First, let me explain Metro’s interest in this particular application. Metro Regional Parks and Greenspaces manages 1,200 acre Oxbow Regional park, located on the Sandy River, a federally designated Wild and Scenic River and state designated Scenic Waterway. Metro used proceeds from the 1995 Open Spaces, Parks and Streams bond measure to purchase and additional 1,048 acres in the Sandy River Gorge, with more than two miles of frontage on the Sandy River, Gordon Creek and Big Creek. These lands were purchased for the purpose of protecting intrinsic natural resource values including, wildlife habitat, fish habitat and water quality. County designated Goal 5 significant creeks, including Howard Canyon and Knieriem, are located downstream from the proposed quarry and both flow to the Goal 5 designated Big Creek, which flows to the Sandy River (also a county Goal 5 significant resource). Cutthroat trout, a resident fish in the Knieriem and Howard Canyon Creeks is a candidate for listing under the

Endangered Species Act (ESA). All of the streams listed above are part of the Sandy River Basin, which is part of the Lower Columbia River ESU (Evolutionary Significant Unit) where ESA listed species of salmon and steelhead are known to occur. The confluence of Big Creek and the Sandy River is located inside Oxbow Regional Park immediately upstream from spawning gravels that provide critical habitat for these recently listed salmon and steelhead species.

“Stormwater discharge from the quarry operation has the capacity to harm listed salmonid species that migrate, spawn and rear downstream from the quarry in the Sandy River and resident Cutthroat trout in the Howard [Canyon] and Knieriem Creeks. Metro supports the staff report findings that the applicant’s proposal does not address potential impact to goal 5 streams in context of the requirements of the Endangered Species Act (ESA) to protect recently listed salmon and steelhead species that occur in the Sandy River Basin. However, Metro does not support the condition recommended in the county’s’ staff report to place the burden on the applicant to address all aspects of the Federal Endangered Species Act and subsequent rules and requirements. In fact, we believe it is the County’s burden to avoid issuing a permit that could harm listed species and there is precedent for this in ...” .

* * *

“In conclusion, we recommend that you deny the conditional use application for expanded quarry operations at the Howard Canyon quarry based on:

“1) the applicant’s failure to adequately respond to the requirements to protect recently ESA listings for salmonid species known to occur in the Sandy River and,

“2) the inadequacy of the approval criteria in the Howard Canyon Reconciliation Report to protect Goal 5 significant streams.” (emphasis added)

The Oregon Department of Fish and Wildlife, in a March 29, 2001 e-mail message, voiced similar objections to the quarry expansion:

“Creeks in the watershed likely to be impacted by this project have cutthroat trout. Sediment laden water carried from this quarry site, unless otherwise controlled will clog streambed spawning gravel, sluice out of the stream bed and choke out salmonid spawning habitat. Sediments will cover benthic invertebrate (especially aquatic insect) habitat essential to survival of young salmon and steelhead and resident young and adult trout. Cutthroat trout are listed as Sensitive in Oregon and are proposed for listing under the federal Endangered Species Act. Other anadromous salmonids occupy Big Creek, a tributary to the Sandy River into which these streams flow. Additional sedimentation loading if allowed by regulators of this project will likely adversely impact spawning rearing and

migration habitat in Big Creek as well as for cutthroat trout, coho salmon and steelhead.”

“Howard Canyon and nearby creeks within one mile of the proposed project would likely be adversely impacted unless adequate mitigation measures are in place to protect these habitats. ODFW’s mitigation policy suggests project regulators, including Multnomah County should ensure adequate permit conditions are in place to protect fish and wildlife before the project goes forward. To date, ODFW has not seen such protective measures in place for this proposed project. Until a thorough inventory of wetlands, riparian habitats are identified and addressed in a mitigation plan for these impacts likely to stem from the project, ODFW recommends the County not issue this permit.”

* * *

“ODFW is concerned the application for this permit from the County does not articulate how these prospective permit conditions will be met if these or potential alternative protective measures are acceptable to the project proponent and ODFW. Until these or other alternative mitigation measures mutually acceptable to ODFW and the applicant are in place, this project would, in our opinion, adversely impact fish and wildlife.” (emphasis added)

Based in part on these agency comments, the Staff Report on the mine expansion proposal recommended denial because the application was deficient in several significant respects that fall into 4 categories: (1) traffic and access; (2) noise impacts on surrounding uses; (3) impacts of the mining operation on near-by streams; and (4) impacts on surrounding farm uses. In particular, the Staff Report noted the following problems with the mine expansion proposal:

(1) Traffic and Access:

“The applicant has not provided any information or supporting documentation showing that the on-site haul roads have been, or will be, constructed to accommodate the vehicles and equipment to be used. Sheet 1 of 5 of the site plan (Exhibit 1) indicates that the haul road from Howard Road will be the only ingress and egress to the quarry. The other site plans submitted show a haul road from Knieriem Road also (Exhibits 2-4). If the Knieriem Road haul road will not be used any more, access from the haul road should be physically blocked to ensure that truck drivers do not inadvertently utilize this unapproved road. Improvements to the Howard Road or Knieriem Road haul roads within the Significant Environmental Concern (SEC) Overlay zone may require an SEC permit. The applicant has failed to show whether or not they are exempt from the SEC requirements. Considering the above, this criterion has not been met.”

"The applicant has not submitted the required information to address the traffic management criteria found in the Howard Canyon Reconciliation Report, under subsection xvi, "Program to Achieve the Goal." This criteria has not been met."

(2) Noise impacts on surrounding uses:

"Staff has reviewed the Daly-Standlee Report and questions whether it is still a valid noise study for the current proposed operation. Changes that have occurred since 1990 include: 1) more homes exist along Knieriem, Howard, and Loudon Roads than are shown in the report. Several new houses have been built and some homes were just not identified in the report. 2) the crusher is to be placed in a different location; and 3) the type of excavation is different than that which was originally envisioned. The noise study analyzed the excavation and crushing of aggregate, not excavation and cutting of landscape rock. The burden is upon the operator to prove that the equipment to be used in the proposed operation has a lower or equal noise level than those listed in the Daly-Standlee Report."

(3) Impacts of the mining operation on near-by streams:

"Stream habitats inventoried in the HCRR were Howard, Big and Knieriem Creeks. All of these creeks are considered significant streams under the county's Statewide Planning Goal 5 natural resource program. According to Oregon Fish and Wildlife, these streams do not contain endangered salmonids, but are known to have cutthroat trout, which may be listed in the future. These creeks are protected under the Significant Environmental Concern (SEC) Overlay zone. Any work done within the 300 foot buffer of either of these streams will require an SEC permit.

"There are numerous small drainages on the mining site that drain to Howard and Knieriem Creeks. To protect Howard and Knieriem Creeks, the applicant proposes to place sediment fences 25 feet away from these drainages. In addition, the applicant proposes maintaining the existing trees and other vegetation to protect these drainages.

"Impacts to these creeks are also possible from the haul roads. The Applicant has not addressed these impacts under this criterion. Under 35.6520(C)(1)(a), staff discussed the implications of improvements to the hauls roads, which could include needing a SEC permit. See also Section 3, Endangered Species Act. Stream habitat could be impacted by loss of vegetation, sedimentation from stormwater, and vehicles waste, such as oil. There is not enough information to deem that this criterion is met."

(4) Impacts on surrounding farm uses:

"The applicant's response to the criterion is conclusionary. No information was provided to make an adequate finding. To address this requirement the applicant

must describe farm and forest practices on surrounding lands; identify how the proposed aggregate activities might impact these practices; and explain why the aggregate operation will not force a significant change to accepted farm and forest practices or cause a significant increase to their cost of doing business. ORS 215.296(l) requires analysis for both commercial and non-commercial farm uses.

“The extraction area is surrounded by both CFU and EFU zoned lands. Most properties in the area are in farm deferral and most properties appear to be engaged in some type of farming practice, either grazing cattle or growing crops. Citizens have raised concerns at previous hearings regarding the impacts of mining at the quarry on farming practices. This criterion is not met.”

In the final analysis, the Staff Report for the March 29, 2000 CUP hearing recommended denial of the expansion application. The negative recommendation stemmed largely from the applicant’s refusal to comply with the out-dated, but still important requirements of the HCRR. Staff summarized its recommendation in the following terms:

“Recommended Hearings Officer Decision: Deny the application because, as summarized below, the applicant has failed to provide enough information to make the findings necessary to support approval.

“1. The applicant has not prepared a Traffic Management Plan (TMP) as required in Staff Report Section 9, Howard Canyon Reconciliation Report (HCRR), subsection xvi., a document that is to contain fundamental data, without which traffic impacts attributed to the expanded aggregate operation cannot be firmly understood.

“2. The HCRR requires that plans for phasing extraction of aggregate be based, in part, on the conclusions drawn from the TMP. Since a TMP has not been prepared, the adequacy of the phasing plan submitted by the applicant cannot be accurately assessed. See requirement under Staff Report Section 9, HCRR, subsection vi.

“3. The applicant has not verified that the current mining is operated in a manner consistent with the manner studied in the Daly-Standlee Report per Staff Report Section 9, HCRR subsection vi and no additional noise studies have been done to augment that study. See also Staff Report Section 7, Mineral Extraction, MCC 35.6520(C)(5)(c)

“4. The Reclamation Site Plan (Exhibit 5) does not blend into the natural landscape of the surrounding terrain as required under Staff Report Section 7, Mineral Extraction, 35.6520(C)(8). In addition, the proposed plan for Christmas Trees does not appear to be entirely feasible as required under Staff Report Section 7, Mineral Extraction, MCC 35.6520(B) and Staff Report Section 9, HCRR, subsection xv.

“5. The applicant did not provide specific analysis showing that the expanded aggregate operation will not force significant change or increase costs to surrounding farm uses and accepted farm practices as required under Staff Report Section 7, Mineral Extraction, MCC 35.6520(G)(I).

“6. The applicant did not provide information verifying that the haul roads are constructed to accommodate the vehicles and equipment which will use them as required under Staff Report Section 7, Mineral Extraction, MCC 35.6520(C)(I)(a). The site plans and narrative fail to show the work, if any, to be performed near protected streams. This lack of information results in staff being unable to assess if a Significant Environmental Concern (SEC) permit is required.

“7. There is inadequate information to assess the stormwater runoff impacts and erosion and sedimentation from the quarry and haul roads. These issues relate to requirements under Staff Report Section 8, Comprehensive Plan Policy 37 (drainage); the Endangered Species Act, Staff Report Section 3; and Staff Report Section 7, MCC 35.6520(C)(6) Fish and Wildlife Habitat; and Staff Report Section 10, Policy 21 of the East of Sandy River Rural Area Plan.”

At the March 29, 2000 hearing on the CUP application, the Hearings Officer received a substantial amount of opposition testimony from the surrounding property owners and from Metro regarding impacts the expanded operation would have on near-by uses, natural resources and the recently adopted protections for endangered fish, fish habit and water quality. The owner and operator eventually withdrew the CUP application before the Hearing Officer could issue a decision. There is every expectation, however, that the owners and operator may still want to expand the mining operation along the lines of what was proposed in the 2000 application, and a new application could be presented at any time.¹⁷

III. Findings:

The following findings address the requirements of ORS 197.520 for a moratorium on rural land, one that is not based on a shortage of public facilities.¹⁸ A moratorium is a temporary

¹⁷ The owners who had applied for the CUP to expand the quarry in 1999 later withdrew the application on June 1, 2001 “for resubmittal at a later date.”

