



Multnomah County Oregon

Board of Commissioners & Agenda

connecting citizens with information and services

BOARD OF COMMISSIONERS

Ted Wheeler, Chair

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

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

Maria Rojo de Steffey, Commission Dist. 1

501 SE Hawthorne Boulevard, Suite 600
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Jeff Cogen, Commission Dist. 2

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Lisa Naito, Commission Dist. 3

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Lonnie Roberts, Commission Dist. 4

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MAY 8, 9 & 10, 2007 BOARD MEETINGS FASTLOOK AGENDA ITEMS OF INTEREST

Pg 2	9:00 a.m. Tuesday Executive Session
Pg 2	9:30 a.m. Tuesday Budget Work Session
Pg 3	6:00 p.m. Tuesday Public Budget Hearing
Pg 3	8:30 a.m. Wednesday Gresham Joint Meeting
Pg 4	9:30 a.m. Thursday Consolidated Plan and Annual Action Plan for the Community Development Block Grant Program
Pg 5	10:00 a.m. Thursday Resolution Creating a Multnomah County Library Funding Task Force
Pg 5	10:15 a.m. Thursday Proclaiming May 13-19, 2007 National Transportation Week
Pg 5/ 6	10:25 a.m. Thursday Public Hearings on 11 Measure 37 Claims

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

Thursday, 9:30 AM, (LIVE) Channel 30
Saturday, 10:00 AM, Channel 29
Sunday, 11:00 AM, Channel 30
Tuesday, 8:00 PM, Channel 29

Produced through MetroEast Community Media
(503) 667-8848, ext. 332 for further info
or: <http://www.mctv.org>

Tuesday, May 8, 2007 - 9:00 AM
Multnomah Building, Sixth Floor Commissioners Conference Room 635
501 SE Hawthorne Boulevard, Portland

EXECUTIVE SESSION

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

Tuesday, May 8, 2007 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

BUDGET WORK SESSION

- WS-1 Multnomah County 2007-2008 Health, County Human Services and Commission on Children, Families and Community Department Budget Work Session. This meeting is open to the public however no public testimony will be taken. Presentations by Joanne Fuller, Lillian Shirley, Wendy Lebow, and Invited Others. 2.5 HOURS REQUESTED.

CABLE PLAYBACK INFO:

Tuesday, May 8 - 9:30 AM LIVE Channel 29
Friday, May 11 - 8:00 PM Channel 29
Saturday, May 12 - 2:00 PM Channel 29
Sunday, May 13 - 11:00 AM Channel 29

Tuesday, May 8, 2007 - 6:00 PM
North Portland Library, Second Floor Conference Room
512 N Killingsworth, Portland

BUDGET HEARING

PH-2 Public Hearing on the 2007-2008 Multnomah County Budget. Testimony is limited to three minutes per person. Fill out a speaker form available in the conference room and turn it into the Board Clerk. The conference room will be open one hour prior to the hearing.

CABLE PLAYBACK INFO:

(No Live Coverage)

Friday, May 11 - 10:30 PM Channel 29
Saturday, May 12 - 4:30 PM Channel 29
Sunday, May 13 - 1:30 PM Channel 29

Wednesday, May 9, 2007 - 8:30 AM
Gresham City Hall, Conference Center
1333 NW Eastman Parkway, Gresham

JOINT MEETING

JM-1 The Gresham City Council and Multnomah County Board of Commissioners Will Meet to Discuss Public Safety; Business Income Tax; and Fiscal Year 2008 Budget Issues. This meeting is open to the public; however no public testimony will be taken. 2 HOURS, 30 MINUTES REQUESTED.

Thursday, May 10, 2007 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

CONSENT CALENDAR - 9:30 AM

DEPARTMENT OF COMMUNITY SERVICES

- C-1 RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to STARK STREET PROPERTY LLC
- C-2 RESOLUTION Approving U.S. Environmental Protection Agency Assistance Amendment, Extending the Clean-up Grant for the Former Gas Station Property at 1949 SE Division to September 30, 2007

REGULAR AGENDA

PUBLIC COMMENT - 9:30 AM

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

DEPARTMENT OF COUNTY HUMAN SERVICES – 9:30 AM

- R-1 PUBLIC HEARING to Consider and Approve the 2007-08 Consolidated Plan and Annual Action Plan for the Community Development Block Grant Program
- R-2 NOTICE OF INTENT to Apply for a \$15,000 Sustainable Communities Grant from the BlueMoon Fund

DEPARTMENT OF COUNTY MANAGEMENT – 9:40 AM

- R-3 Approve Fiscal Year 2007 Supplemental Budget for Submission to Tax Supervising and Conservation Commission
- R-4 RESOLUTION Authorizing the Issuance and Sale of Short-Term Promissory Notes, (Tax and Revenue Anticipation Notes), Series 2007 in an Amount Not to Exceed \$30,000,000

DEPARTMENT OF HEALTH – 9:50 AM

- R-5 NOTICE OF INTENT to Apply for Grant Funding through the Centers for Disease Control (CDC) to Support the Healthy People and Healthy Communities through Improved Environmental Health Service Delivery Initiative
- R-6 NOTICE OF INTENT to Apply for a \$900,000 Grant from the Health Resources and Services Administration's Maternal and Child Health Bureau to Support a Collaborative Research Project with the Kaiser Center for Health Research
- R-7 Budget Modification HD-16 Appropriating \$299,782 from CareOregon Grant Awards
- R-8 Budget Modification HD-21 Appropriating \$74,047 from Department of Health and Human Services Health Resources and Services Administration Ryan White Title III HIV Capacity Development and Planning Grants
- R-9 Budget Modification HD-23 Appropriating \$25,000 from Providence Health System-Oregon to Assist in the Ongoing Operation of Multnomah County Health Department's Mobile Medical Clinic and Appropriating \$72,532 from the Department of Health and Human Services Health Resources and Services Administration to Continue the Health Department's Efforts to Reduce Chronic Homelessness

DEPARTMENT OF LIBRARY SERVICES – 10:00 AM

- R-10 RESOLUTION Creating a Multnomah County Library Funding Task Force

DEPARTMENT OF COMMUNITY SERVICES – 10:15 AM

- R-11 PROCLAMATION Proclaiming the Week of May 13-19, 2007 NATIONAL TRANSPORTATION WEEK and Recognizing the Contributions of all Multnomah County Transportation Employees
- R-12 PUBLIC HEARING to consider and possibly act upon a Measure 37 Claim for Charles Maxson for up to \$385,000 in compensation or relief from land use regulations to allow the partition of each lot into two lots with four residential home sites overall on properties located at 38755 and 39062 E. Knieriem Rd., Corbett [T1N, R4E, Sec 36C, TL 300 & 400] (Case File T1-06-095) continued from April 26, 2007

R-13 PUBLIC HEARINGS to consider and possibly act upon ten Measure claims seeking compensation or relief from land use regulations that prevent development of lots or parcels in unincorporated portions of the County

1	T1-05-026	Mary Hoppert
2	T1-05-028	Virginia Atkinson
3	T1-06-050	Jim Ellis
4	T1-06-109	Douglas Pontifex
5	T1-06-118	Daniel and Doris Boyd
6(a)	T1-06-127	Gerald and Carol Egger
6(b)	T1-06-127	Gerald and Carol Egger
7	T1-06-129	Milton and Helena Lankton
8	T1-06-133	Marcia Randall
9	T1-06-137	Dorothy Larson
10	T1-06-142	M. Keith Evans, Jr.

BOARD COMMENT

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

MULTNOMAH COUNTY 2007-2008 BUDGET WORK SESSIONS AND HEARINGS

ALL MEETINGS ARE OPEN TO THE PUBLIC

Public testimony will be taken at the public hearings listed in red (*italic*) below. Unless otherwise noted, all sessions will be held in the Multnomah Building, First Floor Commissioners Boardroom 100, 501 SE Hawthorne, Portland. Contact Board Clerk Deb Bogstad 503 988-3277 for further information.

Cable coverage of the 2007-2008 budget work sessions, hearings and Thursday Board meetings are produced through MetroEast Community Media. Call 503 667-8848, extension 332 or log onto <http://www.mctv.org> for cable channel program information. The budget work sessions, hearings and Board meetings will be available for viewing via media streaming at <http://www.co.multnomah.or.us/cc/pastmeetings.shtml>. Contact Board Clerk Deb Bogstad 503 988-3277 for further information.

Tue, May 1

10:00 a.m. to 11:30 a.m.

**Fiscal Year 2008 Facilities and Transportation
Capital Program Briefing**

CABLE PLAYBACK INFO:

Tuesday, May 1 - 10:00 AM LIVE Channel 29

Friday, May 4 - 8:00 PM Channel 29

Saturday, May 5 - 2:00 PM Channel 29

Sunday, May 6 - 11:00 AM Channel 29

Tue, May 8

9:30 a.m. to 12:00 p.m.

**Health and Human Services Department Budget
Presentations**

CABLE PLAYBACK INFO:

Tuesday, May 8 - 9:30 AM LIVE Channel 29

Friday, May 11 - 8:00 PM Channel 29

Saturday, May 12 - 2:00 PM Channel 29

Sunday, May 13 - 11:00 AM Channel 29

Tue, May 8

6:00 p.m. to 8:00 p.m.

***Public Hearing on the 2007-2008 Multnomah County
Budget - North Portland Library Conference Room,
512 N Killingsworth, Portland***

CABLE PLAYBACK INFO:

(No Live Coverage)

Friday, May 11 - 10:30 PM Channel 29

Saturday, May 12 - 4:30 PM Channel 29

Sunday, May 13 - 1:30 PM Channel 29

MULTNOMAH COUNTY 2007-2008 BUDGET WORK SESSIONS AND HEARINGS

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Monday, May 14

6:00 p.m. to 8:00 p.m.

***Communities of Color Coalition Budget Forum
with the Multnomah County Commissioners
Immigrant and Refugee Community Organization
(IRCO) Gymnasium
10301 NE Glisan, Portland***

CABLE PLAYBACK INFO:

(No Live Coverage)

Thursday, May 17 - 8:30 PM Channel 29

Friday, May 18 - 10:30 PM Channel 29

Saturday, May 19 - 4:30 PM Channel 29

Sunday, May 20 - 1:30 PM Channel 29

Tue, May 15

9:30 a.m. to 12:00 p.m.

Public Safety Department Budget Presentations

CABLE PLAYBACK INFO:

Tuesday, May 15 - 9:30 AM LIVE Channel 29

Friday, May 18 - 8:00 PM Channel 29

Saturday, May 19 - 2:00 PM Channel 29

Sunday, May 20 - 11:00 AM Channel 29

MULTNOMAH COUNTY 2007-2008 BUDGET WORK SESSIONS AND HEARINGS

ALL MEETINGS ARE OPEN TO THE PUBLIC

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Tue, May 22

6:00 p.m. to 8:00 p.m.

Public Hearing on the 2007-2008 Multnomah County Budget - Multnomah Building, Commissioners Boardroom 100, 501 SE Hawthorne, Portland

CABLE PLAYBACK INFO:

Tuesday, May 22 - 6:00 PM LIVE Channel 29

Friday, May 25 - 10:30 PM Channel 29

Saturday, May 26 - 4:30 PM Channel 29

Sunday, May 27 - 1:30 PM Channel 29

Wed, May 23

9:30 a.m. to 12:00 p.m.

Budget Work Session - Proposal and Review of Amendments

CABLE PLAYBACK INFO:

Wednesday, May 23 - 9:30 AM LIVE Channel 29

Saturday, May 26 - 6:30 PM Channel 29

Sunday, May 27 - 3:30 PM Channel 29

Monday, May 28 - 8:00 PM Channel 29

Tue, May 29

9:30 a.m. to 12:00 p.m.

Budget Work Session if needed

CABLE PLAYBACK INFO:

Tuesday, May 29 - 9:30 AM LIVE Channel 29

Friday, June 1 - 8:00 PM Channel 29

Saturday, June 2 - 2:00 PM Channel 29

Sunday, June 3 - 11:00 AM Channel 29

MULTNOMAH COUNTY 2007-2008 BUDGET WORK SESSIONS AND HEARINGS

ALL MEETINGS ARE OPEN TO THE PUBLIC

Public testimony will be taken at the public hearings listed in red (*italic*) below. Unless otherwise noted, all sessions will be held in the Multnomah Building, First Floor Commissioners Boardroom 100, 501 SE Hawthorne, Portland. Contact Board Clerk Deb Bogstad 503 988-3277 for further information.

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Thu, Jun 7
9:30 a.m.

Public Hearing and Resolution Adopting the 2007-2008 Budget for Dunthorpe Riverdale Sanitary Service District No. 1 and Making Appropriations
Public Hearing and Resolution Adopting the 2007-2008 Budget for Mid-County Street Lighting Service District No. 14 and Making Appropriations

Thu, Jun 7
10:00 a.m.

Tax Supervising and Conservation Commission Public Hearing on the 2006-2007 Multnomah County Supplemental Budget
Tax Supervising and Conservation Commission Public Hearing on the Multnomah County 2007-2008 Budget

Thu, Jun 7
10:45 a.m. to 12:00 p.m.

Public Hearing and Resolution Adopting the 2006-2007 Multnomah County Supplemental Budget and Making Appropriations
Public Hearing and Resolution Adopting the 2007-2008 Budget for Multnomah County Pursuant to ORS 294

CABLE PLAYBACK INFO:

Thursday, June 7 - 9:30 AM LIVE Channel 30
Saturday, June 9 - 10:00 AM Channel 29
Sunday, June 10 - 11:00 AM Channel 30
Tuesday, June 12 - 8:00 PM Channel 29



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST short form

Board Clerk Use Only

Meeting Date: 05/10/07
Agenda Item #: C-1
Est. Start Time: 9:30 AM
Date Submitted: 04/23/07

Agenda Title: RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to STARK STREET PROPERTY LLC

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

Date Requested: May 10, 2007 Time Requested: Consent Item
Department: Community Services Division: Tax Title
Contact(s): Gary Thomas
Phone: 503-988-3590 Ext. 22591 I/O Address: 503/4/TT
Presenter(s): Gary Thomas

General Information

1. What action are you requesting from the Board?

The Tax Title Section is requesting the Board to approve the private sale of a tax foreclosed property to STARK STREET PROPERTY LLC.

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

The subject property is rectangular in shape and came into county ownership through the foreclosure of delinquent tax liens on October 17, 2005. The parcel is more or less 30' x 210.53' and contains approximately 6,316 square feet. The parcel was created as the result of a State map correction and division that occurred in 1999. It is located between a commercial property at 5050 SE Stark, Portland Nursery, and a City of Portland Grade School named Glencoe. Comments on the division indicate that the subject strip is not described in deeds for the commercial property from 1943 to a 1988 deed. The wording in those deeds extends the north property line out to the center of SE Stark Street instead of starting at the south boundary line of Stark Street. Extending the property line out to the center of Stark Street created the subject parcel.

The property at 5050 SE Stark, the current Portland Nursery, was started in the 1940's and has been at this location since 1953. Since the 1940's or before, the owners of the property at 5050 SE Stark have been paying property taxes on the total 99,925± square foot parcel that includes the subject parcel and which is described as Tax Lot #1200 on the attached Exhibit A plat map. Property taxes

were paid on the full area of the parcel up until the subject strip was divided out in 1989 and the area of Tax Lot #1200 adjusted. The attached aerial photo, Exhibit B, shows that the subject parcel is being used as a part of the current retail nursery business. We propose to sell the property to the owners of the property at 5050 SE Stark, Portland Nursery.

According to the county's Appraisal Section, the subject parcel is valued as a stand alone value. It was determined that since the parcel has no legal access, encroachments in the form of a building that is part of the nursery operation, and a lack of utility due to its shape that is worth only a nominal value. Valued as a part of the nursery operation it would have a value similar to what the rest of the nursery is valued.

The attached Exhibit A, a plat map shows the location of the property. Exhibit B, an aerial photo, shows the parcel in relation to the nursery and grade school.

Although no written confirmation from the City of Portland was obtained, the Tax Title Division is confident that the shape and location of the property make it unsuitable for the construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.

This action affects our Vibrant Communities Program Offer by placing a tax foreclosed property back onto the tax roll.

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

The private sale will allow for the recovery of the delinquent taxes, fees, and expenses. The sale will also reinstate the property on the tax roll (see Exhibit C).

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

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

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

No citizen or government participation is anticipated.

EXHIBIT A

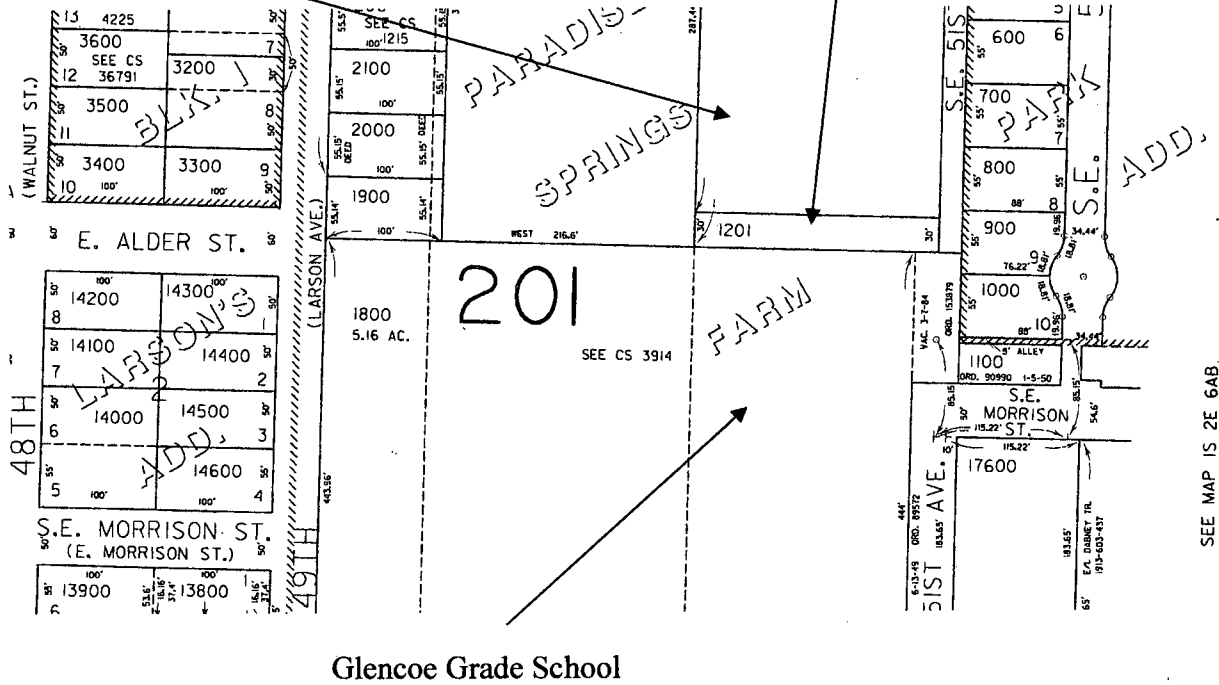
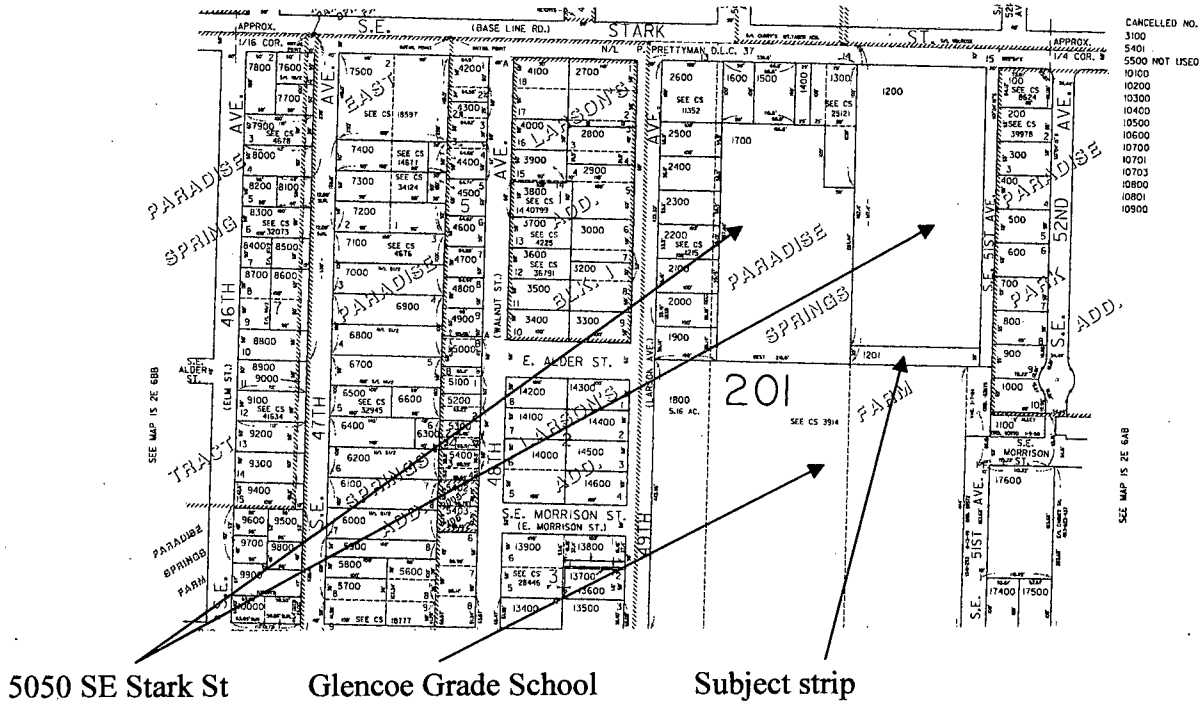


EXHIBIT B



5050 SE Stark

Subject strip

Glencoe Grade School

EXHIBIT C
PROPOSED PROPERTY LISTED FOR PRIVATE SALE

LEGAL DESCRIPTION:

S 30' OF THE N 517.4' OF LOT 15

PARADISE SPRING FARM

ADJACENT PROPERTY ADDRESS:

5050 SE Stark St.

TAX ACCOUNT NUMBER:

R233572

GREENSPACE DESIGNATION:

No designation

SIZE OF PARCEL:

Approximately 6,316 square feet

ASSESSED VALUE:

\$3,200

ITEMIZED EXPENSES FOR TOTAL PRICE OF PRIVATE SALE

BACK TAXES & INTEREST:

\$1,905.19

TAX TITLE MAINTENANCE COST & EXPENSES:

\$250.00

RECORDING FEE:

\$26.00

SUB-TOTAL

\$2,181.19

MINIMUM PRICE REQUEST OF PRIVATE SALE

\$3,200.00

Required Signature

**Department/
Agency Director:**



Date: 04/23/07

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Authorizing the Private Sale of a Tax Foreclosed Property to STARK STREET PROPERTY LLC

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County acquired through the foreclosure of liens for delinquent real property taxes, the following described real property:

S 30' OF THE N 517.4' OF LOT 15 PARADISE SPRING FARM

- b. The property has an assessed value of \$3,200.
- c. Although no written confirmation from the City of Portland was obtained, the Tax Title Division is confident that the irregular shape and size of the property make it unsuitable for the construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.
- d. STARK STREET PROPERTY LLC has agreed to pay \$3,200, an amount the Board finds to be a reasonable price for the property in conformity with ORS 275.225.

The Multnomah County Board of Commissioners Resolves:

1. Upon Tax Title's receipt of the payment of \$3,200 the Chair on behalf of Multnomah County is authorized to execute a deed conveying to STARK STREET PROPERTY LLC the above described real property within Multnomah County, Oregon.

ADOPTED this 10th day of May, 2007.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Matthew O. Ryan, Assistant County Attorney

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

Until a change is requested, all tax statements
Shall be sent to the following address:
STARK STREET PROPERTY LLC
%H R DENNEY
6811 SE ASH PL
PORTLAND OR 97215

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

Deed D072135 For R233572

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to STARK STREET PROPERTY LLC, Grantee, the following described real property:

S 30' OF THE N 517.4' OF LOT 15 PARADISE SPRING FARM

The true consideration paid for this transfer is \$3,200.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES 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 TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 10th day of May 2007, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Matthew O. Ryan, Assistant County Attorney

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Deed was acknowledged before me this 10th day of May 2007, by Ted Wheeler, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

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

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 07-091

Authorizing the Private Sale of a Tax Foreclosed Property to STARK STREET PROPERTY LLC

The Multnomah County Board of Commissioners Finds:

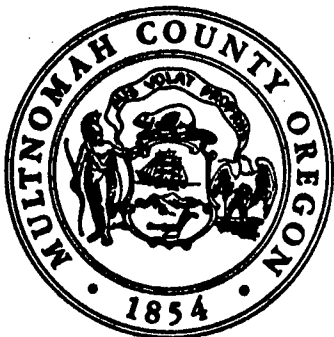
- a. Multnomah County acquired through the foreclosure of liens for delinquent real property taxes, the following described real property:

S 30' OF THE N 517.4' OF LOT 15 PARADISE SPRING FARM
- b. The property has an assessed value of \$3,200.
- c. Although no written confirmation from the City of Portland was obtained, the Tax Title Division is confident that the irregular shape and size of the property make it unsuitable for the construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.
- d. STARK STREET PROPERTY LLC has agreed to pay \$3,200, an amount the Board finds to be a reasonable price for the property in conformity with ORS 275.225.

The Multnomah County Board of Commissioners Resolves:

1. Upon Tax Title's receipt of the payment of \$3,200 the Chair on behalf of Multnomah County is authorized to execute a deed conveying to STARK STREET PROPERTY LLC the above described real property within Multnomah County, Oregon.

ADOPTED this 10th day of May, 2007.

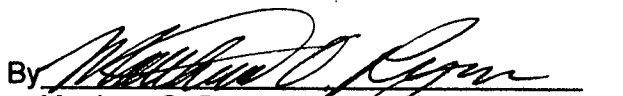


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

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

Until a change is requested, all tax statements
shall be sent to the following address:
STARK STREET PROPERTY LLC
%H R DENNEY
6811 SE ASH PL
PORTLAND OR 97215

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

Deed D072135 For R233572

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to STARK STREET PROPERTY LLC, Grantee, the following described real property:

S 30' OF THE N 517.4' OF LOT 15 . PARADISE SPRING FARM

The true consideration paid for this transfer is \$3,200.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES 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 TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 10th day of May 2007, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Matthew O. Ryan, Assistant County Attorney

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Deed was acknowledged before me this 10th day of May 2007, by Ted Wheeler, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

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

Until a change is requested, all tax statements
shall be sent to the following address:
STARK STREET PROPERTY LLC
%H R DENNEY
6811 SE ASH PL
PORTLAND OR 97215

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

Deed D072135 For R233572

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to STARK STREET PROPERTY LLC, Grantee, the following described real property:

S 30' OF THE N 517.4' OF LOT 15 PARADISE SPRING FARM

The true consideration paid for this transfer is \$3,200.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES 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 TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 10th day of May 2007, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Ted Wheeler, Chair

REVIEWED:

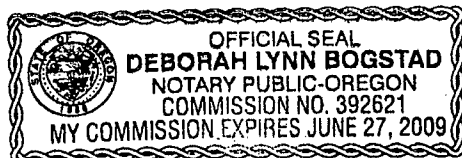
AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

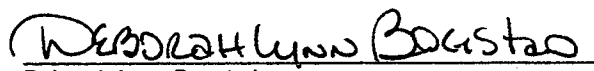
By 
Matthew O. Ryan, Assistant County Attorney

STATE OF OREGON)

COUNTY OF MULTNOMAH) ss

This Deed was acknowledged before me this 10th day of May 2007, by Ted Wheeler, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.




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



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST short form

Board Clerk Use Only

Meeting Date: 05/10/07
Agenda Item #: C-2
Est. Start Time: 9:30 AM
Date Submitted: 04/26/07

RESOLUTION Approving U.S. Environmental Protection Agency Assistance
Agenda Amendment, Extending the Clean-up Grant for the Former Gas Station
Title: Property at 1949 SE Division to September 30, 2007

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

Date Requested: May 10, 2007 Time Requested: Consent Item
Department: Community Services Division: Tax Title
Contact(s): Gary Thomas
Phone: 503-988-3590 Ext. 22591 I/O Address: 503/4/TT
Presenter(s): Gary Thomas

General Information

1. What action are you requesting from the Board?

The Tax Title Section is requesting the Board to approve the extension of the EPA Clean-up Grant for the former gas station property at 1949 SE Division to September 30, 2007.

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

In 2003, Multnomah County in conjunction with the county's Affordable Housing Development Program (AHDP) applied for an EPA Clean-up Grant to be used to remediate the contamination at the county owned property located at 1949 SE Division. Once the property was cleaned up, it would then be transferred to REACH Community Development who proposes to construct affordable housing on the site. On September 10, 2003, the county was awarded an EPA Grant in the amount of \$240,000 with \$40,000 of the Grant amount to be contributed by Tax Title. The project period of the Grant was 1/01/2004 to 01/30/2006.

Once the county received the EPA Grant, they then entered into an Intergovernmental Agreement with the City of Portland to manage the project. The length of the IGA coincided with the length of the project period. Through the open bidding process, the City of Portland chose Hahn & Associates to complete the environmental testing and clean-up. Due to numerous delays occurring before actual

clean-up could start and after additional contamination was discovered, an extension was requested and obtained to extend the EPA project period to 1/30/2007 and the IGA to 12/31/06. Prior to the end of December 2006, all monies owed the City of Portland for their management of the project was paid. However, because the actual clean-up cost was less than estimated, there are still EPA Grant funds remaining in the amount of \$61,609.

The county requested that EPA grant another extension of the project period. They responded by extending the project period to 9/30/07. Tax Title proposes to enter into a contract with Hahn & Associates that would use a good portion of the remaining Grant funds. The Proposed Scope of Work includes further project management and technical assistance as needed, additional sampling as needed, soil gas point decommissioning and design and construction of the vapor mitigation system. The immediate goal is to obtain a No Further Action letter from the State of Oregon, DEQ that will allow the county to transfer a clean property to the City of Portland and REACH.

This action affects our Vibrant Communities Program Offer by placing a once contaminated tax foreclosed property into public use and removing a longtime eyesore from the neighborhood.

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

There will be no fiscal impact.

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

No legal issues are expected.

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

No citizen or government participation is anticipated.

Required Signature

**Department/
Agency Director:**



Date: 04/26/07

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Approving U.S. Environmental Protection Agency Assistance Amendment, Extending the Clean-up Grant for the Former Gas Station Property at 1949 SE Division to September 30, 2007

The Multnomah County Board of Commissioners Finds:

- a. On September 10, 2003 the county was awarded an EPA Grant in the amount of \$200,000 with a County matching requirement of \$40,000 for a total of \$240,000 to clean up a certain tax foreclosed property, the former gas station at 1949 SE Division. The project period of the Grant was 1/01/2004 to 01/30/2006.
- b. The County entered into an intergovernmental agreement (IGA) with the City of Portland; to oversee the environmental clean up under the City's Brownfield's Program. The City contracted with Hahn and Associates to complete the environmental testing and clean-up.
- c. Due to numerous delays occurring before the actual clean-up could start and after additional contamination was discovered, an extension of the grant period was requested of the EPA and obtained to extend the project period to 1/30/2007 and the IGA was extended to 12/31/2006. The City has completed its work and there is presently \$60,000 remaining of grant funds because the original clean-up cost less than estimated.
- d. There is also additional testing and sampling required to be completed at the site in connection with issues recently raised by an adjacent property owner. The remaining \$60,000 will be applied to this testing and sampling work. The County has sought and obtained an exemption from the public contracting rules to keep Hahn and Associates working on the project and is negotiating a services agreement with that contractor.
- e. The County requested that the EPA grant another extension of the project period. This is necessary as the testing requires drier conditions than have been experienced of late. The EPA has extended the performance period of the grant through 9/30/2007.
- f. Tax Title through the proposed contract with Hahn and Associates, expects to obtain a "No Further Action" letter from the DEQ.

The Multnomah County Board of Commissioners Resolves:

1. The Chair is authorized to execute the attached U.S. Environmental Protection Agency Assistance Amendment, Extending the Clean-up Grant for the Former Gas Station Property at 1949 SE Division to September 30, 2007.

ADOPTED this 10th day of May, 2007.

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

Ted Wheeler, Chair

REVIEWED:


AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By

Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:

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

	U.S. ENVIRONMENTAL PROTECTION AGENCY Assistance Amendment	ASSISTANCE ID NO.			DATE OF AWARD 04/17/2007
		PRG	DOC ID	AMEND#	
		BF - 97068501 - 2			MAILING DATE 04/17/2007
		TYPE OF ACTION No Cost Amendment			
PAYMENT METHOD:			ACH#		
RECIPIENT TYPE: County		Send Payment Request to: Las Vegas Finance Center FAX # 702-798-2423			
RECIPIENT: Multnomah County Tax Title P.O. Box 2716 Portland, OR 97208 EIN: 93-6002309		PAYEE: Multnomah County Tax Title P.O. Box 2716 Portland, OR 97208			
PROJECT MANAGER Gary Thomas P.O. Box 2716 Portland, OR 97208 E-Mail: Phone: 503-988-3590		EPA PROJECT OFFICER Mike Slater 811 SW 6th Ave., 3rd Floor, ECL-000 Portland, OR 97204 E-Mail: Slater.Mike@epa.gov Phone: 503-326-5872		EPA GRANT SPECIALIST Kathy Tsing-Choy Grants Administration Unit, OMP-145 E-Mail: Tsing-Choy.Kathy@epa.gov Phone: 206-553-4688	
PROJECT TITLE AND EXPLANATION OF CHANGES BF-97068501-0 Multnomah County <u>This amendment is to extend time to September 30, 2007, in order to complete additional surface engineering work for the final cleanup work.</u>					
BUDGET PERIOD 01/01/2004 - 09/30/2007		PROJECT PERIOD 01/01/2004 - 09/30/2007		TOTAL BUDGET PERIOD COST \$240,000.00	
				TOTAL PROJECT PERIOD COST \$240,000.00	
<p align="center">NOTICE OF AWARD</p> <p>Based on your application dated 07/08/2003, including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA), hereby awards \$0. EPA agrees to cost-share 83.33% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$200,000. Such award may be terminated by EPA without further cause if the recipient fails to provide timely affirmation of the award by signing under the Affirmation of Award section and returning all pages of this agreement to the Grants Management Office listed below within 21 days after receipt, or any extension of time, as may be granted by EPA. This agreement is subject to applicable EPA statutory provisions. The applicable regulatory provisions are 40 CFR Chapter 1, Subchapter B, and all terms and conditions of this agreement and any attachments.</p>					
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)			AWARD APPROVAL OFFICE		
ORGANIZATION / ADDRESS EPA Region 10 Mail Code: OMP-145 1200 Sixth Avenue Seattle, WA 98101			ORGANIZATION / ADDRESS U.S. EPA, Region 10 Office of Environmental Cleanup 1200 Sixth Avenue Seattle, WA 98101		
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY					
SIGNATURE OF AWARD OFFICIAL Digital signature applied by EPA Award Official		TYPED NAME AND TITLE Katherine Tsing-Choy, Grants Specialist			DATE 04/17/2007
AFFIRMATION OF AWARD					
BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION					
SIGNATURE		TYPED NAME AND TITLE Ted Wheeler, Chair, Board of County Commissioners			DATE

EPA Funding Information

BF - 97068501 - 2 Page 2

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$ 200,000	\$ 0	\$ 200,000
EPA In-Kind Amount	\$ 0	\$	\$ 0
Unexpended Prior Year Balance	\$ 0	\$	\$ 0
Other Federal Funds	\$ 0	\$	\$ 0
Recipient Contribution	\$ 40,000	\$	\$ 40,000
State Contribution	\$ 0	\$	\$ 0
Local Contribution	\$ 0	\$	\$ 0
Other Contribution	\$ 0	\$	\$ 0
Allowable Project Cost	\$ 240,000	\$ 0	\$ 240,000

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.818 - Brownfields Assessment and Cleanup Cooperative Agreements	CERCLA: Sec. 101(39), CERCLA: Sec. 104(k)(3)	40 CFR PART 31

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation

Budget Summary Page: Special Needs Housing for the Physically Disabled

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$16,750
2. Fringe Benefits	\$0
3. Travel	\$350
4. Equipment	\$0
5. Supplies	\$500
6. Contractual	\$218,400
7. Construction	\$0
8. Other	\$4,000
9. Total Direct Charges	\$240,000
10. Indirect Costs: % Base	\$0
11. Total (Share: Recipient <u>16.67</u> % Federal <u>83.33</u> %.)	\$240,000
12. Total Approved Assistance Amount	\$200,000
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$0
15. Total EPA Amount Awarded To Date	\$200,000

Administrative Conditions

Condition number 1, 3, and 5 are REVISED:

1. Payment Information

All recipients must be enrolled to receive funds electronically via the EPA-EFT Payment Process. This electronic funds transfer process was initiated by EPA in response to the Debt Collection Improvement Act of 1996, P.L. 104-134 that requires all federal payments be made via Direct Deposit/Electronic Funds Transfer(DD/EFT). By signing the assistance agreement you are agreeing to receive payment electronically.

In order to receive payments electronically, the ACH Vendor/ Miscellaneous Payment Enrollment Form (SF3881) must be completed and faxed to Marge Pumphrey at (702) 798-2423.

After reviewing and processing the SF3881, the Las Vegas Finance Center (LVFC) will send you a letter assigning you an EFT Control Number, an EPA-EFT Recipient's Manual, and the necessary forms for requesting funds and reporting purposes.

If you need further assistance regarding enrollment, please contact Marge Pumphrey at (702) 798-2492 or by e-mail to: pumphrey.margaret@epa.gov.

Any recipient currently using the Automated Standard Application for Payments (ASAP) system with another government agency should contact Marge Pumphrey at (702) 798-2492 or e-mail to: pumphrey.margaret@epa.gov.

Under any of the above payment mechanisms, recipients may request/draw down advances for their immediate cash needs, provided the recipient meets the requirements of 40 CFR 30.22(b) or 40 CFR 31.21(c), as applicable. Additionally, recipients must liquidate all obligations incurred within 90 calendar days of the project period end date. Therefore, recipients must submit the final request for payment, and refund to EPA any balance of unobligated cash advanced within 90 calendar days after the end of the project period.

3. Financial Status Reports (FSRs) and Federal Cash Transactions Reports

INTERIM FSR

If the budget period is longer than one year, or if the agreement is revised to extend the budget period beyond one year, the recipient must submit an annual FSR within 90 days after the end of each anniversary of the agreement. **The interim report may be faxed to (206) 553-4957 or mailed to:**

US Environmental Protection Agency
Grants Administration Unit
1200 Sixth Avenue, OMP-145
Seattle, WA 98101

For agreements with multiple budget activities, separate FSRs must be provided for each of the activities, sites, or budgets, as applicable.

FINAL FSR

The Financial Status Report (FSR), Standard Form 269A (or Standard Form 269 if program income is generated), for this award is due to EPA no later than 90 days after the budget period expires.

FEDERAL CASH TRANSACTIONS REPORTS

The recipient will provide timely reporting of cash disbursements and balances through semi-annual submission (within fifteen (15) days after June 30 and December 31 of each calendar year) of a Federal Cash Transactions Report (SF-272).

The Final FSR and Federal Cash Transactions Reports may be faxed to (702) 798-2423 or mailed to:

US Environmental Protection Agency
Las Vegas Finance Center
P.O. Box 98515
Las Vegas, NV 89193-8515

For additional information, please contact Marge Pumphrey at (702) 798-2492 or email: Pumphrey.Margaret@epa.gov.

EPA may take enforcement actions in accordance with 40 CFR 30.62 or 40 CFR 31.43 if the recipient does not comply with this term and condition.

5. Hotel-Motel Fire Safety Act

Pursuant to 40 CFR 30.18, if applicable, and 15 USC 2225a, the recipient agrees to ensure that all space for conferences, meetings, conventions, or training seminars funded in whole or in part with federal funds complies with the protection and control guidelines of the Hotel and Motel Fire Safety Act (PL 101-391, as amended). Recipients may search the Hotel-Motel National Master List at <http://www.usfa.dhs.gov/applications/hotel> to see if a property is in compliance (FEMA ID is currently not required), or to find other information about the Act.

Condition number 13 is ADDED:

13. Drug-Free Workplace Certification for all EPA Recipients

The recipient organization of this EPA assistance agreement must make an ongoing, good faith effort to maintain a drug-free workplace pursuant to the specific requirements set forth in Title 40 CFR 36.200 - 36.230. Additionally, in accordance with these regulations, the recipient organization must identify all known workplaces under its federal awards, and keep this information on file during the performance of the award.

Those recipients who are individuals must comply with the drug-free provisions set forth in Title 40 CFR 36.300.

The consequences for violating this condition are detailed under Title 40 CFR 36.510. Recipients can access the Code of Federal Regulations (CFR) Title 40 Part 36 at http://www.access.gpo.gov/nara/cfr/waisidx_06/40cfr36_06.html.

All Other Administrative Conditions Remain the Same

Programmatic Conditions

All Programmatic Conditions Remain the Same

END OF ASSISTANCE AGREEMENT NO. BF-970685-01-2

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 07-092

Approving U.S. Environmental Protection Agency Assistance Amendment, Extending the Clean-up Grant for the Former Gas Station Property at 1949 SE Division to September 30, 2007

The Multnomah County Board of Commissioners Finds:

- a. On September 10, 2003 the county was awarded an EPA Grant in the amount of \$200,000 with a County matching requirement of \$40,000 for a total of \$240,000 to clean up a certain tax foreclosed property, the former gas station at 1949 SE Division. The project period of the Grant was 1/01/2004 to 01/30/2006.
- b. The County entered into an intergovernmental agreement (IGA) with the City of Portland; to oversee the environmental clean up under the City's Brownfield's Program. The City contracted with Hahn and Associates to complete the environmental testing and clean-up.
- c. Due to numerous delays occurring before the actual clean-up could start and after additional contamination was discovered, an extension of the grant period was requested of the EPA and obtained to extend the project period to 1/30/2007 and the IGA was extended to 12/31/2006. The City has completed its work and there is presently \$60,000 remaining of grant funds because the original clean-up cost less than estimated.
- d. There is also additional testing and sampling required to be completed at the site in connection with issues recently raised by an adjacent property owner. The remaining \$60,000 will be applied to this testing and sampling work. The County has sought and obtained an exemption from the public contracting rules to keep Hahn and Associates working on the project and is negotiating a services agreement with that contractor.
- e. The County requested that the EPA grant another extension of the project period. This is necessary as the testing requires drier conditions than have been experienced of late. The EPA has extended the performance period of the grant through 9/30/2007.
- f. Tax Title through the proposed contract with Hahn and Associates, expects to obtain a "No Further Action" letter from the DEQ.

The Multnomah County Board of Commissioners Resolves:

1. The Chair is authorized to execute the attached U.S. Environmental Protection Agency Assistance Amendment, Extending the Clean-up Grant for the Former Gas Station Property at 1949 SE Division to September 30, 2007.

ADOPTED this 10th day of May, 2007.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON




Ted Wheeler, Chair


REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:

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

	U.S. ENVIRONMENTAL PROTECTION AGENCY Assistance Amendment	ASSISTANCE ID NO.			DATE OF AWARD 04/17/2007 MAILING DATE 04/17/2007 ACH#
		PRG	DOC ID	AMEND#	
		BF -	97068501	- 2	
		TYPE OF ACTION No Cost Amendment			
RECIPIENT TYPE: County		Send Payment Request to: Las Vegas Finance Center FAX # 702-798-2423			PAYEE: Multnomah County Tax Title P.O. Box 2716 Portland, OR 97208
RECIPIENT: Multnomah County Tax Title P.O. Box 2716 Portland, OR 97208 EIN: 93-6002309		PROJECT MANAGER Gary Thomas P.O. Box 2716 Portland, OR 97208 E-Mail: Phone: 503-988-3590			EPA PROJECT OFFICER Mike Slater 811 SW 6th Ave., 3rd Floor, ECL-000 Portland, OR 97204 E-Mail: Slater.Mike@epa.gov Phone: 503-326-5872
		EPA GRANT SPECIALIST Kathy Tsing-Choy Grants Administration Unit, OMP-145 E-Mail: Tsing-Choy.Kathy@epa.gov Phone: 206-553-4688			

PROJECT TITLE AND EXPLANATION OF CHANGES
BF-97068501-0 Multnomah County

This amendment is to extend time to September 30, 2007, in order to complete additional surface engineering work for the final cleanup work.

BUDGET PERIOD	PROJECT PERIOD	TOTAL BUDGET PERIOD COST	TOTAL PROJECT PERIOD COST
01/01/2004 - 09/30/2007	01/01/2004 - 09/30/2007	\$240,000.00	\$240,000.00

NOTICE OF AWARD

Based on your application dated 07/08/2003, including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA), hereby awards \$0. EPA agrees to cost-share 83.33% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$200,000. Such award may be terminated by EPA without further cause if the recipient fails to provide timely affirmation of the award by signing under the Affirmation of Award section and returning all pages of this agreement to the Grants Management Office listed below within 21 days after receipt, or any extension of time, as may be granted by EPA. This agreement is subject to applicable EPA statutory provisions. The applicable regulatory provisions are 40 CFR Chapter 1, Subchapter B, and all terms and conditions of this agreement and any attachments.

ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)	AWARD APPROVAL OFFICE
ORGANIZATION / ADDRESS EPA Region 10 Mail Code: OMP-145 1200 Sixth Avenue Seattle, WA 98101	ORGANIZATION / ADDRESS U.S. EPA, Region 10 Office of Environmental Cleanup 1200 Sixth Avenue Seattle, WA 98101

THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY

SIGNATURE OF AWARD OFFICIAL Digital signature applied by EPA Award Official	TYPED NAME AND TITLE Katherine Tsing-Choy, Grants Specialist	DATE 04/17/2007
---	--	---------------------------

AFFIRMATION OF AWARD

BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION

SIGNATURE 	TYPED NAME AND TITLE Ted Wheeler, Chair, Board of County Commissioners	DATE 05.17.07
--	--	-------------------------

EPA Funding Information

BF - 97068501 - 2 Page 2

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$ 200,000	\$ 0	\$ 200,000
EPA In-Kind Amount	\$ 0	\$	\$ 0
Unexpended Prior Year Balance	\$ 0	\$	\$ 0
Other Federal Funds	\$ 0	\$	\$ 0
Recipient Contribution	\$ 40,000	\$	\$ 40,000
State Contribution	\$ 0	\$	\$ 0
Local Contribution	\$ 0	\$	\$ 0
Other Contribution	\$ 0	\$	\$ 0
Allowable Project Cost	\$ 240,000	\$ 0	\$ 240,000

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.818 - Brownfields Assessment and Cleanup Cooperative Agreements	CERCLA: Sec. 101(39), CERCLA: Sec. 104(k)(3)	40 CFR PART 31

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation

Budget Summary Page: Special Needs Housing for the Physically Disabled

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$16,750
2. Fringe Benefits	\$0
3. Travel	\$350
4. Equipment	\$0
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9. Total Direct Charges	\$240,000
10. Indirect Costs: % Base	\$0
11. Total (Share: Recipient <u>16.67</u> % Federal <u>83.33</u> %.)	\$240,000
12. Total Approved Assistance Amount	\$200,000
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$0
15. Total EPA Amount Awarded To Date	\$200,000

Administrative Conditions

Condition number 1, 3, and 5 are REVISED:

1. Payment Information

All recipients must be enrolled to receive funds electronically via the EPA-EFT Payment Process. This electronic funds transfer process was initiated by EPA in response to the Debt Collection Improvement Act of 1996, P.L. 104-134 that requires all federal payments be made via Direct Deposit/Electronic Funds Transfer (DD/EFT). By signing the assistance agreement you are agreeing to receive payment electronically.

In order to receive payments electronically, the ACH Vendor/ Miscellaneous Payment Enrollment Form (SF3881) must be completed and faxed to Marge Pumphrey at (702) 798-2423.

After reviewing and processing the SF3881, the Las Vegas Finance Center (LVFC) will send you a letter assigning you an EFT Control Number, an EPA-EFT Recipient's Manual, and the necessary forms for requesting funds and reporting purposes.

If you need further assistance regarding enrollment, please contact Marge Pumphrey at (702) 798-2492 or by e-mail to: pumphrey.margaret@epa.gov.

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Under any of the above payment mechanisms, recipients may request/draw down advances for their immediate cash needs, provided the recipient meets the requirements of 40 CFR 30.22(b) or 40 CFR 31.21(c), as applicable. Additionally, recipients must liquidate all obligations incurred within 90 calendar days of the project period end date. Therefore, recipients must submit the final request for payment, and refund to EPA any balance of unobligated cash advanced within 90 calendar days after the end of the project period.

3. Financial Status Reports (FSRs) and Federal Cash Transactions Reports

INTERIM FSR

If the budget period is longer than one year, or if the agreement is revised to extend the budget period beyond one year, the recipient must submit an annual FSR within 90 days after the end of each anniversary of the agreement. **The interim report may be faxed to (206) 553-4957 or mailed to:**

US Environmental Protection Agency
Grants Administration Unit
1200 Sixth Avenue, OMP-145
Seattle, WA 98101

For agreements with multiple budget activities, separate FSRs must be provided for each of the activities, sites, or budgets, as applicable.

FINAL FSR

The Financial Status Report (FSR), Standard Form 269A (or Standard Form 269 if program income is generated), for this award is due to EPA no later than 90 days after the budget period expires.

FEDERAL CASH TRANSACTIONS REPORTS

The recipient will provide timely reporting of cash disbursements and balances through semi-annual submission (within fifteen (15) days after June 30 and December 31 of each calendar year) of a Federal Cash Transactions Report (SF-272).

The Final FSR and Federal Cash Transactions Reports may be faxed to (702) 798-2423 or mailed to:

US Environmental Protection Agency
Las Vegas Finance Center
P.O. Box 98515
Las Vegas, NV 89193-8515

For additional information, please contact Marge Pumphrey at (702) 798-2492 or email: Pumphrey.Margaret@epa.gov.

EPA may take enforcement actions in accordance with 40 CFR 30.62 or 40 CFR 31.43 if the recipient does not comply with this term and condition.

5. Hotel-Motel Fire Safety Act

Pursuant to 40 CFR 30.18, if applicable, and 15 USC 2225a, the recipient agrees to ensure that all space for conferences, meetings, conventions, or training seminars funded in whole or in part with federal funds complies with the protection and control guidelines of the Hotel and Motel Fire Safety Act (PL 101-391, as amended). Recipients may search the Hotel-Motel National Master List at <http://www.usfa.dhs.gov/applications/hotel> to see if a property is in compliance (FEMA ID is currently not required), or to find other information about the Act.

Condition number 13 is ADDED:

13. Drug-Free Workplace Certification for all EPA Recipients

The recipient organization of this EPA assistance agreement must make an ongoing, good faith effort to maintain a drug-free workplace pursuant to the specific requirements set forth in Title 40 CFR 36.200 - 36.230. Additionally, in accordance with these regulations, the recipient organization must identify all known workplaces under its federal awards, and keep this information on file during the performance of the award.

Those recipients who are individuals must comply with the drug-free provisions set forth in Title 40 CFR 36.300.

The consequences for violating this condition are detailed under Title 40 CFR 36.510. Recipients can access the Code of Federal Regulations (CFR) Title 40 Part 36 at http://www.access.gpo.gov/nara/cfr/waisidx_06/40cfr36_06.html.

All Other Administrative Conditions Remain the Same

Programmatic Conditions

All Programmatic Conditions Remain the Same

END OF ASSISTANCE AGREEMENT NO. BF-970685-01-2

1

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

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 05.10.07

SUBJECT: Challenge 2007 at Jefferson
Hosted By REAP Inc.

AGENDA NUMBER OR TOPIC: _____

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Mark Jackson

ADDRESS: 1252 SE 38th

CITY/STATE/ZIP: Milwaukee

PHONE: _____ DAYS: _____ EVES: _____

EMAIL: _____ FAX: _____

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: _____

IF YOU WISH TO ADDRESS THE BOARD:

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

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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

#2

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

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 05.10.07

SUBJECT:

Challenge Conference at Jefferson
High School. Hosted by REAP

AGENDA NUMBER OR TOPIC:

FOR:

AGAINST:

THE ABOVE AGENDA ITEM

NAME:

Natika Shabazz LATIKA

ADDRESS:

3441 NE 15th

CITY/STATE/ZIP:

Portland, OR 97212

PHONE:

DAYS: (503) 297-2936

EVES:

(503) 297-2936

EMAIL:

FAX:

SPECIFIC ISSUE:

I want to share my experience at
Jeff and tell about the Redp program

WRITTEN TESTIMONY:

IF YOU WISH TO ADDRESS THE BOARD:

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

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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

#3

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 05.10.07

SUBJECT: Challenge Conference 2007 at
Jefferson High School hosted by REAP

AGENDA NUMBER OR TOPIC: _____

FOR: ☒ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Sydney R. Nelson

ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE: _____ DAYS: _____ EVES: _____

EMAIL: _____ FAX: _____

SPECIFIC ISSUE: to invite County Commissioners
to come

WRITTEN TESTIMONY: _____

IF YOU WISH TO ADDRESS THE BOARD:

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

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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

#4

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

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 5/10/07

SUBJECT: Challenge Conference at Jefferson
Highschool. Hosted by REAP

AGENDA NUMBER OR TOPIC: _____

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Delyn M. Chartier

ADDRESS: 9000 NE MLK Blvd #88

CITY/STATE/ZIP: Portland, OR 97211

PHONE: DAYS: 503-327-6315 EVES: same

EMAIL: delyn32891@yahoo.com FAX: _____

SPECIFIC ISSUE: I want to share my experience at
Jefferson and tell about the REAP program.

WRITTEN TESTIMONY: _____

IF YOU WISH TO ADDRESS THE BOARD:

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

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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

#5

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

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 5/10/07

SUBJECT: Challenge conference at Jefferson
High School May 18, 2007

AGENDA NUMBER OR TOPIC: _____

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Celeste Jackson

ADDRESS: 2511 NE Highland

CITY/STATE/ZIP: Portland OR 97211

PHONE: _____ DAYS: (503) 754-0850 EVES: (503) 281-5727

EMAIL: MISS_Celeste@a Yahoo.com FAX: _____

SPECIFIC ISSUE: My experience at Jefferson as a

student. I feel that this conference is one of
the best things Jefferson has been involved in.

WRITTEN TESTIMONY: _____

IF YOU WISH TO ADDRESS THE BOARD:

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

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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

#6

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

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 5/10/07

SUBJECT: challenge conference at Jefferson
High School

AGENDA NUMBER OR TOPIC: _____

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Karim Brown

ADDRESS: 35 N Holland

CITY/STATE/ZIP: Portland, OR, 97217

PHONE: _____ DAYS: _____ EVES: _____

EMAIL: _____ FAX: _____

SPECIFIC ISSUE: I ^{want} to share our experience at
Jefferson High School

WRITTEN TESTIMONY: _____

IF YOU WISH TO ADDRESS THE BOARD:

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

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (short form)

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-1 DATE 05/10/07
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 05/10/07
Agenda Item #: R-1
Est. Start Time: 9:30 AM
Date Submitted: 04/27/07

Agenda Title: **PUBLIC HEARING to Consider and Approve the 2007-08 Consolidated Plan and Annual Action Plan for the Community Development Block Grant Program**

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

Requested Meeting Date: May 10, 2007 Amount of Time Needed: 10 mins
Department: DHS Division: SCP
Contact(s): Mary T. Li, SCP Manager, or Carol Cade, Housing Development Specialist
Phone: 503-988-6295 Ext. 26598 I/O Address: 167/2
Presenter(s): Mary Li

General Information

1. What action are you requesting from the Board?

Approval of the 2007-08 Consolidated Plan and Annual Action Plan for the Community Development Block Grant (CDBG) Program.

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

Multnomah County is entitled to annually receive U.S. Department of Housing and Urban Development (HUD) funds through the Community Development Block Grant program. For program year 2007-08 the grant amount is \$302,750.

HUD program requirements include the development of a Consolidated Plan that provides principles and priorities for allocation of these federal funds and includes a market analysis, demographics, and descriptions of resources for the low and moderate income persons. A program consortium comprised of the cities of Portland and Gresham and Multnomah County has worked to produce the annual update of this Plan. A required part of the Consolidated Plan Update is the inclusion of the Annual Action Plan, which provides the list of specific annual projects that will be funded via CDBG within the County.

The County's Policy Advisory Board rated and ranked the list of activities of the Annual Action Plan draft on April 5, 2007 and public testimony was solicited on April 12, 2007.

Citizen participation for the Consolidated Plan has taken place through a series of public hearings held by the City of Portland through the Housing and Community Development Commission.

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

The 2007-08 CDBG Grant award is \$302,750 beginning July 1, 2007.

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

None are anticipated.

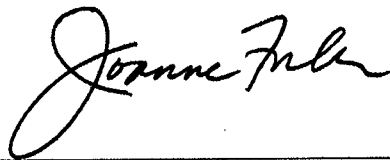
5. Explain any citizen and/or other government participation that has or will take place.

Policy Advisory Board recommendations: Public testimony solicited at the public hearing on April 12, 2007.

Housing and Community Development Commission review: Public testimony solicited at public hearing April 4 and May 2, 2007.

Required Signature

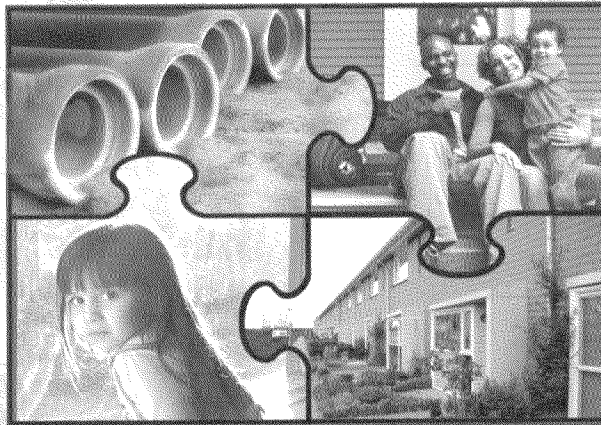
**Elected Official or
Department/
Agency Director:**



Date: 04/25/07

Cities of Portland and Gresham
Multnomah County, Oregon

Consolidated Plan Action Plans FY 2007 - 08



2005
2010

PDF / ELECTRONIC
188 PAGE DOC
AVAILABLE IN
WEEKLY PACKET

Funded by HUD



MULTNOMAH COUNTY
2007-08 CDBG Annual Action Plan

CDBG Grant:	\$302,746
Program Income:	\$ 20,000

COMMUNITY DEVELOPMENT BLOCK GRANT:

PUBLIC FACILITIES & IMPROVEMENTS (\$98,800)

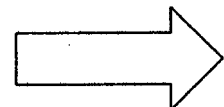
Main Street Sidewalk Improvements City of Fairview	\$54,400
Sanitary Sewer Main & Lateral Inspections City of Wood Village	\$44,440

PUBLIC SERVICES (\$45,400) 15% cap

Fair Housing Project Fair Housing Council of Oregon	\$ 6,500
Transitional Housing Program Human Solutions, Inc.	\$30,000
Self-Help WX & Energy Ed Workshops Community Energy Projects	\$ 4,455
Emergency Services & Life Skills Project Catholic Charities/EI Programo	\$ 4,455

Housing Rehab (\$114,000)

Adapt-a-Home Unlimited Choices	\$62,000
Mend-a-Home Unlimited Choices	\$47,000
WX for Seniors & Disabled Persons Community Energy Projects	\$ 5,000



CDBG ADMINISTRATION (\$64,546) 20% cap

General Administration	\$58,276
Housing and Community Development Commission	\$ 6,270

* * *

Multnomah County
Action Plan FY 2007 - 2008

Project Name	Contractor	Description	Funding Source	FY 2006-07 Amount	FY 2007-08 Amount	Outcome Description	One Year	Five Year	Indicator
Multnomah County- CDBG Funded Projects									
Neighborhood Revitalization/Public Facilities									
Main Street Sidewalk Improvements	City of Fairview	Funding to install new sidewalks in low-income neighborhood adjacent to elementary school	CDBG	\$11,000	\$54,400	Accessibility for the purpose of creating a sustainable living environment	Provide assistance for new sidewalks	Provide financial assistance to 5 neighborhood revitalization projects in low-mod income areas	Public Facilities
Sanitary Sewer Main & Lateral Inspections	City of Wood Village	Funding to identify problems leading to increased inflow and infiltration in low-mod income neighborhoods	CDGB	\$93,220	\$44,440	Accessibility for the purpose of creating a sustainable living environment	Provide assistance for testing problems associated with drainage systems	Provide financial assistance to 5 neighborhood revitalization projects in low-mod income areas	Public Facilities
Public Services									
Fair Housing Project	Fair Housing Council of Oregon	Funds housing discrimination enforcement, outreach and training	CDBG	\$8,122	\$6,500	Accessibility for the purpose of providing decent affordable housing	N/A	N/A	N/A
Transitional Housing Inc.	Human Solutions, Inc	Funds transitional housing pair with social services	CDBG	\$31,488	\$30,000	Accessibility for the purpose of providing decent affordable housing	Provide temporary housing education and childcare for 20 homeless families	Provide housing and social services for 100 families	Number of people

Project Name	Contractor	Description	Funding Source	FY 2006-07 Amount	FY 2007-08 Amount	Outcome Description	One Year	Five Year	Indicator
Do-It Yourself Weatherization & Energy Ed Workshop	Community Energy Projects, Inc.	Funds support self-help weatherization supplies and energy education workshops along with I&R	CDBG	\$6,000	\$4,455	Accessibility for the purpose of providing decent affordable housing	50 households	250 households	Number of Households
Emergency Services and Life Skills Projects	Catholic Charities/El Programo	Funds support for Latinos to overcome short-term crisis and gain the skills needed to become self-sufficient	CDBG	N/A	\$4,455	Accessibility for the purpose of creating a sustainable living environment	250 people	1250	Number of people
Housing Rehab									
Adapt-a-Home	Unlimited Choices, Inc	Funds program that addresses the needs of low-income people with physical disabilities	CDBG	\$65,000	\$62,000	Accessibility for the purpose of sustaining living environment	30 homes	150 homes	Housing units
Mend-a-Home	Unlimited Choices, Inc.	Funds program that provides critical home repairs for low-income homeowners.	CDBG	\$50,000	\$47,000	Sustainability for the purpose of sustaining living environment.	20 homes	100 homes	100 homes
Weatherization for Seniors & Disabled Persons	Community Energy Projects, Inc.	Funds provide minor home weatherization	CDBG	\$7,500	\$5,000	Accessibility for the purpose of sustaining living environment	15 homes	75 homes	Housing units

Project Name	Contractor	Description	Funding Source	FY 2006-07 Amount	FY 2007-08 Amount	Outcome Description	One Year	Five Year	Indicator
Administration									
HCDC	City of Portland/BHCD	Administration and staff support of the HCDC and the Consolidated Action Plans	CDBG	\$5,200	\$6,270				
General Administration	Multnomah County/School & Community Partnerships	Administration and staff support for CDBG program and general project oversight	CDBG	\$59,614	\$58,276				



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (long form)

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-2 DATE 05/10/07
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 05/10/07
Agenda Item #: R-2
Est. Start Time: 9:35 AM
Date Submitted: 04/30/07

Agenda Title: **NOTICE OF INTENT to Apply for a \$15,000 Sustainable Communities Grant from the BlueMoon Fund**

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

Requested Meeting Date: May 10, 2007 **Amount of Time Needed:** 5 minutes
Department: County Human Services **Division:** Aging and Disabilities Services
Contact(s): Grady Tarbutton
Phone: 503-988-3768 **Ext.** 83768 **I/O Address:** 166/1/510
Presenter(s): Grady Tarbutton and John Keating (Housing Authority of Portland)

General Information

1. What action are you requesting from the Board?

The Department of County Human Services (DCHS) requests approval to submit a planning grant proposal to the BlueMoon Fund., a private family foundation. The Department of County Human Services Aging and Disability Services Division (ADSD) will be the lead agency for the first phase of this project. Partners for the project will be the Housing Authority of Portland, YWCA of Greater Portland, Boys and Girls Club, Loaves and Fishes, and AARP. The Multnomah County Health Department, and the DCHS Sun Services Network, City of Portland Parks and Recreation, Urban League of Portland, Ride Connection, Elders in Action and Metropolitan Family Service may also be project partners.

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

This project will impact Community Access , program offer #25020, by increasing access for low-income elderly to public services, including health care, affordable nutritious food, and transportation through an innovative inter-generational program

BlueMoon Fund believes that the unparalleled aging of the population is opening up opportunities for people to think and act differently for the greater good with regard to both human and natural

resources. The financial, social and health care issues raised by today's older adults can be harnessed to create a viable future for generations to come. "Sustainable Communities for All Ages" seeks to develop community-based, interdisciplinary, and intergenerational approaches to the social problems we face today. The BlueMoon Fund is seeking applications from communities that have demonstrated an interest in and capacity to develop intergenerational approaches to community issues. BlueMoon is particularly interested in complementary approaches that support humans in sustainable environments.

DCHS Aging and Disability Services Division has already established relationships and developed a set of key issue areas with HAP, the YWCA and other providers of services to older adults and to youth at the New Columbia in the North Portland Portsmouth neighborhood. This grant would allow for further exploration, planning and piloting of these approaches drawing on the expertise of community partners who are members of or serve older adults and youth populations. ADSD will use this process to gain knowledge about building broad partnerships and to identify and cultivate community leaders to sustain the future of the project.

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

This grant that will begin on July 1, 2007 and end on December 31, 2007. ADSD and its project partners will request a total of \$15,000 for the entire project. This amount includes both direct and indirect costs. Depending upon the success of this phase of the project, further funding may be forthcoming.

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

There are no legal and/or policy issues associated with applying for this grant.

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

The proposal is being developed collaboratively with ADSD, HAP and YWCA of Greater Portland. Other likely partners include AARP, Urban League of Portland, Loaves and Fishes, Boys and Girls Club, City of Portland Parks and Recreation, Portland Public Schools, Metropolitan Family Service, Ride Share, Elders in Action, Multnomah County Health Department, DCHS Sun Services System.

ATTACHMENT A

Grant Application/Notice of Intent

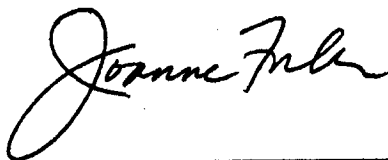
If the request is a Grant Application or Notice of Intent, please answer all of the following in detail:

- **Who is the granting agency?**
BlueMoon Fund, a private family foundation
- **Specify grant (matching, reporting and other) requirements and goals.**
The BlueMoon Fund requires that all funded projects submit financial and progress reports at the end of the project.
- **Explain grant funding detail – is this a one time only or long term commitment?**
This is a one-time only grant .
- **What are the estimated filing timelines?**
The proposal is due by mid May, 2007.
- **If a grant, what period does the grant cover?**
The grant will begin on July 1, 2007 and end on December 31, 2007.
- **When the grant expires, what are funding plans?**
The project will be complete when the funding ends.
- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**
The county indirect, central finance and human resources, and departmental overhead costs will be covered through grant funds.

ATTACHMENT B

Required Signatures

Elected Official or
Department/
Agency Director:



Date: 04/26/07

Budget Analyst:



Date: 04/30/07



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-3 DATE 05/10/07
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 05/10/07
Agenda Item #: R-3
Est. Start Time: 9:40 AM
Date Submitted: 05/02/07

Agenda Title: **Approve Fiscal Year 2007 Supplemental Budget for Submission to Tax Supervising and Conservation Commission**

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

Date Requested:	<u>May 10, 2007</u>	Time Requested:	<u>5 Minutes</u>
Department:	<u>County Management</u>	Division:	<u>Budget Office</u>
Contact(s):	<u>Julie Neburka</u>		
Phone:	<u>503-988-3312</u>	Ext.	<u>27351</u>
Presenter(s):	<u>Julie Neburka</u>		
I/O Address:	<u>503/531</u>		

General Information

1. What action are you requesting from the Board?

Approval of a supplemental budget to submit to the Tax Supervising & Conservation Commission. This supplemental budget contains "housekeeping" changes necessary to avoid potential budget law and/or audit violations for fiscal year 2007.

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

The FY 2007 Supplemental Budget is a relatively small "housekeeping" measure, and it recommends several actions to account for the following items in three County funds. Each of these items affects FY 2007 only; there is no ongoing fiscal impact.

- Several actions in the General Fund record an additional \$194,828 in fee revenues and an additional \$500,000 in proceeds from the State Criminal Alien Assistance Program (SCAAP) grant. The fee revenues are the result of an accounting change required to be made to the Public Guardian Program; and to the proceeds from a conference held in the current fiscal year. The SCAAP grant will support the Telestaff scheduling software in the Sheriff's Office. A supplemental budget is required to appropriate fee revenues after the annual budget has been adopted.
- In response to concerns expressed by the County's Finance Division, one action dissolves three Animal Control Trust Funds and records their proceeds instead in the Animal Control Fund for supplies and capital expenses. A supplemental budget is required because this action increases the Animal Control Fund by more than 10%.

- Three actions increase the Federal-State Fund by a total of \$64,046. These actions are:
 - After discussions with the County's Finance Division regarding the proper classification of Children's Respite Fund, Risk Fund, and Client Provider Fees in Aging and Disabilities Services Community Access Program, a decision was made to record the balances of these funding streams as Beginning Working Capital in the Fed/State fund. A supplemental budget is required to appropriate Beginning Working Capital after the budget has been adopted.
 - One action reduces client fee revenue in the Aging & Disabilities Public Guardian Program in order to move it into the General Fund (*see above*). The adopted budget classified the client fee income as local miscellaneous fee income in the Federal/State Fund, not the General Fund. This action moves the fee revenue and associated expenditure appropriation to the correct fund.
 - One action increases the Local Public Safety Coordinating Council's (LPSCC's) state Department of Corrections grant revenue by \$40,000. A supplemental budget is required to add prior-year grant revenues after the budget has been adopted. This additional revenue will support several research projects being undertaken by the LPSCC in the current fiscal year.

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

Expenditures and revenues will be changed as outlined above in order to keep the County's budget within the bounds of Oregon Budget Law and/or generally accepted accounting principles. None of these expenditure or revenue changes are designed to be ongoing. These actions have no impact on the FY 2008 approved budget.

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

Supplemental budgets for the purposes outlined above are required by ORS Chapter 294, Local Budget Law.

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

The Tax Supervising & Conservation Commission will hold a public hearing on the supplemental budget in June, 2007. Notice of this hearing will be published in the Oregonian from 5-30 days in advance of the hearing.

Required Signatures

Department/
Agency Director:



Date: 05/02/07

Budget Analyst:



Date: 05/02/07

**FY 2007 SUPPLEMENTAL BUDGET
MESSAGE**

Supplemental Budget

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THE DOCUMENT

The document consists of three sections:

1. The budget message explaining the reasons for the changes proposed,
2. A section of detailed estimate sheets and descriptions for those actions resulting in changes in expenditures,
3. A financial summary of the resources and requirements being changed by fund.

REASONS FOR CHANGES

A Supplemental Budget is the vehicle allowed by ORS Chapter 294 for the Board to address changes in financial conditions not anticipated at the time the budget was adopted. In cases where no fund's expenditures are increased by more than 10 percent of the adopted budget figure, the law allows the Board to make additional appropriations after advertising a hearing on the Supplemental Budget. However, since this supplemental budget increases a fund by more than 10% and makes adjustments to other funds, the process for the supplemental budget action is to:

1. Convene the Board of County Commissioners to approve the supplemental budget for submission to the Tax Supervising & Conservation Commission,
2. Submit the approved supplemental budget to Tax Supervising,
3. Attend a Tax Supervising hearing on the supplemental budget, and
4. Adopt the supplemental budget after Tax Supervising has held the public hearing.

This FY 2007 Supplemental Budget is a relatively small "housekeeping" measure, and it recommends several actions to account for the following items in three County funds. Each of these items affects FY 2007 only; there is no ongoing fiscal impact.

- Several actions in the General Fund record an additional \$194,828 in fee revenues and an additional \$500,000 in proceeds from the State Criminal Alien Assistance Program (SCAAP) grant. The fee revenues are the result of an accounting change required to be made to the Public Guardian Program; and to the proceeds from a conference held in the current fiscal year. The SCAAP grant will support the Telestaff scheduling software in the Sheriff's Office. A supplemental budget is required to appropriate fee revenues after the annual budget has been adopted.
- In response to concerns expressed by the County's Finance Division, one action dissolves three Animal Control Trust Funds and records their proceeds instead in the Animal Control Fund for supplies and capital expenses. A supplemental budget is required because this action increases the Animal Control Fund by more than 10%.
- Three actions increase the Federal-State Fund by a total of \$64,046. These actions are:

- After discussions with the County's Finance Division regarding the proper classification of Children's Respite Fund, Risk Fund, and Client Provider Fees in Aging and Disabilities Services Community Access Program, a decision was made to record the balances of these funding streams as Beginning Working Capital in the Fed/State fund. A supplemental budget is required to appropriate Beginning Working Capital after the budget has been adopted.
- One action reduces client fee revenue in the Aging & Disabilities Public Guardian Program in order to move it into the General Fund (*see above*). The adopted budget classified the client fee income as local miscellaneous fee income in the Federal/State Fund, not the General Fund. This action moves the fee revenue and associated expenditure appropriation to the correct fund.
- One action increases the Local Public Safety Coordinating Council's (LPSCC's) state Department of Corrections grant revenue by \$40,000. A supplemental budget is required to add prior-year grant revenues after the budget has been adopted. This additional revenue will support several research projects being undertaken by the LPSCC in the current fiscal year.

General Fund (Fund 1000)

This supplemental budget increases appropriations in the General Fund by \$695,744. Of this, \$504,000 represents additional resources in the FY 2007 budget. The remainder is a shift from the Federal-State Fund, for no net change in the County's overall appropriation. New funds include:

SCAAP Grant, \$500,000:

In FY 07, The Sheriff's Office is due to receive approximately \$500,000 from the State Criminal Alien Assistance Program (SCAAP) Grant. These funds will assist in the purchasing and licensing of the Telestaff software and the cost of travel for staff members for training of this software. The Telestaff software program is a scheduling program that will allow the Sheriff's Office to electronically schedule work schedules and track how time is used.

What Works Conference, \$4,000

The What Works conference was an all day, invitation only conference on December 5, 2006. It was sponsored by the State of Oregon Department of Corrections, the State of Oregon Criminal Justice Commission, the Oregon State Department of Community Corrections, the Association of Oregon Counties, and the Local Public Safety Coordinating Council of Multnomah County. Presentations focused on using evidence-based practices tools to evaluate and provide research associated with choices that policymakers make while moving forward on the implementation of criminal justice policy.

The conference raised \$4,000 in fees that had not been included in LPSCC's FY 2007 budget.

Funds moved from the Federal-State Fund into the General Fund are the result of properly applying accounting rules to the Aging & Disabilities Public Guardian Program. The adopted budget classified the client fee income as local miscellaneous fee income in the Federal/State Fund, not the General Fund. This action moves the fee revenue and associated appropriation to the correct fund. It also increases the budgeted client fee revenue to \$190,828 to more accurately reflect actual and/or estimated future collections.