¹⁸ In pertinent part, ORS 197.520 provides the following requirements for this moratorium:

“(3) A moratorium not based on a shortage of public facilities under subsection (2) of this section may be justified only by a demonstration of compelling need. Such a demonstration shall be based upon reasonably available information and shall include, but need not be limited to, findings: * * *

“(b) For rural land:

“(A) That application of existing development ordinances or regulations and other applicable law is inadequate to prevent irrevocable public harm from development in affected geographical areas;

exception to, or suspension of, the land use regulations that would otherwise apply. Such a moratorium may only be adopted if there is a “compelling need” for such an extreme measure, and the findings required by the statute are adopted in support of the moratorium. ORS 197.520(3). In this specific and narrow circumstance, such a compelling need exists.

The particular need for a moratorium in the case of the Howard Canyon Quarry arises from the disconnect or delay between the adoption of the HCRR and any attempt to adopt the PAM overlay zoning for the quarry and surrounding properties. During the 5-year delay, the region in general, and this part of east Multnomah County in particular, has seen the listing of 9 populations (or ESUs), of fish as threatened under the Federal ESA. During the same period, Metro adopted stringent water quality protection measures in Title 3 of the Metro Code. During the same period, the owner and operator of the Howard Canyon Quarry changed the fundamental nature of the mining operation from quarrying aggregate-sized rock for concrete and construction to quarrying large rock pieces for decoration and landscaping. The difference is significant, particularly in terms of noise impacts to surrounding property owners. Mining of landscaping rock involves the use of jack hammers to loosen large pieces. The jack hammers generate extremely high noise levels as does the loading of large rock pieces into haul trucks.

Collectively, these changes invalidated the fundamental assumptions upon which the HCRR was premised and adopted in 1996 and have created a compelling need to amend the HCRR to reflect the ESA fish listings, to prevent irreparable harm to the streams, water quality and critical fish habitat, and reevaluate noise impacts to surrounding residences, farms, businesses and the local road system.

The need for a moratorium is compelling because the HCRR is not adequate to address the impact issues that currently exist and surround the Howard Canyon Quarry and new federal, state and regional regulatory requirements – none of which existed when the HCRR was adopted in 1996. The temporary remedy of a moratorium is appropriate in this instance because the Board of Commissioners has directed planning staff to rectify these deficiencies in the HCRR, to collect new data, to analyze the new impact issues and the new federal, state and regional regulatory requirements and produce and perform a new Goal 5 analysis. This work is currently in progress and should be complete by the end of summer, 2002.

- “(B) Stating the reasons alternative methods of achieving the objectives of the moratorium are unsatisfactory;
- “(C) That the moratorium is sufficiently limited to ensure that lots or parcels outside the affected geographical areas are not unreasonably restricted by the adoption of the moratorium; and
- “(D) That the city, county or special district proposing the moratorium has developed a work plan and time schedule for achieving the objectives of the moratorium.”

A. Application of existing development ordinances, regulations and other applicable law is inadequate to prevent irrevocable public harm from development in the affected geographical area.

Following the 4-year delay in implementing the HCRR and adopting the PAM overlay for the quarry and surrounding properties, and following the Board's vote to table that effort, all that is left in place on the Howard Canyon Quarry is the underlying CFU-4 and EFU zoning, under which surface mining is a conditional use. In the 5-year interval, significant changes have occurred in federal, state, regional and local regulations and natural resource protections that invalidate the HCRR's inventory of potentially conflicting uses and its ESEE analysis of those conflicting uses. During the 5-year interval the quarry owner and operator substantially changed their proposed mining operation to one, which was never considered or evaluated in the HCRR or its ESEE analysis.

The HCRR was supposed to be a complete and comprehensive guide to all impact and operational issues associated with mining at the Howard Canyon Quarry. The HCRR was supposed to be a comprehensive assessment of all impacts from the quarry operation on all possible impact receptors and an evaluation of those previously inventoried impacts. The HCRR was supposed to provide a complete and thorough assessment of the conflicting uses within the impact area and the economic, social, environmental and energy consequences of those conflicting uses. The utility of the HCRR was supposed to be its resolution of these conflicts and its determination to promote the mineral extraction and mining operation over the conflicting uses and resources. However it can no longer reliably fill any of these roles.

Nothing in the County's current zoning or the HCRR gives any credence to, or recognizes, the federal ESA listing of Lower Columbia River Steelhead or Chinook Salmon. Nothing in the County's current zoning or the HCRR recognizes the need to protect the water quality and critical fish habitat of the Sandy River, Big Creek, Howard Canyon Creek or Knieriem Creek as required by the Federal ESA and Metro's Title 3 amendments. Nothing in the County's current zoning or the HCRR provides any sort of protection from mining impacts for surrounding farm uses on EFU and CFU-4 lands. Nothing in the HCRR anticipated that the mining operation in the Howard Canyon Quarry would be anything but the mining of aggregate-sized rock for construction and concrete.

In short, the HCRR is no longer a valid guide to permitting and regulation of the Howard Canyon Quarry operation because on-the-ground circumstances have changed significantly as have the federal, state and regional regulatory requirements. The HCRR is so out of date as to be meaningless, and failure to understand its critical shortcomings could have some very expensive consequences for Multnomah County. Should the County ever approve an expansion of the Howard Canyon Quarry under the mistaken assumption that the HCRR is valid, the County, operator and land owner would risk serious violations of federal, state and regional law, and irreparable damage to some of the County's and region's natural resources as well as surrounding homes, farms and businesses.

Irrevocable public harm would result if an application for quarry expansion were submitted and processed under the 1996 HCRR and existing County Code. If a second CUP

application were submitted now, which could happen, state law requires that the County apply only the current approval criteria. Under Oregon's so-called "no changing the goal posts rule," an application must be decided based upon the approval standards that are in place at the time the application is submitted and any standards adopted after an application is submitted do not apply.¹⁹ Consequently, if a permit application to expand and alter the mining operation in the Howard Canyon Quarry were received today, the County would have to decide it based upon the current MCC and the current HCRR. The 2000 Staff Report provided a list and summary of the code criteria.²⁰ The earlier expansion proposal received a negative staff recommendation largely because the applicant refused to comply with the submission requirements of the HCRR. However, had the applicant submitted all of the studies and information required by the HCRR, the County may have had no choice but to approve the expansion – even though the HCRR is not current and does not adequately address all of the issues and information required for an evaluation of current circumstances, and in several significant respects does not address current circumstances at all.

B. Alternative methods of achieving the objectives of this moratorium are unsatisfactory.

The objectives of this moratorium are to prevent any land use application, such as a conditional use permit, that would allow the expansion of mining in the Howard Canyon until such time as the HCRR can be up-dated and made complete in light of current conditions and environmental regulations. The fundamental problem with the HCRR, in its current form, is that its underlying factual assumptions, assessment of impacts, and regulatory analysis are significantly outdated and are no longer valid. Because its underlying premises are no longer valid, the HCRR simply does not provide adequate protection to certain resources and uses that federal, state and regional law require to be protected.

The alternatives to this moratorium are limited and include simply applying the HCRR, in its current form, and the current Multnomah County Code should an expansion proposal be submitted. This was the approach recently taken when the property owner and operator applied for a conditional use permit to expand the Quarry. This approach is not adequate because the HCRR does not consider the current status of the Sandy River, Big Creek, Knieriem Creek or Howard Canyon Creek and the threatened fish that live there. This approach, based on the HCRR, assumes that the mining operation will extract aggregate for construction and concrete, instead of landscaping rock. This approach is inadequate because it limits the assumed impact

¹⁹ ORS 215.427(3), Oregon's so called "no changing the goal posts rule" provides that:

"If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted and the county has a comprehensive plan and land use regulations acknowledged under ORS 197.251, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted."

²⁰ The Staff Report for the March 2000 CUP hearing provides the following list of applicable code criteria: Commercial Forest Use -4 zone (35.2230 and .2245); Exclusive Farm Use (35.2630); Conditional use (35.6300-.6315); Mineral Extraction (35.6500-.6535); Howard Canyon Reconciliation Plan (HCRR); Policy 21 of the East of Sandy River Rural Area Plan; applicable -Mineral Extraction, 37 -Utilities, 38 -Facilities.

zone to 1200 feet from the pit edge, predicated on the noise generating capabilities of the particular mining equipment that was to have been used in the original mining operation. However, because the original mining operation is no longer proposed and the operator wants to remove landscape rock, different equipment will be used which with the potential of generating much higher noise levels.

Because the noise generating assumptions in the 1996 HCRR are no longer valid, the 1200 foot impact zone is no longer valid. The 1996 HCRR only assessed the impacts of mining on the homes and farm uses within 1200 feet of the Quarry in 1996. Because the PAM overlay was never applied to limit the expansion and proliferation of these conflicting uses, the assessment of surrounding conflicting uses must be up-dated to consider impacts on any new or expanded uses, most notably new homes and farms and preexisting homes and farms that will be affected by a new and different mining operation with a potentially much larger impact zone. Use of the 1996 HCRR does not include any consideration of the noise, dust, truck traffic and vibration impacts on these new and now lawful homes and farm operations, and assumes a very limited impact zone.

The work required to up-date the 1996 HCRR is considerable. An up-date of the HCRR requires a new evaluation of realistic mining operations at the Quarry, *i.e.*, extraction and processing of landscaping rock. Up-dating requires a new identification and inventory of nearby conflicting uses, *i.e.*, homes, farms and businesses. An up-date requires a careful inventory and survey of the 3 streams that potentially provide habitat for listed fish species and an assessment of potential impacts on the Sandy River, especially that portion running through Metro's Oxbow Regional Park. Finally, an up-date of the HCRR requires a new ESEE analysis under Goal 5 to resolve these conflicts between mining and the lawful surrounding uses and resources. This work was specifically identified and ordered to be done by the Board of County Commissioners on June 13, 2000 and has been budgeted for FY 2002. Given that the applicant has already submitted, and later withdrew, a CUP application for expansion of the Quarry, it is highly likely that a second application can and will be submitted before this work is completed and before the County can revise the HCRR.

Processing a new CUP application under the 1996 HCRR and the current Multnomah County Code would not address any of these issues identified in this section. Only the comprehensive approach ordered by the Board of County Commissioners on June 13, 2000 under Goal 5 will accomplish the HCRR revision that is required. Were the County to receive a permit application to expand the Quarry before the revision is complete, it would have to apply the 1996 (out-dated) HCRR report, which would jeopardize the critical habitat of at least 2 fish species that have been listed as threatened under the ESA, *i.e.*, Lower Columbia River Steelhead and fall Chinook Salmon. Consequently, the only alternative to this proposed moratorium is not adequate and places at risk listed threatened fish species, their designated critical habitat as well as the many homes, businesses and farm operations that have expanded or become established near the Howard Canyon Quarry since 1996. The risks include potentially devastating noise, vibration and dust impacts on surrounding homes and farms that are more severe and extend far beyond the limited 1200 foot impact area. Also, the County risks a certain liability, along with the Quarry owners and operators, in the event of chemical or silt contamination of Knieriem, Big

and Howard Creeks or the Sandy River mainstem or in the event that any such contamination “takes” or harms a listed fish or adversely impacts critical habitat.

The County has explored an alternative to this moratorium with the effected property owners and a community representative. The owners of the effected property have proposed an alternative agreement, a contract in form and substance. The property owners acknowledge that the County intends to reopen it’s analysis of the Howard Canyon Quarry Reconciliation Goal 5 work, and would like to do so before an application for substantially heightened activity is submitted. The proposed draft agreement is based on the premise that if the County suspends the pursuit of the moratorium, the property owners/operators promise not to submit a conditional use application. Further, in the event the property owners/operator change their mind and elect to go forward with an application, they must provide sufficient notice to the County of their intent. This would theoretically allow the County to re-start the process and adopt the moratorium. The County finds that the proposed draft alternative advanced by the property owners is unsatisfactory in that the County is not assured, despite initial conciliations, the County will ultimately be able to enforce an agreement that requires an applicant to forego statutory protections providing for the vesting of development rights. The effect of such an unenforceable alternative will render the objectives of the moratorium i.e., the County’s reevaluation of the HCRR, moot by subverting the County’s ability to apply the product of the County’s effort to a conditional use application.

C. The moratorium is sufficiently limited to ensure that lots or parcels outside the affected geographical area are not unreasonably restricted by the adoption of the moratorium.

This moratorium is limited to the mapped aggregate resource within Howard Canyon, i.e., the Howard Canyon Quarry, which includes the 6 tax lots under 3 separate ownerships as described in footnote 1. This moratorium is limited to applications to expand the mining operating beyond its current level of less than 5,000 cy per year and 5-acre pit. This moratorium is limited in duration and will automatically expire on November 1, 2002, unless extended as provided by the state’s Moratorium Statute.²¹ By so limiting the geographic, temporal and regulatory scope of the moratorium, the County assures that the Quarry property as well as lots or parcels outside the affected geographical area are not unreasonable restricted.

D. The County has developed a work plan and time schedule for achieving the objectives of the moratorium.

The objectives of this moratorium are to stop the acceptance, processing or approval of any expansion proposals for the Howard Canyon Quarry until the County is able to up-date the factual and regulatory bases of the 1996 HCRR by revising the HCRR in compliance with State-wide Planning Goal 5. On June 13, 2000 the Board of County Commissioners ordered staff to start the remedial work necessary for this up-date. The work was budgeted for FY 2002, and

²¹ The Moratorium Statute does not prescribe a time limit on the duration of the initial moratorium on rural lands, and it does not appear to impose any limitations on extensions to moratoria such as this one adopted under ORS 197.520(3)(b).

planning staff has started the process of advertising for qualified consultants to collect and analyze the necessary data in conformance with Goal 5. The result will be a revised HCRR, which will necessitate a post-acknowledgment amendment of the County's Comprehensive Plan.²²

Under the Multnomah County Code, this amendment process will require notice to the property owners, the owners of surrounding affected properties and to affected state, regional and local agencies. The proposal will first be heard at a public hearing before the Planning Commission, which will produce a recommendation to the Board of County Commissioners. The Board of County Commissioners would then notice and hold a public hearing on the proposal and the Planning Commission's recommendation, with the Board making the final decision as to whether to adopt the revised HCRR and thereby amend the County's Comprehensive Plan. The process would be fully open and public and all affected parties and agencies, including the property owners, would have a full opportunity to participate.

It is hoped that the County can execute a contract with a qualified consultant to complete the field work and analysis during fall of 2001. The field work can hopefully be completed during the fall and winter of 2001/2002 with a report and specific recommended revisions to the HCRR being forwarded to the Planning Commission in spring or early summer 2002. The matter could be heard by the Planning Commission in summer of 2002, with a recommendation presented to the Board of Commissioners in fall of 2002.

IV. Conclusion:

This moratorium is narrowly tailored to halt the acceptance, processing or approval of any expansion proposals for the Howard Canyon Quarry. The quarry's current operation of less than 5,000 cy per year would not be affected. The moratorium is necessary because the HCRR is extremely out-dated, as are the factual and regulatory bases which underlie it. The moratorium is limited to just the Howard Canyon Quarry as mapped in the HCRR; it is limited in regulatory scope to just expansion proposals, and limited in duration to expire November 1, 2002. Should the County not adopt such a moratorium and should the owner or operator apply for a permit to expand the mine, the County would be forced to apply the out-dated 1996 HCRR and the current County Code. Neither the 1996 HCRR nor the current County Code address changes in the mining proposal or the new and expanded homes, businesses and farm operations that surround the mine. These new homes and farms, as well as the water quality and endangered fish species that live in Knieriem, Howard Canyon and Big Creeks and the Sandy River, stand to be adversely impacted in ways not anticipated in the 1996 HCRR. In light of these circumstances, there is a compelling need to adopt such a narrowly tailored moratorium in order to avoid irreparable harm to two endangered fish populations and the critical habitat upon which they depend in 3 local creeks and the Sandy River, and irreparable harm to near-by homes, businesses and farm operations. This finding of compelling need is based upon the foregoing findings addressing the applicable standards in ORS 197.520(3)(b).

²² State law prescribes certain procedures for post-acknowledgment comprehensive plan amendments, which involves notice and an opportunity to comment to DLCD. *See* ORS 197.610 to 197.625.

BOGSTAD Deborah L

From: PEOPLES Kim E
Sent: Tuesday, December 04, 2001 2:40 PM
To: BOGSTAD Deborah L
Cc: DUFFY Sandra N; BUSSE Kathy A; MUIR Susan L
Subject: RE: Thursday

Deb:

Sandy asked me to respond to your request for language on Thursday's Motion.

"In consideration of State law that requires alternatives to a moratorium and the fact that we (the Board) directed the Planning Staff to explore such alternatives, an agreement is now before us. This agreement has been negotiated by the County with the property owners and a quarry opponents representative that in effect intends to achieve the same objective of the moratorium with out the adoption of the moratorium. That objective is the allowance of the County to conduct its Goal 5 and environmental analysis while the property owners and operators of the quarry agree not to proceed with a land use application. Further, the agreement provides for cooperation and exchange of information and access to the quarry property allowing the County to efficiently carry out its Goal 5 objectives."

- ~ Open public hearing, requesting testimony to be limited to the issue of the continuance or the agreement
- ~ Move to continue the hearing on the Howard Canyon Quarry Moratorium until June 6, 2002
- ~ Direct Staff to sign the agreement

Please contact me if you have any further questions.

Kim
Ext. 22709

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

From: DUFFY Sandra N
Sent: Tuesday, December 04, 2001 1:25 PM
To: PEOPLES Kim E
Subject: FW: Thursday

Deb is scheduling the continued hearing to June 6, 2002 for your information in preparing the Motion

CHAIR LINN'S SCRIPT FOR THURSDAY, DECEMBER 6, 2001

R-6 Public Hearing, First Reading and Possible Adoption of an ORDINANCE Adopting, Under the Authority of ORS 197.520(3)(b), a Temporary Moratorium on Expansions of the Howard Canyon Quarry in Unincorporated Multnomah County Pending the County's Completion of a Reevaluation and Amendment to the Howard Canyon Reconciliation Report Under Statewide Planning Goal 5 and an Evaluation of the Requirements of the Endangered Species Act to Protect Nearby Fish-bearing Streams, Potential Changes in Mining Methods, Use of Rock, Associated Noise from Mining, and Potential Impacts of Mining on Surrounding Farm Uses, and Declaring an Emergency

I AM GOING TO REQUEST A MOTION THAT WE CONTINUE THIS HEARING FOR SIX MONTHS, TO JUNE 6, 2002, FOR SEVERAL REASONS:

- THE LAW REQUIRES THAT WE EXHAUST ALL ALTERNATIVES TO MORATORIUM BEFORE WE IMPOSE ONE.**
- WE HAVE BEEN OFFERED THIS AGREEMENT (BOARD AND AUDIENCE WILL HAVE COPIES OF THE PROPOSED AGREEMENT) AS AN ALTERNATIVE, AND IT MEETS THE SAME OBJECTIVES AS A MORATORIUM.**
- IT WILL BIND THE QUARRY OWNERS AND OPERATORS TO FOREGO SUBMITTING AN APPLICATION UNTIL OUR ENVIRONMENTAL STUDIES ARE COMPLETED. IF THEY DO SUBMIT, THEY WILL GIVE US SIXTY DAYS NOTICE TO ENACT A MORATORIUM.**
- THIS AGREEMENT IS SUPERIOR TO AN ENACTED MORATORIUM IN THAT THE COUNTY IS ALLOWED ON THE PROPERTY TO CONDUCT ENVIRONMENTAL ANALYSES, AND IT PROVIDES FOR AN EXCHANGE OF STUDIES AND INFORMATION THAT IS NOT INHERENT IN AN IMPOSED MORATORIUM.**

MAY I HAVE A MOTION TO CONTINUE THIS HEARING FOR SIX MONTHS, TO JUNE 6, 2002?

COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL TO POSTPONE UNTIL JUNE 6, 2002

SANDRA DUFFY, KATHY BUSSE AND/OR JIM
PEOPLES EXPLANATION, IF NECESSARY, AND
RESPONSE TO QUESTIONS
OPPORTUNITY FOR PUBLIC TESTIMONY, ON
THE ISSUE OF THE CONTINUANCE OR THE
AGREEMENT ONLY
OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

THE MOTION FAILS

OR

THE ORDINANCE IS CONTINUED UNTIL JUNE 6,
2002. STAFF IS DIRECTED TO EXECUTE THE
AGREEMENT.

After recording return to: Kathy Busse
Planning Director
Department of Sustainable Community Development
Land Use Planning Division

CONTRACT AFFECTING A FEE INTEREST IN LAND

This agreement is entered into between Multnomah County, a political subdivision of the State of Oregon ("County"); Raymond Smith, Shirlee Lenske, as personal representative of the estate of Reuben Lenske (Smith and the Lenske estate are collectively referred to as "Owners"); and Interstate Rock Products, Inc., a corporation of Washington ("Interstate").

RECITALS

- a. Owners own property in Multnomah County, Oregon where a rock quarry known as the Howard Canyon Quarry has been operating and continues to operate. Specifically, Smith and the Lenske estate, either jointly or separately own the following real property:

1S4E, Sec 1A, Tax Lots 100 (R341075)(R994010010)

1S4E, Sec 1A, Tax Lot 200 (R341076)(R994010020)

1S4E, Sec. 1B, Tax Lot 100 (R341090)(R994010170)

1N4E, Sec. 36D, Tax Lot 500 (R322815)(R944360130);and

1S4E, Sec. 1B, Tax Lot 1000 (R341089)(R994010160)

The mineral and mining rights to real property described as 1N4E, Sec. 36C, Tax Lot 200 (R322815)(R944360710).

The legal description for all the property is attached hereto as Exhibit A and incorporated by this reference.

- b. Interstate operates the Howard Canyon Quarry.
- c. County has land use jurisdiction over the Howard Canyon Quarry.
- d. County's Planning Commission conducted a duly noticed public hearing on October 15, 2001 and has recommended to the County Board of Commissioners that a moratorium on expansion of the existing quarry use be adopted by emergency. The Resolution by the Planning Commission is attached as Exhibit B and incorporated by this reference.
- e. The intent of this agreement is to provide the parties an alternative means to achieve the same objective as the proposed moratorium, which the County believes, conforms to ORS 197.505 to 197.540 and all other legal requirements. That objective is to provide the County the opportunity to accomplish its State

Planning Goal 5 analysis as well as address issues raised by the County Board of Commissioners regarding the protection of the Lower Columbia River Steelhead, and other species, and their critical habitat and the need for improved stream and water quality protection and also resolve the zoning status of the subject properties. The mutually agreed upon terms of this agreement reflect an interest to conduct both the County's obligations as well as the Owners and Interstate's obligations in good faith. County does not intend the moratorium to affect any authorized, existing operation in conformance with OAR 632-030-0016 grant of Total Exemption as administered and required by the Oregon Department of Geology and Mineral Industries currently occurring on the property.

AGREEMENT TERMS

1. The County Board of Commissioners shall continue the hearing on the proposed moratorium until a date certain. The hearing may be continued to a Board of Commissioners meeting in six months or any other scheduled meeting unless the County has received written notice that Owners or Interstate intends to file for a land use pre-application conference as required by the County zoning code or other land use application with Multnomah County.
2. In exchange for County's commitment to continue the moratorium hearing and to not take any action on the moratorium, Owners and Interstate agree to not file any land use application on the subject property without additionally providing written notice of an intent to schedule a pre-application conference to the County Planning Director at least 60 days before scheduling a pre-application conference. Owners agree not to file or consent to the filing of any land use application. In the event of such notice or receipt of a pre-application request or application, the County shall immediately exercise its right to proceed with the adoption of the moratorium.
3. All parties agree that this Agreement covers actions that have a direct effect on real property and on the authority of the County and that monetary damages would not be an adequate remedy for the County. Therefore, the parties agree that the County is entitled to specific performance in case of a breach by Owners or Interstate and that the County is also entitled to a declaration, injunction or other judicial order declaring void and without effect any land use application filed by Owners (or any of them) or Interstate in violation of this Agreement.
4. The parties further agree that this Agreement runs with the land and shall be recorded.
5. This agreement shall be governed by Oregon law and the parties agree that any lawsuit relating to this agreement shall be brought in the Multnomah County Circuit Court and challenges to the moratorium can only be brought to the Land Use Board of Appeals. The parties further agree that in the event of Circuit Court litigation, the

prevailing party shall be entitled to an award of reasonable attorney fees at any stage of any litigation (including arbitration) or appeal as determined by the court.