Supplemental Budget

Financial Detail Sheets

General Fund	FY 2007 Adopted Budget	This Action	FY 2007 Revised Budget
60000 Permanent	117,840,063	0	117,840,063
60100 Temporary	3,177,199	0	3,177,199
60110 Overtime	5,289,987	0	5,289,987
60120 Premium	3,551,984	0	3,551,984
60130 Salary Related	41,430,285	0	41,430,285
60135 Non-Base Salary Related	209,412	0	209,412
60140 Insurance	30,991,871	0	30,991,871
60145 Non-Base Insurance	91,037	0	91,037
Total Personal Services	202,581,838	0	202,581,838
60150 County Supplements	16,047,190	0	16,047,190
60155 Direct Client Assistance	406,335	0	406,335
60160 Pass-through Payments	33,011,181	0	33,011,181
60170 Professional Svcs	15,500,633	462,000	15,962,633
60180 Printing	1,577,382	0	1,577,382
60190 Utilities	3,646	0	3,646
60200 Communications	323,094	0	323,094
60210 Rentals	100,830	0	100,830
60220 Repairs & Maintenance	680,195	0	680,195
60230 Postage	350,143	0	350,143
60240 Supplies	3,805,224	4,000	3,809,224
60246 Medical & Dental Supplies	323,783	0	323,783
60250 Food	2,634,643	0	2,634,643
60260 Education and Training	1,254,388	50,000	1,304,388
60270 Local Travel and Mileage	470,531	0	470,531
60280 Insurance	1,108	0	1,108
60290 External Data Processing	1,299,914	0	1,299,914
60310 Drugs	2,159,871	0	2,159,871
60320 Refunds	5,380	0	5,380
60340 Dues and Subscriptions	420,885	0	420,885
60370 Telephone	2,034,118	0	2,034,118
60380 Data Processing	14,267,112	10,000	14,277,112
60390 PC Flat Fee	338,885	0	338,885
60400 Asset Preservation	15,000	0	15,000
60410 Motor Pool	2,583,680	8,000	2,591,680
60420 Electronics	478,986	0	478,986
60430 Building Management	21,799,976	10,000	21,809,976
60440 Other Internal	188,102	0	188,102
60450 Capital Lease Retirement	0	0	0
60460 Distribution/Postage	1,864,910	0	1,864,910
Total Materials and Services	123,947,125	544,000	124,491,125
60520 Land	0	0	0
60530 Buildings	0	0	0
60540 Other Improvements	10,233	0	10,233
60550 Equipment	228,397	0	228,397
Total Capital	238,630	0	238,630
60490 Principal	0	0	0
60500 Interest	950,000	0	950,000
Total Debt Service	950,000	0	950,000
60470 Contingency	7,625,260	916	7,626,176
60560 Cash transfers	16,556,307	0	16,556,307
60570 Bad Debt Expense	0	150,828	150,828
Total Contingencies & Transfers	24,181,567	151,744	24,333,311
60480 Unappropriated Fund Balance	13,500,000	0	13,500,000
Fund Total:	365,399,160	695,744	366,094,904

Federal-State Fund (1505)

This supplemental budget increases appropriations in the Federal-State Fund by a net amount of \$64,046. Resources from prior years increase appropriations in the fund by \$104,046, but \$40,000 is shifted from the Federal-State Fund into the General Fund. Prior year resources include:

Beginning Working Capital in DCHS-Aging & Disability Services, \$64,046

After discussions with the County's General Ledger staff regarding the proper classification of Children's Respite Fund, Risk Fund, and Client Provider Fees in Aging and Disabilities Services Community Access Program, a decision was made to record the balances of these funding streams in as Beginning Working Capital in the Federal-State Fund. This is a technical correction in the budget, and will provide additional direct client assistance resources for the remainder of FY 2007.

Beginning Working Capital in the Local Public Safety Coordinating Council (LPSCC), \$40,000

LPSCC is fully funded by the State Department of Corrections, which allows for carry forward of prior year grant funds. This action adds \$40,000 of prior-year grant revenues to the LPSCC's budget in FY 2007. A supplemental budget is required to add prior-year grant revenues after the budget has been adopted. The additional revenue will support several research projects being undertaken by the LPSCC in the current fiscal year.

Finally, accounting rules require the Aging & Disabilities Public Guardian Program to record client fee income as county General Fund fee income. The adopted budget classified the client fee income as local miscellaneous fee income in the Federal/State Fund, not the General Fund. This modification moves the fee revenue and associated expenditure appropriations to the correct fund. It also increases the budgeted client fee revenue to \$190,828 versus \$40,000 in the adopted budget.

Supplemental Budget

Financial Detail Sheets

Federal-State Fund	FY 2007 Adopted Budget	This Action	FY 2007 Revised Budget
60000 Permanent	64,131,668	15,000	64,146,668
60100 Temporary	2,123,278	0	2,123,278
60110 Overtime	1,027,299	0	1,027,299
60120 Premium	1,040,574	0	1,040,574
60130 Salary Related	21,166,463	0	21,166,463
60135 Non-Base Salary Related	9,448	0	9,448
60140 Insurance	17,361,564	0	17,361,564
60145 Non-Base Insurance	3,406	0	3,406
Total Personal Services	106,863,700	15,000	106,878,700
60150 County Supplements	1,175,948	0	1,175,948
60155 Direct Client Assistance	61,854,736	18,259	61,872,995
60160 Pass-through Payments	39,381,735	45,787	39,427,522
60170 Professional Svcs	11,420,301	12,084	11,432,385
60180 Printing	503,207	0	503,207
60190 Utilities	13,472	0	13,472
60200 Communications	25,296	0	25,296
60210 Rentals	43,923	0	43,923
60220 Repairs & Maintenance	92,640	0	92,640
60230 Postage	24,468	0	24,468
60240 Supplies	1,748,558	0	1,748,558
60245 Library Books & Materials	0	0	0
60246 Medical & Dental Supplies	882,644	0	882,644
60250 Food	529,305	0	529,305
60260 Education and Training	513,332	0	513,332
60270 Local Travel and Mileage	334,411	0	334,411
60280 Insurance	8,626	0	8,626
60290 External Data Processing	4,442	0	4,442
60310 Drugs	5,262,001	0	5,262,001
60340 Dues and Subscriptions	121,855	0	121,855
60350 Indirect Costs	3,019,744	916	3,020,660
60355 Departmental Indirect	5,403,771	0	5,403,771
60370 Telephone	1,111,218	0	1,111,218
60380 Data Processing	4,755,744	(10,000)	4,745,744
60390 PC Flat Fee	72,881	0	72,881
60410 Motor Pool	434,694	(8,000)	426,694
60420 Electronics	3,570	0	3,570
60430 Building Management	6,230,231	(10,000)	6,220,231
60440 Other Internal	312,405	0	312,405
60450 Capital Lease Retirement	0	0	0
60460 Distribution/Postage	798,011	0	798,011
Total Materials and Services	146,083,169	49,046	146,132,215
60520 Land	0	0	0
60530 Buildings	0	0	0
60540 Other Improvements	289,667	0	289,667
60550 Equipment	124,971	0	124,971
Total Capital	414,638	0	414,638
60490 Principal	0	0	0
60500 Interest	0	0	0
Total Debt Service	0	0	0
60470 Contingency	0	0	0
60560 Cash transfers	0	0	0
Total Contingencies & Transfers	0	0	0
60480 Unappropriated Fund Balance	0	0	0
Fund Total:	253,361,507	64,046	253,425,553

Animal Control Fund (Fund 1508)

The County maintains a number of trust funds where assets and liabilities are held in trust for another organization. Many of the County's trust funds contain developer contributions where funds are set aside until construction for a specific project is ready to begin, after which time the funds are removed from the trust fund and spent on the project.

Once the County has received a donation for a particular purpose, however, for accounting purposes we have "earned" that revenue and may spend it for its intended purpose. Several donations for specific Animal Services projects were maintained in trust funds, and thus were improperly maintained as "trusts." At the recommendation of the County's General Ledger, those trust funds have been dissolved and the proceeds moved to the Animal Control Fund, where they can be spent. A supplemental budget is required to add these funds in the current year, as their addition increases the fund by more than 10%.

Proceeds from the dissolved trusts are being used in the current fiscal year for supplies at the Animal Services Shelter. The remaining funds are being held for specific capital projects that are not yet started.

Supplemental Budget

Financial Detail Sheets

Animal Control Fund	FY 2007 Adopted Budget	This Action	FY 2007 Revised Budget
60000 Permanent	0	0	0
60100 Temporary	0	0	0
60110 Overtime	0	0	0
60120 Premium	0	0	0
60130 Salary Related	0	0	0
60135 Non-Base Salary Related	0	0	0
60140 Insurance	0	0	0
60145 Non-Base Insurance	0	0	0
Total Personal Services	0	0	0
60150 County Supplements	0	0	0
60160 Pass-through Payments	0	0	0
60170 Professional Svcs	0	55,000	55,000
60180 Printing	0	2,500	2,500
60190 Utilities	0	0	0
60200 Communications	0	5,000	5,000
60210 Rentals	0	0	0
60220 Repairs & Maintenance	0	0	0
60230 Postage	0	0	0
60240 Supplies	0	131,000	131,000
60250 Food	0	0	0
60260 Education and Training	0	0	0
60270 Local Travel and Mileage	0	0	0
60280 Insurance	0	0	0
60290 External Data Processing	0	0	0
60310 Drugs	0	5,000	5,000
60340 Dues and Subscriptions	0	0	0
60245 Library Materials	0	0	0
60350 Indirect Costs	0	0	0
60360 Finance Operations	0	0	0
60365 Human Resource Operations	0	0	0
60370 Telephone	0	0	0
60380 Data Processing	0	0	0
60410 Motor Pool	0	0	0
60430 Building Management	0	0	0
60440 Other Internal	0	0	0
60450 Capital Lease Retirement	0	0	0
Total Materials and Services	0	198,500	198,500
60520 Land	0	0	0
60530 Buildings	0	0	0
60540 Other Improvements	0	0	0
60550 Equipment	0	0	0
Total Capital	0	0	0
60490 Principal	0	0	0
60500 Interest	0	0	0
Total Debt Service	0	0	0
60470 Contingency	0	295,500	295,500
60560 Cash transfers	1,125,400	0	1,125,400
Total Contingencies & Transfers	1,125,400	295,500	1,420,900
60480 Unappropriated Fund Balance	0	0	0
Fund Total:	1,125,400	494,000	1,619,400

Supplemental Budget

Financial Summary

General Fund			
	2006-2007 Adopted Budget	This Action	2006-2007 Revised Budget
Resources			
Licenses & Fees	9,010,676	194,828	9,205,504
Direct Federal Sources	1,700	500,000	501,700
Indirect Revenue	6,210,523	916	6,211,439
All Other Revenues as Adopted	350,176,261	0	350,176,261
Total Resources	365,399,160	695,744	366,094,904
Requirements			
Professional Services	15,500,633	462,000	15,962,633
Materials & Supplies	108,446,492	82,000	108,528,492
Accounting Transactions	30,056,307	151,744	30,208,051
All Other Expenditures as Adopted	190,270,468	0	190,270,468
Total Expenditures	344,273,900	695,744	344,969,644
Contingency	7,625,260	0	7,625,260
Unappropriated Balance	13,500,000	0	13,500,000
Total Requirements	365,399,160	695,744	366,094,904
Federal-State Fund			
Resources			
Beginning Working Capital	2,069,100	104,046	2,173,146
Licenses & Fees	1,948,610	(40,000)	1,908,610
All Other Revenues as Adopted	249,343,797	0	249,343,797
Total Resources	253,361,507	64,046	253,425,553
Requirements			
Personnel	106,863,700	15,000	106,878,700
Materials & Supplies	146,083,169	49,046	146,132,215
All Other Expenditures as Adopted	414,638	0	414,638
Total Expenditures	253,361,507	64,046	253,425,553
Total Requirements	253,361,507	64,046	253,425,553
Animal Control Fund			
Resources			
Beginning Working Capital	0	332,000	332,000
Donations	0	162,000	162,000
All Other Revenues as Adopted	1,125,400	0	1,125,400
Total Resources	1,125,400	494,000	1,619,400
Requirements			
Materials & Supplies	0	198,500	198,500
All Other Expenditures as Adopted	1,125,400	0	1,125,400
Total Expenditures	1,125,400	198,500	1,323,900
Contingency	0	295,500	295,500
Total Requirements	1,125,400	494,000	1,619,400



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 05/10/07
Agenda Item #: R-4
Est. Start Time: 9:45 AM
Date Submitted: 05/02/07

Agenda Title: RESOLUTION Authorizing the Issuance and Sale of Short-Term Promissory Notes, Tax and Revenue Anticipation Notes (TRANs), Series 2007 in an Amount Not to Exceed \$30,000,000

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

Date Requested: May 10, 2007 Time Requested: 10 minutes
Department: Department of County Management Division: Treasury
Contact(s): Harry Morton
Phone: 503-988-3290 Ext. 83290 I/O Address: 503/531/Treasury
Presenter(s): Harry Morton

General Information

1. What action are you requesting from the Board?

To approve the resolution authorizing the issuance and sale of up to \$30,000,000.00 short-term promissory notes.

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

Under ORS 288.165, the County is authorized to issue TRANs in an amount not to exceed 80% of the amount of revenues the County expects to receive in Fiscal Year 2007-2008. These notes will represent approximately 15% of the County's property tax collections, adjusted for delinquencies, prior year's payments and discounts. The proceeds of the notes will provide needed cash flow to the General Fund prior to the collection of property taxes for the period July 1, 2007 to November 30, 2007. K&L Preston Gates and Ellis is Bond Counsel, Seattle Northwest Securities Corporation is Financial Advisor, and US Bank National Association is Paying Agent. The notes will be sold by competitive bid.

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

The Fiscal Year 2007-2008 County Budget includes \$1,425,000 to pay the estimated interest on the TRANs. This TRAN issue meets all requirements in the Financial and Budget Policy.

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

Bond Counsel and the County Attorney have reviewed or will review all necessary documents.

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

None.

Required Signatures

**Department/
Agency Director:**

Carol M. Ford

Date: 05/04/07

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Authorizing the Issuance and Sale of Short-Term Promissory Notes, (Tax and Revenue Anticipation Notes), Series 2007 in an Amount Not to Exceed \$30,000,000

The Multnomah County Board of Commissioners Finds:

- a. Prior to the receipt of sufficient monies from tax collections and from other budgeted and unpledged revenues which the County estimates will be received from other sources during the fiscal year 2007-08, there is a need for the County to contract indebtedness, not to exceed in the aggregate its estimated maximum cumulative cash flow deficit as defined in regulations of the United States Treasury, by the issuance of tax and revenue anticipation notes (the "Notes") to meet the County's current expenses for fiscal year 2007-08.
- b. Oregon Revised Statutes Section 288.165 permits the issuance of tax and revenue anticipation notes in an amount which does not exceed eighty percent (80%) of the amount budgeted by the County to be received during the 2007-08 fiscal year.
- c. Prior to the sale and delivery of the Notes, provision therefor shall have been made in the County's duly adopted budget which shall have been filed in the manner as provided by law. The County shall levy and collect ad valorem taxes as provided in the budget.

The Multnomah County Board of Commissioners Resolves:

1. Issuance of Notes. The Board of County Commissioners of the County authorizes the issuance and competitive sale of Tax and Revenue Anticipation Notes, Series 2007 in an amount not to exceed \$30,000,000. The Notes are issued pursuant to Oregon Revised Statutes Section 288.165. The Notes shall be issued in denominations of \$5,000 each, or integral multiples thereof, as negotiable notes of the County and shall bear interest at a true effective rate not to exceed five percent (5.00%). The County authorizes the Chief Financial Officer, the Treasury Manager, or the Director of Finance & Risk Management (each an "Authorized Representative") to determine the principal amount, interest rate, denominations and to determine the underwriter for the purchase of the Notes. The Notes shall not be issued prior to the beginning of, and shall mature not later than, the end of the fiscal year in which such taxes or other revenues are expected to be received. The Notes issued in anticipation of taxes or other revenues shall not be issued in an amount greater than eighty percent (80%) of the amount budgeted to be received in fiscal year 2007-08.
2. Title and Execution of Notes. The Notes shall be titled "Multnomah County, Oregon Tax and Revenue Anticipation Notes, Series 2007" and shall be executed on behalf of the County with the manual or facsimile signature of the Chair of the Board of County Commissioners and shall be attested by an Authorized Representative. The Notes may be initially issued in book-entry form as a single, typewritten note and issued in the registered name of the nominee of The Depository Trust Company, New York, New

York in book-entry form. The Notes may be issued without certificates being made available to the note holders except in the event that the book-entry form is discontinued in which event the Notes will be issued with certificates to be executed delivered and transferred as herein provided.

3. Appointment of Paying Agent and Note Registrar. The Authorized Representative is authorized to designate a Paying Agent and Note Registrar for the Notes.
4. Book-Entry System. The ownership of the Notes shall be recorded through entries on the books of banks and broker-dealer participants and correspondents that are related to entries on The Depository Trust Company book-entry system. The Notes shall be initially issued in the form of a separate, fully registered typewritten note (the "Global Certificate"). The Global Certificate shall be registered in the name of Cede & Co. as nominee (the "Nominee") of The Depository Trust Company (the "Depository") as the "Registered Owner," and such Global Certificate shall be lodged with the Depository or the Paying Agent and Note Registrar until maturity of the Note issue. The Paying Agent shall remit payment for the maturing principal and interest on the Notes to the Registered Owner for distribution by the Nominee for the benefit of the note holders (the "Beneficial Owner" or "Record Owner") by recorded entry on the books of the Depository participants and correspondents. While the Notes are in book-entry-only form, the Notes will be available in denominations of \$5,000 or any integral multiple thereof.

The Authorized Representative has filed with the Depository a Blanket Issuer Letter of Representations, dated March 9, 1995, to induce the Depository to accept the Notes as eligible for deposit at the Depository. The County is authorized to provide the Depository with the Preliminary Official Statement, together with the completed Depository's underwriting questionnaire.

The execution and delivery of the Blanket Letter of Representations and the providing to the Depository of the Preliminary Official Statement and the underwriting questionnaire shall not in any way impose upon the County any obligation whatsoever with respect to persons having interests in the Notes other than the Registered Owners of the Notes as shown on the registration books maintained by the Paying Agent and Note Registrar. The Paying Agent and Note Registrar, in writing, shall accept the book-entry system and shall agree to take all action necessary to at all times comply with the Depository's operational arrangements for the book-entry system. The Authorized Representative may take all other action to qualify the Notes for the Depository's book-entry system.

In the event (a) the Depository determines not to continue to act as securities depository for the Notes, or (b) the County determines that the Depository shall no longer so act, then the County will discontinue the book-entry system with the Depository. If the County fails to identify another qualified securities depository to replace the Depository, the Notes shall no longer be a book-entry-only issue but shall be registered in the registration books maintained by the Paying Agent and Note Registrar in the name of the Registered Owner as appearing on the registration books of the Paying Agent and Note Registrar and thereafter in the name or names of the owners of the Notes transferring or exchanging Notes in accordance with the provisions herein.

With respect to Notes registered in the registration books maintained by the Paying Agent and Note Registrar in the name of the Nominee of the Depository, the County, and the Paying Agent and Note Registrar shall have no responsibility or obligation to any participant or correspondent of the Depository or to any Beneficial Owner on behalf of which such participants or correspondents act as agent for the Registered Owner with respect to:

- i. the accuracy of the records of the Depository, the Nominee or any participant or correspondent with respect to any ownership interest in the Notes,
- ii. the delivery to any participant or correspondent or any other person, other than a Registered Owner as shown in the registration books maintained by the Paying Agent and Note Registrar, of any notice with respect to the Notes, including any notice of redemption,
- iii. the payment to any participant, correspondent or any other person other than the Registered Owner of the Notes as shown in the registration books maintained by the Paying Agent and Note Registrar, of any amount with respect to principal or interest on the Notes. Notwithstanding the book-entry system, the County may treat and consider the Registered Owner in whose name each Note is registered in the registration books maintained by the Paying Agent and Note Registrar as the Registered Owner and absolute owner of such Note for the purpose of payment of principal and interest with respect to such Note, or for the purpose of registering transfers with respect to such Note, or for all other purposes whatsoever. The County shall pay or cause to be paid all principal of and interest on the Notes only to or upon the order of the Registered Owner, as shown in the registration books maintained by the Paying Agent and Note Registrar, or their representative attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the County's obligation with respect to payment thereof to the extent of the sum or sums so paid.

Upon delivery by the Depository to the County and to the Registered Owner of a Note of written notice to the effect that the Depository has determined to substitute a new nominee in place of the Nominee then the word "Nominee" in this Resolution shall refer to such new nominee of the Depository, and upon receipt of such notice, the County shall promptly deliver a copy thereof to the Paying Agent and Note Registrar.

5. Payment of Notes. If the book-entry system has been discontinued, then the principal of and interest on the Notes shall be payable upon presentation of the Notes at maturity at the corporate trust office of the Paying Agent.
6. Special Account. The County shall establish a Special Account for the Notes. The County covenants for the benefit of the owners of the Notes to deposit ad valorem property taxes and any other legally available revenues on or prior to June 1, 2008, or such other date as approved by the Authorized Representative, into the Special Account until the Special Account holds an amount sufficient to pay principal of and interest on the Notes at maturity. Investment earnings, after full funding of principal and interest in the Special Account on or prior to June 1, 2008, may be transferred to the County's

general fund. Monies in the Special Account shall not be invested in instruments which mature after the maturity date of the Notes. Monies in the Special Account shall be used solely to pay principal of and interest on the Notes. Additional Notes cannot be issued which will have any claim upon the monies in the Special Account. The Special Account must be fully funded prior to establishing and financing any other special account which is fundable from the 2007-2008 ad valorem property tax levy.

7. Security. The County's ad valorem property taxes, subject to the limits of Article XI, Sections 11 and 11b of the Oregon Constitution, and the full faith and credit of the County, including all legally available revenues in the County's general fund, are hereby irrevocably pledged to the punctual payment of principal of and interest on the Notes.
8. Optional Redemption. The Notes are not subject to optional redemption prior to their stated maturity date of June 30, 2008.
9. Form of Notes. The Notes shall be issued substantially in the form as approved by the County and Note Counsel to the County.
10. Sale of Notes. The Notes shall be offered for sale at competitive bid, after publication of a Notice, or a summary thereof, as provided in ORS 288.885. The Notes shall be offered for sale upon the terms provided in the Notice, unless the Authorized Officer establishes different terms. The Authorized Officer may establish the final principal amount, the maturity date and other terms of the Notes and may sell the Notes to the bidder offering the most favorable terms to the County. The Authorized Officer shall report to the Board the terms on which the Notes are sold.
11. Appointment of Note Counsel. The Board appoints the firm of Kirkpatrick & Lockhart Preston Gates Ellis LLP of Portland, Oregon as Note Counsel.
12. Appointment of Financial Advisor. The Board appoints Seattle-Northwest Securities Corporation as Financial Advisor to the County for the issuance of the Notes.
13. Covenant as to Arbitrage. The County covenants for the benefit of the owners of the Notes to comply with all provisions of the Internal Revenue Code of 1986, as amended (the "Code") which are required for the interest on the Notes to be excluded from gross income for federal income tax purposes, unless the County obtains an opinion of nationally recognized bond counsel that such compliance is not required for the interest payable on the Notes to be excluded. The County makes the following specific covenants with respect to the Code:
 - i. The County shall not take any action or omit any action, if it would cause the Notes to become "arbitrage bonds" under Section 148 of the Code and shall pay any rebates to the United States which are required by Section 148(f) of the Code.
 - ii. The County shall not use the proceeds of the Notes in a manner which would cause the Notes to be "private activity bonds" within the meaning of Section 141 of the Code.

The covenants contained herein and any covenants in the closing documents for the Notes shall constitute contracts with the owners of the Notes, and shall be enforceable by such owners.

14. Notice of Material Events to Municipal Securities Rulemaking Board. Pursuant to SEC Rule 15c2-12(d)(3), the County agrees to provide or cause to be provided, in a timely manner, to the Municipal Securities Rulemaking Board (the "MSRB"), notice of the occurrence of any of the following events with respect to the Notes, if material:
- i. principal and interest payment delinquencies;
 - ii. non-payment related defaults;
 - iii. unscheduled draws on debt service reserves reflecting financial difficulties;
 - iv. unscheduled draws on credit enhancements reflecting financial difficulties;
 - v. substitution of credit or liquidity providers, or their failure to perform;
 - vi. adverse tax opinions or events affecting the tax-exempt status of the Notes;
 - vii. modifications to rights of holders of the Notes;
 - viii. bond calls;
 - ix. defeasances;
 - x. release, substitution, or sale of property securing repayment of the Notes; and
 - xi. rating changes.

The County may from time to time choose to provide notice of the occurrence of certain other events, in addition to those listed above, if, in the judgment of the County, such other event is material with respect to the Notes, but the County does not undertake any commitment to provide such notice of any event except those events listed above.

15. Preliminary and Final Official Statement. The County shall, if required, cause the preparation of the preliminary official statement for the Notes which shall be available for distribution to prospective investors. In addition, if required, an official statement shall be prepared and ready for delivery to the purchasers of the Notes no later than the seventh (7) business day after the sale of the Notes. When advised that the final official statement does not contain any untrue statement of a material fact or omit to state any material fact necessary to make the statements contained in the official statement not misleading in the light of the circumstances under which they are made, the Authorized Representative is authorized to certify the accuracy of the official statement on behalf of the County.
16. Resolution to Constitute Contract. In consideration of the purchase and acceptance of any or all of the Notes by those who shall own the same from time to time (the

"Noteowners"), the provisions of this Resolution shall be part of the contract of the County with the Noteowners and shall be deemed to be and shall constitute a contract between the County and the Noteowners. The covenants, pledges, representations and warranties contained in this Resolution or in the closing documents executed in connection with the Notes, including without limitation the County's covenants and pledges contained in Section 7 hereof, and the other covenants and agreements herein set forth to be performed by or on behalf of the County shall be contracts for the equal benefit, protection and security of the Noteowners, all of which shall be of equal rank without preference, priority or distinction of any of such Notes over any other thereof, except as expressly provided in or pursuant to this Resolution.

17. Closing of the Sale and Delivery of the Notes. The Authorized Representative is authorized to execute and deliver such additional documents, including a Tax Certificate, and any and all other things or acts necessary for the sale and delivery of the Notes as herein authorized. Such acts of the Authorized Representative are for and on behalf of the County and are authorized by the Board of County Commissioners of the County.

ADOPTED this 10th day of May, 2007.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
John S. Thomas, Deputy County Attorney

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

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 07-093

Authorizing the Issuance and Sale of Short-Term Promissory Notes, (Tax and Revenue Anticipation Notes), Series 2007 in an Amount Not to Exceed \$30,000,000

The Multnomah County Board of Commissioners Finds:

- a. Prior to the receipt of sufficient monies from tax collections and from other budgeted and unpledged revenues which the County estimates will be received from other sources during the fiscal year 2007-08, there is a need for the County to contract indebtedness, not to exceed in the aggregate its estimated maximum cumulative cash flow deficit as defined in regulations of the United States Treasury, by the issuance of tax and revenue anticipation notes (the "Notes") to meet the County's current expenses for fiscal year 2007-08.
- b. Oregon Revised Statutes Section 288.165 permits the issuance of tax and revenue anticipation notes in an amount which does not exceed eighty percent (80%) of the amount budgeted by the County to be received during the 2007-08 fiscal year.
- c. Prior to the sale and delivery of the Notes, provision therefor shall have been made in the County's duly adopted budget which shall have been filed in the manner as provided by law. The County shall levy and collect ad valorem taxes as provided in the budget.

The Multnomah County Board of Commissioners Resolves:

1. Issuance of Notes. The Board of County Commissioners of the County authorizes the issuance and competitive sale of Tax and Revenue Anticipation Notes, Series 2007 in an amount not to exceed \$30,000,000. The Notes are issued pursuant to Oregon Revised Statutes Section 288.165. The Notes shall be issued in denominations of \$5,000 each, or integral multiples thereof, as negotiable notes of the County and shall bear interest at a true effective rate not to exceed five percent (5.00%). The County authorizes the Chief Financial Officer, the Treasury Manager, or the Director of Finance & Risk Management (each an "Authorized Representative") to determine the principal amount, interest rate, denominations and to determine the underwriter for the purchase of the Notes. The Notes shall not be issued prior to the beginning of, and shall mature not later than, the end of the fiscal year in which such taxes or other revenues are expected to be received. The Notes issued in anticipation of taxes or other revenues shall not be issued in an amount greater than eighty percent (80%) of the amount budgeted to be received in fiscal year 2007-08.
2. Title and Execution of Notes. The Notes shall be titled "Multnomah County, Oregon Tax and Revenue Anticipation Notes, Series 2007" and shall be executed on behalf of the County with the manual or facsimile signature of the Chair of the Board of County Commissioners and shall be attested by an Authorized Representative. The Notes may be initially issued in book-entry form as a single, typewritten note and issued in the registered name of the nominee of The Depository Trust Company, New York, New

York in book-entry form. The Notes may be issued without certificates being made available to the note holders except in the event that the book-entry form is discontinued in which event the Notes will be issued with certificates to be executed delivered and transferred as herein provided.

3. Appointment of Paying Agent and Note Registrar. The Authorized Representative is authorized to designate a Paying Agent and Note Registrar for the Notes.
4. Book-Entry System. The ownership of the Notes shall be recorded through entries on the books of banks and broker-dealer participants and correspondents that are related to entries on The Depository Trust Company book-entry system. The Notes shall be initially issued in the form of a separate, fully registered typewritten note (the "Global Certificate"). The Global Certificate shall be registered in the name of Cede & Co. as nominee (the "Nominee") of The Depository Trust Company (the "Depository") as the "Registered Owner," and such Global Certificate shall be lodged with the Depository or the Paying Agent and Note Registrar until maturity of the Note issue. The Paying Agent shall remit payment for the maturing principal and interest on the Notes to the Registered Owner for distribution by the Nominee for the benefit of the note holders (the "Beneficial Owner" or "Record Owner") by recorded entry on the books of the Depository participants and correspondents. While the Notes are in book-entry-only form, the Notes will be available in denominations of \$5,000 or any integral multiple thereof.

The Authorized Representative has filed with the Depository a Blanket Issuer Letter of Representations, dated March 9, 1995, to induce the Depository to accept the Notes as eligible for deposit at the Depository. The County is authorized to provide the Depository with the Preliminary Official Statement, together with the completed Depository's underwriting questionnaire.

The execution and delivery of the Blanket Letter of Representations and the providing to the Depository of the Preliminary Official Statement and the underwriting questionnaire shall not in any way impose upon the County any obligation whatsoever with respect to persons having interests in the Notes other than the Registered Owners of the Notes as shown on the registration books maintained by the Paying Agent and Note Registrar. The Paying Agent and Note Registrar, in writing, shall accept the book-entry system and shall agree to take all action necessary to at all times comply with the Depository's operational arrangements for the book-entry system. The Authorized Representative may take all other action to qualify the Notes for the Depository's book-entry system.

In the event (a) the Depository determines not to continue to act as securities depository for the Notes, or (b) the County determines that the Depository shall no longer so act, then the County will discontinue the book-entry system with the Depository. If the County fails to identify another qualified securities depository to replace the Depository, the Notes shall no longer be a book-entry-only issue but shall be registered in the registration books maintained by the Paying Agent and Note Registrar in the name of the Registered Owner as appearing on the registration books of the Paying Agent and Note Registrar and thereafter in the name or names of the owners of the Notes transferring or exchanging Notes in accordance with the provisions herein.

With respect to Notes registered in the registration books maintained by the Paying Agent and Note Registrar in the name of the Nominee of the Depository, the County, and the Paying Agent and Note Registrar shall have no responsibility or obligation to any participant or correspondent of the Depository or to any Beneficial Owner on behalf of which such participants or correspondents act as agent for the Registered Owner with respect to:

- i. the accuracy of the records of the Depository, the Nominee or any participant or correspondent with respect to any ownership interest in the Notes,
- ii. the delivery to any participant or correspondent or any other person, other than a Registered Owner as shown in the registration books maintained by the Paying Agent and Note Registrar, of any notice with respect to the Notes, including any notice of redemption,
- iii. the payment to any participant, correspondent or any other person other than the Registered Owner of the Notes as shown in the registration books maintained by the Paying Agent and Note Registrar, of any amount with respect to principal or interest on the Notes. Notwithstanding the book-entry system, the County may treat and consider the Registered Owner in whose name each Note is registered in the registration books maintained by the Paying Agent and Note Registrar as the Registered Owner and absolute owner of such Note for the purpose of payment of principal and interest with respect to such Note, or for the purpose of registering transfers with respect to such Note, or for all other purposes whatsoever. The County shall pay or cause to be paid all principal of and interest on the Notes only to or upon the order of the Registered Owner, as shown in the registration books maintained by the Paying Agent and Note Registrar, or their representative attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the County's obligation with respect to payment thereof to the extent of the sum or sums so paid.

Upon delivery by the Depository to the County and to the Registered Owner of a Note of written notice to the effect that the Depository has determined to substitute a new nominee in place of the Nominee then the word "Nominee" in this Resolution shall refer to such new nominee of the Depository, and upon receipt of such notice, the County shall promptly deliver a copy thereof to the Paying Agent and Note Registrar.

5. Payment of Notes. If the book-entry system has been discontinued, then the principal of and interest on the Notes shall be payable upon presentation of the Notes at maturity at the corporate trust office of the Paying Agent.
6. Special Account. The County shall establish a Special Account for the Notes. The County covenants for the benefit of the owners of the Notes to deposit ad valorem property taxes and any other legally available revenues on or prior to June 1, 2008, or such other date as approved by the Authorized Representative, into the Special Account until the Special Account holds an amount sufficient to pay principal of and interest on the Notes at maturity. Investment earnings, after full funding of principal and interest in the Special Account on or prior to June 1, 2008, may be transferred to the County's

general fund. Monies in the Special Account shall not be invested in instruments which mature after the maturity date of the Notes. Monies in the Special Account shall be used solely to pay principal of and interest on the Notes. Additional Notes cannot be issued which will have any claim upon the monies in the Special Account. The Special Account must be fully funded prior to establishing and financing any other special account which is fundable from the 2007-2008 ad valorem property tax levy.

7. Security. The County's ad valorem property taxes, subject to the limits of Article XI, Sections 11 and 11b of the Oregon Constitution, and the full faith and credit of the County, including all legally available revenues in the County's general fund, are hereby irrevocably pledged to the punctual payment of principal of and interest on the Notes.
8. Optional Redemption. The Notes are not subject to optional redemption prior to their stated maturity date of June 30, 2008.
9. Form of Notes. The Notes shall be issued substantially in the form as approved by the County and Note Counsel to the County.
10. Sale of Notes. The Notes shall be offered for sale at competitive bid, after publication of a Notice, or a summary thereof, as provided in ORS 288.885. The Notes shall be offered for sale upon the terms provided in the Notice, unless the Authorized Officer establishes different terms. The Authorized Officer may establish the final principal amount, the maturity date and other terms of the Notes and may sell the Notes to the bidder offering the most favorable terms to the County. The Authorized Officer shall report to the Board the terms on which the Notes are sold.
11. Appointment of Note Counsel. The Board appoints the firm of Kirkpatrick & Lockhart Preston Gates Ellis LLP of Portland, Oregon as Note Counsel.
12. Appointment of Financial Advisor. The Board appoints Seattle-Northwest Securities Corporation as Financial Advisor to the County for the issuance of the Notes.
13. Covenant as to Arbitrage. The County covenants for the benefit of the owners of the Notes to comply with all provisions of the Internal Revenue Code of 1986, as amended (the "Code") which are required for the interest on the Notes to be excluded from gross income for federal income tax purposes, unless the County obtains an opinion of nationally recognized bond counsel that such compliance is not required for the interest payable on the Notes to be excluded. The County makes the following specific covenants with respect to the Code:
 - i. The County shall not take any action or omit any action, if it would cause the Notes to become "arbitrage bonds" under Section 148 of the Code and shall pay any rebates to the United States which are required by Section 148(f) of the Code.
 - ii. The County shall not use the proceeds of the Notes in a manner which would cause the Notes to be "private activity bonds" within the meaning of Section 141 of the Code.

The covenants contained herein and any covenants in the closing documents for the Notes shall constitute contracts with the owners of the Notes, and shall be enforceable by such owners.

14. Notice of Material Events to Municipal Securities Rulemaking Board. Pursuant to SEC Rule 15c2-12(d)(3), the County agrees to provide or cause to be provided, in a timely manner, to the Municipal Securities Rulemaking Board (the "MSRB"), notice of the occurrence of any of the following events with respect to the Notes, if material:
- i. principal and interest payment delinquencies;
 - ii. non-payment related defaults;
 - iii. unscheduled draws on debt service reserves reflecting financial difficulties;
 - iv. unscheduled draws on credit enhancements reflecting financial difficulties;
 - v. substitution of credit or liquidity providers, or their failure to perform;
 - vi. adverse tax opinions or events affecting the tax-exempt status of the Notes;
 - vii. modifications to rights of holders of the Notes;
 - viii. bond calls;
 - ix. defeasances;
 - x. release, substitution, or sale of property securing repayment of the Notes; and
 - xi. rating changes.

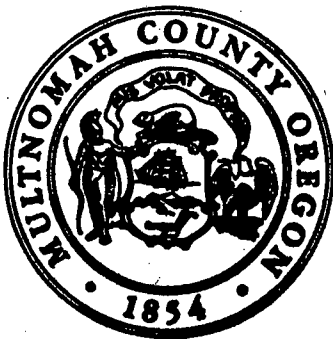
The County may from time to time choose to provide notice of the occurrence of certain other events, in addition to those listed above, if, in the judgment of the County, such other event is material with respect to the Notes, but the County does not undertake any commitment to provide such notice of any event except those events listed above.

15. Preliminary and Final Official Statement. The County shall, if required, cause the preparation of the preliminary official statement for the Notes which shall be available for distribution to prospective investors. In addition, if required, an official statement shall be prepared and ready for delivery to the purchasers of the Notes no later than the seventh (7) business day after the sale of the Notes. When advised that the final official statement does not contain any untrue statement of a material fact or omit to state any material fact necessary to make the statements contained in the official statement not misleading in the light of the circumstances under which they are made, the Authorized Representative is authorized to certify the accuracy of the official statement on behalf of the County.
16. Resolution to Constitute Contract. In consideration of the purchase and acceptance of any or all of the Notes by those who shall own the same from time to time (the

"Noteowners"), the provisions of this Resolution shall be part of the contract of the County with the Noteowners and shall be deemed to be and shall constitute a contract between the County and the Noteowners. The covenants, pledges, representations and warranties contained in this Resolution or in the closing documents executed in connection with the Notes, including without limitation the County's covenants and pledges contained in Section 7 hereof, and the other covenants and agreements herein set forth to be performed by or on behalf of the County shall be contracts for the equal benefit, protection and security of the Noteowners, all of which shall be of equal rank without preference, priority or distinction of any of such Notes over any other thereof, except as expressly provided in or pursuant to this Resolution.