6. Owners and Interstate agree, that in exchange for the County suspending adoption of the moratorium, they will cooperate fully with the County to provide information regarding the proposed mining operation, allow the County and their consultants on the property, and provide the documentation of any expert reports upon request.
7. County agrees to provide the Owners and Interstate copies of expert reports which will be produced upon request.
8. The parties have read this Agreement carefully. They fully understand its content and fully understand that no other consideration or payment of any kind will be made and that there is no other agreement, promise or inducement of any kind whatsoever for this Release other than that which is herein expressed.
9. This Agreement contains the entire agreement between the parties hereto and the terms of this Agreement are contractual and not a mere recital.
10. This Agreement shall be effective when signed by all parties and shall remain in effect until the effective date of the County's final action adopting the Comprehensive Plan Amendment revising the Howard Canyon Reconciliation Report unless sooner terminated under the terms of this Agreement or by mutual agreement of the parties. In any event this agreement shall terminate December 31, 2002 unless extended by the agreement of the parties.

THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

Date: _____

By: _____
Sandra N. Duffy, Deputy County Attorney

Raymond Smith

Date: _____

Personal Representative of the
Estate of Reuben Lenske

Date: _____

INTERSTATE ROCK PRODUCTS, INC.,
A corporation of Washington

Date: _____

By: _____

Its: _____

STATE OF OREGON)
) ss
County of Multnomah County)

Personally appeared before me this _____ day of _____ 2001, the above-named Raymond Smith, who, being duly sworn, acknowledged said instrument to be his voluntary act and deed.

NOTARY PUBLIC for Oregon

My Commission Expires: _____

STATE OF OREGON)
) ss
County of Multnomah County)

Personally appeared before me this _____ day of _____ 2001, the above-named Shirlee Lenske, who, being duly sworn, did say that she is the Personal Representative of the Estate of Reuben Lenske, and that said instrument was signed on behalf of the Estate of Reuben Lenske; and acknowledged said instrument to be her voluntary act and deed.

NOTARY PUBLIC for Oregon

My Commission Expires: _____

STATE OF OREGON)
) ss
County of Multnomah County)

Personally appeared before me this _____ day of _____ 2001, the above-named _____, who, being duly sworn, did say he is a member of Interstate Rock Products, Inc., a corporation of Washington, and that said instrument was signed on behalf of said corporation by authority of its Board of Directors; and acknowledged said instrument to be his voluntary act and deed.

NOTARY PUBLIC for Oregon

My Commission Expires: _____

MEETING DATE: December 6, 2001
AGENDA NO: B-3
ESTIMATED START TIME: 10:30 AM
LOCATION: Boardroom 100

(Above Space for Board Clerk's use only)

AGENDA PLACEMENT FORM

SUBJECT: County Budget Impact to State of Oregon December Revenue Forecast

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

REGULAR MEETING: DATE REQUESTED: Thursday, December 6, 2001
AMOUNT OF TIME NEEDED: 45 minutes

DEPARTMENT: Non-Departmental DIVISION: Chair's Office
CONTACT: Steve March TELEPHONE #: (503) 988-5797
BLDG/ROOM #: 503/600

PERSON(S) MAKING PRESENTATION: Gina Mattioda and Stephanie Soden

ACTION REQUESTED:

☒ INFORMATIONAL ONLY ☒ POLICY DIRECTION ☐ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

*Briefing and Board Discussion Regarding County Budget Impact to State of Oregon
December Revenue Forecast*

SIGNATURES REQUIRED:

ELECTED OFFICIAL: Diane M. Linn
(OR)

DEPARTMENT MANAGER: _____

BOARD OF
COUNTY COMMISSIONERS,
MULTNOMAH COUNTY,
OREGON
01 DEC -4 AM 8:53

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

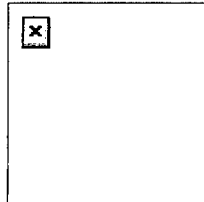
Any Questions: Call the Board Clerk @ (503) 988-3277 or email
deborah.l.bogstad@co.multnomah.or.us

BOGSTAD Deborah L**From:** MATTIODA Gina M**Sent:** Friday, November 30, 2001 11:23 AM

To: #ALL CHAIR'S OFFICE; #ALL DISTRICT 1; #ALL DISTRICT 2; #ALL DISTRICT 3; #ALL DISTRICT 4; Amy JOSLIN; Arna HUBBARD; Barbara SIMON; Bob ELLIS; Carol FORD; Cecilia Johnson; Christine Kirk; Christine TEBBEN; Christopher Sample; Cindy GIBBON; Cindy GIBBON; Connie GUIST; Consuelo SARAGOZA; Daniel Brown; Darlene YOUNG; Dave BOYER; Dave Warren; David HOUGHTON; Denise CHUCKOVICH; Don HAUSKINS; Doug MCGILLIVRAY; FRONK Tom R; FULLER Joanne; Gail Parnell; Gary HENDEL; Gary OXMAN; Gary SAWYER; Ginnie COOPER; Ginnie COOPER; Gordon EMPEY; Harold LASLEY; Howard KLINK; Jane SPENCE; Janet WALLINDER; Jim MCCONNELL; Jim ROOD; Joanne FULLER; John ROWTON; Joy BELCOURT; Judy PHELAN; Julie BERGSTROM; Julie Neburka; Karen SCHILLING; Karyne DARGAN; Kathleen TUNEBERG; Kathy BUSSE; Kathy TINKLE; Kathy TREB; Kathy TURNER; Lila WICKHAM; Lillian SHIRLEY; Lisa YEO; Lore JOPLIN; Lyne Martin; Maggie Miller; Mark CAMPBELL; Mary LI; Mary Shortall; MaryAnn STEWART; MCCONNELL Jim; Michael Oswald; Michael SCHRUNK; Pam MINDT; R Wilcox; Rey Espana; Rich SCOTT; Robert HOVDEN; Robert Thomas; SHERIFF; Sheryl Stump; SHORTALL Mary E; Stan GHEZZI; Stephen Pearson; Susan MUIR; Suzanne FLYNN; Thomas Simpson; Thomas Sponsler; TINKLE Kathy M; Tom GUINEY; Tom HANSELL; Tony MOUNTS; Tricia TILLMAN-REARDON; Vanetta ABDELLATIF; Vicki ERVIN; Wanda Yantis; Wendy LEAR; Wendy RANKIN

Cc: SODEN Stephanie A**Subject:** Statement from Governor Kitzhaber on Forecast

JOHN A. KITZHABER, M.D.
Governor

***NEWS RELEASE******FOR IMMEDIATE RELEASE******November 30, 2001***

Contact: Bob Applegate

(503) 378-6496

Jon Coney

(503) 378-6169

GOVERNOR'S STATEMENT ON DECEMBER REVENUE FORECAST

"The revenue forecast released today demonstrates what many Oregonians know first-hand: that our economy has slowed significantly and that, consequently, the State will collect less revenue than originally anticipated.

Oregon has faced this challenge before and mastered it. Together, we shall face it again and find a way to weather this economic storm while maintaining the most important services for Oregonians.

11/30/2001

I am working with legislative leaders of both parties and both chambers to produce a proposed rebalanced budget. I applaud the Legislature for creating committees and planning public hearings specifically to address this budget shortfall.

I will continue to reiterate my belief that we cannot simply cut budgets across the board. Budgets are an exercise in setting priorities and this rebalanced budget should reflect Oregonians' priorities.

The first step in this process will be to develop a budget that fully implements the size of cuts necessary. Only after we understand what services must be cut, and how deeply, can we have any meaningful discussion of new revenue and its role, if any, in cushioning the blow of these budget cuts."

-30-

Gina Mattioda
Director, Multnomah County Public Affairs Office
501 SE Hawthorne Blvd., Suite 600
Portland, Oregon 97214
phone. 503.988.5766
fax: 503.988.6801
pager: 503.202.5321
email: gina.m.mattioda@co.multnomah.or.us

BOGSTAD Deborah L

From: MATTIODA Gina M
Sent: Friday, November 30, 2001 10:43 AM
To: LINN Diane M; ROJO DE STEFFEY Maria; CRUZ Serena M; NAITO Lisa H; ROBERTS Lonnie J; SHERIFF; SCHRUNK Michael D; FLYNN Suzanne J; #ALL CHAIR'S OFFICE; #ALL DISTRICT 1; #ALL DISTRICT 2; #ALL DISTRICT 3; #ALL DISTRICT 4; Amy JOSLIN; Arna HUBBARD; Barbara SIMON; Bob ELLIS; Carol FORD; Cecilia Johnson; Christine Kirk; Christine TEBBEN; Christopher Sample; Cindy GIBBON; Cindy GIBBON; Connie GUIST; Consuelo SARAGOZA; Daniel Brown; Darlene YOUNG; Dave BOYER; Dave Warren; David HOUGHTON; Denise CHUCKOVICH; Don HAUSKINS; Doug MCGILLIVRAY; FRONK Tom R; FULLER Joanne; Gail Parnell; Gary HENDEL; Gary OXMAN; Gary SAWYER; Ginnie COOPER; Ginnie COOPER; Gordon EMPEY; Harold LASLEY; Howard KLINK; Jane SPENCE; Janet WALLINDER; Jim MCCONNELL; Jim ROOD; Joanne FULLER; John ROWTON; Joy BELCOURT; Judy PHELAN; Julie BERGSTROM; Julie Neburka; Karen SCHILLING; Karyne DARGAN; Kathleen TUNEBERG; Kathy BUSSE; Kathy TINKLE; Kathy TREB; Kathy TURNER; Lila WICKHAM; Lillian SHIRLEY; Lisa YEO; Lore JOPLIN; Lyne Martin; Maggie Miller; Mark CAMPBELL; Mary LI; Mary Shortall; MaryAnn STEWART; MCCONNELL Jim; Michael Oswald; Michael SCHRUNK; Pam MINDT; R Wilcox; Rey Espana; Rich SCOTT; Robert HOVDEN; Robert Thomas; SHERIFF; Sheryl Stump; SHORTALL Mary E; Stan GHEZZI; Stephen Pearson; Susan MUIR; Suzanne FLYNN; Thomas Simpson; Thomas Sponsler; TINKLE Kathy M; Tom GUINEY; Tom HANSELL; Tony MOUNTS; Tricia TILLMAN-REARDON; Vanetta ABDELLATIF; Vicki ERVIN; Wanda Yantis; Wendy LEAR; Wendy RANKIN
Cc: #ALL PAO STAFF
Subject: FW: Dec Rev and Ec Forecast/Stephanie's Analysis

Below is Stephanie's analysis on the Dec. Revenue and Economic Forecast.

Hi Gina,
Here's the bad news.

Total state GF shortfall: \$720.1 million.

(You may hear conflicting numbers - like we are really only \$623 million down, but since the legislature approved the 2001-03 budget with a \$96 million ending balance -in other words, they must keep a reserve of \$96 million- they are obligated to balance the budget keeping that in mind. Therefore $623 + 96 = 720$.)

If this confuses you, disregard, because the economist made it very clear that 720 is the number we care about.)