17. Closing of the Sale and Delivery of the Notes. The Authorized Representative is authorized to execute and deliver such additional documents, including a Tax Certificate, and any and all other things or acts necessary for the sale and delivery of the Notes as herein authorized. Such acts of the Authorized Representative are for and on behalf of the County and are authorized by the Board of County Commissioners of the County.

ADOPTED this 10th day of May, 2007.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
John S. Thomas, Deputy County Attorney

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



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (long form)

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-5 DATE 05/10/07
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 05/10/07
Agenda Item #: R-5
Est. Start Time: 9:50 AM
Date Submitted: 04/26/07

BUDGET MODIFICATION:

Agenda Title: NOTICE OF INTENT to Apply for Grant Funding through the Centers for Disease Control (CDC) to Support the Healthy People and Healthy Communities through Improved Environmental Health Service Delivery Initiative

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

Requested Meeting Date: May 10, 2007 Amount of Time Needed: 5 minutes
Department: Health Division: Environmental Health
Contact(s): Lila Wickham, Nicole Hermanns
Phone: 503-988-3663 Ext. 22404 I/O Address: 420/1/ENV
Presenter(s): Lila Wickham, Nicole Hermanns

General Information

1. What action are you requesting from the Board?

Authorize the Director of the Health Department to apply for grant funding of \$135,000 a year for three years through the CDC to support its *Healthy People and Healthy Communities through Improved Environmental Health Service Delivery* initiative.

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

In 2006, the Health Department's Environmental Health Services (EHS) received a federal grant to support its Healthy Homes project. The goal of the project is to decrease the exposure of children to multiple household hazards that may cause illness or injury by providing in-home case management activities and targeted community-based education and outreach to promote sustainability of healthy home concepts. Activities completed within the Healthy Homes grant have provided EHS with additional insight into the problem of Environmental Health and housing, and the need for additional education and partnerships among the providers of housing has been identified as a critical need.

The CDC has released a program announcement for grant funding to allow EHS to provide education and build partnerships among Multnomah County landlords and housing groups to decrease disparities in environmental health as it relates to housing. The main areas of focus will be to: 1) Support the revision of housing policy by connecting health outcomes with housing issues particularly related to mold/mildew, lead, indoor air pollutants and trash, 2) educating diverse audiences, 3) collecting/compiling and analyzing data related to health and housing.

This grant will be directly related to Program Offer 40015 – Lead Poisoning Prevention, Program Offer 40008 Community and Environmental Health and will support the goal of Program Offer 40045 – Reducing Racial and Ethnic Disparities with data generated from the project. **Funds associated with this grant will not supplant County funding requested in these program offers. Funds will be used to enhance the proposed program offers.**

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

The grant award will allow the Health Department to maintain its Environmental Health Educator position for an additional three years.

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

None known.

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

This grant will allow Environmental Health Services to build upon current partnerships within the housing community of Multnomah County. Current partners include: City of Portland Bureau of Housing and Community Development (BHCD), Portland Development Commission (PDC), Housing Authority of Portland (HAP), Multnomah County Weatherization & Energy Assistance Program, Community Alliance of Tenants (CAT), and the Fair Housing Council of Oregon (FHCO).

ATTACHMENT A

Grant Application/Notice of Intent

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

- **Who is the granting agency?**

U.S. Department of Health and Human Services, Centers for Disease Control and Prevention.

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

This grant will cover a three year time period, with a grant request of \$135,000 for each year, totaling \$405,000. It does not require a match. Regular progress reports and an annual report are required.

This funding opportunity is entitled "Healthy People and Healthy Communities through Improved Environmental Health Service Delivery." Its purpose is to support community efforts to improve the health and built environment of underserved populations by building effective environmental health programs and enhancing the delivery of environmental health services. Funded activities should seek to understand how improved environmental health service delivery can support new or existing health efforts to reduce or eliminate environmental factors that are associated with or can contribute to causes for diseases and conditions, and thus help to eliminate disparities in health outcomes that are related to environmental conditions.

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

This grant will cover a three year time period, with a grant request of \$135,000 for each year, totaling \$405,000.

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

May 29, 2007.

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

The grant will cover a three year time period, beginning after the anticipated award date of August 31, 2007.

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

If additional funds are required after the completion of this grant program, the development team will work to obtain new sources of grant funds.

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

These costs will be covered by the grant.

ATTACHMENT B

Required Signatures

Elected Official or
Department/
Agency Director:

Lillian Shirley

KJ
Date: 04-26-07

Budget Analyst:

Debra

Date: 04/26/07



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST (long form)

Board Clerk Use Only

Meeting Date: 05/10/07
Agenda Item #: R-6
Est. Start Time: 9:52 AM
Date Submitted: 04/26/07

Agenda Title: **NOTICE OF INTENT to Apply for a \$900,000 Grant from the Health Resources and Services Administration's Maternal and Child Health Bureau to Support a Collaborative Research Project with the Kaiser Center for Health Research**

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

Requested Meeting Date: May 10, 2007 Amount of Time Needed: 5 minutes
Department: Health Division: Integrated Clinical Services
Contact(s): Tom Waltz
Phone: 503-988-3674 Ext. 22670 I/O Address: 160/8
Presenter(s): Tom Waltz (MCHD), Mark Spofford (Kaiser Center for Health Research)

General Information

1. What action are you requesting from the Board?

Authorize the Director of the Health Department to apply for a \$900,000 grant from the Health Resources and Services Administration's Maternal and Child Health Bureau to support a collaborative research project with the Kaiser Center for Health Research. The purposed research, entitled the Latino Child Obesity Prevention Study, will seek to demonstrate the effectiveness of delivering group well-child visits using community health workers to reduce the rate of obesity among Latino children in Multnomah County.

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

Childhood obesity is a major health problem in the United States with the number of overweight children doubling over recent decades.¹ Overweight and obesity disproportionately affect low income Latino children, especially those in families who are more acculturated.² By the age of three, Latino children have rates of obesity up to twice

¹ Deckelbaum RJ, Williams CL. Childhood obesity: The health issue. *Obesity Res* 2001, 9(4), 239S – 243S.

² Trowbridge F, Mendoza F. Preventing obesity in Mexican-American children and adolescents. In M Oria & K Sawyer (rapporteurs). Joint US-Mexico Workshop on preventing obesity in children and youth of Mexican origin: Summary. Food and Nutrition Board, Institute of Medicine of the National Academies. Washington DC: National Academies Press, c2007.

that of young children of other ethnic groups.³ Obesity early in life relates to significant health problems in childhood and adolescence across all ethnic groups, as well as great increase in morbidity and mortality in adulthood.⁴ Once developed, obesity is difficult to reverse, and the odds of being obese in young adulthood if one is obese as a child increases significantly with age.⁵ Since eating habits and other health practices are determined very early,⁶ development of effective family-based preventive interventions for young children that focus on the development of lifestyle behaviors are key to reducing both morbidity and mortality from obesity-related illnesses later in life.

The goal of the proposed study is to demonstrate that a group approach to delivering well child care using methods of popular education⁷ and including Community Health Workers as lay educators can be more effective in helping young, low-income Latino families adopt good health promotion and disease prevention behaviors than the individual visit approach used in usual care. Specifically, the Latino Child Obesity Prevention Study will evaluate whether a "Group Well Child Visit" intervention that utilizes Community Based Participatory Research methods and popular education approaches can result in better obesity prevention behaviors in Latino mothers and decreased obesity and overweight in their 2-year old children compared to usual methods of delivering well child care.

Program offers that may be associated with this request – This request is similar to Program Offer 40047, "Obesity and Chronic Disease Prevention," and Program Offer 40045, "Reducing Racial and Ethnic Disparities." Grant funds resulting from this request will not be used to supplant County funding. However, project's outcomes may enhance the work associated with these proposed program offers.

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

There is no fiscal impact to Multnomah County; grant funding will enable the County to participate in important population-based research at no direct expense.

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

None. The project is consistent with local efforts to address racial and ethnic disparities in health.

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

In addition to the County Health Department, the project will involve the Virginia Garcia Memorial Health Center in Washington County, and the Kaiser Center for Health Research.

³Kimbro RT, Brooks-Gunn J, McLanahan S. Racial and ethnic differentials in overweight and obesity among 3-year-old children. *Am J Public Health* 2007; 97(2): 298-305.

⁴Daniels SR. The consequences of childhood overweight and obesity. *The Future of Children* 2006 16(1):47-67.

⁵Whitaker RC, Wright JA, Pepe MS, Seidel KD, Dietz WH. Predicting obesity in young adulthood from childhood and parental obesity. *New England Journal of Medicine*, 1997; 337(13):926-7.

Birch LS. Development of food acceptance patterns in the first years of life. *Proceedings of the Nutrition Society* 1998, 57(4): 617-24.

⁶Birch LS. Development of food acceptance patterns in the first years of life. *Proceedings of the Nutrition Society* 1998, 57(4): 617-24.

⁷Farquhar SA, Michael YL, Wiggins N. Building on leadership and social capital to create change in 2 urban communities. *Am Jour Pub Health* 2005; 95(4):596-601.

ATTACHMENT A

Grant Application/Notice of Intent

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

- **Who is the granting agency?**

Maternal and Child Health Bureau of the Health Resources and Services Administration (HRSA).

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

No local match is required for this grant. Grantees are required to monitor expenses and report activities on regular intervals as established in the grant agreement, and provide a final report upon the completion of the grant funded project.

The mission of MCHB is to provide national leadership and to work, in partnership with States, communities, public-private partners, and families to strengthen the maternal and child health (MCH) infrastructure, assure the availability of medical homes, and build the knowledge and human resources, in order to assure continued improvement in the health, safety, and well-being of the MCH population. The MCH population includes all America's women, infants, children, adolescents and their families, including fathers and children with special health care needs.

The goals of MCHB are to:

- Provide National Leadership for Maternal and Child Health
- Eliminate Health Barriers and Disparities
- Assure Quality of Care
- Improve the Health Infrastructure and Systems of Care

The Maternal and Child Health Research Program is authorized by Title V, Section 501(a)(2); 42 U.S.C. 701(a)(2) of the Social Security Act. The program is administered by the Division of Research, Training and Education, Maternal and Child Health Bureau. The MCH Research Program is built on almost 40 years of experience, and it has supported ground-breaking investigations which have significantly influenced clinical management, organization and delivery of health care services, preventive care and early intervention for the maternal and child health population.

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

This is one-time funding.

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

May 13, 2007.

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

The grant will cover a 36-month period beginning in September 2007.

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

This is one-time funding.

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

Administrative expenses can be requested.

ATTACHMENT B

Required Signatures

Elected Official or
Department/
Agency Director:

Lillian Shirley

KJ
Date: 04-20-07

Budget Analyst:

Debra

Date: 04/26/07

BOGSTAD Deborah L

From: WALTZ Tom R
Sent: Tuesday, May 08, 2007 10:54 AM
To: BOGSTAD Deborah L
Subject: Agenda Item #R-6
Importance: High

Deb,

My contact at the Kaiser Center for Health Research has informed me that they will not be going for the Obesity Research grant at this time (Agenda item #R-6). When it comes up for the Board's consideration you may let them know that this has been postponed until late summer.

Please confirm.

TW
Ext 22670

5/8/2007



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (long form)

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-7 DATE 05/10/07
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 05/10/07
Agenda Item #: R-7
Est. Start Time: 9:54 AM
Date Submitted: 04/23/07

BUDGET MODIFICATION: HD - 16

Agenda Title: Budget Modification HD-16 Appropriating \$299,782 in Grant Awards from CareOregon

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

Requested Meeting Date: May 10, 2007 **Amount of Time Needed:** 5 minutes
Department: Health **Division:** Integrated Clinical Services (ICS)
Contact(s): Les Walker, Finance Manager
Phone: 503-988-3674 **Ext.** 26457 **I/O Address:** 167/2/210
Presenter(s): Susan Kirchoff, Program Manager and Vanetta Abdellatif, ICS Director

General Information

1. What action are you requesting from the Board?

Approval of request for appropriation of \$299,782 from CareOregon. This includes \$235,000 for the Health Department to participate in CareOregon's Care Support and System Innovation (CSSI) Patient-Centered Care Initiative and \$64,782 to participate in CareOregon's CSSI EPIC Relational Database Project.

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

The Patient-centered Care Initiative provides funding for the Health Department's Building Better Care project. The purpose of the Building Better Care project is to strengthen and enhance previous work in primary care team based care design and to achieve service delivery that is proactive, patient centered, service oriented, accessible and cost effective. Initial planning for the project began in January 2007.

The EPIC Relational Database gives the Health Department the capacity to make clinical quality improvements based on electronic medical records (EMR) data (e.g., improving quality of care and patient health, reducing medical errors, minimizing paperwork, reducing costs.) Funds will be used

to plan and coordinate the expansion of a relational database in order to analyze clinical data generated through the Health Department's new Electronic Medical Records (EMR) system.

These actions will affect the Health Department's Primary Care Clinics' Program Offers as the results will improve performance and efficiencies in patient-care.

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

The Health Department's FY07 Fed/State budget will increase by \$299,782 in FY07. The EPIC Relational Database budget is \$64,782 and will not continue into FY08. The total Patient-centered Care Initiative grant amount is \$610,000 for the project period 1/01/07 – 12/31/07. The Patient-centered Care Initiative FY07 budget is \$235,000. The grant funds were awarded after the FY08 program offers were submitted. An FY08 Bud Mod is planned for the balance of \$375,000.

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

N/A

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

The Community Health Council (CHC), comprised of member users, will provide input on our work. The Health Department is a Federally Qualified Health Center (FQHC). The Federal Government requires every FQHC to have a governing board. The CHC serves as our governing board.

ATTACHMENT A

Budget Modification

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

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

The Health Department's FY07 Fed/State revenue budget will increase by \$299,782 as a result of these grant awards. The CareOregon EPIC Relational Database grant amount is \$64,782 and the CareOregon Patient-centered Initiative grant amount is \$610,000: The FY07 amount is \$235,000 and the FY08 amount will be \$375,000.

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

The Health Department's Integrated Clinical Services (ICS) budget will increase \$299,782. Patient-Centered Care Initiative funds will increase expenditures for personnel services by \$167,031, professional services by \$30,000, supplies by \$4,122, education and training by \$14,000, local travel and mileage by \$2,500, and county/department indirect by \$17,347.

The EPIC Relational Database funds will increase professional services by \$60,000 for a development analyst to plan and coordinate the expansion of a relational database in order to analyze clinical data generated through the Department's Electronic Medical Records (EMR) system. County/department indirect will increase by \$4,782.

- **What do the changes accomplish?**

The Patient-centered Care Initiative will streamline access to care, reduce barriers, and improve customer service by ensuring that physician caseloads are monitored and all patients are assigned to a primary care provider.

The EPIC Relational Database Program results will be shared with OCHIN members to support subsequent EMR implementation by other organizations. Multnomah County Health Department's Electronic Medical Records Initiative is being implemented as a part of the Oregon Community Health Information Network (OCHIN), an information technology services organization that supports seventeen member organizations.

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

This budget modification increases FTE by 1.52 in FY07: 0.34 FTE Program Manager; 0.50 FTE Office Assistant II; 0.17 FTE Research & Evaluation Analyst; and 0.51 FTE Program Supervisor. Temporary employee funds will be used for Office Assistants and Physicians.

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

The awarded revenue covers all indirect costs.

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

The Patient-centered Care Initiative revenue is for an initial period of one year with a renewal option for future years. Renewal is based upon achieving performance objectives. We anticipate funding through 12/31/08 and the project will end. The EPIC Relational Database funding is one-time-only and will be completed in FY07.

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

The Patient-Centered Care Initiative Project Period is 1/1/07 to 12/31/07. The EPIC Relational Database Project Period is 8/1/06 – 06/30/07.

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

When the grants expire, the projects will be completed and funding will not be needed.

ATTACHMENT B

BUDGET MODIFICATION: HD - 16

Required Signatures

Elected Official or
Department/
Agency Director:

Lillian Shirley

KJ
Date: 04-20-07

Budget Analyst:

Debra

Date: 04/23/07

Department HR:

Patricia Heller

Date: 04/16/07

Countywide HR:

Date: _____

Budget Modification ID: **HD-INT-16****EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 2007

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center	WBS Element						
1	40-80	68600	30			4CA67-02-1-1	50210		(64,782)	(64,782)		CareOR CSSI EPIC Relational Database
2	40-80	68600	30			4CA67-02-1-1	60170		60,000	60,000		IT Consultant
3	40-80	68600	30			4CA67-02-1-1	60350		1,476	1,476		Central Indirect
4	40-80	68600	30			4CA67-02-1-1	60355		3,306	3,306		Departmental Indirect
5									0			
6	19	1000	20		9500001000		50310		(1,476)	(1,476)		Indirect reimb. Rev. in GF
7	19	1000	20		9500001000		60470		1,476	1,476		CGF Contingency exp.
8									0			
9	40-90	1000	30		409050		50370		(3,306)	(3,306)		Indirect Dept. Reimb. Rev in GF
10	40-90	1000	30		409001		60000		3,306	3,306		Offsetting Dept. Exp. In GF
11									0			
12									0			
13	40-81	32240	30			4CA91-01-1	50210		(235,000)	(235,000)		CareOR CSSI Patient Centered
14	40-81	32240	30			4CA91-01-1	60000		81,680	81,680		Personnel
15	40-81	32240	30			4CA91-01-1	60100		28,739	28,739		Temporary-Office Assistant, Physician
16	40-81	32240	30			4CA91-01-1	60130		23,752	23,752		Benefits
17	40-81	32240	30			4CA91-01-1	60135		431	7,276		Non-Base Fringe
18	40-81	32240	30			4CA91-01-1	60140		25,375	21,757		Insurance
19	40-81	32240	30			4CA91-01-1	60145		208	3,827		Non-Base Insurance
20	40-81	32240	30			4CA91-01-1	60170		30,000	30,000		Consultation and other svcs.
21	40-81	32240	30			4CA91-01-1	60240		4,122	4,122		Project supplies
22	40-81	32240	30			4CA91-01-1	60260		14,000	14,000		2 conferences, 8 attendees
23	40-81	32240	30			4CA91-01-1	60270		2,500	2,500		Staff Travel
24	40-81	32240	30			4CA91-01-1	60350		5,354	5,354		Central Indirect
25	40-81	32240	30			4CA91-01-1	60355		11,993	11,993		Departmental Indirect
26									0			
27									0			
28									0			
29									0			
										0	0	Total - Page 1
										0	0	GRAND TOTAL

Budget Modification ID: **HD-INT-16****EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 2007

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center	WBS Element						
30									0			
31	19	1000	20		9500001000		50310		(5,354)	(5,354)		Indirect reimb. Rev. in GF
32	19	1000	20		9500001000		60470		5,354	5,354		CGF Contingency exp.
33									0			
34	40-90	1000	30		409050		50370		(11,993)	(11,993)		Indirect Dept. Reimb. Rev in GF
35	40-90	1000	30		409001		60000		11,993	11,993		Offsetting Dept. Exp. In GF
36									0			
37	72-10	3500	20		705210		50316		(25,584)	(25,584)		Insurance Revenue
38	72-10	3500	20		705210		60330		25,584	25,584		Offsetting expenditure
39									0			
40									0			
41									0			
42									0			
43									0			
44									0			
45									0			
46									0			
47									0			
48									0			
49									0			
50									0			
51									0			
52									0			
53									0			
54									0			
55									0			
56									0			
57									0			
58									0			
										0	0	Total - Page 2

ANNUALIZED PERSONNEL CHANGE

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

32.09% 6.50%

29.08% 5,650

10,443

						ANNUALIZED			
Fund	Job #	HR Org	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
32240	9063	64528	Project Manager	TBD	1.00	65,821	19,141	14,721	99,683
32240	6001	64528	OA2	TBD	0.50	28,439	8,270	12,292	49,001
32240	6086	64528	Research/Evaluation Analyst 2	TBD	1.00	56,513	16,434	14,116	87,063
32240	9361	64528	Program Supervisor	TBD	1.00	80,636	23,449	15,684	119,769
32240	9361	64528	Program Supervisor	TBD	0.50	47,397	13,783	13,524	74,704
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
			TOTAL ANNUALIZED CHANGES		4.00	278,806	81,077	70,337	430,220

CURRENT YEAR PERSONNEL DOLLAR CHANGE

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

						CURRENT YEAR			
Fund	Job #	HR Org	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
32240	9063	64528	Project Manager	TBD	0.34	22,379	6,508	5,005	33,892
32240	6001	64528	OA2	TBD	0.50	14,220	4,135	6,574	24,929
32240	6086	64528	Research/Evaluation Analyst 2	TBD	0.17	9,607	2,794	2,400	14,801
32240	9361	64528	Program Supervisor	TBD	0.34	27,416	7,973	5,333	40,722
32240	9361	64528	Program Supervisor	TBD	0.17	8,057	2,343	2,445	12,845
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
			TOTAL CURRENT FY CHANGES		1.52	81,680	23,752	21,757	127,189



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (long form)

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-8 DATE 05/10/07
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 05/10/07
Agenda Item #: R-8
Est. Start Time: 9:56 AM
Date Submitted: 04/26/05

BUDGET MODIFICATION: HD – 21

Agenda Title: Budget Modification HD-21 Appropriating \$74,047 from Department of Health and Human Services Health Resources and Services Administration Ryan White Title III HIV Capacity Development and Planning Grants

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

Requested Meeting Date: May 10, 2007 Amount of Time Needed: 5 minutes
Department: Health Division: Integrated Clinical Services (ICS)
Contact(s): Wendy Lear, Business Services Manager
Phone: 503.988.3674 Ext. 27574 I/O Address: 167/2/210
Presenter(s): Jodi Davich, Program Manager and Vanetta Abdellatif, ICS Director

General Information

1. What action are you requesting from the Board?

Approval for appropriation of \$74,047 in Ryan White Title III HIV Capacity Development and Planning Grants funding from the Department of Health and Human Services Health Resources and Services Administration (HRSA) for the purpose of screening and diagnosing clients for anal dysplasias.

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

As a Ryan White CARE Act grantee, the Health Department serves a six-county area that includes Multnomah, Washington, Clackamas, Columbia, Yamhill and Clark counties. As of 12/31/05, 3,952 persons were estimated as living with HIV in the six-county area. Although over time HIV has increasingly affected women, 88.2% of people living with HIV (PLWH) are men. 77.9% of PLWH are men who have sex with men (MSM) including men who are also intravenous drug users.

HIV disproportionately affects people in poverty, racial/ethnic minority populations and others who are underserved by healthcare and prevention systems. The rates of anal dysplasia and anal

cancer in HIV infected men (particularly MSM) and women are higher than in the general population.

The HIV Health Services Clinic (HHSC) proposes to use Capacity Development funds to expand primary care services provided to PLWH to include diagnosing and treating anal dysplasia. The current HIV provider network within the Portland EMA has limited capacity for anal colposcopy and treatment; furthermore, there are no resources for uninsured HIV patients. The HHSC, which serves the majority of the EMA's low-income and uninsured PLWH, does not have the equipment or trained staff for diagnosing and treating anal dysplasia. Funds will be used to purchase equipment and to train providers to use the equipment in diagnosing and treating anal dysplasia. The *Anal Dysplasia Screening and Treatment* program will be modeled on best practices of organizations such as the UCSF Medical Center's Dysplasia Clinic.

This grant is new in FY07 and was not included in the FY07 Program Offer process. It is not included in an FY08 Program Offer as it is primarily an equipment and supplies award that will be utilized in FY07 only.

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

Approval of the budget modification will increase the Health Department's Federal/State budget by \$74,047 in FY07. The funds will be used in FY07 primarily for the purchase of equipment and supplies.

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

N/A

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

N/A

ATTACHMENT A

Budget Modification

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

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

The Health Department's federal/state revenue budget will increase by \$74,047 in FY07 due to the services performed under this grant.

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

The Health Department's Integrated Clinical Services (ICS) FY07 federal/state budget will increase by \$74,047. Increases in expenditures include \$8,004 office and medical supplies; \$18,440 for training on use of the supplies and equipment; \$2,108 for county/dept. indirect; and \$45,495 for capital equipment such as exam tables, colposcopes, and coagulators. Much of the training will be provided by University of California San Francisco. Additional training will be obtained through conferences that focus on colposcopy.

- **What do the changes accomplish?**

The rates of anal carcinoma in HIV infected men and women are higher than in the general population, and so are rates of anal dysplasia. The proposed screening would allow early diagnosis of a treatable condition in a group with an increased risk of poor outcome if no intervention were taken. The experience with cervical Pap screening in women provides a model that demonstrates a clear benefit and a direct correlation. Grant funds would be used to purchase equipment to detect patients with abnormal anal dysplasia. We will decrease the number of anal dysplasia cases that progress to cancer, and we will decrease the number of deaths contributable to anal cancer. Our medical team will be trained to both detect and treat anal dysplasia onsite at the HIV clinic. This will save costs associated with referrals to specialists.

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

No personnel actions result from this budget modification.

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

The grant revenue covers indirect.

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

The revenue is one-time-only in nature and is primarily revenue for equipment and supplies. The use of the equipment will be on-going and any additional supplies will be purchased within existing operating funds.

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

The Grant Period is 9/1/2006 through 8/31/2007. The funds will be utilized in FY07 and will not be needed in FY08.

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

This is primarily equipment and start-up supplies purchase grant. The department does not intend to backfill expired grant funds. Additional supplies will be purchased out of current operating budget.

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

ATTACHMENT B

BUDGET MODIFICATION: HD - 21

Required Signatures

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

Lillian Shirley

KJ
Date: 04-20-07

Budget Analyst:

Debra

Date: 04/26/07

Department HR:

Patricia Heller

Date: 04/16/07

Countywide HR:

Date:

Budget Modification ID: **HD-21****EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 2007

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center	WBS Element						
1	40-70	32192	30			4FA41-02-1	50170		(74,047)	(74,047)		HRSA RWT III Anal
2	40-70	32192	30			4FA41-02-1	60240		4,564	4,564		Supplies
3	40-70	32192	30			4FA41-02-1	60246		3,440	3,440		Medical & Dental Supplies
4	40-70	32192	30			4FA41-02-1	60260		18,440	18,440		Training to use equipment
5	40-70	32192	30			4FA41-02-1	60350		651	651		Central Indirect
6	40-70	32192	30			4FA41-02-1	60355		1,457	1,457		Departmental Indirect
7	40-70	32192	30			4FA41-02-1	60550		45,495	45,495		Exam Tables, Colposcopes, Coagulators
8												
9	19	1000	20		9500001000		50310		(651)	(651)		Indirect reimbursement revenue in GF
10	19	1000	20		9500001000		60470		651	651		CGF Contingency expenditure
11												
12	40-90	1000	30		409050		50370		(1,457)	(1,457)		Indirect Dept reimbursement revenue in GF
13	40-90	1000	30		409001		60000		1,457	1,457		Off setting Dept expenditure in GF
14									0			
15									0			
16									0			
17									0			
18									0			
19									0			
20									0			
21									0			
22									0			
23									0			
24									0			
25									0			
26									0			
27									0			
28									0			
29									0			
										0	0	Total - Page 1
										0	0	GRAND TOTAL



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (long form)

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-9 DATE 05/10/07
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 05/10/07
Agenda Item #: R-9
Est. Start Time: 9:58 AM
Date Submitted: 04/26/07

BUDGET MODIFICATION: HD - 23

Budget Modification HD-23 Appropriating \$25,000 from Providence Health System-Oregon to Assist in the Ongoing Operation of Multnomah County Health Department's Mobile Medical Clinic and Appropriating \$72,532 from the Department of Health and Human Services Health Resources and Services Administration to Continue the Health Department's Efforts to Reduce Chronic Homelessness

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

Requested Meeting Date: May 10, 2007 Amount of Time Needed: 5 minutes
Department: Health Division: Integrated Clinical Services (ICS)
Contact(s): Wendy Lear, Business Services Manager
Phone: 503-988-3674 Ext. 27574 I/O Address: 167/2/210
Presenter(s): Kim Tierney, Program Manager and Vanetta Abdellatif, ICS Director

General Information

1. What action are you requesting from the Board?

Approval of request for appropriation of \$25,000 from Providence Health System-Oregon to assist with the ongoing operation of Multnomah County Health Department's Mobile Medical Clinic and \$72,532 from the Department of Health and Human Services Health Resources and Services Administration (DHHS HRSA) Chronic Homelessness Grant to continue the support of a Community Health Nurse and professional services.

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

In 2004, a coalition of agencies including HUD, the Health Department, the Veterans Administration, and Central City Concern received a set of grants entitled "Initiative to Help End Chronic Homelessness." Although Central City Concern was the lead agency, the Health

Department received a three year grant from Health Resources & Services Administration (HRSA) to participate and support the project. A primary focus of the Health Department money was to fund a Community Health Nurse for the Community Based Engagement Team. The nurse along with other team members would provide intensive care to approximately 100 dually diagnosed chronically homeless clients of Central City Concern and the Health Department's Westside Clinics. The goal of the program was to stabilize the housing situation for 100 chronically homeless adults for a minimum of 5 years using a housing first model.

Providence Health System has provided Multnomah County a one-time \$25,000 grant to be used towards program operations (repairs, maintenance, shore plugs) for the Health Department's Mobile Medical Clinic. The Multnomah County Health Department's Mobile Medical Clinic is providing medical and behavioral health care to the County's homeless and medically underserved population, primarily targeting homeless families.

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

This bud mod will increase the Health Department's FY07 budget by \$97,532: \$25,000 from Providence Health Systems; \$72,532 from DHHS HRSA. Both awards will be completed in FY07.

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

N/A

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

N/A

ATTACHMENT A

Budget Modification

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

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

The Health Department's Fed/State revenue budget will increase by a total of \$97,532 as a result of these grant awards. Providence Health Systems – Mobile Medical Van grant amount is \$25,000. DHHS HRSA – Chronic Homelessness grant amount is \$72,532. The HRSA project period ended on 8/31/06 with a \$72,532 unobligated balance from the budget period 9/1/04 – 8/31/05. HRSA authorized the use of these funds with a no-cost extension until 3/31/07.

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

The Health Department's Integrated Clinical Services (ICS) budget will be increased by \$97,532: \$25,000 from Providence Health Systems and \$72,532 from HRSA. Providence Health Systems – Mobile Medical Van funds will increase expenditures for professional services by \$6,155, repairs and maintenance by \$17,000, and county/department indirect by \$1,845. HRSA – Chronic Homelessness funds will increase expenditures for personnel services by \$55,742, professional services by \$8,015, pass-through & program support by \$3,420, and county/department indirect by \$5,355.

- **What do the changes accomplish?**

The changes will improve healthcare for homeless clients. Funds from Providence provide ongoing support for operating (repairs, maintenance, shore plugs) the Mobile Medical Clinic. Funds from HRSA will continue the support of a Community Health Nurse and temporary nurses to provide and coordinate healthcare services. HRSA funds will also provide additional professional services (Central City Concern benefits specialists and respite beds at Taft).

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

The HRSA grant funds additional hours for an existing community health nurse position through 6/30/07 and increases the FTE from .61 FTE to .80 FTE. The position was included in the department submitted program offer 40021 however the position was not purchased for the Chair's budget in order to achieve general funds savings. No personnel actions result from the Providence award.

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

Both grants pay for all indirect costs.

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

Both revenues are one-time-only in nature. The DHHS HRSA grant is a \$72,532 seven-month no-cost extension. In FY08 the additional FTE was to be funded by general fund but the position was not included in the Chair's budget and the services will be reduced or provided by existing positions. The Providence funding will be used to assist with operational costs for Multnomah County Health Department's Mobile Medical Clinic.

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

The Providence grant period is 7/1/06 – 6/30/07. The Department of Health and Human Services Health Resources and Services Administration grant period is: 9/1/06 – 3/31/07.

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

The DHHS HRSA grant funds additional service hours provided by an existing community health nurse. Because the position was not included in the Chair's budget, the number of hours will be reduced. The Providence funding will be used to assist with operational costs associated with Multnomah County Health Department's Mobile Medical Clinic.

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

ATTACHMENT B

BUDGET MODIFICATION: HD - 23

Required Signatures

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

Lillian Shirley

**KJ
Date: 04-26-07**

Budget Analyst:

Debra

Date: 04/30/07

Department HR:

Patricia Heller

Date: 04/16/07

Countywide HR:

Date:

Budget Modification ID: **HD-07-23****EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 2007

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center	WBS Element						
1	40-70	32120	30			4FA31-04-1	50170		(72,532)	(72,532)		HRSA Chronic Homelessness
2	40-70	32120	30			4FA31-04-1	60000		29,564	29,564		Glea Livingston
3	40-70	32120	30			4FA31-04-1	60100		6,402	6,402		Temp CHN's
4	40-70	32120	30			4FA31-04-1	60130		9,487	9,487		Benefits
5	40-70	32120	30			4FA31-04-1	60135		2,054	2,054		Non-Base fringe
6	40-70	32120	30			4FA31-04-1	60140		7,979	7,979		Insurance
7	40-70	32120	30			4FA31-04-1	60145		256	256		Non-Base insurance
8	40-70	32120	30			4FA31-04-1	60170		8,015	8,015		Central City Concern-Benefits Specialists
9	40-70	32120	30			4FA31-04-1	60350		1,569	1,569		Central Indirect
10	40-70	32120	30			4FA31-04-1	60355		3,514	3,514		Departmental Indirect
11												
12	40-70	32120	30			4FA31-04-2	60160		3,420	3,420		Taft-Respite Beds
13	40-70	32120	30			4FA31-04-2	60350		84	84		Central Indirect
14	40-70	32120	30			4FA31-04-2	60355		188	188		Departmental Indirect
15												
16	19	1000	20		9500001000		50310		(1,653)	(1,653)		Indirect reimbursement revenue in GF
17	19	1000	20		9500001000		60470		1,653	1,653		CGF Contingency expenditure
18												
19	40-90	1000	30		409050		50370		(3,702)	(3,702)		Indirect Dept reimbursement revenue in GF
20	40-90	1000	30		409001		60000		3,702	3,702		Off setting Dept expenditure in GF
21												
22	72-10	3500	20		705210		50316		(8,235)	(8,235)		Insurance Revenue
23	72-10	3500	20		705210		60330		8,235	8,235		Offsetting expenditure
24												
25	40-70	26020	30			47750-00-26020	60000			(13,613)		reclass permanent to temp
26	40-70	26020	30			47750-00-26020	60100			13,613		reclass permanent to temp
27	40-70	26020	30			47750-00-26020	60130			(4,370)		reclass permanent to temp
28	40-70	26020	30			47750-00-26020	60135			4,370		reclass permanent to temp
29	40-70	26020	30			47750-00-26020	60140			(2,262)		reclass permanent to temp
										(2,262)	0	Total - Page 1
										0	0	GRAND TOTAL

Budget Modification ID: **HD-07-23****EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 2007

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center	WBS Element						
30	40-70	26020	30			47750-00-26020	60145			2,262		reclass permanent to temp
31												
32	40-70	32228	30			4CA87-1	50210		(25,000)	(25,000)		Providence Health System - Oregon
33	40-70	32228	30			4CA87-1	60170		6,155	6,155		Shore plug installation, maintenance
34	40-70	32228	30			4CA87-1	60220		17,000	17,000		Repair, maintenance
35	40-70	32228	30			4CA87-1	60350		570	570		Central Indirect
36	40-70	32228	30			4CA87-1	60355		1,275	1,275		Departmental Indirect
37												
38	19	1000	20		9500001000		50310		(570)	(570)		Indirect reimbursement revenue in GF
39	19	1000	20		9500001000		60470		570	570		CGF Contingency expenditure
40												
41	40-90	1000	30		409050		50370		(1,275)	(1,275)		Indirect Dept reimbursement revenue in GF
42	40-90	1000	30		409001		60000		1,275	1,275		Off setting Dept expenditure in GF
43												
44												
45												
46												
47												
48												
49												
50												
51												
52												
53												
54												
55												
56												
57												
58												
										2,262	0	Total - Page 2
										0	0	GRAND TOTAL

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

32.09%

29.08%

Fringe

6.50%

Insurance1

\$5,650

\$10,443

Insurance2

ANNUALIZED

Fund	Job #	HR Org	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
32120	6315	61532	Community Health Nurse	711783	0.19	15,951	5,118	5,716	26,785
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
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									0
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									0
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									0
									0
									0
									0
TOTAL ANNUALIZED CHANGES					0.19	15,951	5,118	5,716	26,785

CURRENT YEAR PERSONNEL DOLLAR CHANGECalculate costs/savings that will take place in this FY; these should explain the actual dollar amounts being changed by this Bud Mod.**CURRENT YEAR**

Fund	Job #	HR Org	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
32120	6315	61532	Community Health Nurse	711783	0.19	15,951	5,118	5,716	26,785
									0
									0
									0
									0
									0
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									0
									0
TOTAL CURRENT FY CHANGES					0.19	15,951	5,118	5,716	26,785



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 05/10/07
Agenda Item #: R-10
Est. Start Time: 10:00 AM
Date Submitted: 04/30/07

Agenda Title: **RESOLUTION Creating a Multnomah County Library Funding Task Force**

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

Requested Meeting Date: May 10, 2007 Amount of Time Needed: 10 minutes
Department: Library Division: Director's Office
Contact(s): Molly Raphael, Director of Libraries
Phone: (503) 988-5403 Ext. 85403 I/O Address: 317/Admin
Presenter(s): Molly Raphael, Alice Meyer, Susan Hathaway-Marxer

General Information

1. What action are you requesting from the Board?

Adoption of the resolution establishing a Multnomah County Library Funding Task Force.

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

Multnomah County Library is currently funded from three sources: a local option levy, a transfer from the County General Fund, and non-tax, library-generated revenues. The local option levy is subject to voter approval every five years, requires a double majority unless it is on a general election ballot, and provides over 60% of the Library's funding. Multnomah County Library has been dependent upon a local option levy for a portion of its funding since the early 1970s. The 1997 levy substantially increased the Library's operating budget and was subject to the restrictions of property tax limitation measures 5 and 50 (passed in 1990 and 1997, respectively). Measure 50 dictates that local option levies are reduced or not collected if the Measure 5 cap of \$10 per \$1,000 for local government taxes is reached. This is known as compression, and it causes the levy rate to be higher than it would need to be absent this restriction.

Over the last 20-plus years, various efforts have been made to identify a stable method of funding

the Multnomah County Library other than local option levies. This resolution would convene a working group of library stakeholders and interested citizens to assess the feasibility of all funding options and recommend the best option for funding Multnomah County Library.

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

N/A

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

N/A

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

The Library Advisory Board (LAB), a citizen volunteer group, has recommended the formation of this task force. The task force will include representatives from all the library stakeholder groups (LAB, Friends of the Library, and The Library Foundation) as well as other interested citizens.

Required Signature

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

Molly Raphael

Date: 04/30/07

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Creating a Multnomah County Library Funding Task Force

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County's governance of the Multnomah County Library was established by Resolution No. 649 on May 17, 1990. Section 1(c) provides: "[t]he public library shall be financed by general fund monies, library operating revenues, grants, gifts, donations and bequests received and designated to be used for library purposes, and any tax levies that may be authorized by the electors."
- b. Resolution No. 649 also established the Library Board and charges the Library Board to "undertake long-range planning for library services and make appropriate recommendations to the Board of County Commissioners. Long-range plans shall address service needs, budget priorities, stable public funding, and capital improvement, and shall be consistent with County, regional, State and national goals for libraries."
- c. Goal 7 of the Library's Strategic Plan provides: "People in Multnomah County will have a public library system supported by stable funding adequate to meet the [Plan's] goals."
- d. The Board of County Commissioners considers stable funding for quality library services in Multnomah County necessary and in the public interest.
- e. It has been necessary to rely on voter approved levies and other revenue measures for sufficient funding of the library services expected by County residents.
- f. In the past, Multnomah County voters have approved a library funding levy, but the measure could not take effect because less than 50% registered voters cast ballots in that election (Section 11(8), Article XI of Oregon Constitution).
- g. Library levies have provided over half of the library's funds. Renewals have kept libraries open and allowed maintenance of hours and its many community services.
- h. Voters approved a five-year rate based local option levy to continue library services on November 6, 2006.

- i. It is in the best interest of Multnomah County to explore permanent, adequate and stable library funding options other than local levies. Establishing a task force responsible for examining alternatives to the current funding of the library is in the best interest of the County.

The Multnomah County Board of Commissioners Resolves:

1. That a Multnomah County Library Funding Task Force consisting of 13 to 16 citizens of Multnomah County be convened to assess the feasibility of all funding options and recommend the best option for funding Multnomah County Libraries.
2. Dean Gisvold and Susan Hathaway-Marxer, former chairs of the Library Advisory Board, will jointly lead the Task Force. Members of the Task Force will represent stakeholders throughout the County and will be appointed by the Chair. The Library Director, her staff and other necessary County agencies will assist the Task Force. Funding for the Task Force will be limited and will be provided by the Library's budget.
3. The Task Force will report to the Board no later than December 15, 2007, with a list of funding options for Multnomah County Libraries and a recommendation of the preferred option.

ADOPTED this 10th day of May, 2007.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
John Thomas, Deputy County Attorney

SUBMITTED BY:
Molly Raphael, Multnomah County Library Director

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 07-094

Creating a Multnomah County Library Funding Task Force

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County's governance of the Multnomah County Library was established by Resolution No. 649 on May 17, 1990. Section 1(c) provides: "[t]he public library shall be financed by general fund monies, library operating revenues, grants, gifts, donations and bequests received and designated to be used for library purposes, and any tax levies that may be authorized by the electors."
- b. Resolution No. 649 also established the Library Board and charges the Library Board to "undertake long-range planning for library services and make appropriate recommendations to the Board of County Commissioners. Long-range plans shall address service needs, budget priorities, stable public funding, and capital improvement, and shall be consistent with County, regional, State and national goals for libraries."
- c. Goal 7 of the Library's Strategic Plan provides: "People in Multnomah County will have a public library system supported by stable funding adequate to meet the [Plan's] goals."
- d. The Board of County Commissioners considers stable funding for quality library services in Multnomah County necessary and in the public interest.
- e. It has been necessary to rely on voter approved levies and other revenue measures for sufficient funding of the library services expected by County residents.
- f. In the past, Multnomah County voters have approved a library funding levy, but the measure could not take effect because less than 50% registered voters cast ballots in that election (Section 11(8), Article XI of Oregon Constitution).
- g. Library levies have provided over half of the library's funds. Renewals have kept libraries open and allowed maintenance of hours and its many community services.
- h. Voters approved a five-year rate based local option levy to continue library services on November 6, 2006.

- i. It is in the best interest of Multnomah County to explore permanent, adequate and stable library funding options other than local levies. Establishing a task force responsible for examining alternatives to the current funding of the library is in the best interest of the County.

The Multnomah County Board of Commissioners Resolves:

1. That a Multnomah County Library Funding Task Force consisting of 13 to 16 citizens of Multnomah County be convened to assess the feasibility of all funding options and recommend the best option for funding Multnomah County Libraries.
2. Dean Gisvold and Susan Hathaway-Marxer, former chairs of the Library Advisory Board, will jointly lead the Task Force. Members of the Task Force will represent stakeholders throughout the County and will be appointed by the Chair. The Library Director, her staff and other necessary County agencies will assist the Task Force. Funding for the Task Force will be limited and will be provided by the Library's budget.
3. The Task Force will report to the Board no later than December 15, 2007, with a list of funding options for Multnomah County Libraries and a recommendation of the preferred option.

ADOPTED this 10th day of May, 2007.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
John Thomas, Deputy County Attorney

SUBMITTED BY:
Molly Raphael, Multnomah County Library Director



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 05/10/07
Agenda Item #: R-11
Est. Start Time: 10:15 AM
Date Submitted: 04/24/07

Agenda Title: **PROCLAMATION Proclaiming the Week of May 13-19, 2007 NATIONAL TRANSPORTATION WEEK and Recognizing the Contributions of all Multnomah County Transportation Employees**

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

Requested Meeting Date: May 10, 2007 Amount of Time Needed: 10 minutes
Department: Community Services Division: LU and Transportation
Contact(s): Karen Schilling
Phone: 503-988-5050 Ext. 29635 I/O Address: 455/1st Floor
Presenter(s): Cecilia Johnson and others

General Information

1. What action are you requesting from the Board?

To proclaim May 13-19, 2007 NATIONAL TRANSPORTATION WEEK and Recognize the contributions of all Multnomah County Transportation Employees.

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

The Land Use and Transportation Program annually recognizes the dedication and contributions of our Transportation employees to our community. This year the recognition corresponds with NATIONAL TRANSPORTATION WEEK. Nationally and regionally, transportation has many achievements to celebrate and we recognize that there are many challenges as well as we look to the future and how transportation supports our community.

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

No fiscal impact.

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

No legal and/or policy issues.

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

There has been no citizen or government participation.

Required Signature

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



Date: 04/24/07

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

PROCLAMATION NO. _____

Proclaiming the Week of May 13-19, 2007 NATIONAL TRANSPORTATION WEEK and
Recognizing the Contributions of all Multnomah County Transportation Employees

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County has a long history as a transportation department in the State of Oregon, established in 1854.
- b. Multnomah County owns almost 300 miles of roads and operates and maintains six (6) Willamette River Bridges.
- c. Transportation services provided in Multnomah County are an integral part of the everyday lives of its citizens, promoting clean, healthy neighborhoods and establishing Vibrant Communities.
- d. The County's regional transportation infrastructure is essential in sustaining a Thriving Economy which greatly impacts our livability, business, and commerce.
- e. The importance and value of our nation's transportation system and those components built and maintained by Multnomah County including our rural roads, city streets, bike and pedestrian facilities, culverts, rights-of-way, and the Willamette River Bridges.
- f. The quality and effectiveness of transportation projects and services enjoyed by citizens of Multnomah County are dependent upon the skills of the qualified and dedicated Transportation Employees.
- g. The contributions of the Transportation Employees include planners involved in regional and local planning and coordination with other jurisdictions; 24-hour service from bridge operators and road and bridge maintenance staff; road and bridge engineers designing and constructing up-to-date facilities; traffic and sign staff installing and maintaining pavement markings and traffic signage; surveyors providing the necessary surveys for design and construction of road projects including topographic and right-of-way surveys and construction staking; right-of-way specialists ensuring safe and usable land for the transportation system; environmental compliance staff overseeing the County's compliance with local, State and Federal water quality rules; and administrative and financial support professionals that keep our offices running smoothly.

The Multnomah County Board of Commissioners Proclaims:

1. The Week of May 13-19, 2007 NATIONAL TRANSPORTATION WEEK and recognizes the contribution that all Transportation Employees make every day to our health, safety, comfort, environmental quality and economic prosperity.

ADOPTED this 10th day of May, 2007.

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

Ted Wheeler, County Chair

**Maria Rojo de Steffey,
Commissioner District 1**

**Jeff Cogen
Commissioner District 2**

**Lisa Naito,
Commissioner District 3**

**Lonnie Roberts,
Commissioner District 4**

SUBMITTED BY:
Cecilia Johnson, Department of Community Services

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

PROCLAMATION NO. 07-095

Proclaiming the Week of May 13-19, 2007 NATIONAL TRANSPORTATION WEEK and
Recognizing the Contributions of all Multnomah County Transportation Employees

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County has a long history as a transportation department in the State of Oregon, established in 1854.
- b. Multnomah County owns almost 300 miles of roads and operates and maintains six (6) Willamette River Bridges.
- c. Transportation services provided in Multnomah County are an integral part of the everyday lives of its citizens, promoting clean, healthy neighborhoods and establishing Vibrant Communities.
- d. The County's regional transportation infrastructure is essential in sustaining a Thriving Economy which greatly impacts our livability, business, and commerce.
- e. The importance and value of our nation's transportation system and those components built and maintained by Multnomah County including our rural roads, city streets, bike and pedestrian facilities, culverts, rights-of-way, and the Willamette River Bridges.
- f. The quality and effectiveness of transportation projects and services enjoyed by citizens of Multnomah County are dependent upon the skills of the qualified and dedicated Transportation Employees.
- g. The contributions of the Transportation Employees include planners involved in regional and local planning and coordination with other jurisdictions; 24-hour service from bridge operators and road and bridge maintenance staff; road and bridge engineers designing and constructing up-to-date facilities; traffic and sign staff installing and maintaining pavement markings and traffic signage; surveyors providing the necessary surveys for design and construction of road projects including topographic and right-of-way surveys and construction staking; right-of-way specialists ensuring safe and usable land for the transportation system; environmental compliance staff overseeing the County's compliance with local, State and Federal water quality rules; and administrative and financial support professionals that keep our offices running smoothly.

The Multnomah County Board of Commissioners Proclaims:

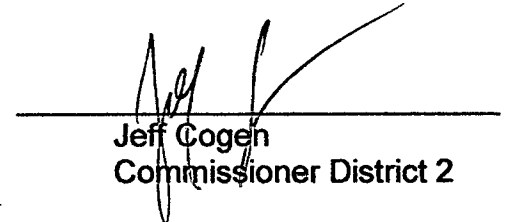
1. The Week of May 13-19, 2007 NATIONAL TRANSPORTATION WEEK and recognizes the contribution that all Transportation Employees make every day to our health, safety, comfort, environmental quality and economic prosperity.

ADOPTED this 10th day of May, 2007.

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


Ted Wheeler, County Chair


Maria Rojo de Steffey,
Commissioner District 1


Jeff Cogen
Commissioner District 2


Lisa Naito,
Commissioner District 3




Lonnie Roberts,
Commissioner District 4

SUBMITTED BY:
Cecilia Johnson, Department of Community Services



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 05/10/07
Agenda Item #: R-12
Est. Start Time: 10:25 AM
Date Submitted: 04/12/07

Agenda Title: **Public Hearing to consider and possibly act upon a Measure 37 Claim for Charles Maxson for up to \$385,000 in compensation or relief from land use regulations to allow the partition of each lot into two lots with four residential home sites overall on properties located at 38755 and 39062 E. Knieriem Rd., Corbett [T1N, R4E, Sec 36C, TL 300 & 400] (Case File T1-06-095) CONTINUED FROM APRIL 26, 2007**

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

Requested Meeting Date: May 10, 2007 Amount of Time Needed: 10 minutes
Department: Community Services Division: Land Use & Transportation
Contact(s): Derrick Tokos, Ken Born, Sandra Duffy
Phone: 503-988-3043 Ext. 29397 I/O Address: 455/116
Presenter(s): Ken Born, Sandra Duffy

General Information

1. What action are you requesting from the Board?

Action requested is to provide a public hearing and render a decision regarding a Measure 37 claim by Charles Maxson to waive land use regulations which prohibit the partition, and development of two new single family dwellings on two lots located at 38755 and 39062 E. Knieriem Rd. Land use planning has outlined an approach to deciding this claim in a staff report dated April 11, 2007.

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

The claimant, Charles Maxson, is seeking \$385,000 in compensation or relief from land use regulations to allow the 8.96-acre and 19.79-acre lot to be divided into four parcels overall with two homes on each newly created, vacant parcel. He acquired his current interest in the property on April 25, 1991 (Tax Lot 400) and November 25, 1992 (Tax Lot 300).

County zoning for the property in 1991 and 1992 was MUF-19. The minimum lot size in this

agriculture and timber district was 19 acres. These regulations would not have allowed a further division of the property. Further, the MUF-19 zone did not allow for more than one dwelling on a lot of any size. The lots which are the subject of this claim both contain a dwelling at present.

It is for these reasons that staff recommends the Board of Commissioners deny this claim.

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

The claimants assert a reduction in value of \$385,000. A comparative market analysis provided by the claimants does establish that the above listed regulations have reduced the fair market value of the identified property.

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

Policy and legal issues are outlined in a staff report from Land Use Planning dated April 11, 2007. The County Attorney has advised that any property rights obtained by relief from land use regulations are not transferable under Ballot Measure 37, consistent with the DOJ opinion of February 2005.

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

Public notice of this hearing has been mailed to all property owners within 750 feet of the subject property, and the claimant. Deliberation and any action on this item will be done following a public hearing at which interested citizens will have an opportunity to testify and provide written comment in accordance with the Board of Commissioners rules of procedure for the hearing.

Required Signature

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



Date: 04/12/07



**LAND USE & TRANSPORTATION
PLANNING PROGRAM**

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

Staff Analysis of Measure 37 Claim

The following matter is scheduled for public hearing, deliberation and possible action before the Multnomah County Board of Commissioners

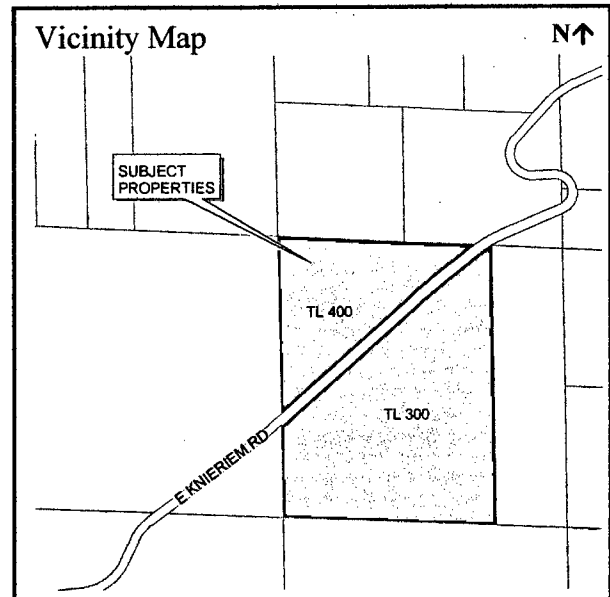
Hearing Date, Time, & Place:

Thursday, April 26, 2007 at 1:30 pm or soon thereafter, in the Commissioners' Board Room of the Multnomah Building, located at 501 SE Hawthorne, Portland, Oregon.

Case File: T1-06-095

Claimants: Charles Maxson
1731 Diomedes St.
Anchorage, AK 99504

Location: 38755 and 39062 E. Knieriem Rd.
Corbett, OR 97014
TL 400, Sec 36C, T1N, R4E, W.M.
Tax Account # R944360720
&
TL 300, SEC 36C, T1N, R4E, W.M.
Tax Account # R944360080



Claim: Up to \$385,000 in compensation or relief from land use regulations to allow a partition of each lot into two lots with four residential home sites overall in the CFU-4 zone district.

Zoning: Commercial Forest Use-4 (CFU-4)

Site Size: 8.96 acres & 19.79 acres

Approach to Deciding the Claim:

For a claim to be valid, the land use regulations challenged must restrict the claimant's use of private real property in a manner that reduces its fair market value relative to how it could have been used at the time the claimants acquired the property. As outlined in this report and memorandum from the County Attorneys Office, this requirement has not been met. The reasons for this are as follows:

- (a) The claimant has failed to establish that they acquired and have continuously owned the property prior to the date the challenged regulations were enacted and;
- (b) The claimant has failed to document that two additional dwellings and a partition of the two existing lots could have been approved under the land use regulations in effect at the time they acquired the property.

Claim Summary

(The following is a step-by-step evaluation of the claim, which consists of materials submitted by the claimants. The analysis is structured as a series of questions that must be answered to establish if a claim is valid, comparable to the methodology outlined in a February 24th, 2005 memo from the State Attorney General's Office.)

The claimant is challenging County zoning regulations enacted after 1964. He asserts that his interest in the property was acquired in February of 1964. At that time, the claimant maintains that he was entitled to construct two additional dwellings and to divide the land into four lots overall, pursuant to the County's F-2 zoning regulations. The claimant also asserts that the value of the properties have been reduced by up to \$385,000 due to county land use regulations enacted after he acquired the property. An appraisal has not been provided to substantiate this figure.

1. Did the claimant acquire the property before the laws in question were adopted?

No. The claimant obtained an interest in the subject properties on April 25, 1991 (Tax Lot 400) and November 25, 1992 (Tax Lot 300) (Exhibit A.5) after regulations challenged in this claim were enacted which prohibit further division of the properties and additional homes.

A deed submitted by the claimant (Exhibit A.5), shows that he first acquired the property on February 27, 1964. County assessment records also identify the claimant as the current owner of the property (Exhibit B.4). However, deed documentation, title report (Exhibit A.16 and A.26), and other information provided by the claimant show that the claimant has not maintained continual ownership since 1964.

Charles Maxson's current interest in Tax Lot 400 began on April 25, 1991, when William and Brent Maxson, Charles' sons, deeded 8.89 acres out of the entire 28.75-acres, back to Charles (Book 2406, Page 1858). Prior to that date, William and Brent owned Tax Lots 400 and 300 for 14 years, after acquiring them from Charles' mother, Julia Young (Book 1167, Page 1908).

Similarly, Charles' current ownership interest in Tax Lot 300 began on November 25, 1992, when Brent deeded the remaining 19.93-acres to Charles (Book 2617, Page 1899).

Further analysis by the County Attorney's Office specific to these ownership issues is included in Exhibit D.2.

The zoning designation that applied to the property in 1991 and 1992 was known as Multiple Use Forest-19 (MUF-19). A copy of the zoning map is included as Exhibit B.1. A copy of the corresponding MUF-19 regulations is also presented as Exhibit B.2. The purpose of the MUF district zone was to conserve and encourage the growing and harvesting of timber and small wood lot management. The minimum lot size in this district was 19 acres (11.15.2178(A)).

Dwellings were allowed as of right only on properties larger than 38 acres in size (§11.15.2168(E)). A dwelling could be permitted on a property between 10 and 38 acres in size if approved in conjunction with an ongoing forest practice, wood processing operation or farm use as a "use permitted under prescribed conditions" (§11.15.2170(A)). The submittal of a resource management plan outlining how the forest practice, wood processing operation or farm use was to be managed was required as a condition of approval under this provision. As a conditional use, a dwelling was allowed only if the land was incapable of sustaining a farm or forest use, or was a legal lot less than 10 acres in size (§11.15.2172(C)).

The zoning changed from MUF-19 to Commercial Forest Use (CFU) on January 7, 1993.

2. *Have the challenged regulations restricted the use of the property?*

No. County regulations in effect when the claimant acquired his current interest in the properties prohibited construction of two additional dwellings or further division of the properties.

The zoning first changed from F-2 to Multiple Use Forest-20 (MUF-20) on October 6, 1977. The zoning changed to MUF-19 on August 14, 1980 and then to CFU on January 7, 1993. The Commercial Forest Use-4 regulations challenged by the claimant first came into effect on August 8, 1998 and were amended on May 15, 2002. The 1991 and 1992 acquisition dates occurred well after the 2 acre minimum lot size standard was repealed.

Even if the claimants had acquired properties in 1964, as noted in their claim, the right to establish a dwelling was not guaranteed under the F-2 zoning in effect at that time. Under the F-2 zoning, the claimants would have been required to demonstrate that a proposed dwelling was "required to carry out grazing, agriculture, horticulture or the growing of timber" (§3.112, Ord. #100).

MUF-19 regulations in effect on April 25, 1991 and November 25, 1992 prohibit further division, meaning relief from challenged regulations would not allow the development that is sought. A land division in the MUF-19 zone would have required the subject lots to be at least 38 acres in size, each. Further, the MUF-19 zone did not allow for more than one dwelling on a lot of any size. The lots which are the subject of this claim both presently contain dwellings.

3. *Have the regulations reduced the fair market value of the properties?*

No. The claimant has failed to establish that the challenged regulations have reduced the fair market value of the property.

As established above, regulations in effect when the claimants acquired the properties in 1991 and 1992 did not allow construction of two additional dwellings, or partition of the two lots into four lots. Since the claimants have not shown that their use of the properties has been restricted, there is no reduction to the fair market value of the properties.

Public Notice

Public notice of this hearing was mailed to all property owners within 750 feet of the subject property. Deliberation and any action on this item will be done following a public hearing at which interested citizens will have an opportunity to testify and provide written comment in accordance with the Board of Commissioners rules of procedure for the hearing.

Conclusion

In conclusion, the claimant has failed to establish that regulations preventing them from constructing two additional dwellings, or dividing the properties into four lots, has resulted in a restriction of their use of the land and reduction in its value. The MUF-19 regulations in effect when the owner acquired his current interest in the property did not allow for a land division of property less than 38 acres in size.

Consequently, staff recommends that the Board of Commissioners deny this claim.

Issued by:

By: Kenneth Born, AICP, Planner

For: Karen Schilling- Planning Director

Date: April 11, 2007

Exhibits

Copies of the exhibits, referenced herein, and all other materials submitted to the County related to this claim are included in the case record that is on file at the Land Use and Transportation Planning Office.

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	1	Signed Measure 37 Application Form	11/22/06
A.2	3	Claim Narrative	11/22/06
A.3	2	Limited Power of Attorney Document	11/22/06
A.4	3	Affidavits: <ul style="list-style-type: none"> a. Charles Maxson re. ownership issues, 11/20/06 b. Brent Maxson re. ownership issues, 11/17/06 c. William Maxson re. ownership issues, 11/21/07 	11/22/06
A.5	2	Deed Information: <ul style="list-style-type: none"> a. Contract of Sale dated February 11, 1964 from Dean D. Lundstrom and Adeline A. Lundstrom to Walter E. Knieriem and Mignon L. Knieriem b. Assignment of Contract dated April 6, 1964 to Dean D. Lundstrom and Adeline A. Lundstrom c. Contract of Sale dated February 27, 1964 from Walter E. Knieriem and Mignon L. Knieriem to Charles W. Maxson d. Contract of Sale dated March 2, 1964 from Charles W. Maxson to Arthur B. Altman and Edna A. Altman e. Assignment dated December 10, 1964 to Julia Wyser Young f. Deed dated December 26, 1973 from Dean D. Lundstrom and Adeline A. Lundstrom to Julia Wyser Young g. Deed dated March 30, 1977 from Julia C. Young to William E. Maxson and Brent E. Maxson h. Quitclaim Deed dated April 25, 1991 from William E. Maxson to Brent E. Maxson to Charles W. Maxson i. Deed restrictions recorded August 2, 1991 j. Quitclaim Deed dated April 25, 1991 from William E. Maxson and Brent E. Maxson to Multnomah County k. Road Deed dated August 19, 1991 from William E. Maxson and Brent Maxson to Multnomah County l. Settlement Agreement dated August 19, 1991 between Corbett Water District and William E. Maxson and Brent E. Maxson m. Bargain and Sale Deed dated November 25, 1992 between Brent E. Maxson and Charles W. 	11/22/06

		<p>Maxson</p> <p>n. Deed of Trust dated January 20, 2003 from Charles W. Maxson to Fidelity Wells Fargo Home Mortgage, Inc.</p> <p>o. Quitclaim Deed dated June 26, 2003 from Charles W. Maxson to Charles W. Maxson Revocable Living Trust dated February 28, 2003</p> <p>p. Covenant dated June 24, 2005 filed by Charles W. Maxson</p>	
A.6	4	List of Deeds, Leases and Contracts (March 1964 to June 2005), Ticor Tile Insurance Company	01/07/07
A.7	1	Designation of applicant's representative	11/22/06
A.8	21	Applicable 1962 Multnomah County Zoning Map and Ordinance	11/22/06
A.9	27	Multnomah County East of Sandy River Rural Area (CFU-4)	11/22/06
A.10	6	Multnomah County Multiple Use Forest District Regulation	11/22/06
A.11	10	ORS 215.780 and House Bill 3661	11/22/06
A.12	1	Summary of Current Restrictions	11/22/06
A.13	29	Broker's Opinion of Value (Comparative Market Analysis)	11/22/06
A.14	11	Copy of State of Oregon Measure 37 Claim Form	11/22/06
A.15	3	Correspondence re. Incomplete Letter	01/07/07
A.16	4	Status of Record Title Report	01/07/07
A.17	2	Application to Exempt a Manufactured Structure from Registration and Titling	01/07/07
A.18	2	Manufactured Home Rider to the Mortgage/Deed of Trust/Security Deed dated January 31, 2003	01/07/07
A.19	1	Substitution of Trustee and Full Reconveyance recorded May 3, 2003	01/07/07
'B'		Staff Exhibits	Date
B.1	1	Zoning Map in Effect on April 25, 1991 and November 25, 1992	N/A
B.2	8	MUF-19 Regulations in Effect on April 25, 1991 and November 25, 1992	N/A
B.3	1	Current Zoning Map	N/A
B.4	1	Assessment and Taxation Property Information	N/A
'C'		Administration & Procedures	Date
C.1	2	Incomplete Letter	12/19/06
C.2	2	Abatement Offer Letter	12/19/06
C.3	2	Letter to claimant from County Attorney's Office re. <i>Hall v. Multnomah Co.</i>	01/26/07

C.4	2	Letter from Staff to Claimant	03/22/07
'D'		Comments Received	Date
D.1	1	Memorandum: Multnomah County Attorney's Office, Sandy Duffy	04/11/07
D.2	1	Memorandum: Multnomah County Transportation Division, Alison Winter	04/11/07

Multnomah County Attorney's Office
501 S.E. Hawthorne Blvd., Suite 500
Portland, Oregon 97214
PHONE: (503) 988-3138
FAX: (503) 988-3377



MEMORANDUM

To: Ken Born
Multnomah County Planner

CC: Derrick Tokos
Principal Planner, Multnomah County

From: Sandra Duffy
Assistant County Attorney
Multnomah County Attorney's Office

Date: April 11, 2007

Re: Charles Maxson, Ballot Measure 37 Claim T1-06-095

I have reviewed your staff report for legal sufficiency under ORS 197.352 (Measure 37). Your staff report has adequately addressed each required criteria and correctly applied Measure 37.

Script for May 10, 2007 Measure 37 Hearings R-12 and R-13

Board Clerk:

R-12 PUBLIC HEARING to consider and possibly act upon a Measure 37 Claim for Charles Maxson for up to \$385,000 in compensation or relief from land use regulations to allow the partition of each lot into two lots with four residential home sites overall on properties located at 38755 and 39062 E. Knieriem Rd., Corbett [T1N, R4E, Sec 36C, TL 300 & 400] (Case File T1-06-095)

Chair: Hearing on this matter was continued from April 26 to allow the claimant to submit additional information. This claim, like many of the other M37 claims scheduled to be heard today, was filed less than 180 days ago. There is a bill that has been approved by the legislature awaiting the governor's signature that extends the time in which we have to hear Measure 37 claims. If we postpone this matter, we may get clarification on how to address this claim and other pending M37 claims either from court rulings or from a possible amendment to M37.

**MAY I HAVE A MOTION TO POSTPONE
INDEFINITELY?**

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL TO POSTPONE INDEFINITELY**

**IS THERE ANYONE HERE ON BEHALF OF THE
CLAIMANT? WOULD YOU LIKE TO BE HEARD
ON THE ISSUE OF WHETHER WE POSTPONE
HEARING THIS CLAIM?**

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

THE MOTION IS APPROVED

Board Clerk:

R-13 PUBLIC HEARINGS to consider and possibly act upon ten Measure 37 claims seeking compensation or relief from land use regulations that prevent development of lots or parcels in unincorporated portions of the County

1	T1-05-026	Mary Hoppert
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3	T1-06-050	Jim Ellis
4	T1-06-109	Douglas Pontifex
5	T1-06-118	Daniel and Doris Boyd
6(a)	T1-06-127	Gerald and Carol Egger
6(b)	T1-06-127	Gerald and Carol Egger
7	T1-06-129	Milton and Helena Lankton
8	T1-06-133	Marcia Randall
9	T1-06-137	Dorothy Larson
10	T1-06-142	M. Keith Evans, Jr.

Chair: The **Pontifex, Boyd, Egger, Lankton, Randall, Larson and Evans** claims are still less than 180 days from the date the claim was filed. If we postpone hearings on these matters we may get clarification on how to address these claims either from court rulings or from a possible amendment to Measure 37.

MAY I HAVE A MOTION TO POSTPONE THESE HEARINGS INDEFINITELY?

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL TO POSTPONE INDEFINITELY**

IS THERE ANYONE HERE ON BEHALF OF THE CLAIMANTS? WOULD YOU LIKE TO BE HEARD ON THE ISSUE OF WHETHER WE POSTPONE HEARING THIS CLAIM?

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

THE MOTION IS APPROVED

Chair: The **Hoppert, Atkinson and Ellis** claims were filed more than 180 days ago. These claimants seek the right to use their properties for the uses described in the claims and the staff report.

Chair: This is the time set for public hearings on the Ballot Measure 37 claims of **Mary Hoppert, Virginia Atkinson and Jim Ellis**. I am Ted Wheeler, Chair of the Multnomah County Board of Commissioners. Also in attendance are Commissioners Maria Rojo, Lisa Naito, Jeff Cogen and Lonnie Roberts.

All information relevant to these claims may be submitted and will be considered in these hearings. The evidence may be in any form including oral and written testimony, letters, petitions or other written material, slides, photographs, maps drawings or other items.

The Commission will base its decision on the evidence presented, along with the information on the claim in the Planning file. The Board decision will be by Order adopted by the Board.

DISCLOSURES:

Chair: Board members are required to disclose the content of any *ex parte* contacts. Any Board member who has received any factual information obtained outside the information provided by the county planning staff or this hearing is an *ex parte* contact. A visit to the property is considered an *ex parte* contact. Any *ex parte* contacts should be disclosed at this time. Such disclosures should include the time and date of the visit, what he/she observed, who (if anyone) the Commissioner talked to at the site and any other relevant facts or observations obtained as a result of the site visit.

Chair: I have *no ex parte* contacts to disclose regarding any of the claims we are hearing today.

or if the Chair has disclosures to make

I have the following disclosures to make: _____

Chair: [Invite the other Commissioners to make any necessary disclosures.)
Commissioner Rojo? Commissioner Naito? Commissioner Cogen?
Commissioner Roberts? [If there are none, each Commissioner should say "none" on the record.]

[If there are disclosures of *ex parte* contacts, the claimant and the public should be given an opportunity to rebut the substance of any disclosure. "Does anyone have any rebuttal testimony relating to any disclosure?"]

Chair: Board members are also required to disclose any conflicts of interest and to recuse themselves from deliberation and voting if a conflict exists. It is deemed a conflict of interest if any Board member, or a member of his/her immediate family or household, has a financial interest in the outcome of a matter before the Board. It is a conflict of interest if a Board member lives within the geographical area entitled to notice of a claim.

Chair: Does any Board member, or a member of his/her immediate family or household, have a financial interest in the outcome of any of the claims now before us?

I do [do not] have a financial interest in the outcome of any of these claims.
[Invite other commissioners to make any necessary disclosures.] Commissioner Rojo? Commissioner Naito? Commissioner Cogen? Commissioner Roberts? [If yes, that person must recuse himself/herself on the record.]

Does any Board member live within the geographical area entitled to notice of any of these claims?

I do [do not] live within the geographical area of any of these claims.
Commissioner Rojo? Commissioner Naito? Commissioner Cogen?
Commissioner Roberts?
[Any commissioner who lives within the relevant geographical area of a claim must recuse himself/herself. MCC 7.540]

CONDUCT OF THE HEARING:

Chair: In each of these three hearings, I will ask for testimony and other evidence in the following order:

1. Staff report
2. Claimant or claimant's representative
3. Others who wish to be heard on the claim
4. Commission discussion, questions, deliberation
5. Future scheduling if necessary

HOW TO PRESENT TESTIMONY:

Chair: There are testimony cards at the back of the room and should be filled out by anyone wishing to testify. The claimants need not fill out a card. The cards should be given to the Board Clerk.

1. State your name and address before you begin your presentation
2. Avoid repetitive testimony
3. During the hearing, I ask those in the audience to refrain from any demonstration in support or opposition to the claim.

The function of this board when we receive a M37 claim is to determine if the claim is valid and then to either pay compensation or

"not apply" regulations adopted after the claimant acquired the property.

If the board approves the proposed orders to "not apply" regulations in these cases, the result will be that only regulations in effect at the time the current owner acquired the property will be applied – along with regulations that are exempt from M37 – nuisance regulations, health and safety regulations, and so on.

However, depending on when the current owner acquired the property, uses sought by the current owner may not have been allowed under regulations in effect when the current owner bought the property. The proposed orders do not assure that any particular use can be made of the property.

Also, it is important to note that only County regulations are being considered today. For most rural lands, claimants must obtain waivers from the State of Oregon for statewide planning goals, statutes, or administrative rules that apply to their properties.

If we approve the proposed orders, the next step in the process is for the claimants to obtain waivers from the State and then make applications for development to the County under the prior regulations.

That process will determine what uses can be made of the property.

Chair: Please call the first hearing.

Board Clerk:

Public Hearing on the Ballot Measure 37 Request of Albert Hoppert, Personal Representative for the Estate of Mary Hoppert, Relating to Real Property Located at 19134-19136 NW Morgan Road, Multnomah County, Oregon, Case No. T1-05-026

Chair: [Ask for testimony in the order listed above]

AT THE CONCLUSION OF THE TESTIMONY:

Chair: [Ask for Board discussion, questions, deliberation, motion and/or future scheduling if necessary]

AFTER DISCUSSION:

Do I have a motion on this Claim? [Hoppert]

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF Order Granting Ballot Measure
37 Request of Albert Hoppert, Personal
Representative for the Estate of Mary Hoppert**

OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

**THE MOTION FAILS
OR
THE ORDER GRANTING THE BALLOT
MEASURE 37 REQUEST OF ALBERT HOPPERT,
PERSONAL REPRESENTATIVE FOR THE
ESTATE OF MARY HOPPERT, RELATING TO
REAL PROPERTY LOCATED AT 19134-19136
NW MORGAN ROAD, MULTNOMAH COUNTY,
OREGON IS ADOPTED**

Chair: Please call the second hearing.

Board Clerk:

Public Hearing on the Ballot Measure 37 Request of Virginia Atkinson Relating to Real Property Located at 2950 NW 53rd Dr., Multnomah County, Oregon, Case No. T1-05-028

Chair: [Ask for testimony in the order listed above]

AT THE CONCLUSION OF THE TESTIMONY:

Chair: [Ask for Board discussion, questions, deliberation, motion and/or future scheduling if necessary]

AFTER DISCUSSION:

Do I have a motion on this Claim? [Atkinson]

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF Order Granting Ballot Measure
37 Request of Virginia Atkinson**

OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

**THE MOTION FAILS
OR**

**THE ORDER GRANTING THE BALLOT
MEASURE 37 REQUEST OF VIRGINIA
ATKINSON RELATING TO REAL PROPERTY
LOCATED AT 2950 NW 53RD DRIVE,
MULTNOMAH COUNTY, OREGON IS ADOPTED**

Chair: Please call the third hearing.