While a decrease in both personal income and corporate income revenues are the reason for this shortfall, the decline in corporate income revenues (due to the recession - layoffs, plant closures - Potiowsky mentioned both hi-tech and transportation export sectors, ie. Freightliner and Futitsu) is the primary reason. So, our local BIT problem is similar to the state's problem.

There is no estimated kicker for 2003. The general fund would need almost \$900 million extra to hit the kicker threshold.

Things don't look much better for 2003-05: we're looking at a \$780.1 million shortfall. In 2005-07, things begin improving: we're looking at a \$333 million shortfall.

As far as the economic outlook goes, Oregon is expected to bottom out in the 2nd quarter of 2002, and then begin a slow recovery.

The federal economic stimulus package is expected to help Oregon's overall economy, but the state GF could experience serious impacts if Congress chooses to include corporate tax breaks as part of the package.

Those are the highlights. Page me if you have any questions.



Public Affairs Office
MULTNOMAH COUNTY OREGON

501 SE Hawthorne Blvd., Suite 600
Portland, Oregon 97214
(503) 988-6800 phone
(503) 988-6801 fax

December 6, 2001

To: Multnomah County Commissioners

From: Gina Mattioda and Stephanie Soden, Public Affairs Office

Re: Briefing on December Revenue and Economic Forecast / Special Session

December Revenue and Economic Forecast Released

Oregon's State Economist Tom Potiowsky released the December Revenue and Economic Forecast to the Senate Interim General Government Committee and House Interim Revenue Committee on Friday, November 30, 2001. As expected, Oregon's economy continues to decline and the gap between the Legislatively Adopted Budget (LAB) and the new revenue forecast for the 2001-2003 biennium has grown to nearly \$720 million. The gap in the 2003-2005 biennium has grown to nearly \$1 billion.

Preparing for a January/February Special Session

Senate and House members will hold public hearings and hear public testimony beginning Monday, December 10 through Friday, December 14, 2001. Senate President Gene Derfler and House Speaker Mark Simmons announced the following committee assignments: Senate Economic and Job Stimulus, Budget Rebalance, and Revenue Options, along with House Special Committee on Budget Prioritization and Special Task Force on Jobs and the Economy. Membership includes (*italics indicate legislators who represent portions of Multnomah County*):

Senate Committees

Budget Rebalance Committee: Roger Beyer and Cliff Trow as Co-chairs, *Margaret Carter*, Bev Clarno, Lenn Hannon, Steve Harper, *Frank Shields*, and Mae Yih.

Revenue Options Committee: *Ted Ferrioli* and Joan Dukes as Co-chairs, *Ginny Burdick*, Tony Corcoran, Verne Duncan, *Tom Hartung*, Bill Morrisette, and Charles Starr.

Economic and Job Stimulus Committee: Jason Atkinson and *Rick Metsger* as Co-chairs, Susan Castillo, Peter Courtney, Bill Fisher, Gary George, *Avel Gordly*, and Ken Messerle.

House Committee

Special Committee on Budget Prioritization: Susan Morgan as Chair, Alan Bates, Tom Butler, Dan Doyle, *Gary Hansen/Carolyn Tomei*, Mark Hass, Elaine Hopson, Betsy Johnson, Tim Knopp, *Steve March*, *Mary Nolan*, Rob Patridge, *Diane Rosenbaum*, Lane Shetterly, Tootie Smith, Bruce Starr, and Jackie Winters.

Special Task Force on Jobs and the Economy: *Karen Minnis* as Chair, Alan Brown, Tom Butler, Al King, *Randy Leonard*, Kathy Lowe, Greg Smith, *Patti Smith*, and Joanne Verger.

Committee Schedules: Information on committee schedules has been posted to the Legislative Website: www.leg.state.or.us

Please note this information could change. The information we have now is that the House Budget Prioritization Committee will meet Monday 8:30 am to 4:00 pm, Tuesday 8:30 am to 5:00 pm, Wednesday 8:30 am to 5:00 pm, Thursday 8:30 am to 5:00 pm, public testimony 6:30 pm to 9:00 pm, and Friday 8:30 am to 4:00 pm. No notice yet about House Special Task Force on Jobs and the Economy.

Senate Budget Rebalance will meet Tuesday 9:00 am to 5:30 pm, Wednesday 8:30 am to 5:00 pm, public testimony 6:00 pm to 9:00 pm, and Thursday 8:30 am to 5:30 pm, and Friday 8:30 am to 12:00 pm if necessary. Senate Revenue Options, Tuesday and Wednesday 9:00 am to 5:00 pm, and Senate Economic and Job Stimulus will meet Tuesday, Wednesday, and Thursday from 9:00 am to 5:00 pm.

MENU OF POSSIBLE REVENUE OPTIONS

1. Existing Revenues [*The "unintentional rainy-day fund"*]

Medicaid Upper Payment Limit (MUPL):	\$120 million
Tobacco Settlement Dollars:	82 million
Unexpended revenues in Emergency Fund:	39 million
Other E-board monies to redirect:	13 million

Subtotal: ***\$254 million***

2. Legislative Policy

Delay (not repeal) implementation of BM 88:	\$160 million
Enable OLCC stores to sell alcohol on Sundays and holidays:	20 million
Expand video poker to line games:	30 million
Reduce video poker commissions: (phased in)	100 million

Subtotal: ***\$310 million***

3. New Revenue

Increase cigarette tax by 50 cents per pack:	\$100 million
Beer tax to national median:	36 million
Wine tax to national median:	15 million
OLCC markup 10% higher:	8 million

Subtotal: ***\$159 million***

TOTAL FOR THESE IDEAS: \$723 MILLION

* These sources do not include some of the other ideas for revenue that have been proposed, such as the following:

Kicker refund "reclamation" via income tax surcharge (\$230 million for all; or \$160 million for to 20% of wealthiest Oregonians)...Personal income tax surcharge of 2% (\$114 million)...Corporate income tax surcharge of 2% (\$11 million)...other fee or tax increases with less popularity

DHS Proposed Cuts – Impact on Aging and Disability Services Clients and Programs
11/29/01

Responsible Party	Dept. Level	Proposed Cut	State Funding Portion	Funding Portion to Multnomah County	Impact to Multnomah County
Health CFS ADS	1 st 2% (pg 9)	<i>OHP-Health</i> Don't allocate the special appropriation for OHP caseload increase	(\$3,000,000) GF	None	No immediate impact on existing clients.
Health	1 st 2% (pg 9)	<i>Prescription Drugs - Health</i> Don't allocate special appropriation to allow OMAP to maintain a higher cost reimbursement institutional pharmacies	(\$900,000) GF	NA	NA
ADS	1 st 2% (pg 10)	<i>Senior Prescription Drugs-ADS</i> Eliminate additional discount fund for Senior Prescription Assistance Program	(\$5,016,628) GF	None	No immediate effect on existing clients
Budget Mark C	1 st 2% (pg 10)	Carry forward Tobacco Tax from DHS Closeout	(\$1,075,448) *offset	NA	NA
CFS	1 st 2% (pg 12)	<i>Developmental Disabilities - DCFS</i> Eliminate funding for adult crisis home for persons w/developmental disabilities	(\$317,124) GF (\$447,030) OF/FF	NA	NA

CFS	2 nd 2% (pg 18)	<i>Domestic Violence –DCFS/HD</i> Eliminate Non-Domestic Violence Emergency Assistance Program (DHS notes state: eliminate services to 602 families)	(\$2,057,037) OF/FF	NA	NA
Health	2 nd 2% (pg 21)	<i>OHP – HD</i> Use Tobacco Settlement (Master Settlement) funds dedicated for tobacco use cessation, ed., and prevention for GF offset in OHP	(\$5,000,000) GF	NA	NA
Health	2 nd 2% (pg 22)	<i>Dental – HD</i> Dis-appropriate GF for fluoridation ed. and assistance to local water	(\$500,000) GF	NA	NA
Health	2 nd 2% (pg 24)	<i>SBHC - HD/DCFS</i> Eliminate school based clinics affecting 20 clinics in 11 counties. All 46 clinics would lose technical assistance	(\$1,515,000) GF	NA	NA
CFS	2 nd 2% (pg 25)	<i>Mental health -</i> Don't allocate E-Board funds for implementation of local mental health services'	(\$6,500,000) GF	None to ADS	Affects ADS clients with mental health diagnosis. Without services, may end up in acute care system at higher cost
CFS	2 nd 2% (pg 26)	<i>Mental health</i> Eliminate mental health consumer advocate program	(\$188,003) GF	NA	NA

Health	2 nd 2% (pg 27)	<i>Safety net – HD</i> Don't allocate E-Board funds for Safety Net Clinics	(\$2,200,000) GF	NA	NA
Health CFS	2 nd 2% (pg 28)	Delayed OHP eligibility (beginning date would be first of month following eligibility)	(\$3,750,000) GF (\$5,545,847) OF/FF	2 nd 2% (pg 28)	Delayed OHP eligibility (beginning date would be first of month following eligibility)
CFS	2 nd 2% (pg 29)	Eliminate one state operated group home for children w/developmental disabilities. Delay opening of second home until July 2002	(\$ 1,018,643) GF (\$1,435,917) OF/FF	NA	NA
CFS	2 nd 2% (pg 30)	Delay funding for county/regional based quality assurance staff for Medicaid waivers (related to The Staley implementation plan)	(\$1,103,760) GF	NA	NA
ADS	2 nd 2% (pg 31)	Reduce 2,468 clients from OPI (reduces program by 50%)	(\$2,384,486) GF (\$2,516,588) OF/FF	(\$1,221,979) annually	759 frail clients/month lose services which enable them to live at home (annually 1,371 clients); ADS .8 FTE lost; reduces case management, (the front-line resource for vulnerable, at-risk elders) thus crippling the service system; reduces contractor funds resulting in community job losses.

ADS	2 nd 2% (pg 34)	Eliminate remainder of OPI (removes 1,081 clients)	(\$3,466,084) GF (\$997,614) OF/FF	(\$1,221,979) annually	See above –additional 650 frail clients lose services, using point-in-time State calculations based on biennial figures.
CFS	3 rd 2% (pg 34)	Reduce inpatient / residential problem gambling treatment	(\$142,910) LF	NA	NA
CFS LPSCC	3 rd 2% (pg 38)	Don't allocate E-Board funds for mental health planning	(\$1,000,000) GF	NA	NA
Health	3 rd 2% (pg 39)	Eliminate "enhanced" reimbursement for Type B hospitals (Type B – less than 50 beds and less than 30 miles from nearest hospital)	(\$6,384,012) GF (\$9,441,502) OF/FF	NA	NA
	3 rd 2% (pg 40)	Remove adult dental coverage from OHP, which would eliminate coverage for roughly 190,000 (would require federal approval)	(\$23,401,459) GF (\$39,833,990) OF/FF	None	ADS Medicaid clients lose dental coverage (estimated 26,000 elders and persons with disabilities)
Health	3 rd 2% (pg 41)	Require diagnosis be listed on OHP prescriptions and claims that are not funded on the priority list	(\$1,066,608) GF (\$1,577,438) OF/FF	NA	NA
CFS	3 rd 2% (pg 42)	Eliminate 2nd year Cost of Living Adjustment (COLA) for providers	(\$10,517,258) GF (\$12,841,819)	None	Reduce the availability of long term care community based resources when providers will not accept