Board Clerk:

Public Hearing on the Ballot Measure 37 Request of Jim Ellis Relating to Real
Property Located at 35611 SE MacInnes Road, Multnomah County, Oregon, Case
No. T1-06-050

Chair: [Ask for testimony in the order listed above]

AT THE CONCLUSION OF THE TESTIMONY:

Chair: [Ask for Board discussion, questions, deliberation, motion and/or future
scheduling if necessary]

AFTER DISCUSSION:

Do I have a motion on Claim 3? [Ellis]

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF Order Granting Measure 37
Request of Jim Ellis**

OPPORTUNITY FOR BOARD COMMENTS

**ALL IN FAVOR, VOTE AYE, OPPOSED ____?
THE MOTION FAILS
OR**

**THE ORDER GRANTING THE BALLOT
MEASURE 37 REQUEST OF JIM ELLIS
RELATING TO REAL PROPERTY LOCATED AT
35611 SE MACINNES ROAD, MULTNOMAH
COUNTY, OREGON IS ADOPTED**

**THERE BEING NO FURTHER BUSINESS, THE MEETING IS
ADJOURNED.**



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 05/10/07
Agenda Item #: R-13
Est. Start Time: 10:25 AM
Date Submitted: 04/26/07

Agenda Title: **Public Hearings to consider and possibly act upon ten Measure claims seeking compensation or relief from land use regulations that prevent development of lots or parcels in unincorporated portions of the County**

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

Requested Meeting Date: May 10, 2007 Amount of Time Needed: 2 hrs
Department: Community Services Division: Land Use & Transportation
Contact(s): Derrick Tokos, Sandra Duffy
Phone: 503-988-3043 Ext. 22682 I/O Address: 455/116
Presenter(s): Derrick Tokos, Sandra Duffy

General Information

1. What action are you requesting from the Board?

Action requested is to provide a public hearing and render a decision regarding Measure 37 claims filed by ten (10) claimants seeking compensation or relief from County land use regulations that prevent the claimants from developing their property. Some claimants own several properties. A description of each claim, location of the properties, and an outline of an approach for deciding the claims is contained in the Land Use Planning Staff Report.

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

For a claim to be valid, the land use regulations challenged must restrict the claimants use of private real property in a manner that reduces its fair market value relative to how it could have been used at the time the claimants acquired the property. As outlined in the staff report and memorandum from the County Attorney's Office, this requirement has not been met because the claimants have failed to establish that development they are seeking could have been approved under the land use regulations in effect at the time they acquired the property, or the claimants have not shown that the challenged regulations have restricted their use of the property.

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

The dollar amount for compensation varies for each claim. In aggregate, it exceeds \$10.4 million; however, these dollar figures for the most part are not supported by appraisals. Since the claimants have not shown that their use of the property has been restricted there is no reduction to the fair market values of the properties.

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

Policy and legal issues are outlined in the staff report. The County Attorney has advised that any property rights obtained by relief from land use regulations are not transferable under Ballot Measure 37, consistent with the DOJ opinion of February 2005.

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

Public notice of this hearing has been mailed to all property owners within 750 feet of the subject property, and the claimant. Deliberation and any action on this item will be done following a public hearing at which interested citizens will have an opportunity to testify and provide written comment in accordance with the Board of Commissioners rules of procedure for the hearing.

Required Signature

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



Date: 04/26/07



LAND USE & TRANSPORTATION PLANNING PROGRAM

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

Staff Analysis of Measure 37 Claims Scheduled for May 10, 2007 Public Hearings Before the Board of Commissioners

PART 1: INTRODUCTION

Claims evaluated in this report are scheduled for public hearings at 9:30 am or soon thereafter on the above referenced date, in the Commissioners' Board Room of the Multnomah Building, located at 501 SE Hawthorne, Portland, Oregon.

For a claim to be valid, the land use regulations challenged must restrict the claimants use of private real property in a manner that reduces its fair market value relative to how it could have been used at the time the claimants acquired the property. As outlined in this report, the Claimants have not established a valid claim because they have not established that the challenged regulations have restricted their use of the property. Specifically, Claim # 1, 2, 3, 6, 9 and 10 (see charts below) have not established that the proposed uses were allowed at the time they acquired the property. Claim # 4, 7, and 8 (see charts below) have not established that the challenged regulations restrict the proposed uses. Claim #5 (see charts below) has established that one of the proposed uses was allowed at the time the Claimant acquired the property.

Information referenced in this report and/or provided by the claimant is included in the claim record on file at the Land Use and Transportation Planning Office.

PART II: CLAIMANT AND PROPERTY INFORMATION

Claim	File No.	Claimant(s)	Location	Size
1	T1-05-026	Mary Hoppert	19134-19136 NW Morgan Road; Tax Lot 200, Section 12DC, Township 2N, Range 2W, W.M.	3.34 ac
2	T1-05-028	Virginia Atkinson	2950 NW 53rd Dr; Tax Lot 700, 800 & 200 Section 25A, Township 1N, Range 1W, W.M.	9.98 ac
3	T1-06-050	Jim Ellis	35611 SE MacInnes Road; Tax Lot 300, Section 3, Township 1S, Range 4E. W.M.	22.79 ac
4	T1-06-109	Douglas Pontifex	South of 1932 SW Highland Road; Tax Lot 100, Section 05CC, Township 1S, Range 1E, W.M.	0.79 ac
5	T1-06-118	Daniel & Doris Boyd	12814 NW Cornelius Pass Road; Tax Lots 1300, 2000, and 2100, Section 31, Township 2N, Range 2W, W.M.	29.17 ac
6(a)	T1-06-127	Gerald & Carol Egger	19818 NW Sauvie Island Road, Tax Lot 201, Section 08, Township 2N, Range 1W, W.M.	110.5 Ac.
6(b)	T1-06-127	Gerald & Carol Egger	19818 NW Sauvie Island Road, Tax Lot 202, Section 08, Township 2N, R 1W, W.M.	98.23 Ac.

7	T1-06-129	Milton & Helena Lankton	1801 SW 61st Dr; Tax Lot 1500 & 1501, Section 6 Township 1 S, R 1E, W.M.	3.2 ac
8	T1-06-133	Marcia Randall	5735 SW Grover Ct; Tax Lot 1400, 1500, 1600, Section 7BD, Township 1S, R 1E, W.M.	11.0 ac
9	T1-06-137	Dorothy Larson	30041 E. Woodard Rd; Tax Lot 100, Section 31DA, Township 1N, Range: 4E, W.M.	16.58 Ac.
10	T1-06-142	M. Keith Evans, Jr.	311 SE Smith Road; Tax Lot 1900, Section 34, Township 1N, Range 4E, W.M	24.60 ac

PART III: CLAIM SUMMARY

Each claim evaluated in this report seeks monetary compensation or relief from County land use regulations that prevent the claimants from developing their property in the manner described below. Some claimants own several properties. Regulations challenged are those that prevent the development.

Claim	File No.	Compensation or Relief Sought
1	T1-05-026	\$250,000 or relief from rules restricting an automotive repair shop and dividing the property into an unspecified number of lots.
2	T1-05-028	\$1,100,000 or the right to establish dwellings on Tax Lot 200 and Tax Lot 800.
3	T1-06-050	While no monetary amount was noted in the County Measure 37 Claim, the State claim indicates compensation in the amount of \$2.3 million was sought. Claimant requests relief from rules preventing division of the land.
4	T1-06-109	Relief from City of Portland land use regulations adopted by Multnomah County under an Intergovernmental Agreement, to allow for the development of a single family residence under the rules in place at the time of purchase in the R-10 zone district.
5	T1-06-118	\$2.2 million or relief from regulations preventing commercial, industrial, or residential uses that were available on May 7, 1969.
6	T1-06-127	Relief from EFU regulations to allow division of the land into as many lots as feasible for residential use.
7	T1-06-129	\$330,000 or relief from City of Portland environmental overlay regulations, adopted by Multnomah County under Intergovernmental Agreement, that limit the right to create three buildable lots of at least 20,000 square feet each.
8	T1-06-133	\$2,279,060 or relief from City of Portland environmental overlay regulations, adopted by Multnomah County under Intergovernmental Agreement, that limit the ability to divide the 11 acre property into 20 single family building lots.
9	T1-06-137	\$1,400,000 or relief from EFU regulations to allow the division of the property into eight, 2-acre lots.
10	T1-06-142	Up to \$700,000 in compensation or relief from land use regulations to restore 4 lots of record for building sites. Claim requests home sites on three of the disaggregated lots.

PART IV: STAFF ANALYSIS

(The following is a step-by-step evaluation of the claim. The analysis is structured as a series of questions that must be answered to establish if a claim is valid, comparable to the methodology outlined in a February 24th, 2005 memo authored by the State Attorney General's Office.)

1. Did the claimants acquire the properties before the laws in question were adopted?

Except for Claims #4, #5, and #7, claimants have failed to establish that they acquired the properties before the laws in question were adopted. The following are dates the current owners assert they acquired the properties listed above, actual acquisition dates, instrument numbers for the acquisition deeds, the zoning in effect at the actual time of acquisition, and the current zoning of the property.

Claim	File No.	Claimed Acquisition Date	Actual Acquisition Date	Acquisition Deed Instrument #	Zoning When Acquired	Current Zoning
1	T1-05-026	2/2/55	7/2/05	Acquired through inheritance as indicated in State Claim	RR	RR
2(a)	T1-05-028	9/13/55 (TL 700)	9/13/55 (TL 700)	Bk 1746, Pg 212	R-20	CFU-2
2(b)	T1-05-028	1969 (TL 200 & 800)	5/15/92 (TL 200 & 800)	Bk 2611, Pg 847 Bk 2611, Pg 848 - 852	MUF-19	CFU-2
3	T1-06-050	3/11/46	1/26/01	Acquired through inheritance as indicated in State Claim	EFU	EFU
4	T1-06-109	04/19/98	11/09/98	Inst# 98-203618	R-10	R-10c
5	T1-06-118	5/7/69	5/7/69	Book 1086, Page 229 through 232	F2	CFU-2
6	T1-06-127	1/15/71	*	*	*	*
7	T1-06-129	6/30/65	6/30/65	Bk 348, Pg 385	R-20	R-20c/p
8(a)	T1-06-133	5/3/82	5/3/82 (TL 1400 & 1500)	unclear	R-20	R-20c/p
8(b)	T1-06-133	5/3/82	11/14/02 (TL 1600)	Inst# 2002-206988 (TL 1600)	R-20	R-20c/p
9	T1-06-137	9/2/42	3/27/77	Probate Document #126814	F-2	EFU
10	T1-06-142	9/23/77	02/14/95	Inst# 95-18010	CFU/ EFU	EFU

* Claimants are mortgage holders only, and have no *interest* in the real property.

2. Have the challenged land use regulations restricted the use of the properties?

Except for a portion of Claim #5, the claimants have failed to establish that the challenged regulations have restricted their use of the property. County land use regulations in effect when the claimants acquired the properties prohibited the current owner from developing the property in the manner outlined in their claim or, in the case of Claims #4, #7, and #8, the claimants have not established that their use of the property has been restricted. For Claim #5, land use regulations prohibited the commercial and industrial portions of their request but allowed a dwelling required for agricultural purposes. To the extent that claimant is interested in this form of development; subsequent regulations have restricted them from establishing the use. An explanation of the circumstances specific to each claim is as follows:

Claim	File No.	Rationale for why the claimants use has not been restricted
1	T1-05-026	Mary Hoppert passed away shortly after the claim was filed. On July 2, 2005, Albert Hoppert inherited the property and is the current owner. The RR regulations in place when he acquired the property in 2005 were the same as those in place today, which prohibit automotive repair shops and the creation of lots less than 5 acres in size (§33.3100 et. seq.).

		Since development sought by Mr. Hoppert was prohibited when he acquired the property, there has been no restriction in use. The State of Oregon has prepared a draft decision for this claim that references the same 2005 acquisition date.
2	T1-05-028	Current CFU-2 zoning regulations aggregate all three lots into one 9.98 acre tract of land for development purposes (§33.2275(A)(2)(b)). The claimant cannot qualify dwellings on Tax Lots 200 and 800 because Tax Lot 700 is already developed with a residence and only one dwelling is allowed on the tract (§33.2240(A)(3)(e) & (B)(1)(a)). The claim is not valid because undeveloped Tax Lots 200 and 800 were acquired by the claimant in 1992 after aggregation regulations were already in effect (§11.15.2182(A)(1)(d)(2)). The zoning at that time was MUF-19. The claimant acquired the Tax Lots 200 and 800 in 1992 following the death of Robert Atkinson, her husband, who had sole title to the properties up to that point. The State of Oregon has issued a final decision on this claim that references the same 1992 acquisition date.
3	T1-06-050	When the claimant inherited the property in 2001, the EFU rules in effect prevented division of the land into lots or parcels smaller than 80-acres in size (§35.2660). Additionally, EFU rules in effect in 2001 restricted the placement of dwellings on EFU land to the same extent as they do today. As such, there has been no restriction in the use of the property. The State of Oregon has issued a final decision on this claim that references the same 2001 acquisition date.
4	T1-06-109	R-10 and Environmental Conservation zoning regulations that apply to this property are implemented by the City of Portland on behalf of the County pursuant to an intergovernmental agreement which transferred land use planning responsibilities from the County to the City in 2002. The County enacted the regulations on January 1, 2002. While the claimant acquired the property prior to this date, he has not shown that the regulations prevent him from constructing a dwelling as asserted in the claim. On April 23, 2007, City staff advised that the claimant is close to receiving a building permit for his home. They note that the project now meets the zoning code standards but that there are minor processes that must be completed before a permit can be issued. Given these circumstances, staff finds that the claimant has failed to establish that current regulations prevent him from constructing a residence on the property.
5	T1-06-118	Two of the three tax lots owned by the claimants are vacant. The third contains a dwelling. The properties were subject to F-2 zoning when the claimants acquired them in 1969. The F-2 district was an agricultural zone, that allowed dwellings for the owner, operator, or help required to carry out grazing, agriculture, horticulture, or the growing of timber (§3.112, Ord. #100). The property is presently zoned CFU-2. The CFU-2 regulations contain specific standards for qualifying a dwelling that are more restrictive than the F-2 requirements, and have the effect of preventing dwellings from being constructed on the properties. Commercial and industrial uses were not permitted in the F-2 district. Accordingly, the claimants' use of the property for these purposes has not been restricted.
6	T1-06-127	The claimants do not hold an interest in the real property. They sold their interest in the real property to David & Vicki Eggers on November 3, 2000. Since the claimants do not possess an ownership interest in the property, their use of the land has not been restricted.
7	T1-06-129	<p>The R-20 zoning regulations that have been in place since before acquisition of both properties have not changed with respect to minimum lot size or configurations required for new properties created by a land division. From the claimant's narrative, it appears that they are not contesting the R-20 base zoning regulations, rather they are challenging environmental protection and conservation regulations that the City of Portland administers for the County pursuant to a January 1st, 2002 Intergovernmental Agreement. The claimant indicates these environmental regulations prohibit the creation of three lots in the way he envisions.</p> <p>City of Portland staff has advised that the environmental regulations would not be applied such that they prevent the claimant from achieving the maximum density of 6 lots. A</p>

		<p>stream flows through the property and portions of the site are steeply sloped. These are factors for why the environmental overlays were placed on the property. The site is within the SW Hills Resource Protection Plan Area. For other Measure 37 claims in this area, the City has found that overlay requirements such as maximum disturbance regulations; setback requirements from water bodies; maximum tree cutting regulations; maximum front building setbacks; and maximum setback and disturbance regulations for streets and utilities, are health and safety regulations exempt pursuant to ORS 197.352(3) (ref: Patton Claim #05-138016). They came to this conclusion by finding that the regulations were enacted, in part, to prevent landslides, floods, erosion, sedimentation, and water pollution. The City found non-exempt overlay regulations, such as those requiring the planting of native vegetation; minimum front setbacks; and rules governing fencing, lighting, parking, storage, and outdoor displays do not restrict a claimant's use of the property because they cannot prevent the claimant from obtaining their desired number of lots and dwelling units. This same rationale should carry over to the subject property, since the same overlay rules apply and it is in the same Resource Protection Plan Area.</p> <p>The claimants have not availed themselves of the City's Environmental Review process. This is the avenue by which the City evaluates an application against the environmental regulations. City staff has advised that the claimant can achieve their desired density through this process. Consequently we cannot find that the claimant's use of the property has been restricted since there is a clear path under current rules for them to achieve the use.</p>
8	T1-06-133	<p>The R-20 zoning regulations that have been in place since acquisition of all three parcels have not changed with respect to land division suitability requirements. The claimant is not challenging the R-20 base zoning regulations but is challenging the City of Portland's environmental overlay regulations adopted by Multnomah County under Intergovernmental Agreement on January 1st, 2002. The claimant asserts that these regulations prevent subdivision of the lots for development with single family homes.</p> <p>The title report submitted with the claim materials demonstrates that ownership of all three parcels was transferred from the claimant to the RF Investment Company on May 3rd, 1982 (Bk 1593, Pg 1760). Ownership of Parcel A (TL 1400) and B (TL 1500) was then transferred to the Scholls Woods Investment, LLC September 19th, 2001 (Recorded document numbers 2001-147866 & 2001-147865, respectively). Ownership of Parcel C (TL 1600) was transferred from the RF investment Company to the claimant on November 14th, 2002 (Recorded document number 2002-206988).</p> <p>Staff cannot confirm the claimant's assertion that she has held a continuous interest in the subject properties since 1982 because the 1982 transfer to the investment company and the subsequent 2001 transfer to the LLC appears to have reset the date of ownership multiple times. The claimant stated that she has held a continuous interest in all three parcels since 1982 through a life estate that is still in effect for all Parcels A and B. A life estate may be sufficient to demonstrate continuous ownership depending upon the scope of the life estate. Staff could not confirm the terms of the life estate because a copy of the 1982 life estate contract was not provided with the claim materials. Staff will try to get this question resolved prior to the hearing.</p> <p>At this time, the claimant has not demonstrated continuous ownership of the three parcels since 1982 as stated in the claim materials. The claim materials submitted only demonstrate the claimant acquired Parcel C (TL 1600) on November 14th, 2002, when the challenged regulations were already in effect.</p> <p>Additionally, the claimant has not availed herself of the City's Environmental Review process. This is the avenue by which the City evaluates an application against the environmental regulations. City staff has advised that the claimant can achieve their</p>

		desired density through this process. Consequently we cannot find that the claimant's use of the property has been restricted since there is a clear path under current rules for them to achieve the density of development they desire.
9	T1-06-137	The claimant acquired the property at the time of her father's death on March 27, 1977. The exact date that the property was transferred to her out of probate is unclear. In March of 1977, F-2 zoning applied to the property. The F-2 district had a minimum lot size of 20 acres for the creation of new parcels on agricultural lands (§3.1240.a., Ord. #115). The subject property consists predominately of Class II soils which is a high value soil in the State. Because the claimant's property is only 16.58 acres in size she could not have divided it under the rules in effect when she acquired the land in 1977.
10	T1-06-142	While the claimant originally acquired the property in 1979, it was foreclosed by the County on October 3, 1994 (Inst #94-158179). Subsequently, the claimant entered into a contract to repurchase the property on January 19, 1995 (Inst #95-18010). EFU and CFU zoning regulations in effect when the claimant repurchased the property required the property be treated as one unit of land for development purposes, irrespective of how many parcels may have existed in the past (§11.15.2018 and §11.15.2062, Ord. #643). The property is presently identified as a single tax lot (Tax Lot 1900). Both EFU and CFU rules limited a new home to one residence on a single lot of record. EFU regulations allowed for a second home for farm help purposes only. Since the property already contains a home, regulations in effect when the claimant repurchased the property did not allow him to create three additional home sites as asserted in the claim.

3. Have the regulations reduced the fair market value of the properties?

As established above, regulations in effect when the claimants acquired the properties prohibited the current owner from developing the property in the manner outlined in their claim or, in the case of claims #4, #7, and #8, the claimants have not established that their use of the property has been restricted. Since the claimants have not shown that their use of the properties has been restricted, there is no reduction to the fair market value of the properties.

For claim #5, the claimants have established that the Current CFU-2 regulations restrict the property such that additional dwellings cannot be constructed and have provided comparable sales data for vacant and developed rural properties to support their assertion that the restrictive regulations have reduced the properties value. Since an appraisal has not been provided, there is insufficient evidence to establish a specific dollar amount for compensation; however, alternative data can be used to establish that property which is eligible for the construction of a dwelling is valued more highly than property which is not eligible for the construction of a dwelling.¹

PART V: RECOMMENDATION

For the reasons stated herein, the claimants have failed to establish that regulations enacted after they acquired the properties have restricted their use of the land and reduced its value. Consequently, staff recommends that the Board of Commissioners deny these claims. For claim #5, staff recommends the Board of Commissioners deny the industrial and commercial portions of the claim but find the residential component of the claim to be valid. As an alternative to compensation, the Board may choose

¹ The alternative data submitted assumes the ability to develop the lots is transferable by sale which contradicts the Attorney General's opinion on transferability. Also, the alternative data looks only at the current market value of the property and comparable properties. It does not look at the impact of the regulations at the time they were imposed. The land use regulations challenged in this claim have constrained the supply of developable properties in this area, the result of which may impact land values of the remaining developable properties in a positive manner [(2006) Jaeger, W., The effects of Land-Use Regulations on Property Values, Environmental Law (VOL 36) Pages 105-130]. That impact on the value is not considered in the analysis.

to not apply (i.e. waive) land use regulations enacted after the claimants acquired the property in 1969 to allow them to use the property for a use permitted at the time (ORS 197.352(8)). Regulations may be waived to the extent they are not health and safety related or otherwise exempt as set out in ORS 197.352(3).

PUBLIC NOTICE

Public notice of this hearing was mailed to all property owners within 750 feet of the listed properties. Deliberation and any action on this item will be taken following a public hearing at which interested citizens will have an opportunity to testify and provide written comment in accordance with the Board of Commissioners rules of procedure for the hearing.

Script for May 10, 2007 Measure 37 Hearings R-12 and R-13

Board Clerk:

R-12 PUBLIC HEARING to consider and possibly act upon a Measure 37 Claim for Charles Maxson for up to \$385,000 in compensation or relief from land use regulations to allow the partition of each lot into two lots with four residential home sites overall on properties located at 38755 and 39062 E. Knieriem Rd., Corbett [T1N, R4E, Sec 36C, TL 300 & 400] (Case File T1-06-095)

Chair: Hearing on this matter was continued from April 26 to allow the claimant to submit additional information. This claim, like many of the other M37 claims scheduled to be heard today, was filed less than 180 days ago. There is a bill that has been approved by the legislature awaiting the governor's signature that extends the time in which we have to hear Measure 37 claims. If we postpone this matter, we may get clarification on how to address this claim and other pending M37 claims either from court rulings or from a possible amendment to M37.

**MAY I HAVE A MOTION TO POSTPONE
INDEFINITELY?**

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL TO POSTPONE INDEFINITELY**

**IS THERE ANYONE HERE ON BEHALF OF THE
CLAIMANT? WOULD YOU LIKE TO BE HEARD
ON THE ISSUE OF WHETHER WE POSTPONE
HEARING THIS CLAIM?**

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

THE MOTION IS APPROVED

Board Clerk:

R-13 PUBLIC HEARINGS to consider and possibly act upon ten Measure 37 claims seeking compensation or relief from land use regulations that prevent development of lots or parcels in unincorporated portions of the County

1 | T1-05-026 | Mary Hoppert

2	T1-05-028	Virginia Atkinson
3	T1-06-050	Jim Ellis
4	T1-06-109	Douglas Pontifex
5	T1-06-118	Daniel and Doris Boyd
6(a)	T1-06-127	Gerald and Carol Egger
6(b)	T1-06-127	Gerald and Carol Egger
7	T1-06-129	Milton and Helena Lankton
8	T1-06-133	Marcia Randall
9	T1-06-137	Dorothy Larson
10	T1-06-142	M. Keith Evans, Jr.

Chair: The **Pontifex, Boyd, Egger, Lankton, Randall, Larson and Evans** claims are still less than 180 days from the date the claim was filed. If we postpone hearings on these matters we may get clarification on how to address these claims either from court rulings or from a possible amendment to Measure 37.

MAY I HAVE A MOTION TO POSTPONE THESE HEARINGS INDEFINITELY?

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL TO POSTPONE INDEFINITELY**

IS THERE ANYONE HERE ON BEHALF OF THE CLAIMANTS? WOULD YOU LIKE TO BE HEARD ON THE ISSUE OF WHETHER WE POSTPONE HEARING THIS CLAIM?

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

THE MOTION IS APPROVED

Chair: The **Hoppert, Atkinson and Ellis** claims were filed more than 180 days ago. These claimants seek the right to use their properties for the uses described in the claims and the staff report.

Chair: This is the time set for public hearings on the Ballot Measure 37 claims of **Mary Hoppert, Virginia Atkinson and Jim Ellis**. I am Ted Wheeler, Chair of the Multnomah County Board of Commissioners. Also in attendance are Commissioners Maria Rojo, Lisa Naito, Jeff Cogen and Lonnie Roberts.

All information relevant to these claims may be submitted and will be considered in these hearings. The evidence may be in any form including oral and written testimony, letters, petitions or other written material, slides, photographs, maps drawings or other items.

The Commission will base its decision on the evidence presented, along with the information on the claim in the Planning file. The Board decision will be by Order adopted by the Board.

DISCLOSURES:

Chair: Board members are required to disclose the content of any *ex parte* contacts. Any Board member who has received any factual information obtained outside the information provided by the county planning staff or this hearing is an *ex parte* contact. A visit to the property is considered an *ex parte* contact. Any *ex parte* contacts should be disclosed at this time. Such disclosures should include the time and date of the visit, what he/she observed, who (if anyone) the Commissioner talked to at the site and any other relevant facts or observations obtained as a result of the site visit.

Chair: I have *no ex parte* contacts to disclose regarding any of the claims we are hearing today.

or if the Chair has disclosures to make

I have the following disclosures to make: _____

Chair: [Invite the other Commissioners to make any necessary disclosures.)
Commissioner Rojo? Commissioner Naito? Commissioner Cogen?
Commissioner Roberts? [If there are none, each Commissioner should say "none"
on the record.]

[If there are disclosures of *ex parte* contacts, the claimant and the public should be given an opportunity to rebut the substance of any disclosure. "Does anyone have any rebuttal testimony relating to any disclosure?"]

Chair: Board members are also required to disclose any conflicts of interest and to recuse themselves from deliberation and voting if a conflict exists. It is deemed a conflict of interest if any Board member, or a member of his/her immediate family or household, has a financial interest in the outcome of a matter before the Board. It is a conflict of interest if a Board member lives within the geographical area entitled to notice of a claim.

Chair: Does any Board member, or a member of his/her immediate family or household, have a financial interest in the outcome of any of the claims now before us?

I do [do not] have a financial interest in the outcome of any of these claims.
[Invite other commissioners to make any necessary disclosures.] Commissioner Rojo? Commissioner Naito? Commissioner Cogen? Commissioner Roberts? [If yes, that person must recuse himself/herself on the record.]

Does any Board member live within the geographical area entitled to notice of any of these claims?

I do [do not] live within the geographical area of any of these claims.
Commissioner Rojo? Commissioner Naito? Commissioner Cogen?
Commissioner Roberts?
[Any commissioner who lives within the relevant geographical area of a claim must recuse himself/herself. MCC 7.540]

CONDUCT OF THE HEARING:

Chair: In each of these three hearings, I will ask for testimony and other evidence in the following order:

1. Staff report
2. Claimant or claimant's representative
3. Others who wish to be heard on the claim
4. Commission discussion, questions, deliberation
5. Future scheduling if necessary

HOW TO PRESENT TESTIMONY:

Chair: There are testimony cards at the back of the room and should be filled out by anyone wishing to testify. The claimants need not fill out a card. The cards should be given to the Board Clerk.

1. State your name and address before you begin your presentation
2. Avoid repetitive testimony
3. During the hearing, I ask those in the audience to refrain from any demonstration in support or opposition to the claim.

The function of this board when we receive a M37 claim is to determine if the claim is valid and then to either pay compensation or

"not apply" regulations adopted after the claimant acquired the property.

If the board approves the proposed orders to "not apply" regulations in these cases, the result will be that only regulations in effect at the time the current owner acquired the property will be applied – along with regulations that are exempt from M37 – nuisance regulations, health and safety regulations, and so on.

However, depending on when the current owner acquired the property, uses sought by the current owner may not have been allowed under regulations in effect when the current owner bought the property. The proposed orders do not assure that any particular use can be made of the property.

Also, it is important to note that only County regulations are being considered today. For most rural lands, claimants must obtain waivers from the State of Oregon for statewide planning goals, statutes, or administrative rules that apply to their properties.

If we approve the proposed orders, the next step in the process is for the claimants to obtain waivers from the State and then make applications for development to the County under the prior regulations.

That process will determine what uses can be made of the property.

Chair: Please call the first hearing.

Board Clerk:

Public Hearing on the Ballot Measure 37 Request of Albert Hoppert, Personal Representative for the Estate of Mary Hoppert, Relating to Real Property Located at 19134-19136 NW Morgan Road, Multnomah County, Oregon, Case No. T1-05-026

Chair: [Ask for testimony in the order listed above]

AT THE CONCLUSION OF THE TESTIMONY:

Chair: [Ask for Board discussion, questions, deliberation, motion and/or future scheduling if necessary]

AFTER DISCUSSION:

Do I have a motion on this Claim? [Hoppert]

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF Order Granting Ballot Measure
37 Request of Albert Hoppert, Personal
Representative for the Estate of Mary Hoppert**

OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

**THE MOTION FAILS
OR
THE ORDER GRANTING THE BALLOT
MEASURE 37 REQUEST OF ALBERT HOPPRT,
PERSONAL REPRESENTATIVE FOR THE
ESTATE OF MARY HOPPRT, RELATING TO
REAL PROPERTY LOCATED AT 19134-19136
NW MORGAN ROAD, MULTNOMAH COUNTY,
OREGON IS ADOPTED**

Chair: Please call the second hearing.

Board Clerk:

Public Hearing on the Ballot Measure 37 Request of Virginia Atkinson Relating to Real Property Located at 2950 NW 53rd Dr., Multnomah County, Oregon, Case No. T1-05-028

Chair: [Ask for testimony in the order listed above]

AT THE CONCLUSION OF THE TESTIMONY:

Chair: [Ask for Board discussion, questions, deliberation, motion and/or future scheduling if necessary]

AFTER DISCUSSION:

Do I have a motion on this Claim? [Atkinson]

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF Order Granting Ballot Measure
37 Request of Virginia Atkinson**

OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

**THE MOTION FAILS
OR**

**THE ORDER GRANTING THE BALLOT
MEASURE 37 REQUEST OF VIRGINIA
ATKINSON RELATING TO REAL PROPERTY
LOCATED AT 2950 NW 53RD DRIVE,
MULTNOMAH COUNTY, OREGON IS ADOPTED**

Chair: Please call the third hearing.

Board Clerk:

Public Hearing on the Ballot Measure 37 Request of Jim Ellis Relating to Real Property Located at 35611 SE MacInnes Road, Multnomah County, Oregon, Case No. T1-06-050

Chair: [Ask for testimony in the order listed above]

AT THE CONCLUSION OF THE TESTIMONY:

Chair: [Ask for Board discussion, questions, deliberation, motion and/or future scheduling if necessary]

AFTER DISCUSSION:

Do I have a motion on Claim 3? [Ellis]

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF Order Granting Measure 37
Request of Jim Ellis**

OPPORTUNITY FOR BOARD COMMENTS

**ALL IN FAVOR, VOTE AYE, OPPOSED ____?
THE MOTION FAILS
OR**

**THE ORDER GRANTING THE BALLOT
MEASURE 37 REQUEST OF JIM ELLIS
RELATING TO REAL PROPERTY LOCATED AT
35611 SE MACINNES ROAD, MULTNOMAH
COUNTY, OREGON IS ADOPTED**

**THERE BEING NO FURTHER BUSINESS, THE MEETING IS
ADJOURNED.**

CHAIR WHEELER FORWARD TO M37 HEARINGS

The function of this board when we receive a M37 claim is to determine if the claim is valid and then to either pay compensation or "not apply" regulations adopted after the claimant acquired the property.

If the board approves the proposed orders to "not apply" regulations in these cases, the result will be that only regulations in effect at the time the current owner acquired the property will be applied – along with regulations that are exempt from M37 – nuisance regulations, health and safety regulations, and so on.

However, depending on when the current owner acquired the property, uses sought by the current owner may not have been allowed under regulations in effect when the current owner bought the property. The proposed orders do not assure that any particular use can be made of the property.

Also, it is important to note that only County regulations are being considered today. For most rural lands, claimants must obtain waivers from the State of Oregon for statewide planning goals, statutes, or administrative rules that apply to their properties.

If we approve the proposed orders, the next step in the process is for the claimants to obtain waivers from the State and then make applications for development to the County under the prior regulations.

That process will determine what uses can be made of the property.

[Staff presents claims]

DRAFT

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR MULTNOMAH COUNTY, OREGON

ORDER NO. _____

Order Granting Ballot Measure 37 Request of Albert Hoppert, Personal Representative for the Estate of Mary Hoppert, Relating to Real Property Located at 19134-19136 NW Morgan Road, Multnomah County, Oregon

The Multnomah County Board of Commissioners Finds:

a. **Parties:** Albert Hoppert, Personal Representative for the Estate of Mary Hoppert (Claimant), is the Ballot Measure 37 Claimant who filed a demand for compensation to Multnomah County (County) on October 27, 2006.

b. **Subject Property:** This claim relates to property located at 19134-19136 NW Morgan Road, Multnomah County, Oregon, more specifically described as:

Tax Lot 200, Section 12DC, Township 2N, Range 2W, W.M.

c. **Relevant Dates of Property Ownership:**

Claimant has established that Mary Hoppert acquired an interest in the subject property prior to the County's adoption of land use regulations affecting the Subject Property.

The Claimant has submitted sufficient documentation to establish the requisite ownership under ORS 197.352. The Claimant acquired the subject property on February 2, 1955. Albert J. Hoppert, individually, inherited an interest in the subject property on July 2, 2005. The Claimant has retained an interest in the subject property since the time an interest was acquired.

The Board finds that the Claimant became an "owner" of the subject property, as that term is defined in ORS 197.352 (11)(C), as of February 2, 1955. In addition, the Board finds that Albert Hoppert, individually, through inheritance, acquired an interest in the subject property on July 2, 2005.

d. **County Codes as a Restriction on Use of the Property:**

Claimant has established that the county has adopted land use regulations since February 2, 1955 that restrict use of the property.

No land use regulations applied to the subject property on February 2, 1955. The County's RR zoning regulations currently apply to the subject property. RR regulations restrict the use of property within the zoning district.

DRAFT

The Board finds that County land use regulations adopted after the Claimant acquired the subject property restrict the use of that property.

e. **County Code Restrictions Reduce Fair Market Value:**

Claimant has established that County land use regulations affecting the Subject Property adopted subsequent to February 2, 1955 have reduced the fair market value of the property.

The Claimant estimates that the land use regulations described in section d. have caused a reduction in the fair market value of subject property: (1) \$250,000 for a land fill operation; and, (2) \$5,235,000 for the auto repair business. The Claimant has not provided documentation sufficient to support a specific dollar amount of reduction. Nevertheless, the Board determines that information in the record indicates that the fair market value of the subject property has been reduced to some extent as a result of land use regulations adopted by the County since the Claimant's family acquired the subject property.

f. **Public Notice**

Section 3.50 of the County Charter requires notice to the public of all Board agenda matters. This notice was provided. Notice of the hearing on this claim was given to persons who own land within 750 feet of the Subject Property by mail.

The Multnomah County Board of Commissioners Finds that Claimant has a Valid Measure 37 Claim for Compensation.

The Multnomah County Board of Commissioners Orders that:

1. The County will not pay the compensation demanded by the Claimant.
2. In lieu of compensation, the County shall not apply land use regulations adopted since July 2, 2005, except for those exempted under ORS 197.352(3), to allow the Claimant to use such property for uses permitted at the times the Claimant acquired the property.
3. Section 2 above, constitutes a waiver of Comprehensive Plan and Rural Area Plan policies that the regulations implement.

DRAFT

4. The rights obtained by a claimant through the Board's grant of a waiver of County land use regulations shall be transferable to the extent allowed by state law.

ADOPTED this 10th day of May, 2007.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By

Sandra N. Duffy, Assistant County Attorney

SUBMITTED BY:
Agnes Sowle, County Attorney

DRAFT

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR MULTNOMAH COUNTY, OREGON

ORDER NO. _____

Order Granting Ballot Measure 37 Request of Virginia Atkinson Relating to Real Property Located at 2950 NW 53rd Drive, Multnomah County, Oregon

The Multnomah County Board of Commissioners Finds:

- a. **Parties:** Virginia Atkinson (Claimant) is the Ballot Measure 37 Claimant who filed a demand for compensation to Multnomah County (County) on May 26, 2005.
- b. **Subject Property:** This claim relates to property located at 2950 NW 53rd Dr., Multnomah County, Oregon, more specifically described as:

Tax Lot 700 and Tax Lots 200 & 800 Section 25A, Township 1N, Range 1W, W.M.

- c. **Relevant Dates of Property Ownership:**

Claimant has established that a family member acquired an interest in the subject property prior to the County's adoption of land use regulations affecting the Subject Property.

The Claimant has submitted sufficient documentation to establish the requisite ownership under ORS 197.352. The Claimant's mother-in-law, Lenora Atkinson, acquired the subject property on November 30, 1942. The Claimant and her husband acquired Tax Lot 700 from Lenora Atkinson by deed dated September 13, 1955. The Claimant's husband inherited Tax Lots 200 & 800 from Lenora Atkinson on September 12, 1969. The Claimant inherited Tax Lots 200 & 800 from her husband on May 15, 1992. The Claimant has retained an interest in the subject property since the time an interest was acquired.

The Board finds that the Claimant became an "owner" of the subject property, as that term is defined in ORS 197.352 (11)(C), as of September 13, 1955 for Tax Lot 700, and as of May 15, 1992 for Tax Lots 200 & 800. In addition, the Board finds that Lenora Atkinson is a "family member," as defined by ORS 197.352 (11)(A), who acquired the subject property on November 30, 1942.

- d. **County Codes as a Restriction on Use of the Property:**

Claimant has established that the county has adopted land use regulations since November 30, 1942 (Tax Lot 700) that restrict use of the property.

DRAFT

No land use regulations applied to the subject property on November 30, 1942. The County's CFU-2 zoning regulations currently apply to the subject property. CFU-2 regulations restrict the use of property within the zoning district.

The Board finds that County land use regulations adopted after the Claimant's family member acquired the subject property restrict the use of that property relative to the uses allowed when acquired by the family.

e. **County Code Restrictions Reduce Fair Market Value:**

Claimant has established that County land use regulations affecting the Subject Property adopted subsequent to November 30, 1942 have reduced the fair market value of the property.