			OF/FF		Medicaid clients because the payment is too low. May increase reliance on nursing homes which are more expensive and not the choice of clients
CFS	3 rd 2% (pg 43)	Reduce training for DD providers by roughly 25%	(\$499,348) GF (\$605,056) OF/FF	NA	NA
Health	4 th 2% (pg 46)	Eliminate remainder of Public Health perinatal and prenatal programs	(\$437,399) GF	NA	NA
ADS CFS	4 th 2% (pg 46)	Eliminate mental health support employment program for 180 clients	(\$1,531,705) GF	None to ADS	90 clients lose intensive case management services in Multnomah County
MCCF CFS	4 th 2% (pg 48)	Oregon Children's Plan funding for mental health and alcohol and drug treatment (estimated that there are 26,132 firstborns impacted)	(\$11,000,000) GF	NA	NA
ADS CFS Health	4 th 2% (pg 49)	Eliminate General Assistance Grant Program (2,800 clients)	(\$8,960,169) GF (\$721,315) OF/FF	(\$1,301,097) + funding for overhead costs	1,034 clients with disabilities/month lose income for food, shelter, health coverage. ADS loses funding for an estimated 26 positions, using County payroll costs
ADS	4 th 2% (pg	Eliminate Medicaid long-term care	(\$10,831,014)	(\$811,738)	1,031 clients/month lose long-term

	50)	services for clients in levels 15-17 (3,900 clients impacted – 3,418 are in home clients and 582 are in facilities)	GF (\$18,250,694) OF/FF	annually + funding for overhead costs	care services in home and community-based settings. ADS loses funding for an estimated 16 positions based on County payroll costs
ADS	4 th 2% (pg 51)	Eliminate Medicaid long-term care services for clients in levels 11-14 (1,200 clients impacted 673 are in home clients and 527 are in facilities)	(\$2,628,828) GF (\$4,316,972) OF/FF	(\$197,435) annually + funding for overhead costs	275 elders or persons with disabilities lose long term care services in home and community-based settings. ADS loses funding for an estimated 4 positions.
CFS	5 th 2% (pg 53)	Reduction in “Adjustment Fund” for outpatient problem gambling treatment services	(\$142,910) LF	NA	NA
Health	5 th 2% (pg 54)	Eliminate STARS and other pregnancy prevention programs	(\$482,239) GF (\$559,917) OF/FF	NA	NA
CFS	5 th 2% (pg 55)	Eliminate Emergency Assistance for 546 domestic violence cases	(\$4,148,733) OF/FF	NA	NA
DCJ CFS	5 th 2% (pg 59)	Reduce funding for substance abuse treatment of correctional clients with alcohol and drug issues.	(\$2,686,800) GF	NA	NA
CFS MCSO	5 th 2% (pg 60)	Close Transitional Living Center (TLC) for forensics patients at Oregon State	(\$1,875,183) GF	NA	NA

		Hospital (currently serves 26 people w/an estimated level of 104 people)	(\$48,081) OF/FF		
CFS MCSO	5 th 2% (pg 61)	Reduce outpatient community mental health funds for adults not eligible for Medicaid by 50%, (reduces medication and treatment access for 1,700 clients)	(\$4,761,659) GF	NA	NA
ADS CFS	5 th 2% (pg 62)	Eliminate medically needy program for 7,490 clients (all clients are either elderly or disabled clients)	(\$17,263,980) GF (\$36,175,000) OF/FF	(\$673,269) annually + funding for overhead costs	1,210 elders or persons with disabilities who have high medical expenses lose limited health benefits. ADS loses funding for an estimated 14 positions, using County payroll costs
Health	5 th 2% (pg 63)	Eliminate OHP coverage for a portion of the adult/couple population, by decreasing the upper limit for income from the current 100% of FPL	(\$21,091,722) GF (\$35,364,661) OF/FF	NA	NA

Department of Community and Family Services Response to Proposed State Cuts
December 5, 2001

DHS
11/29/01

Responsible Party	Dept. Level	Proposed Cut	State Funding Portion	Funding Portion to Multnomah County	Impact to Multnomah County
Health CFS – Jim Gaynor ADS	1 st 2% (pg 9)	<i>OHP-Health</i> Don't allocate the special appropriation for OHP caseload increase	(\$3,000,000) GF	These funds would be released by the state on the basis on higher than expected OHP caseloads. Distribution formula not known at this time.	No potential of additional OHP allocations based on higher than expected caseloads (i.e. null potential for OHP mental Health system relief in event of unexpected caseload increase). Little impact since this was not anticipated. Potential decrease in CGF for CC+ and indigent meds proportionate to new eligibles if funded.?
Health	1 st 2% (pg 9)	<i>Prescription Drugs - Health</i> Don't allocate special appropriation to	(\$900,000) GF		

		allow OMAP to maintain a higher cost reimbursement institutional pharmacies			
ADS	1 st 2% (pg 10)	<i>Senior Prescription Drugs-ADS</i> Eliminate additional discount fund for Senior Prescription Assistance Program	(\$5,016,628) GF		
Budget Mark C	1 st 2% (pg 10)	Carry forward Tobacco Tax from DHS Closeout	(\$1,075,448) *offset		
CFS – Howard Klink	1 st 2% (pg 12)	<i>Developmental Disabilities - DCFS</i> Eliminate funding for adult crisis home for persons w/developmental disabilities	(\$317,124) GF (\$447,030) OF/FF	Unknown	Financial impact unknown. However, this will increase the costs to Regional Crisis program, which currently is under funded
CFS – Mary Li	2 nd 2% (pg 18)	<i>Domestic Violence –DCFS/HD</i> Eliminate Non-Domestic Violence Emergency Assistance Program (DHS notes state: eliminate services to 602 families)	(\$2,057,037) OF/FF	0	This funding is for AFS, it does not flow through the County
Health	2 nd 2% (pg 21)	<i>OHP – HD</i> Use Tobacco Settlement (Master Settlement) funds dedicated for tobacco use cessation, ed., and prevention for GF offset in OHP	(\$5,000,000) GF		
Health	2 nd 2% (pg 22)	<i>Dental – HD</i> Dis-appropriate GF for fluoridation ed.	(\$500,000) GF		

		and assistance to local water			
Health	2 nd 2% (pg 24)	<i>SBHC - HD/DCFS</i> Eliminate school-based clinics affecting 20 clinics in 11 counties. All 46 clinics would lose technical assistance	(\$1,515,000) GF		
CFS – Jim Gaynor	2 nd 2% (pg 25)	<i>Mental health -</i> Don't allocate E-Board funds for implementation of local mental health services'	(\$6,500,000) GF	Distribution was to be based on plans submitted by Counties as mandated in HB3024. It is not possible to specify what individual counties' allocations would have been.	No additional safety net funds, including funds to serve populations specifically mentioned in HB 3024 (children in the child welfare and juvenile justice systems, adults who are frequently incarcerated due to mental illness, and under or unserved adults and children with mental disorders.) Increased pressure on existing safety net services due to increasing numbers of consumers in need related to economy.
CFS – Jim Gaynor	2 nd 2% (pg 26)	<i>Mental health</i> Eliminate mental health consumer advocate program	(\$188,003) GF	Not quantifiable	Would end statewide consumer technical assistance services to adults who are developing consumer based advocacy groups, support networks, and

					other consumer operated initiatives. OCTA's demise and PR issues.
Health	2 nd 2% (pg 27)	<i>Safety net – HD</i> Don't allocate E-Board funds for Safety Net Clinics	(\$2,200,000) GF		
Health CFS – Jim Gaynor	2 nd 2% (pg 28)	Delayed OHP eligibility (beginning date would be first of month following eligibility)	(\$3,750,000) GF (\$5,545,847) OF/FF	Not quantifiable, but negative effect on safety net mental health funds and E-Hold funds. Increased financial pressure on outpatient and inpatient providers.	Increased pressure on safety net funds to cover necessary mental health services until OHP coverage begins; increased cost shifting to outpatient providers for emergency, urgent, and routine services. This cost shifting will have major impacts on providers operating on thin margins and/or serving small volumes of clients. Increased cost shifting to hospitals for ED and psychiatric inpatient services. Increased pressure on E-Hold funds to cover inpatient services during period when individual is not OHP funded. This would also have a significant impact on the ability of OHP clients to quickly access A&D services.

CFS – Howard Klink	2 nd 2% (pg 29)	Eliminate one state operated group home for children w/developmental disabilities. Delay opening of second home until July 2002	(\$ 1,018,643) GF (\$1,435,917) OF/FF	Unknown	The financial impact is unknown. However, the impact to DD would be an increase in children's diversion expenditures - which are not adequate now.
CFS – Howard Klink	2 nd 2% (pg 30)	Delay funding for county/regional based quality assurance staff for Medicaid waivers (related to The Staley implementation plan)	(\$1,103,760) GF	\$80,214.	The implementation of the Staley plan will go as planned but there will be a delay in the hiring of the quality assurance position due to the funding delay.
ADS	2 nd 2% (pg 31)	Reduce 2,468 clients from OPI (reduces program by 50%)	(\$2,384,486) GF (\$2,516,588) OF/FF		
ADS	2 nd 2% (pg 34)	Eliminate remainder of OPI (removes 1,081 clients)	(\$3,466,084) GF (\$997,614) OF/FF		
CFS – Jim Peterson	3 rd 2% (pg 34)	Reduce inpatient / residential problem gambling treatment	(\$142,910) LF	NA	These funds are currently unallocated and are intended to fund a new state wide residential treatment service for problem gamblers. The funding set

					aside for this service is not adequate even for a regional program thus it is unlikely that these funds would be spent any way.
CFS – Jim Gaynor LPSCC	3 rd 2% (pg 38)	Don't allocate E-Board funds for mental health planning	(\$1,000,000) GF	Multnomah County Would have received a portion of this \$1,000,000 to do planning related to HB 3024 (as would all other Counties in the state).	Lack of funding to meet planning mandates contained in HB 3024, including populations specifically mentioned in HB 3024 (children in the child welfare and juvenile justice systems, adults who are frequently incarcerated due to mental illness, and under or unserved adults and children with mental disorders.) This planning was to have been the basis of allocations to Counties from the Special E-Board appropriation of \$6,500,000 for safety net services (DHS Cut List p. 26), especially as outlined in HB 3024. Also results in an unfunded mandate for Oregon Counties to do planning as required in HB 3024.
Health	3 rd 2% (pg 39)	Eliminate "enhanced" reimbursement for Type B hospitals (Type B – less than	(\$6,384,012) GF		

		50 beds and less than 30 miles from nearest hospital)	(\$9,441,502) OF/FF		
	3 rd 2% (pg 40)	Remove adult dental coverage from OHP, which would eliminate coverage for roughly 190,000 (would require federal approval)	(\$23,401,459) GF (\$39,833,990) OF/FF		
Health	3 rd 2% (pg 41)	Require diagnosis be listed on OHP prescriptions and claims that are not funded on the priority list	(\$1,066,608) GF (\$1,577,438) OF/FF		
CFS – Jim Gaynor; Howard Klink; Mary Li; Jim Peterson	3 rd 2% (pg 42)	Eliminate 2nd year Cost of Living Adjustment (COLA) for providers	(\$10,517,258) GF (\$12,841,819) OF/FF	Not quantifiable for mental health services. Estimated to be \$102,480 for A&D services. Estimated to be \$1,227,895 for DDSD.	Increased financial pressure on providers as operating margins become thinner; downward pressure on wages and compensation for mental health professionals, with potential impacts on overall quality of care and ability to recruit specialized and minority-serving providers; and increased staff turnover. For the Alcohol and Drug system this will most impact our subcontract systems' ability to keep pace with their own rising costs and my force them to

					<p>cut services or moderate plans for staff salary increases which could impact staff recruitment and retention. It should be noted that this would come on top of the County's decision to not provide a COLA for the last two fiscal years. Internally this means that DCFS will not receive COLA increases for .50FTE of our Prevention Specialist in Office of Addiction Services and for the state A&D funds going into the Touchstone program in DCP.</p> <p>Developmental Disabilities estimates the COLA for FY02/03 to be 2%, the loss to the division will be at least \$1,227,895. This is 2% of the base allocation for FY02/03 of \$61,394,751.</p>
CFS – Howard Klink	3 rd 2% (pg 43)	Reduce training for DD providers by roughly 25%	(\$499,348) GF (\$605,056) OF/FF	\$10,680.	Reduction in training funds available to DCFS' DDSD staff and provider community. A 25% reduction is a loss in funding of \$10,680.