The Claimant estimates that the land use regulations described in section d. have caused a \$1.1 million reduction in the fair market value of subject property. The Claimant has not provided documentation sufficient to support a specific dollar amount of reduction. Nevertheless, the Board determines that information in the record indicates that the fair market value of the subject property has been reduced to some extent as a result of land use regulations adopted by the County since the Claimant's family acquired the subject property.

f. **Public Notice**

Section 3.50 of the County Charter requires notice to the public of all Board agenda matters. This notice was provided. Notice of the hearing on this claim was given to persons who own land within 750 feet of the Subject Property by mail.

The Multnomah County Board of Commissioners Finds that Claimant has a Valid Measure 37 Claim for Compensation.

The Multnomah County Board of Commissioners Orders that:

1. The County will not pay the compensation demanded by the Claimant.
2. In lieu of compensation, the County shall not apply land use regulations adopted since September 13, 1955 as to Tax Lot 700, and since May 15, 1992 as to Tax Lots 200 & 800, except for those exempted under ORS 197.352(3), to allow the Claimant to use such property for uses permitted at the times the Claimant acquired the property.
3. Section 2 above, constitutes a waiver of Comprehensive Plan and Rural Area Plan policies that the regulations implement.

DRAFT

4. The rights obtained by a claimant through the Board's grant of a waiver of County land use regulations shall be transferable to the extent allowed by state law.

ADOPTED this 10th day of May, 2007.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Sandra N. Duffy, Assistant County Attorney

SUBMITTED BY:

Agnes Sowle, County Attorney

DRAFT

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR MULTNOMAH COUNTY, OREGON

ORDER NO. _____

Order Granting Ballot Measure 37 Request of Jim Ellis Relating to Real Property Located at 35611 SE MacInnes Road, Multnomah County, Oregon

The Multnomah County Board of Commissioners Finds:

a. **Parties:** Ruth M. Smith Living Trust c/o James Ellis (Claimant) is the Ballot Measure 37 Claimant who filed a demand for compensation to Multnomah County (County) on May 26, 2005.

b. **Subject Property:** This claim relates to property located at 35611 SE MacInnes Road, Multnomah County, Oregon, more specifically described as:

Tax Lot 300 Section 3, Township 1S, Range 4E, W.M.

c. **Relevant Dates of Property Ownership:**

Claimant has established that a family member acquired an interest in the subject property prior to the County's adoption of land use regulations affecting the Subject Property.

The Claimant has submitted sufficient documentation to establish the requisite ownership under ORS 197.352. The Claimant's mother, Ruth Smith, acquired the subject property on March 11, 1946. The Claimant inherited the property on January 26, 2001 and still owns that property today.

The Board finds that the Claimant became an "owner" of the subject property on January 26, 2001, as that term is defined in ORS 197.352 (11)(C). In addition, the Board finds that Ruth Smith is a "family member," as defined by ORS 197.352 (11)(A), who acquired the subject property on March 11, 1946.

d. **County Codes as a Restriction on Use of the Property:**

Claimant has established that the county has adopted land use regulations since March 11, 1946 that restrict use of the property.

No land use regulations applied to the subject property on March 11, 1946. The County's Exclusive Farm Use (EFU) zoning regulations currently apply to the subject property. EFU regulations purposefully restrict the use of property within the zoning district.

DRAFT

The Board finds that County land use regulations adopted after the Claimant's family acquired the subject property restrict the use of that property relative to the uses allowed when acquired by the family.

e. **County Code Restrictions Reduce Fair Market Value:**

Claimant has established that County land use regulations affecting the Subject Property adopted subsequent to March 11, 1946 have reduced the fair market value of the property.

The Claimant estimates that the land use regulations described in section d. have caused a \$2.3 million reduction in the fair market value of subject property. The Claimant has not provided documentation sufficient to support a specific dollar amount of reduction. Nevertheless, the Board determines that information in the record indicates that the fair market value of the subject property has been reduced to some extent as a result of land use regulations adopted by the County since the Claimant's family acquired the subject property.

f. **Public Notice**

Section 3.50 of the County Charter requires notice to the public of all Board agenda matters. This notice was provided. Notice of the hearing on this claim was given to persons who own land within 750 feet of the Subject Property by mail.

The Multnomah County Board of Commissioners Finds that Claimant has a Valid Measure 37 Claim for Compensation.

The Multnomah County Board of Commissioners Orders that:

1. The County will not pay the compensation demanded by the Claimant.
2. In lieu of compensation, the County shall not apply land use regulations adopted since January 26, 2001, except for those exempted under ORS 197.352(3), to allow the Claimant to use the Subject Property for uses permitted at the time the Claimant acquired the property.
3. Section 2 above, constitutes a waiver of Comprehensive Plan and Rural Area Plan policies that the regulations implement.

DRAFT

4. The rights obtained by a claimant through the Board's grant of a waiver of County land use regulations shall be transferable to the extent allowed by state law.

ADOPTED this 10th day of May, 2007.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Sandra N. Duffy, Assistant County Attorney

SUBMITTED BY:
Agnes Sowle, County Attorney

BOGSTAD Deborah L

From: LANGLOIS Ruth R
Sent: Wednesday, May 09, 2007 4:03 PM
To: BOGSTAD Deborah L
Subject: FW: Measure 37, Case File I1-06-137

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

From: Maureen Michelson [mailto:maureen@newsagepress.com]
Sent: Wednesday, May 09, 2007 1:37 PM
To: LANGLOIS Ruth R
Subject: Measure 37, Case File I1-06-137

RE: Case File I1-06-137, 30041 E. Woodard Road

Dear County Commissioner Ted Wheeler,

As home owners, we are sending this letter to express our grave concern and objection to the proposed Measure 37 claim to allow the division of property at 30041 E. Woodard Road into eight, 2-acre lots in lieu of cash compensation of \$1,400,000.

We have lived in this neighborhood since 1991 and know the owner, Dorothy Larsen. We have always appreciated her independent "pioneer spirit" and the meticulous care she gave her property over the years. We were also sad to learn that she has moved to a retirement home and that now, her property may be subdivided.

We regret having to speak out against our neighbor's request, however, we strongly oppose the proposed development for several reasons listed below. We also want you to know that this very situation represents the "neighbor vs. neighbor" conflict that Measure 37 engenders, and we believe, causes considerable "neighborly" damage throughout Oregon. We already have one neighbor who no longer talks with us because of a land use claim we protested several years ago. The appeals board upheld our (and other neighbors') appeal to stop the illegal development. So, please understand this is not an easy task, but one we feel we must speak out against.

We oppose this claim for the following reasons:

- * Loss of more prime farmland outside of the urban growth boundary. Presently, this land is continuously used to grow cabbage and raspberries.
- * This subdivision will completely conflict with the rural character of this area, now zoned for one house per 10 acres. The state already grandfathered in several homes that existed at the time land use regulations were established in this area.
- * This proposed subdivision conflicts with other neighbors' property values. We bought our acreage/house *outside* of the urban growth boundary because we wanted to live in a protected rural area within the Columbia Gorge Scenic Area. What are the rights of neighbors who specifically bought in this area to avoid the very subdivisions that are now proposed in an area we thought was off limits to urban growth?

5/9/2007

- * Eight more houses on this piece of property would cause a considerable increase in density, affecting an already busy rural road.
- * The water district for our area has already stated that Bull Run cannot sustain increased water demands due to further development. There needs to be an evaluation to see if this property is in a critical and limited groundwater area.
- * Approval of this sizable division of the property would set a precedent for other long-time property owners in this area (and there are several) to turn this beloved rural landscape into a grouping of subdivisions. Sadly, this is a situation where the owner enjoyed a lifetime of peace and quiet in one of Oregon's outstanding rural areas near the Columbia Scenic Gorge area, and now with her departure, that very quality of life will be sold off to the highest bidder.

So, what is the intent of Measure 37? Is it to offer reasonable and fair compensation to longtime property owners who had planned to build a second home for a family member on their acreage? Or is it to exploit development to the full extent of the law?

At the very least, I ask you, and the other County Commissioners to put this claim on hold until voters can re-evaluate Measure 37 and until this specific proposed subdivision can be further evaluated for environmental impact. At most, I would be willing to see Mrs. Larsen be compensated for one additional house, maybe two houses, but **not** eight houses.

Thank you for your careful consideration of our concerns, and your understanding of the difficult position this Measure 37 presents for all involved. Please move slowly and cautiously with this claim, it could change the rural landscape of this area permanently and irreversibly.

Sincerely,

Maureen R. Michelson and Gary F. Spoerle
30925 N.E. Hurt Road
Troutdale, OR 97060

cc: All County Commissioners, Governor Ted Kulongoski, State Representative Patti Smith, and State Senator Rick Metsger

--
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BOGSTAD Deborah L

From: NAITO Lisa H
Sent: Monday, May 07, 2007 10:43 AM
To: SCHILLING Karen C; SOWLE Agnes; BOGSTAD Deborah L
Subject: FW: Measure 37 Claims - Corbett Oregon

Karen,

It looks like we may get quite a few letters on this... if we could have a joint response, that would be great. Lisa -----Original Message-----

From: District3
Sent: Monday, May 07, 2007 9:21 AM
To: NAITO Lisa H
Cc: LIEUALLAN Matt
Subject: FW: Measure 37 Claims - Corbett Oregon

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

From: corbettoregon.com [mailto:admin@corbettoregon.com]
Sent: Wednesday, May 02, 2007 11:37 AM
To: Multnomah County Chair; District1; District2; District3; ROBERTS Lonnie J
Subject: Measure 37 Claims - Corbett Oregon

Multnomah County Commissioners,

The Corbett Community Association would like to express our position on the Measure 37 claims in our community. We have no concerns with the one or two lot housing requests. They are reasonable and cause little impact.

We do, however, have a big concern with sub-divisions in our community, as passionately stated by Corbett citizens at the April 26th hearing. Sub-divisions are not part of our farm and forest landscape. Adding them would adversely affect our roads, water system, water table, schools and other local services that were built for rural life. Putting sub-divisions in Corbett is the equivalent to trying to raise cows in the suburbs – it just doesn't fit.

Also as we lose farmland to housing, we are compromising our future that is becoming more dependant on local food supplies because they are fresher, have less transportation costs and have safer quality standards. Would you rather eat blueberries from Corbett or Peru?

Thank you for your time.

Sincerely,

Susan Fry
John Christensen
CCA Steering Committee

BOGSTAD Deborah L

From: SCHILLING Karen C
Sent: Monday, May 07, 2007 10:00 AM
To: NAITO Lisa H; SOWLE Agnes; BOGSTAD Deborah L
Cc: LIEUALLEN Matt
Subject: RE: Case Files T1-06-137 and T1-6-050

Generally when we receive an email like this, the planner responsible for the case mentions this feedback in their presentation to the Board. We usually do not respond directly to the citizen.
Karen

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

From: NAITO Lisa H
Sent: Monday, May 07, 2007 9:34 AM
To: SCHILLING Karen C; SOWLE Agnes; BOGSTAD Deborah L
Cc: LIEUALLEN Matt
Subject: FW: Case Files T1-06-137 and T1-6-050

Could someone prepare a response...please let me know if this is an ex parte contact for disclosure.
Lisa

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

From: District3
Sent: Monday, May 07, 2007 9:20 AM
To: NAITO Lisa H
Cc: LIEUALLEN Matt
Subject: FW: Case Files T1-06-137 and T1-6-050

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

From: John Christensen [mailto:nagarkot247@gmail.com]
Sent: Saturday, May 05, 2007 11:27 PM
To: Multnomah County Chair; District1; District2; District3; Lonnie Roberts
Subject: Case Files T1-06-137 and T1-6-050

To: Multnomah County Commissioners

I am sending this message in lieu of public testimony at your hearing on May 10, since I will be unavailable that day.

I have deep concerns about both requests for subdivision. These claims are inconsistent with the rural character of our community east of the Sandy River. The concerns of the community are multiple. New subdivisions threaten to draw down the underground aquifers, which are already strained in summer months. Traffic congestion, lack of infrastructure for these developments, impacts on forest and wildlife corridors, and increasing suburban sprawl would all have negative impacts. Of special concern is the lack of fairness to adjacent property owners, whose property values will be decreased by these developments. We ask that you deny these requests for subdivisions as inconsistent with the vision created by our community 10 years ago, which is preface to the East of Sandy Rural Area Plan (see attached).

Sincerely,

5/8/2007

John F. Christensen
39825 Gordon Creek Rd.
Corbett, OR 97019

BOGSTAD Deborah L

From: NAITO Lisa H
Sent: Monday, May 07, 2007 9:34 AM
To: SCHILLING Karen C; SOWLE Agnes; BOGSTAD Deborah L
Cc: LIEUALLEN Matt
Subject: FW: Case Files T1-06-137 and T1-6-050

Could someone prepare a response...please let me know if this is an ex parte contact for disclosure. Lisa

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

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To: NAITO Lisa H
Cc: LIEUALLEN Matt
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To: Multnomah County Commissioners

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Sincerely,

John F. Christensen
39825 Gordon Creek Rd.
Corbett, OR 97019

5/8/2007

EAST OF SANDY RIVER RURAL AREA PLAN
Citizens' Advisory Committee
PREAMBLE/VISION STATEMENT
for
Rural Multnomah County, East of the Sandy River

We the citizens of rural Multnomah County, east of the Sandy River; set forth this vision for our unique community over the next forty years. It is our intent that the rural area plan, developed in cooperation with Multnomah County, shall serve as a framework to realize this vision. We expect our county government, through use of all planning tools and policies available, to serve as our advocate regarding all concepts and policies herein.

For our environment, we envision:

- . The people of our community living in close proximity to nature, conserving and caring for our precious natural resources.
- . Healthy and unpolluted air, soils and streams.
- . Diverse and robust native plants and wildlife.
- . A night sky free from increased light pollution and a community free from increased noise pollution

For our community, we envision:

- . Maintaining and enhancing our quality of life through neighborly communication, education, cooperation, and community facilities.
- . Expanding our commitment to land stewardship through the use of sustainable forestry and farming practices
- . Working with all available resources to promote and encourage forest and farm economic development projects and to create conservation land trusts.
- . Working with all available resources to purchase land for public benefit
- . Setting an example of how our diverse community, young and old, can work together in creating viable and productive forests and farms on both small and large acreages.
- . Creating education and work programs which provide forest and farm experiences for people from other communities as well as our own.

For our future, we envision:

- . The residential density east of the Sandy River stabilized at levels allowed by current zoning.
- . The Urban Growth Boundary maintained west of the Sandy River.

This vision statement is created to ensure that with vigilance and foresight, the unique rural character of our area shall be maintained and enjoyed by present and future generations.

TOKOS Derrick I

From: BARBER Adam T
Sent: Wednesday, May 09, 2007 7:35 AM
To: TOKOS Derrick I
Subject: FW: Comments on Atkinson Measure 37 Claim; Case File TI-05-028

FYI -

Recently received comment on Atkinson claim - (May 10th Hearing). I'll put a copy in the case file.

Adam

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

From: Jim Coon [mailto:jcoon@stc-law.com]
Sent: Tuesday, May 08, 2007 10:24 AM
To: BARBER Adam T
Cc: CCoon4444@aol.com
Subject: RE: Comments on Atkinson Measure 37 Claim; Case File TI-05-028

Dear Mr. Barber:

Thank you for providing a copy of the staff report on the Measure 37 Claim of Virginia Atkinson, Claim No. 2 in the batch being considered May 10, 2007. We live within 750 feet of the subject property and received notice of the May 10 hearing. In lieu of appearing, we would like to submit written comments as follows:

The claim is submitted in the name of Virginia Atkinson. Unfortunately, Mrs. Atkinson died earlier this year. In addition to the ownership issues identified by staff, we object to the claim on the ground that it is in fact now pursued, if at all, not by Mrs. Atkinson but by her estate and heirs. We do not believe Measure 37 was intended by the voters to inure to the benefit of the descendants of landowners but only to those landowners whose own land values were adversely affected by regulations applied to their land after they acquired it. Virginia's heirs are just now acquiring this land through her estate, and Measure 37 does not entitle them to relief.

We will appreciate your making our comments part of the record in this case. Please let me know if anything further is required or would be helpful to accomplish that purpose.

Sincerely,

Cheryl and Jim Coon
2939 NW 53d Drive
Portland, 97210
(503)228-5222 (office)

From: BARBER Adam T [mailto:adam.t.barber@co.multnomah.or.us]
Sent: Tuesday, May 08, 2007 10:01 AM
To: Jim Coon
Subject: M37 Staff Report

<<070510 Final Staff Report.doc>>

5/9/2007

Adam Barber, CPESC
Senior Planner

Multnomah County Land Use Planning
1600 SE 190th Avenue, Suite 116
Portland, Oregon 97233
ph: 503-988-3043 x 22599
fax: 503-988-3389
adam.t.barber@co.multnomah.or.us

5/9/07

Attention: Adam Barber, Staff Planner
Re: Case File T1-05-028

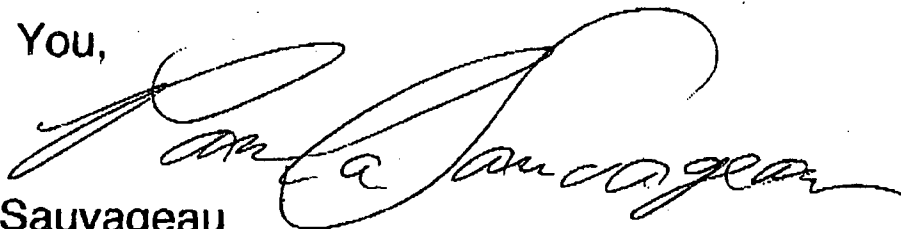
To the Multnomah County Board of Commissioners;

I have property that borders that of the claimant on two sides. I understand (and very much regret) that the claimant has passed away. Still, regardless of who might wish to develop in this area I would like to list my concerns.

1. The area is forested slopes are steep. Landslides and wildfire are of concern here.
2. Homes here have private wells. The water table is a minimum of 500 feet below the surface and water pressure is relatively low. For example, is 7 gallons per minute, and if it drops below 5 gpm my house would not be saleable.
3. Our neighborhood is served by septic systems. Locating additional wells and septic systems with enough space between them would be a major challenge because there is very little flat land.

Thank You,

Paula Sauvageau

A handwritten signature in black ink, appearing to read "Paula Sauvageau", written in a cursive style.



Fax Cover Sheet

FedEx Kinko's of NW 23rd Ave Portland OR Telephone: 503.222.4133 Fax: 503.222.4812

Date 5/9/07Number of pages 2 (including cover page)

To:

From:

Name Adam BarberName Paula SauvageauCompany Malknomah Co LandCompany 3355 NW Forest LnTelephone 503-988-3043Telephone 503-Fax 503-988-338922599

Comments

Case T1-05-028
#More than 1,200 locations worldwide. For the location nearest you, call 1.800.2.KINKOS. Visit our website at fedexkinkos.com.



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GARVEY SCHUBERT BARER

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Please reply to CARRIE A. RICHTER
crichtier@gsblaw.com TEL EXT 3118

October 31, 2005

Adam Barber, Planner
Multnomah County Land Use & Transportation Planning Program
1600 SE 190th Avenue
Portland, OR 97233

Re: Atkinson Living Trust Measure 37 Claim (T1-05-028)

Dear Mr. Barber:

This firm represents Andrew J. Michaels, M.D., who owns property at 3130 NW Forest Lane, Portland, Oregon, near the Atkinson property that is the subject of this claim. On August 1, 2005, we submitted a series of comments explaining that the Atkinson application was incomplete and could not be processed by the County. Our understanding is that this application has still not been deemed complete. Please let me know immediately if this understanding is incorrect.

As you are aware, on Oct. 14, 2005, Marion County Circuit Court Judge Mary Mertens James issued an Opinion and Order on Motions for Summary Judgment in *MacPherson, et al vs. Department of Administrative Services, et al*, in which she found Measure 37 to be unconstitutional on several grounds. A final judgment and order in the *MacPherson* case were entered on Oct. 24. The Marion County circuit court also entered an order on Oct. 25 directing the state and local government defendants to stop accepting new claims and issuing reports and decisions on pending claims. The court's order also suspends all time periods under Measure 37, including the 180-day period within which the state or local government would otherwise be required to act on a demand under the measure. The state is no longer reviewing or issuing any further claims until the Supreme Court issues the stay or rules on the merits of the case.

According to Multnomah County's website, the County has also decided to temporarily stop processing claims. However, since it was not a party to the case, it may recommence processing claims. If the County does take such action, we hereby request that the County provide us notice before it holds any hearings and/or before accepting any further comment on the Atkinson claim. If the County does



G A R V E Y S C H U B E R T B A R E R

Adam Barber, Planner
October 31, 2005
Page 2

grant this request it must include a disclaimer explaining that Measure 37 has been ruled unconstitutional and has been appealed to the Oregon Supreme Court for final review. Thus, it is possible that the waiver could be deemed void and any action taken by a claimant in reliance on the waiver is taken at the claimant's own risk.

Thank you for your consideration of these matters.

Sincerely,

GARVEY SCHUBERT BARER

By


Carrie A. Richter

cc: Ed Sullivan
Chris Crean
Dr. Andrew Michaels

PDX_DOCS:363335.1 [35394-00100]

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OCT 31 2005
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G A R V E Y S C H U B E R T B A R E R

Please reply to EDWARD J. SULLIVAN
esullivan@gsblaw.com TEL EXT 3106

August 2, 2005

Adam Barber, Planner
Multnomah County Land Use & Transportation Planning
1600 SE 190th Ave.
Portland, OR 97233

Re: Atkinson Living Trust Measure 37 Claim (T1-05-028)

Dear Mr. Barber:

This firm represents Dr. Andrew J. Michaels, the owner of property located at 3130 NW Forest Lane, Portland, Oregon 97229. Dr. Michaels will be adversely affected and aggrieved if County land use regulations are removed or modified on the Atkinson Living Trust property located at 2950 NW 53rd Drive. This request should not be granted because, among other things, the claim submittal is incomplete.

Sections 7.500 to 7.565 of the Multnomah County Code (MCC) govern the Measure 37 claims submission process in Multnomah County (the County).¹ The Atkinson claim submission is incomplete for the reasons set forth below, and it should be stayed or denied until Claimant has submitted the materials and information required by the MCC.

1. No Telephone Number Provided for Claimant. MCC 7.520(A)(2) requires a claim to include the name, address, and telephone number of all owners of the subject property. The only telephone number provided to the county is that of the Claimant's attorney, Mr. William Cox. Thus, Claimant must provide a telephone number to complete the claim submission.
2. Invalid Title Report. MCC 7.520(A)(4) requires a claimant to submit "[a] title report . . . current within 30 days prior to the claim date" to verify title history and ownership interests in the subject property. The Atkinson claim is incomplete because the submitted title documents do not constitute a true title report, and they are not valid to within 30 days of the claim date.
 - a. No Title Report Submitted. The claim submission includes what purports to be a title report as Exhibit 6 of the claim submission materials. This report is named "Measure 37

¹ All references to the Multnomah County Code are to Multnomah County Ordinance 1055, which was enacted December, 2, 2004, and added sections 7.500 to 7.565 to the MCC to implement procedures for processing Measure 37 claims. Multnomah County subsequently amended certain sections of Ordinance 1055 by enacting Ordinance 1060, which became effective June 18, 2005. The subject claim was submitted to Multnomah County on May 26, 2005; however, the amendments to MCC sections 7.500 to 7.565 within Ordinance 1066 had yet to take effect as of that date. Thus, the claim should be processed based on the MCC provisions existing under Ordinance 1055.



Lot Book Service" and was created by First American Title Insurance Co. Although this document purports to show the chain of title to the various parcels that are the subject of this claim, it expressly states that "THIS IS NOT a title report since no examination has been made of the title." See Claim Letter; Ex. 6, p.3. Because this document expressly states that it is not a title report, Claimants have not submitted a "title report" as required under MCC 7.520(A)(4). Thus, the claim is incomplete.

- b. Title History Not Current Within 30 Days of Claim Date. This title document submitted as Exhibit 6 is also invalid because the date through which it purports to list valid title history is April 1, 2005. See Claim Letter; Ex. 6, p.1. The claim materials, however, were submitted to the County on May 29, 2005. Thus, the submitted title document is not current within 30 days prior to the claim date, so the claim is incomplete under MCC 7.520(A)(4).
3. No Appraisals Included. MCC 7.520(A)(10) requires Claimant to provide "[t]he amount of the claim, based upon the alleged reduction in value [of the property], supported by an appraisal." Under MCC 7.520(A)(10), one appraisal is always required, and two separate appraisals are required if the claim amount is over \$10,000. The amount of the requested claim is \$1.1 million; therefore, under MCC 7.520(A)(10) two appraisals are required. Claimant has not included an appraisal with the claim submission and asserts that "requiring an appraisal to process a claim is in violation of state law;" however, Claimant cites no specific state law that is violated. See Claim Letter p.4. Rather, section 7 of Measure 37 allows local governments, such as the County, to adopt procedures for processing claims. The County's requirement that all claimants submit appraisals to support the alleged reduction in value of their property easily falls within the scope of this section Measure 37. Thus, the subject claim is necessarily incomplete until Claimant submits the two required appraisals.
4. No Retainer for Claim Processing Fee. Claimant has not paid the \$1,500 retainer for the Claim Processing Fee as required by MCC sections 7.520(A)(10) and 7.525(A). Thus, the Atkinson claim is incomplete and should be stayed or denied unless the retainer is paid.

Please provide me notice of any and all further activity regarding this case including a copy of the staff report pursuant to OAR 125-145-0100 as well as an opportunity to comment on the same.

Sincerely,

GARVEY SCHUBERT BARER

By

Edward J. Sullivan

Cc: Dr. Andrew Michaels

Measure 37 Claims Unit
1225 Ferry Street SE
U160
Salem, Oregon 97301-4292

July 8, 2005

Multnomah County
Land Use & Transportation
1600 SE 190th Avenue
Portland, Oregon 97233

Re: Comments on Atkinson Living Trust M37 Claim
2950 NW 53d Drive, Portland

Ladies and Gentlemen:

This is to comment on the Measure 37 Claim filed by the Atkinson Living Trust concerning ten acres on NW Forest Lane just outside the Portland city limits and adjacent to Forest Park. Virginia Atkinson is our neighbor, and we believe she should be allowed to sell for development the 4.86 acre parcel known as "Lot 200", but we oppose the waiver of land use laws to allow nine one-acre lots, and we do not believe the claimed development rights are worth the amount claimed in any event.

PLEASE BE SURE TO SEND US A COPY OF THE DRAFT STAFF REPORT AND ANY OTHER NOTICE, DECISION OR DRAFT DECISION BY ANY INDIVIDUAL OR AGENCY IN THIS MATTER.

As a matter of process, we believe it would have been much better for you to have sent a copy of the notice to neighboring landowners to Mrs. Atkinson and her lawyer, Mr. Cox. It is clear from talking to both of them that their request is only to be allowed to develop one residence on Lot 200, not to develop nine one-acre lots as stated in the DAS notice. We also believe a public hearing should be part

MULTNOMAH COUNTY
PLANNING SECTION

05 JUL 11 PM 2:55

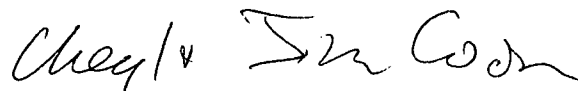
of this process. We realize this is a new law and that its implementation is controversial. If experience has taught anything in local land use, it is that open decisionmaking processes achieve better results.

As to the merits of the claim, Measure 37 does not apply to land use regulations that safeguard the public health and safety, sanitation or prohibit pollution. This presumably includes rules concerning septic systems, water wells, traffic and fire protection. The subject property is not served by any municipal water or sewer system, and, as a technical matter, cannot support nine septic drain fields and nine separate domestic water supplies. NW Forest Lane, in its present condition, is not adequate to provide fire protection, construction access or automobile access to nine more homes.

A substantial portion of the subject property (primarily lot 800) is very steep and not safely buildable, particularly because the property is in a high risk earthquake zone. In general, the property varies a great deal in topography, and the idea of nine one-acre lots is simply not a practical proposal. Further, the cost of developing much of the property would, because of its steepness, be prohibitive. The value claimed by the Trust is therefore too high.

In addition, though the 10-day comment period is not nearly sufficient to allow us to confirm this, we suspect that the topography of the subject property makes soil erosion and therefore water quality a prohibitive concern if the proposal were to construct multiple dwellings.

Sincerely,



Cheryl and Jim Coon
2939 NW 53d Drive
Portland, OR 97210

CLATSOP COUNTY
PLANNING SECTION

05 JUL 11 PM 2:55

05 JUL 11 PM 2:55

#1

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

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 10 May 2007

SUBJECT: HOPPER MEASURE 37 CLAIM

AGENDA NUMBER OR TOPIC: T1-05-026

FOR: X AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: DEAN N. ALPERMAN

ADDRESS: 1000 SW BROADWAY, SUITE 910

CITY/STATE/ZIP: PORTLAND OR 97205

PHONE: DAYS: 503-517-8200 EVES: _____

EMAIL: dean.alperman@alperman.us FAX: 503-517-8204

SPECIFIC ISSUE: Attorney for claimant, supporting waiver of

121 use regulation

WRITTEN TESTIMONY: _____

IF YOU WISH TO ADDRESS THE BOARD:

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

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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

#2

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 5-10-07

SUBJECT: MARY HOPPERT 37 CLAIM

AGENDA NUMBER OR TOPIC: 1 T 1-05-026 Mary Hoppert

FOR: ☒ AGAINST: ☐ THE ABOVE AGENDA ITEM

NAME: FRANK WALKER

ADDRESS: P.O. Box 7170

CITY/STATE/ZIP: SALEM, OR 97301

PHONE: DAYS: 503 588-8001 EVES:

EMAIL: FrankWalker@comcast.net FAX: 503 588-8007

SPECIFIC ISSUE: WAIVER OF MULT. CO. REGS.

WRITTEN TESTIMONY: NO

IF YOU WISH TO ADDRESS THE BOARD:

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

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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

#3

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

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 5-10-07

SUBJECT: Mary Hoppert - Measure 37

AGENDA NUMBER OR TOPIC: _____

FOR: () AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Albert Hoppert

ADDRESS: 19136 N.W. Morgan Rd

CITY/STATE/ZIP: But ORE 97231

PHONE: _____ DAYS: 503-621-3182 EVES: _____

EMAIL: _____ FAX: _____

SPECIFIC ISSUE: continued operation of Hoppert's
automotive shop @ landfill cleaned site

WRITTEN TESTIMONY: _____

IF YOU WISH TO ADDRESS THE BOARD:

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

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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

#4

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

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 5/10/07

SUBJECT: Measure 37

AGENDA NUMBER OR TOPIC: T1-05-06

FOR: X AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: George Ott

ADDRESS: 19015 NW Morgan Rd

CITY/STATE/ZIP: Portland Oregon

PHONE: _____ DAYS: _____ EVES: _____

EMAIL: Wafflefriendly@yahoo FAX: _____

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: I am in support of
the Auto Shop being there I think
its an asset to the comm.

IF YOU WISH TO ADDRESS THE BOARD:

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

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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

#5

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 5-10-07

SUBJECT: Measure 37

AGENDA NUMBER OR TOPIC: 71-05-06

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: William Peck

ADDRESS: 19430 NW Cleetwood AV.

CITY/STATE/ZIP: PORT OR 97231

PHONE: _____ DAYS: 503-422-2689

EVEs: 503-422-2689

EMAIL: C

FAX: —

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: I've lived at Res. for 27 yrs

in Holbrook community. Albert Hopper has

Personal I have been here working on all my company vehicles
I have a landscape business. He has been
an important part of my work

IF YOU WISH TO ADDRESS THE BOARD:

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

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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

#6

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

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 5 10 07

SUBJECT: Case file 71-05-024

AGENDA NUMBER OR TOPIC: ↓

FOR: ✓

AGAINST: ✓

THE ABOVE AGENDA ITEM

NAME: Robert Vanger

ADDRESS: 1627 SE. Elliott

CITY/STATE/ZIP: Portland OR

PHONE: 503

DAYS: 238 1498

EVES: same

EMAIL: _____

FAX: _____

SPECIFIC ISSUE: How will hearing
affect my property

WRITTEN TESTIMONY: _____

IF YOU WISH TO ADDRESS THE BOARD:

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

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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

#7

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

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 5/10/07

SUBJECT: Hoppert Measure 37 claim

AGENDA NUMBER OR TOPIC: _____

FOR: _____ AGAINST: X THE ABOVE AGENDA ITEM

NAME: Perry Cabot

ADDRESS: 19115 NW Morgan Rd.

CITY/STATE/ZIP: PDX, OR 97231

PHONE: DAYS: 503 621-3002 EVES: Same

EMAIL: _____ FAX: _____

SPECIFIC ISSUE: Measure 37 claim

WRITTEN TESTIMONY: I live across the street from the claimant, I am FRIGHTENED TO TESTIFY because we have been repeatedly intimidated by acquaintances of the claimant. I fear retaliation. What can I do??
00

IF YOU WISH TO ADDRESS THE BOARD:

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

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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2. Written testimony will be entered into the official record.

#8

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

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 5/10/07

SUBJECT: Mary Hopper

AGENDA NUMBER OR TOPIC: _____

FOR: X AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Tresa Rickard

ADDRESS: 19134 NW Morgan Rd

CITY/STATE/ZIP: Port, Or 97231

PHONE: _____ DAYS: 503-621-3102 EVES: _____

EMAIL: Tresarickard@MSN.com

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: Lived the 17 years

IF YOU WISH TO ADDRESS THE BOARD:

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

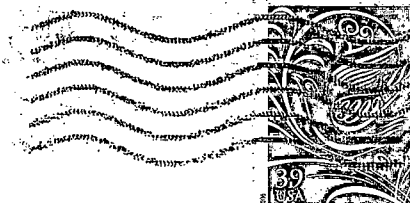
IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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

20750 NW Morgan Rd.
Portland, Or.
97231

PORTLAND OR 972

07 MAY 2007 PM 6 L

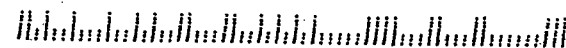


DK

ATTN:
Case File #
T1-05-026

Multnomah County
Land Use & Transportation
1600 SE 190th AV.
Portland, Or.
97233

97233+5510



May 4th, 2007

Chairman of the Board, Ted Wheeler, and elected Board Members:

Re: Case File T1-05-026

Claimant: Mary Hoppert

Dear Board Members:

My name is Jim Baughn and I am a 30-year resident of the Holbrook Community. I wish to have my written comments entered into the record in support of the above listed claim. First let me give you a brief historical insight into the Hoppert family, which is not unlike the Dorothy English family whose claim your Board has previously approved.

Mary and Charles Hoppert settled on the current Morgan Rd. property with their kids back in the mid 50's. Their dream at that time, as was with many families with rural property, was to pass down the property to their kids. They believed the property could be further divided with new homes built that would fill the needs as their kid's families grew. Their first child to realize that dream was Albert Hoppert after he got out of the Army. He and his wife built their new home on a second adjoining Hoppert lot in 1976 and started their family. As the years progressed, Albert, who was a trained auto mechanic, recognized the need for a local automotive shop to serve the community. He applied for and received the necessary permits to open his own shop on the Hoppert property. As the years went on his parents got older and his father passed away. Still later, his mother required constant care and Mary's daughter, Tresa, moved onto the property to provide that care. It was Mary's wish to see that Albert and Tresa would stay on the property and make the improvements that could ensure future family members would benefit from Mary and Charles's purchase back in the 50's. This led Albert and his neighbor to start the clean fill site, which accomplished several goals. One was to develop more useable ground on the Hoppert property for Tresa's grandkids to play on when they visited as the Holbrook Community has no public neighborhood park. The second was to enhance the neighbor's property. Thirdly, it provided a reasonably located repository for excavated fill coming from the large number of developments that were occurring in the northwest areas of Washington and Multnomah counties. Permits were acquired after extensive engineering, surveying, and costly site preparation was completed.

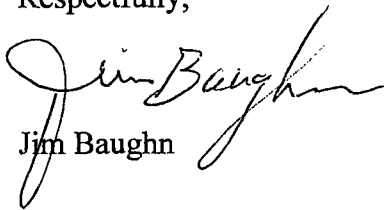
With that brief history in mind, that brings us to the present. When the people of the State of Oregon overwhelmingly passed measure 37, the law's intent was to pass on to immediate family members the property rights that were in effect at the time the property was originally purchased. This claim was filed by Mary Hoppert in an effort to ensure the continued operation of Albert's means of livelihood, i.e. his automotive shop, the continued operation of the clean fill site until its capacity is reached, and the future possibility of a third Hoppert residence. There is nothing in this claimant's request that is outside of what was allowable when the property was purchased, nor when the

automotive shop or the clean fill site started operations, as evidenced by the issuance of permits (with the exception of the request for division of lots). It was merely Mary's desire to feel confident that present or future land use restrictions would not be applied in such a way as to negatively impact the dreams of the Hoppert family. I would therefore urge the approval of this claim for the following reasons:

- The impact for the division of lots is negligible.
- The automotive shop and clean fill site are already in operation under existing permits.
- This property has continuously been inhabited by the Hopperts since its original purchase in the 1950's.
- Improvements to the property have benefited the Hoppert family, its neighbors, and the community.
- It's the right and fair thing to do when considering the true intent of measure 37.

Thank you for your consideration in this matter.

Respectfully,



Jim Baughn

RECEIVED
MAY 10 2007

May 4th, 2007

Chairman of the Board, Ted Wheeler, and elected Board Members: _____

Re: Case File T1-05-026

Claimant: Mary Hoppert

Dear Board Members:

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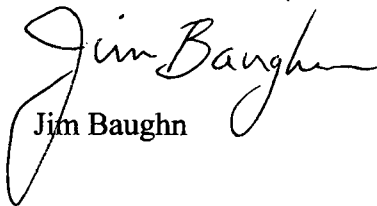
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- Improvements to the property have benefited the Hoppert family, its neighbors, and the community.
- It's the right and fair thing to do when considering the true intent of measure 37.