Health	4 th 2% (pg 46)	Eliminate remainder of Public Health perinatal and prenatal programs	(\$437,399) GF		
ADS CFS – Jim Gaynor	4 th 2% (pg 46)	Eliminate mental health support employment program for 180 clients	(\$1,531,705) GF	Not quantifiable.	Reduced mental health rehabilitation capacity, including reduced ability to fully implement recovery model and increased likelihood of consumer decline in functional status/ need for intensive services.
MCCF CFS – Mary Li	4 th 2% (pg 48)	Oregon Children's Plan funding for mental health and alcohol and drug treatment (estimated that there are 26,132 firstborns impacted)	(\$11,000,000) GF	0	DCFS: None of these funds have been received. Plan was to maintain them at State level for family access. Loss of access to them will impact full implementation of County's early childhood plan. CCFC: Would loss \$50,091 for current biennium. Anticipating \$3 million of \$11 million grant.
ADS CFS – Jim Gaynor Health	4 th 2% (pg 49)	Eliminate General Assistance Grant Program (2,800 clients)	(\$8,960,169) GF (\$721,315) OF/FF	Not quantifiable.	Decreased subsistence services to vulnerable clients resulting in increased instability and potential crises. Increased pressure on OHP funds and psychiatric intensive and acute care resources.

ADS	4 th 2% (pg 50)	Eliminate Medicaid long-term care services for clients in levels 15-17 (3,900 clients impacted – 3,418 are in home clients and 582 are in facilities)	(\$10,831,014) GF (\$18,250,694) OF/FF		
ADS	4 th 2% (pg 51)	Eliminate Medicaid long-term care services for clients in levels 11-14 (1,200 clients impacted 673 are in home clients and 527 are in facilities)	(\$2,628,828) GF (\$4,316,972) OF/FF		
CFS – Jim Peterson	5 th 2% (pg 53)	Reduction in “Adjustment Fund” for outpatient problem gambling treatment services	(\$142,910) LF	NA	These funds are in a reserve pool at the state to be used if Counties exceed their funding cap. We do not expect to exceed our cap for biennium.
Health	5 th 2% (pg 54)	Eliminate STARS and other pregnancy prevention programs	(\$482,239) GF (\$559,917) OF/FF		
CFS – Mary Li	5 th 2% (pg 55)	Eliminate Emergency Assistance for 546 domestic violence cases	(\$4,148,733) OF/FF	0	This funding is for AFS, it does not flow through the County
DCJ CFS – Jim Peterson	5 th 2% (pg 59)	Reduce funding for substance abuse treatment of correctional clients with alcohol and drug issues.	(\$2,686,800) GF	\$466,756	These funds would be cut form the service element that includes subcontracted outpatient treatment and detoxification services. If we spread the

					cuts proportionately we would experience at least a 10% cut in outpatient service capacity and about a 7% cut in detoxification capacity. Utilization within our outpatient system exceeds its funded capacity. This level of cut could reduce agencies ability to provide the excess funded capacity, which could mean we could see service capacity reductions as high as 25%.
CFS MCSO	5 th 2% (pg 60)	Close Transitional Living Center (TLC) for forensics patients at Oregon State Hospital (currently serves 26 people w/an estimated level of 104 people)	(\$1,875,183) GF (\$48,081) OF/FF		
CFS – Jim Gaynor MCSO	5 th 2% (pg 61)	Reduce outpatient community mental health funds for adults not eligible for Medicaid by 50%, (reduces medication and treatment access for 1,700 clients)	(\$4,761,659) GF	\$900,000 (50% of Full MHS 20 Allocation)	Would reduce funds for mental health outpatient services for indigent, non-OHP clients by 50%. Cuts would result in higher usage of crisis services and acute inpatient services, as well as cost shifting to other areas of the mental health system. Would also result in significantly increased likelihood of adverse or critical incidents.

ADS CFS – Howard Klink	5 th 2% (pg 62)	Eliminate medically needy program for 7,490 clients (all clients are either elderly or disabled clients)	(\$17,263,980) GF (\$36,175,000) OF/FF	Unknown	Need additional information, left message at the State to assess which DD consumers this affects. No reply yet.
Health	5 th 2% (pg 63)	Eliminate OHP coverage for a portion of the adult/couple population, by decreasing the upper limit for income from the current 100% of FPL	(\$21,091,722) GF (\$35,364,661) OF/FF		

Multnomah County Health Department
December 5, 2001

DHS
11/29/01

Responsible Party	Dept. Level	Proposed Cut	State Funding Portion	Funding Portion to Multnomah County	Impact to Multnomah County
Health CFS ADS	1 st 2% (pg 9)	<i>OHP-Health</i> Don't allocate the special appropriation for OHP caseload increase	(\$3,000,000) GF	\$0	<ul style="list-style-type: none"> This should not have a direct financial impact on the Health Department. However, if this results in management actions (on the state level) to control caseload, there will be more uninsured individuals in Multnomah County, negatively affecting individual health, and placing more strain on certain elements of the care delivery system (e.g., uninsured care delivered through emergency rooms).
Health	1 st 2% (pg 9)	<i>Prescription Drugs - Health</i> Don't allocate special appropriation to allow OMAP to maintain a higher cost reimbursement institutional pharmacies	(\$900,000) GF	\$0	<ul style="list-style-type: none"> No financial impact to Health Department.
ADS	1 st 2% (pg 10)	<i>Senior Prescription Drugs-ADS</i> Eliminate additional discount fund for Senior Prescription Assistance Program	(\$5,016,628) GF		
Budget Mark C	1 st 2% (pg 10)	Carry forward Tobacco Tax from DHS Closeout	(\$1,075,448) *offset		
CFS	1 st 2% (pg 12)	<i>Developmental Disabilities - DCFS</i> Eliminate funding for adult crisis home for persons w/developmental disabilities	(\$317,124) GF (\$447,030) OF/FF		

Multnomah County Health Department
December 5, 2001

Responsible Party	Dept. Level	Proposed Cut	State Funding Portion	Funding Portion to Multnomah County	Impact to Multnomah County
CFS	2 nd 2% (pg 18)	<i>Domestic Violence –DCFS/HD</i> Eliminate Non-Domestic Violence Emergency Assistance Program (DHS notes state: eliminate services to 602 families)	(\$2,057,037) OF/FF		<ul style="list-style-type: none"> Doesn't affect Health Department
Health	2 nd 2% (pg 21)	<i>OHP – HD</i> Use Tobacco Settlement (Master Settlement) funds dedicated for tobacco use cessation, ed., and prevention for GF offset in OHP	(\$5,000,000) GF		<ul style="list-style-type: none"> This reduction would not directly affect the Health Department's Tobacco Prevention & Education Program because this program is funded by Measure 44 (Tobacco Tax) monies. However, loss of this money may cause the State to reassess the way it distributes Measure 44 money. If that happens, we may lose funds. There is no impact on our tobacco evaluation program.
Health	2 nd 2% (pg 22)	<i>Dental – HD</i> Dis-appropriate GF for fluoridation ed. and assistance to local water	(\$500,000) GF		<ul style="list-style-type: none"> These funds do not come directly to Multnomah County Health Department (MCHD). However, this funds a state position that supports a tri-county fluoridation group that we participate on. The majority of these funds would likely have ended up in the Tri-County area for fluoridation systems. MCHD supports fluoridation as an effective tool to prevent long-term dental health problems.

**Multnomah County Health Department
December 5, 2001**

Responsible Party	Dept. Level	Proposed Cut	State Funding Portion	Funding Portion to Multnomah County	Impact to Multnomah County
Health	2 nd 2% (pg 24)	<i>SBHC - HD/DCFS</i> Eliminate school-based clinics affecting 20 clinics in 11 counties. All 46 clinics would lose technical assistance	(\$1,515,000) GF	\$210,476	<ul style="list-style-type: none"> The state gives us \$210,476 to support school-based clinics. Without this money, we would have to close one clinic. In addition, we would lose two staff positions, which provide system-wide support.
CFS	2 nd 2% (pg 25)	<i>Mental health -</i> Don't allocate E-Board funds for implementation of local mental health services'	(\$6,500,000) GF		
CFS	2 nd 2% (pg 26)	<i>Mental health</i> Eliminate mental health consumer advocate program	(\$188,003) GF		
Health	2 nd 2% (pg 27)	<i>Safety net - HD</i> Don't allocate E-Board funds for Safety Net Clinics	(\$2,200,000) GF		<ul style="list-style-type: none"> Although the State has not allocated this money, we believe Multnomah County's share would be fairly small. However, this cut would jeopardize the financial health of vulnerable safety net clinics, especially smaller and rural health centers Oregon would lose the opportunity to draw estimated \$3-4 million of additional federal funds. Oregon would lose the opportunity to assume active role in organizing and developing health safety net capacity statewide.

**Multnomah County Health Department
December 5, 2001**

Responsible Party	Dept. Level	Proposed Cut	State Funding Portion	Funding Portion to Multnomah County	Impact to Multnomah County
Health CFS	2 nd 2% (pg 28)	Delayed OHP eligibility (beginning date would be first of month following eligibility)	(\$3,750,000) GF (\$5,545,847) OF/FF		<ul style="list-style-type: none"> • Potentially eligible Medicaid-funded clients would not get service for up to one month. • This may have a small negative effect on revenues. • Some clients who should be seen quickly will not be, and may as a result develop more serious (and more expensive) needs.
CFS	2 nd 2% (pg 29)	Eliminate one state operated group home for children w/developmental disabilities. Delay opening of second home until July 2002	(\$ 1,018,643) GF (\$1,435,917) OF/FF		
CFS	2 nd 2% (pg 30)	Delay funding for county/regional based quality assurance staff for Medicaid waivers (related to The Staley implementation plan)	(\$1,103,760) GF		
ADS	2 nd 2% (pg 31)	Reduce 2,468 clients from OPI (reduces program by 50%)	(\$2,384,486) GF (\$2,516,588) OF/FF		
ADS	2 nd 2% (pg 34)	Eliminate remainder of OPI (removes 1,081 clients)	(\$3,466,084) GF (\$997,614) OF/FF		
CFS	3 rd 2% (pg 34)	Reduce inpatient / residential problem gambling treatment	(\$142,910) LF		
CFS LPSCC	3 rd 2% (pg 38)	Don't allocate E-Board funds for mental health planning	(\$1,000,000) GF		

**Multnomah County Health Department
December 5, 2001**

Responsible Party	Dept. Level	Proposed Cut	State Funding Portion	Funding Portion to Multnomah County	Impact to Multnomah County
Health	3 rd 2% (pg 39)	Eliminate "enhanced" reimbursement for Type B hospitals (Type B – less than 50 beds and less than 30 miles from nearest hospital)	(\$6,384,012) GF (\$9,441,502) OF/FF	\$0	<ul style="list-style-type: none"> No funds come directly to MCHD.
	3 rd 2% (pg 40)	Remove adult dental coverage from OHP, which would eliminate coverage for roughly 190,000 (would require federal approval)	(\$23,401,459) GF (\$39,833,990) OF/FF	~\$3 million in revenue	<ul style="list-style-type: none"> This would reduce by about half the Health Department's capacity to provide dental services. In total, roughly 50,000 adult county residents would lose dental coverage. In addition, much of the rest of the capacity to serve low-income residents of the county will be eliminated. This would cause a loss of capacity to serve low-income children, even though they retain coverage.
Health	3 rd 2% (pg 41)	Require diagnosis be listed on OHP prescriptions and claims that are not funded on the priority list	(\$1,066,608) GF (\$1,577,438) OF/FF		<ul style="list-style-type: none"> This introduces a new administrative requirement, which will take additional provider time. Less time would therefore be available for patient care.
CFS	3 rd 2% (pg 42)	Eliminate 2nd year Cost of Living Adjustment (COLA) for providers	(\$10,517,258) GF (\$12,841,819) OF/FF		
CFS	3 rd 2% (pg 43)	Reduce training for DD providers by roughly 25%	(\$499,348) GF (\$605,056) OF/FF		

Multnomah County Health Department
December 5, 2001

Responsible Party	Dept. Level	Proposed Cut	State Funding Portion	Funding Portion to Multnomah County	Impact to Multnomah County
Health	4 th 2% (pg 46)	Eliminate remainder of Public Health perinatal and prenatal programs	(\$437,399) GF	\$26,000 Plus \$80,000 if Babies First is included	<ul style="list-style-type: none"> • Perinatal - Loss of \$26,000 eliminates perinatal care for 50 clients per year • Babies First receives \$84,736 from Health Division • Provides funding for nursing home visit services to high risk infants, who are at risk for health and developmental problems. Children receive developmental screenings at key development ages. • Ability to bill Medicaid for Targeted Case Management (TCM) services is dependent on children being eligible for Babies First Program. Loss of program funding would mean loss of TCM Medicaid billing, projected at \$1,085,555 for FY 01-02
ADS CFS	4 th 2% (pg 46)	Eliminate mental health support employment program for 180 clients	(\$1,531,705) GF		
MCCF CFS	4 th 2% (pg 48)	Oregon Children's Plan funding for mental health and alcohol and drug treatment (estimated that there are 26,132 firstborns impacted)	(\$11,000,000) GF	Commission on Children & Families is the best source for this number	<ul style="list-style-type: none"> • This would mean the loss of mental health and alcohol and drug services currently provided through the Nurse/Family Partnership Teams and Family Support Teams

**Multnomah County Health Department
December 5, 2001**

Responsible Party	Dept. Level	Proposed Cut	State Funding Portion	Funding Portion to Multnomah County	Impact to Multnomah County
ADS CFS Health	4 th 2% (pg 49)	Eliminate General Assistance Grant Program (2,800 clients)	(\$8,960,169) GF (\$721,315) OF/FF		<ul style="list-style-type: none"> Grant elimination will result in more homelessness, which will have health consequences on this population. A large percentage of General Assistance clients are in Multnomah County.
ADS	4 th 2% (pg 50)	Eliminate Medicaid long-term care services for clients in levels 15-17 (3,900 clients impacted – 3,418 are in home clients and 582 are in facilities)	(\$10,831,014) GF (\$18,250,694) OF/FF		<ul style="list-style-type: none"> Many of these individuals (but not all) will lose OHP coverage if they lose long-term care coverage. Since a high percentage have Medicare, the loss of OHP will primarily affect their ability to pay for prescriptions.
ADS	4 th 2% (pg 51)	Eliminate Medicaid long-term care services for clients in levels 11-14 (1,200 clients impacted 673 are in home clients and 527 are in facilities)	(\$2,628,828) GF (\$4,316,972) OF/FF		<ul style="list-style-type: none"> Same as above.
CFS	5 th 2% (pg 53)	Reduction in "Adjustment Fund" for outpatient problem gambling treatment services	(\$142,910) LF		
Health	5 th 2% (pg 54)	Eliminate STARS and other pregnancy prevention programs	(\$482,239) GF (\$559,917) OF/FF	\$143,000	<ul style="list-style-type: none"> Reduces program by about 60%, eliminating services for 3,600 middle school children. STARS provides service in 16 high schools and 31 middle schools in 6 school districts, 2 of which are in East County (Gresham-Barlow and Reynolds).
CFS	5 th 2% (pg 55)	Eliminate Emergency Assistance for 546 domestic violence cases	(\$4,148,733) OF/FF		

**Multnomah County Health Department
December 5, 2001**

Responsible Party	Dept. Level	Proposed Cut	State Funding Portion	Funding Portion to Multnomah County	Impact to Multnomah County
DCJ CFS	5 th 2% (pg 59)	Reduce funding for substance abuse treatment of correctional clients with alcohol and drug issues.	(\$2,686,800) GF		
CFS MCSO	5 th 2% (pg 60)	Close Transitional Living Center (TLC) for forensics patients at Oregon State Hospital (currently serves 26 people w/an estimated level of 104 people)	(\$1,875,183) GF (\$48,081) OF/FF		
CFS MCSO	5 th 2% (pg 61)	Reduce outpatient community mental health funds for adults not eligible for Medicaid by 50%, (reduces medication and treatment access for 1,700 clients)	(\$4,761,659) GF		
ADS CFS	5 th 2% (pg 62)	Eliminate medically needy program for 7,490 clients (all clients are either elderly or disabled clients)	(\$17,263,980) GF (\$36,175,000) OF/FF		
Health	5 th 2% (pg 63)	Eliminate OHP coverage for a portion of the adult/couple population, by decreasing the upper limit for income from the current 100% of FPL	(\$21,091,722) GF (\$35,364,661) OF/FF		<ul style="list-style-type: none"> • Under this reduction, a significant number of Multnomah County residents can be expected to lose OHP coverage. • See impact statement from DHS document.

Public Safety

Dept. Level	Proposed Cut	State Funding Portion	Funding Portion to Multnomah County	Impact to Multnomah County
Department of Corrections				
Sheriff/DCJ/LPSCCC	Pro-rated elimination of 3.5% COLA (inflation) rate calculated into DOC community correction funds.	\$195.5 million allocated statewide	\$61,504,115 allocated for county	<p>\$1,551,660 million reduction in funds:</p> <ul style="list-style-type: none"> • \$1,011,500 for DCJ • \$530,200 for Sheriff • \$9,950 for LPSCC <p>Opt-out clause could be triggered</p>
Sheriff/DCJ	Early release of 1,462 DOC inmates statewide due to potential closure of 6 minimum-security prisons			An estimated 500 inmates would be returned to the county, impacting the jails. Of these, approximately 20-30% would be added to DCJ's specialized caseloads (i.e., sex offender, gang, and mental health).
Oregon Youth Authority				
DCJ	175-275 close custody bed reductions		County generally comprises 30% of OYA's close custody beds	If the maximum number of beds are cut (275), the number of beds available for Multnomah County youth would be reduced by an estimated 10-20%.
DCJ	2-10% reduction in Gang Transition Services program		\$2.7 million was allocated to	A 10% cut would result in a \$271,042 to \$315,000 cut in DCJ's

	funding		Multnomah Co. for 2001-03 biennium	gang transition services.
DCJ	2-10% reduction in county diversion funds		An estimated \$1.5 million was allocated to Multnomah Co. for 2001-03 biennium	A 10% reduction would result in a cut of \$151,828, impacting supervision of juveniles on probation and eliminating a juvenile court counselor position.
DCJ	2-10% in state juvenile crime prevention (JCP) funds		DCJ received \$4,796,054 for the biennium	A 10% reduction would result in a \$479,605 cut, severely impacting mental health services in detention. Also, the number of juvenile court counselor positions would be cut and community provider shelter beds would be reduced.
Office of Alcohol and Drug Abuse Programs (DHS)				
DCJ	Eliminate funding of 600 statewide A&D clients statewide (approximately 17% of non- OHP cases)			Does not directly affect revenues for DCJ, but would reduce access to treatment for DCJ clients. Funding for outpatient treatment would decline.

Transportation

[illegible]

Assessment and Taxation

[illegible]



Capitol News

A source of legislative information for Multnomah County
by the Public Affairs Office



December 2001

December Revenue and Economic Forecast Released

Oregon's State Economist Tom Potiowsky released the December Revenue and Economic Forecast to the Senate Interim General Government Committee and House Interim Revenue Committee on Friday, November 30, 2001.

As expected, Oregon's economy continues to decline and the gap between the Legislatively Adopted Budget (LAB) and the new revenue forecast for the 2001-03 biennium has grown to nearly \$720 million. The gap in the 2003-05 biennium has grown to nearly \$1 billion.

For more information on the Forecast, visit the Office of Economic Analysis website at www.oec.das.state.or.us.

Preparing for January/February Special Session

Senate and House members will hold public hearings and hear public testimony beginning Monday, December 10 through Friday, December 14, 2001.

Senate President Gene Derfler and House Speaker Mark Simmons announced the following committee assignments. Legislators highlighted with italics indicate those who represent portions of Multnomah County. Committee schedules are included where available.

Senate Economic and Job Stimulus Committee

Jason Atkinson and *Rick Metsger* as Co-chairs, Susan Castillo, Peter Courtney, Bill Fisher, Gary George, *Avel Gordly*, and Ken Messerle.

Committee Schedule:

Tuesday, 9:00 am – 5:00 pm

Wednesday, 9:00 am – 5:00 pm

Thursday, 9:00 am – 5:00 pm

Senate Budget Rebalance Committee

Roger Beyer and Cliff Trow as Co-chairs, *Margaret Carter*, Bev Clarno, Lenn Hannon, Steve Harper, *Frank Shields*, and Mae Yih.

Committee Schedule:

Tuesday, 9:00 am – 5:30 pm

Wednesday, 8:30 am – 5:00 pm

Public testimony, 6:00 pm – 9:00 pm

Thursday, 8:30 am – 5:30 pm

Friday, 8:30 am – 12:00 pm if necessary

Senate Revenue Options Committee

Ted Ferrioli and Joan Dukes as Co-chairs, *Ginny Burdick*, Tony Corcoran, Verne Duncan, *Tom Hartung*, Bill Morrisette, and Charles Starr.

Committee Schedule:

Tuesday, 9:00 am – 5:00 pm

Wednesday, 9:00 am – 5:00 pm

House Special Committee on Budget Prioritization

Susan Morgan as Chair, Alan Bates, Tom Butler, Dan Doyle, *Gary Hansen*, *Carolyn Tomei*, Mark Hass, Elaine

Hopson, Betsy Johnson, Tim Knopp, *Steve March*, *Mary Nolan*, Rob Patridge, *Diane Rosenbaum*, Lane Shetterly, Tootie Smith, Bruce Starr, and Jackie Winters.

Committee Schedule:

Monday, 8:30 am – 4:00 pm

Tuesday, 8:30 am – 5:00 pm

Wednesday, 8:30 am – 5:00 pm

Thursday, 8:30 am – 5:00 pm

Public testimony, 6:30 pm – 9:00 pm

Friday, 8:30 am – 4:00 pm

House Special Task Force on Jobs and the Economy

Karen Minnis as Chair, Alan Brown, Tom Butler, Al King, *Randy Leonard*, Kathy Lowe, Greg Smith, *Patti Smith*, and Joanne Verger.

Committee Schedule:

The committee agenda has not been posted for this committee yet.

For more information on the Special Session Committees and the committee agendas, visit the Oregon Legislature's website at www.leg.state.or.us.

**Board of Commissioners
Special Session Briefings**

The Public Affairs Office briefed the Board of County Commissioners on Thursday, December 6, 2001.

Board members were given a preliminary outline of possible state cuts and their potential impacts to Multnomah County. This information was taken from state agency budget reduction proposals submitted to the Governor. The county's Budget Office and department staff has begun analyzing the potential cuts and how specific programs could be impacted.

Examples of county services and programs that could be potentially impacted include:

- Community corrections funds – impacting the Department of Community Justice and Sheriff's Office
- School-based health clinics
- Adult dental care services
- Mental health planning and services

Other, more indirect impacts were discussed as well.

The county's budget office, departments, and the Public Affairs Office will continue revising state budget cut information.

For more information on the December 6, 2001 board briefing, contact Board Clerk Deb Bogstad at 503-988-3277 or www.co.multnomah.or.us/cc.

**December 18 Board Briefing
Scheduled**

On December 18, 2001, the Public Affairs Office will return to the Board of Commissioners to share updated potential budget cut information and details of the Special Session committees.