Thank you for your consideration in this matter.

Respectfully,


Jim Baughn

20750 NW Morgan Rd.
Portland, Or.
97231

TOKOS Derrick I

From: John Christensen [nagarkot247@gmail.com]

Sent: Saturday, May 05, 2007 11:13 PM

To: TOKOS Derrick I; PLANNING LAND USE

Subject: Case Files T1-06-137 and T1-6-050

To: Members of Multnomah County Planning Commission

I am sending this message in lieu of public testimony at your hearing on May 10, since I will be unavailable that day.

I have deep concerns about both requests for subdivision. These claims are inconsistent with the rural character of our community east of the Sandy River. The concerns of the community are multiple. New subdivisions threaten to drain down the underground aquifers, which are already strained in summer months. Traffic congestion, lack of infrastructure for these developments, impacts on forest and wildlife corridors, and increasing suburban sprawl would all have negative impacts. Of special concern is the lack of fairness to adjacent property owners, whose property values will be decreased by these developments. We ask that you deny these requests for subdivisions as inconsistent with the vision created by our community 10 years ago, which is preface to the East of Sandy Rural Area Plan (see attached).

Sincerely,

John F. Christensen
39825 Gordon Creek Rd.
Corbett, OR 97019

5/9/2007

EAST OF SANDY RIVER RURAL AREA PLAN
Citizens' Advisory Committee
PREAMBLE/VISION STATEMENT
for
Rural Multnomah County, East of the Sandy River

We the citizens of rural Multnomah County, east of the Sandy River; set forth this vision for our unique community over the next forty years. It is our intent that the rural area plan, developed in cooperation with Multnomah County, shall serve as a framework to realize this vision. We expect our county government, through use of all planning tools and policies available, to serve as our advocate regarding all concepts and policies herein.

For our environment, we envision:

- . The people of our community living in close proximity to nature, conserving and caring for our precious natural resources.
- . Healthy and unpolluted air, soils and streams.
- . Diverse and robust native plants and wildlife.
- . A night sky free from increased light pollution and a community free from increased noise pollution

For our community, we envision:

- . Maintaining and enhancing our quality of life through neighborly communication, education, cooperation, and community facilities.
- . Expanding our commitment to land stewardship through the use of sustainable forestry and farming practices
- . Working with all available resources to promote and encourage forest and farm economic development projects and to create conservation land trusts.
- . Working with all available resources to purchase land for public benefit
- . Setting an example of how our diverse community, young and old, can work together in creating viable and productive forests and farms on both small and large acreages.
- . Creating education and work programs which provide forest and farm experiences for people from other communities as well as our own.

For our future, we envision:

- . The residential density east of the Sandy River stabilized at levels allowed by current zoning.
- . The Urban Growth Boundary maintained west of the Sandy River.

This vision statement is created to ensure that with vigilance and foresight, the unique rural character of our area shall be maintained and enjoyed by present and future generations.

#1

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 5-10-07

SUBJECT: JIM KELLS CLAIM

AGENDA NUMBER OR TOPIC: 3 T1-06-050

FOR: ☒ AGAINST: ☐ THE ABOVE AGENDA ITEM

NAME: FRANK WALKER

ADDRESS: P.O. Box 7170

CITY/STATE/ZIP: SALEM, OR 97301

PHONE: DAYS: 503 588-8001 EVES:

EMAIL: Frank Walker @ Comcast.net FAX: 503 588-8007

SPECIFIC ISSUE: WAIVER OF MULT. CO. RES

WRITTEN TESTIMONY: NO

IF YOU WISH TO ADDRESS THE BOARD:

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

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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

#2

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

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 5-10-07

SUBJECT: Measure 37 CASE ELLIS

AGENDA NUMBER OR TOPIC: T1-06-050

FOR: _____ AGAINST: X THE ABOVE AGENDA ITEM

NAME: BILLY OSKAY

ADDRESS: 34805 SE Hurlburt Rd.

CITY/STATE/ZIP: CORBETT, OR 97019

PHONE: _____ DAYS: 503-695-3427 EVES: 503-695-3427

EMAIL: billy@bigredstudio.com FAX: 503-695-3427

SPECIFIC ISSUE: relief from rules restriction division of land
+ placement of dwellings

WRITTEN TESTIMONY: _____

IF YOU WISH TO ADDRESS THE BOARD:

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

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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2. Written testimony will be entered into the official record.

#3

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

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 5/10/07

SUBJECT: Measure 37 claims
in Corbett

AGENDA NUMBER OR TOPIC: _____

FOR: _____ AGAINST: 1 ✓ THE ABOVE AGENDA ITEM

NAME: Debbie Schneider

ADDRESS: 821 SE Powder Rd.

CITY/STATE/ZIP: Corbett, OR 97019

PHONE: DAYS: 503-695-5182 EVES: _____

EMAIL: _____ FAX: _____

SPECIFIC ISSUE: Corbett infrastructure.

WRITTEN TESTIMONY: I don't feel the Corbett
water supply & infrastructure can support
new sub-divisions in Corbett. I urge
the Commissioners to consider this, and
deny these claims.

IF YOU WISH TO ADDRESS THE BOARD:

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

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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2. Written testimony will be entered into the official record.

written only

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 5/10/07

SUBJECT: SUBDIVISION @ 35601 SE MCGINNIS RD

AGENDA NUMBER OR TOPIC: T1-06-050

FOR: ☒ AGAINST: ☒ THE ABOVE AGENDA ITEM

NAME: Dennis Lowe

ADDRESS: 35137 SE EUB RD. CORBETT OR

CITY/STATE/ZIP: 97019

PHONE: DAYS: 503-695-5557 EVES: 503-695-5557

EMAIL: FAX: 503-695-6222

SPECIFIC ISSUE: 35601 SE MCGINNIS RD.
CORBETT, OR.

WRITTEN TESTIMONY: I LIVE @ THE BOTTOM OF
MCGINNIS RD @ 35137 SE EUB. VEHICLES
GOING OR COMING FROM GRESHAM, SPRINGDALE,
PDX, MUST PASS IN FRONT OF MY HOME.

TRAFFIC VISIBILITY FROM MY DRIVEWAY IS VERY
POOR + THESE ROADS WERE NOT DESIGNED FOR
ADDITIONAL TRAFFIC.

IF YOU WISH TO ADDRESS THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to 3 minutes.
3. State your name for the official record.
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IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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

BOGSTAD Deborah L

From: Multnomah County Chair
Sent: Thursday, May 10, 2007 4:27 PM
To: BOGSTAD Deborah L
Subject: FW: East County M37 Claims

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

From: Kdshelman@cs.com [mailto:Kdshelman@cs.com]
Sent: Wednesday, May 09, 2007 7:57 PM
To: Multnomah County Chair; District1; District2; District3; ROBERTS Lonnie J
Subject: East County M37 Claims

Dear Commissioner,

Due to work obligations, neither my wife or I can attend Thursday's hearing of 2 Corbett area M37 claims. But we hope that you recognize the inherent conflicts and contradictions this ill-conceived law has unleashed. Whatever may have initially been an attempt to bring some equity to a few isolated property owners, the end result of M37 has been to create a privileged new class of property owners, who's sudden "rights" have now trumped those of all the rest of those who own property in Oregon. We urge you to use every means at your disposal to deny these claims.

Dave and Kathleen Shelman
36141 SE Hurlburt Rd.
Corbett, OR
503-695-5859

5/10/2007

Elrick
12120 NW Skyline Blvd.
Portland OR 97231
USA.

PORTLAND OR 972

07 MAY 2007 PM 6 L



DON KIENHOLZ

MULTNOMA COUNTY

LAND USE + TRANSPORTATION PROGRAM

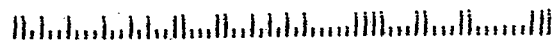
1600 SE 190th AVE

PORTLAND

OR 97233.

USA.

97233+5910



12120 NW Skyline Blvd,
Portland,
OR 97231
5th May 2007

Dear Sir/Madam

I am writing to you concerning Measure 37 claim case file T1-06-118, North of 12120 NW Skyline Blvd Tax lot 2100 Section 31 Township 2N Range 1W WM.

This plot of land is (and has been for a long time) unsuitable for multiple dwellings. The main reason is the access to the land is off the very busy trunk route, Cornelius Pass. This is the main route for trucks across the Northwest hills. Very close to the access on Cornelius Pass there is a sharp corner and the road is also on a slope with a very steep drop off to the east.

Turning out of the property is difficult

The visibility turning out of the access to the land is approximately 200ft to the south and 150ft to the north. Assuming that the cars, trucks and big rigs are going at the speed limit of 45 miles/hour this gives any driver only a 3 second (200ft visibility) or 2.2 second (150ft visibility) window in which to turn out onto Cornelius Pass. This may be perfectly safe for a car with an alert driver when there is good visibility and a dry road but is not suitable for large vehicles, delivery trucks, removal vans, builders trucks and the like, especially in poor weather.

Turning into the property is dangerous

The volume of traffic on the road would require anybody approaching the access from the south to stop and wait for a gap in the traffic. This would mean that the trucks and cars coming down the hill would have to stop and wait for you to turn into the property. The junction prior to this access road has a large area for cars to wait to turn across the traffic and a road improvement similar to that would have to be seriously considered with any planning permission.

The Oregon driver manual lists the stopping distance of a car on a dry, clean, level asphalt pavement at 40 miles/hour at 170ft and at 50 miles/hour is 237ft. On ice these distances increase to 354ft and 526ft respectively. These distances must increase greatly when going down a slope and are significantly more than the 200ft visibility at this access point.

This section of road is an accident blackspot

The corner near the access is steep and the road is closed approximately once a month due to accidents at this corner. A junction near this corner can only add to the likelihood of accidents.

Access is steep

The access from the property is very steep and in icy weather cars could slip down the access road onto Cornelius pass. Any potential property owner would have to consider a heated driveway or be diligent in salting this access with no sun.

Any building will be highly visible from a large distance

The land was clear felled a few years ago. I hope that any potential dwelling on this property is not multiple stories high and is as low lying as possible to hide behind the small trees. This will minimize the eyesore created by any building at the top of the valley. The view from the property is spectacular and so any property built on this land will be clearly visible from Washington State and Sauvie Island.

The property is in a wildlife corridor

There is a huge number of animals and plants which thrive in this forest. Deer regularly visit my property next door and I assume browse in the neighboring land. I hope that they and the many birds continue to visit in the years to come.

I was not told about the measure 37 claim on the land despite being the adjoining property. Please could you tell me about any change in status in the land or in any planning application.

Thank you

Rosaline Elfick

Rosaline Elfick

May 9, 2007

VIA ELECTRONIC MAIL
ORIGINAL BY U.S. MAIL

Adam Barber, Staff Planner
Multnomah County
Lane Use and Transportation Program
1600 SE 190th Avenue
Portland, OR 97233

Re: Measure 37 Claim by Marcia Randall
Multnomah County Case File: T1-06-133
Property: Tax Lots 1400, 1500, 1600 (Township 1 South, Range 1 East, Section 7BD
W.M.)

Dear Mr. Barber:

This firm represents Marcia Randall in the above matter. Please enter this submittal into the record of the above proceedings, which are set for hearing before the Board of Commissioners on May 10, 2007.

This is in support of the claim filed by Marcia Randall and is in response to the May 10, 2007 Land Use and Transportation Planning Staff Report ("Staff Analysis of Measure 37 Claims Scheduled for May 10, 2007 Public Hearings before the Board of Commissioners").

1. Claimant acquired the property in 1979. The staff report suggests that the date of acquisition was 1982 for Tax Lots 1400 and 1500, and 2002 for Tax Lot 1600. But that is incorrect. Claimant's attorney provided an explanation of the chain of title for the property as set forth in the claim showing that, commencing June 28, 1979 and continuing through the present, Mrs. Randall was and is the sole and exclusive owner of the right to possess and enjoy the subject property, which right will not expire until her death. No other person or entity has any right to possess or use the property until the expiration of Mrs. Randall's life estate upon her death. (See email dated May 2, 2007 from attorney Steven Nicholes to Adam Barber, Attachment 1).
2. The challenged regulations restricted use of the property. The staff report suggests that the environmental (Ep and Ec) overlay regulations do not restrict the use of the property because they do not reduce the allowed density (R-20 base zoning) because the claimant can get the density she desires by going through the city's Environmental Review process. (See email from City of Portland, Sarah

Radelet, dated May 1, 2007, Attachment 2) However, the use of the property is clearly restricted: the use of the Ep portion of the property is prohibited and must be placed in separate tracts which cannot be made a part of any lots; and the use of the Ec portion of the property is subject to the Environmental Review regulations, which require "however an alternatives analysis . . . to be provided which would look at small lot sizes and alternative housing types." (See email from Sarah Radelet, Attachment 2) Requiring lots to be smaller diminishes the value of the lots and subjecting development to the subjective environmental review process increases development uncertainties and costs. (See attached letter from broker, John DeCosta, dated May 9, 2007, Attachment 3)

3. The regulations have reduced the fair market value of the property. Staff claims that the use has not been restricted based on its reasoning that the claimant can get the R-20 density as discussed in paragraph 2 above. However, there has been a reduction in value of the property of about \$1,500,000 due to the regulations. (See letter from broker, John DeCosta, dated May 9, 2007, Attachment 3) With the regulations, the value of the property with 20 lots of small size and closer proximity, will be approximately \$3,000,000. On the other hand, if the property were allowed to be subdivided and developed into 20 lots with about 23,000 square foot lots, the fully developed retail value would be about \$6,000,000. The development costs would be about \$1,500,000, leaving a residual land value for the property of about \$4,500,000. Therefore, the reduction in value of the property due to the environmental overlay regulations is about \$1,500,000 (\$6,000,000 less \$1,500,000 equals \$4,500,000). (See letter from broker, John DeCosta, dated May 9, 2007, Attachment 3)
4. Proposed Stipulation. In recognition of the County staff's position that the use has not been restricted by the environmental overlay regulations, Claimant is prepared to enter into a stipulation as follows: Claimant is prepared to suspend or withdraw her Measure 37 claim upon the stipulation of the County (and of the City of Portland in its capacity as the County's agent pursuant to an Inter-Governmental Agreement) waiving any restriction on her development of the property as proposed, including any restriction on the proposed density (20 lots for future dwellings on the approximately 11-acre parcel), and any restriction which would diminish the lot sizes proposed (on average 23,000 square feet per lot) that could otherwise be obtained.


Mr. Adam Barber
May 9, 2007
Page 3

Please let me know if the County is agreeable to the proposed stipulation and if you have any further questions.

Thank you for the opportunity to comment on this matter.

Very truly yours,

LANE POWELL PC



John C. Pinkstaff

JCP:jcp

Enclosures

cc: Mr. Derek Tokos (*via email*)
Steven A. Nicholes, Esq. (*via email*)
Ms. Marcia Randall (*via email*)

707881.0001/626659.1

Pinkstaff, John

From: Steven A. Nicholes [snicholes@duffykekel.com]
Sent: Wednesday, May 02, 2007 5:15 PM
To: adam.t.barber@co.multnomah.or.us
Cc: Pinkstaff, John
Subject: Marcia Randall - Measure 37 Claim

Adam,

As we discussed, I am Marcia Randall's personal attorney, and this is intended to respond to your request for further information concerning Mrs. Randall's M37 claim. You requested my opinion as to whether Mrs. Randall, as the life tenant of the subject property, would have the full and unfettered right to use and enjoy the property during the period of her life.

Marcia H. Randall acquired fee title to the property on June 28, 1979 pursuant to a deed of conveyance from the Robert D. Randall Company. Thereafter, Mrs. Randall conveyed a remainder interest in the property on May 3, 1982, retaining a life estate in the property. This conveyance was by way of a warranty deed executed April 16, 1982, and recorded on May 3, 1982 at Book 1593, Page 1760, in the records of Multnomah County. It is critical to note that the legal description of the property conveyed under that instrument is "As described in EXHIBIT A attached hereto and by this reference incorporated herein, and RESERVING UNTO MARCIA H. RANDALL, THE GRANTOR, A LIFE ESTATE IN SAID PROPERTY" (emphasis in original).

When fee title to the property was conveyed to Mrs. Randall on June 28, 1979, she then held all relevant interests in the real property. By her conveyance to RF Investment Company on April 16, 1982, Mrs. Randall conveyed to that entity the right to possess and enjoy the property to commence upon the expiration of her retained life estate. Under Oregon law, it is irrelevant whether a life estate is granted to one who did not currently have an interest in the property, or is retained by one who is the current owner of the property - the legal effect is the same, and the holder of the life estate has the legally enforceable right of exclusive possession, use and enjoyment of the property, to the exclusion of all others.

Thus, the legal effect of Mrs. Randall's 1982 deed was to convey to RF Investment Company the future right of sole possession of the subject property, Mrs. Randall having retained the current right to exclusively use and enjoy the property for the remainder of her lifetime. It should also be noted that during all periods after 1979, all interests in the property were owned either directly by Mrs. Randall (as the life tenant), or by a family entity related to and controlled by her (as to certain future interests).

It is my opinion that commencing June 28, 1979, and continuing through the present, Mrs. Randall was and is the sole and exclusive owner of the right to possess and enjoy the subject property, which right will not expire until her death. As a corollary to this principle, therefore, it is also evident that no other person or entity has any right to possess or use the property until the expiration of Mrs. Randall's life estate upon her death.

Please let me know if you have questions or would like to discuss any of these points or comments in more detail.

Thank you.
Steve Nicholes

*Steven A. Nicholes
Duffy Kekel LLP
1200 Standard Plaza
1100 S.W. Sixth Avenue
Portland, Oregon 97204-1079
phone (503) 226-1371
fax (503) 226-3574*

5/8/2007

Attachment 1

<mailto:snicholes@duffykekel.com>

5/8/2007

Pinkstaff, John

From: Radelet, Sarah [SRadelet@ci.portland.or.us]
Sent: Wednesday, April 25, 2007 5:57 PM
To: TOKOS Derrick I
Subject: Randall

Randall claim is in the Fanno Creek Watershed. If you go to the below link and look at the Corrado claim (Staff Report and Exhibits) you will see our analysis. There would be slightly different environmental standards (and analysis) that apply for the Randall claim because it is for a land division and the Corrado claim was not.
<http://www.portlandonline.com/index.cfm?c=40047>

The Randall property is currently zoned R20 with Environmental Conservation and Environmental Protection overlays. The maximum allowed density on the site would be 20 units with a street (Is this would your code would have allowed? I'm guessing they didn't gain density by going to our code). The maximum allowed density would not be reduced by the environmental overlays, however an alternatives analysis would have to be provided which would look at small lot sizes and alternative housing types. Crossing the stream seems problematic, and all alternative access points would need to be examined. There is a stream on the property. The site slopes from north to south approximately 154 feet in elevation. Over approximately 700 feet, this results in an average slope of 22%. Access that meets Fire Bureau requirements may be challenging given the slopes on the site.

If you want, you can also go to Planning's website and look at the Fanno Creek Plan. Here's the link
<http://www.portlandonline.com/planning/index.cfm?c=34251> The site is located within Resource Site 124.

Hope this helps.
I'll send you Lankton next.

Sarah Radelet, Land Use Services
City of Portland
1900 SW Fourth Avenue, Suite 4500
Portland, OR 97201
Phone: 503-823-6968
FAX: 503-823-5630
Email: sradelet@ci.portland.or.us

John C. Pinkstaff
Lane Powell PC
601 SW 2nd Ave, Suite 2100
Portland, OR 97204-3158

Re: City of Portland Ballot Measure 37 Claim (T1-06-133)
Claimant: Marcia Randall
Property located at 5735 SW Grover Court
Tax lots 1400, 1500 and 1600 Map 1S 2E 23BD and Tax lot 7800 Map 1S 1E 07BD

Dear Mr. Pinkstaff:

I am a licensed real estate broker in Oregon and I specialize in real estate development.

You have requested my opinion regarding the reduction in value in the above mentioned real property ("Property") as a result of current land use regulations applied to the property for purposes of the Measure 37 claim filed by the owner of the property, Marcia H. Randall.

The current zoning on the Property, which is R-20, with Environmental Protection and Conservation, Ep and Ec, overlay zones, which place limitations on any subdivision and development of the Property for single family residential use as requested in the Measure 37 claim.

The Property which is the subject of this Measure 37 is approximately eleven (11) acres with one (1) dwelling. Of the eleven (11) acres, 2.2 acres (20%) of the Property are zoned Ep and 6.6 acres (60%) of the Property are zoned Ec. This gives approximately 8.8 acres of buildable area (see attached map) subject to Environmental Review.

Although the County informs us that the maximum allowed density for the Property would not be reduced by the environmental overlays, an alternative analysis would have to be provided which would look at small lot sizes and alternative housing types due to the environmental overlays.

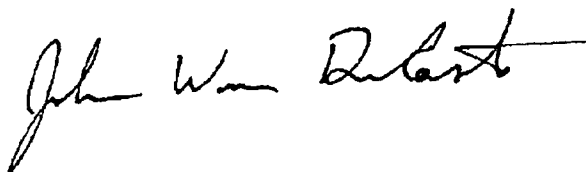
If we were to sell the Property, as is, with its current zoning, it would be valued at approximately \$150,000 per lot. For example, if the city will allow us to have twenty (20) lots of small size and closer proximity, then the value will be approximately \$3,000,000 retail value.

On the other hand, if the current Ep and Ec zoning were removed and the Property were allowed to be subdivided and developed into twenty (20) lots with approximately 23,000 square foot per lot, the fully developed retail value of the property would be approximately \$6,000,000. The development costs for such a development would be \$1,500,000, leaving a residual land value for the Property, if developed, of about \$4,500,000.

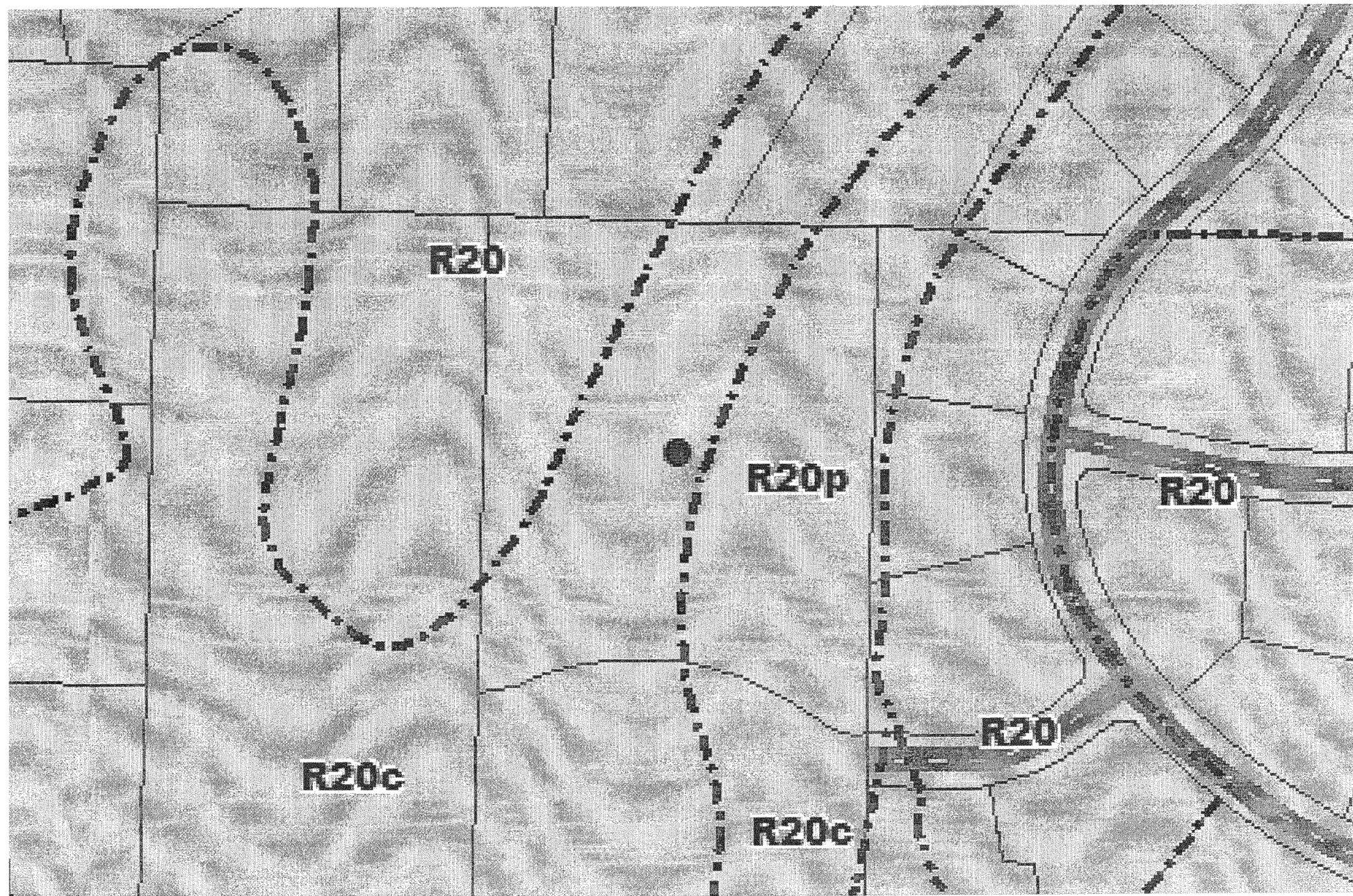
It is reasonable to assume that the Property is buildable because the Property has already received a preliminary plat approval (PD-1-85-/ LD 7-85) from the County in 1985 (see attached).

Therefore, it is my professional opinion that the reduction in value of the Property due to the current land use regulations is about \$1,500,000 (\$6,000,000 less \$1,500,000 equals \$4,500,000).

Please let me know if you have any further questions.

A handwritten signature in black ink, appearing to read "John W. DeCosta". The signature is fluid and cursive, with a long horizontal stroke at the end.

John DeCosta
The Hasson Company Realtors
Lake Oswego Office
15400 SW Boones Ferry Road
Lake Oswego, Or 97035
503-534-1589 Office



BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

In the Matter of PD 1-85/LD 7-85,)
a review of the Planning Commission)
recommendation to change the zoning)
of the property at 5735 SW Grover)
Court from R-20 to R-20, P-D, Planned-)
Development plus a Future Street)
Plan Plus a Fourteen-Lot Subdivision)

FINAL ORDER

This matter came before the Board of County Commissioners on July 23, 1985.

The Board conducted a public hearing, on the record, to review the Planning Commission's recommendation of May 13, 1985 that the property at 5735 SW Grover Court owned by RF Investment Company be changed from R-20 to R-20, P-D, Planned-Development and approving a revised future street plan plus a proposed 14-lot land division, all with conditions.

Following argument by the parties and full consideration of that testimony and the record in this matter by the Board, it is

ORDERED that the Decision of the Planning Commission be affirmed and a change in zone from R-20 to R-20, P-D plus a future street plan plus a 14-lot land division be approved, based upon the following Findings and Conclusions of PD 1-85/LD 7-85.

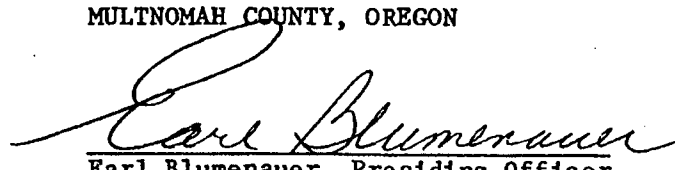
Adopted this 23rd day of July, 1985.

SEAL

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

August 22, 1985

Date


Earl Blumenauer, Presiding Officer

RECEIVED
AUG 24 1985

Multnomah County
Division of Land Use Planning

TOKOS Derrick I

From: BOGSTAD Deborah L
Sent: Wednesday, May 09, 2007 4:06 PM
To: TOKOS Derrick I
Subject: FW: Measure 37, Case File I1-06-137

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

From: LANGLOIS Ruth R
Sent: Wednesday, May 09, 2007 4:03 PM
To: BOGSTAD Deborah L
Subject: FW: Measure 37, Case File I1-06-137

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

From: Maureen Michelson [mailto:maureen@newsagepress.com]
Sent: Wednesday, May 09, 2007 1:37 PM
To: LANGLOIS Ruth R
Subject: Measure 37, Case File I1-06-137

RE: Case File I1-06-137, 30041 E. Woodard Road

Dear County Commissioner Ted Wheeler,

As home owners, we are sending this letter to express our grave concern and objection to the proposed Measure 37 claim to allow the division of property at 30041 E. Woodard Road into eight, 2-acre lots in lieu of cash compensation of \$1,400,000.

We have lived in this neighborhood since 1991 and know the owner, Dorothy Larsen. We have always appreciated her independent "pioneer spirit" and the meticulous care she gave her property over the years. We were also sad to learn that she has moved to a retirement home and that now, her property may be subdivided.

We regret having to speak out against our neighbor's request, however, we strongly oppose the proposed development for several reasons listed below. We also want you to know that this very situation represents the "neighbor vs. neighbor" conflict that Measure 37 engenders, and we believe, causes considerable "neighborly" damage throughout Oregon. We already have one neighbor who no longer talks with us because of a land use claim we protested several years ago. The appeals board upheld our (and other neighbors') appeal to stop the illegal development. So, please understand this is not an easy task, but one we feel we must speak out against.

We oppose this claim for the following reasons:

- * Loss of more prime farmland outside of the urban growth boundary. Presently, this land is continuously used to grow cabbage and raspberries.
- * This subdivision will completely conflict with the rural character of this area, now zoned for one house per 10 acres. The state already grandfathered in several homes that existed at the time land use regulations were established in this area.

5/9/2007

* This proposed subdivision conflicts with other neighbors' property values. We bought our acreage/house *outside* of the urban growth boundary because we wanted to live in a protected rural area within the Columbia Gorge Scenic Area. What are the rights of neighbors who specifically bought in this area to avoid the very subdivisions that are now proposed in an area we thought was off limits to urban growth?

* Eight more houses on this piece of property would cause a considerable increase in density, affecting an already busy rural road.

* The water district for our area has already stated that Bull Run cannot sustain increased water demands due to further development. There needs to be an evaluation to see if this property is in a critical and limited groundwater area.

* Approval of this sizable division of the property would set a precedent for other long-time property owners in this area (and there are several) to turn this beloved rural landscape into a grouping of subdivisions. Sadly, this is a situation where the owner enjoyed a lifetime of peace and quiet in one of Oregon's outstanding rural areas near the Columbia Scenic Gorge area, and now with her departure, that very quality of life will be sold off to the highest bidder.

So, what is the intent of Measure 37? Is it to offer reasonable and fair compensation to longtime property owners who had planned to build a second home for a family member on their acreage? Or is it to exploit development to the full extent of the law?

At the very least, I ask you, and the other County Commissioners to put this claim on hold until voters can re-evaluate Measure 37 and until this specific proposed subdivision can be further evaluated for environmental impact. At most, I would be willing to see Mrs. Larsen be compensated for one additional house, maybe two houses, but **not** eight houses.

Thank you for your careful consideration of our concerns, and your understanding of the difficult position this Measure 37 presents for all involved. Please move slowly and cautiously with this claim, it could change the rural landscape of this area permanently and irreversibly.

Sincerely,

Maureen R. Michelson and Gary F. Spoerle
30925 N.E. Hurt Road
Troutdale, OR 97060

cc: All County Commissioners, Governor Ted Kulongoski, State Representative Patti Smith, and State Senator Rick Metsger

--

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5/9/2007

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

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 5-10-07

SUBJECT: DANE DORIS BOYD

AGENDA NUMBER OR TOPIC: 5 T 1-06-118

FOR: ✓ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: FRANK WALKER

ADDRESS: P.O. Box 7170

CITY/STATE/ZIP: SACRAM, OR 97301

PHONE: DAYS: 503 588-8001 EVES: _____

EMAIL: frankwalker@comcast.net FAX: 503 588-8007

SPECIFIC ISSUE: WAIVER OF MULT. CO. REGS.

WRITTEN TESTIMONY: NO

IF YOU WISH TO ADDRESS THE BOARD:

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

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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

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

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 5-10-07

SUBJECT: Measure 37 case

AGENDA NUMBER OR TOPIC: Case File T1-06-127

FOR: _____ AGAINST: X THE ABOVE AGENDA ITEM

NAME: Shari Raider

ADDRESS: 25233 NW Sawie Island Rd

CITY/STATE/ZIP: Portland OR 97231

PHONE: _____ DAYS: 503-621-3146 EVES: _____

EMAIL: S1organics@aol.com FAX: _____

SPECIFIC ISSUE: Importance of Farmland

WRITTEN TESTIMONY: _____

IF YOU WISH TO ADDRESS THE BOARD:

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

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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

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

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: May 10, 2007

SUBJECT: Measure 37 case

AGENDA NUMBER OR TOPIC: Case File T1-06-127

FOR: _____ AGAINST: X THE ABOVE AGENDA ITEM

NAME: Donna Matrizzo

ADDRESS: 14300 NW Sauvie Island Rd

CITY/STATE/ZIP: Portland OR 97231

PHONE: _____ DAYS: (503) 621-3049 EVES: Same

EMAIL: matrizzo@msn.com FAX: _____

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: (Will speak in person)

IF YOU WISH TO ADDRESS THE BOARD:

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

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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

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

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 5-10-07

SUBJECT: Measure 37 Claims

AGENDA NUMBER OR TOPIC: Case File 71-06-127

FOR: _____ AGAINST: ☒ THE ABOVE AGENDA ITEM

NAME: Nick Snell

ADDRESS: 823 N.W. Albemarle Terr.

CITY/STATE/ZIP: Portland, OR 97210

PHONE: _____ DAYS: 503-701-0612 EVES: _____

EMAIL: _____ FAX: _____

SPECIFIC ISSUE: Sauvie Island subdivision

WRITTEN TESTIMONY: _____

IF YOU WISH TO ADDRESS THE BOARD:

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

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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

Public Hearing
Case File T1-16-127
Thursday, May 10th

To Whom It May Concern:

I have been a visitor to Sauvie Island for the past 45 years. I live in the city of Portland and have enjoyed taking my children and grandchildren to the island to enjoy the rural environment of this unique setting.

I am particularly concerned about the effects of subdivision on the waterfowl populations that have made this area their home or resting place for thousands of years. There is no doubt that the change from agricultural to residential purposes of this acreage will adversely affect these populations.

There are, of course, other concerns that argue against a subdivision of homes in this area. These include a reduction of prime agricultural land, increased traffic, water availability through aquifers, and the lifestyles of people who purchased land on the island because of the rural appeal.

Many people with whom I have spoken feel that Measure 37 was passed without the voters understanding the long term results that the measure would have on the livability of our area. They felt it was unfair that a person could not build a home on land that they had purchased. They were not voting for a windfall for developers and landowners who want to subdivide and develop land that needs to be protected.

Sincerely,
Nick Snell
8 23 N.W. Albemarle Terrace
Portland, OR 97210


A handwritten signature in cursive script that reads "Nick Snell". The signature is written in dark ink and is positioned below the typed name and address.

1 meet current regulations for residential building sites because the proposed access to the westerly
2 two lots was either over a 24 foot wide, already existing, paved private driveway easement or
3 over a 16 foot wide private street to be created. The City regulations prohibit access via a private
4 easement and also prohibit access via a private street over 300 feet long. (The City claims that
5 the length limitation is for fire protection but the Tualatin Valley Fire Department in 2002 signed
6 off on the proposed easement access and turnaround as meeting its requirements for fire
7 prevention.)

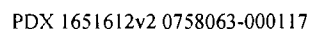
8 4. Also, the City regulations relating to environmental conservation overlays
9 have complex formulas applicable to "disturbance" areas which when applied to my property,
10 require that although my existing house and one acre lot is outside of any "c" or "p" zone, the
11 existence of that already developed acre causes a reduction in the allowed "disturbance" area in
12 the remaining three half acre proposed lots, two of which are several hundred feet away and on
13 the opposite side of a draw. As a result, an initial 5000 square foot disturbance area allowance
14 per 20,000 square foot lot ($3 \times 5,000 = 15,000$ total) is reduced by 4,750 square feet (12%
15 maximum allowance, less 25 foot transition area times 150 feet) leaving, at most 11,250 feet of
16 disturbance area or 3425 square feet per lot. Assuming that a 4000 square foot house is the
17 minimum size for a half acre lot in this area plus a 240 square foot garage, plus a 50 x 10 foot
18 driveway ---- that requires 4,740 square feet of disturbance area, but less than 3,425 square feet
19 is allowed. In addition, the City states that access will not be allowed via the already existing
20 private driveway easement from S.W. Canyon Court to the westerly proposed two lots, and that
21 the only other alternative would be a private street 450 feet long. At a 16 foot width, times 450
22 feet, that would add to the "disturbance" area and would reduce the allowed "disturbance" area
23 to a negative amount, preventing any building site on a tract of almost two acres.

24 5. In a conference on May 7, 2007, the City Planning Department advised me
25 that the City regulations would not allow the proposed three building sites but said that if I
26 applied for an Environmental Review, a zone change and a Comprehensive Plan change, it might

6. The regulations adopted since 1965 (or even since 2002) have restricted my proposed use, which was clearly allowed under R-20 zoning applicable in 1965, and have caused a substantial reduction in value which is at least \$330,000, as demonstrated by the appraisal from PGP Valuations, Inc. and by my 40 years of experience as a real estate lawyer in this community.


Milton C. Lankton

Susan England
Notary Public for Oregon
My Commission Expires 11-19-2010



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

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 5.10.07

SUBJECT: Measure 37 - Marcia Randall

AGENDA NUMBER OR TOPIC: R-13 / #8 / T1-06-133

FOR: X AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: John Pinksstaff

ADDRESS: Lane Powell, 601 SW 2nd Ave Suite 2100

CITY/STATE/ZIP: Portland OR 97204

PHONE: _____ DAYS: 503.778.2186 EVES: _____

EMAIL: Pinksstaffj@lanepowell.com FAX: 503.778.2200

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: Letter dated 5.9.07 was submitted
to staff on 5.9.07

IF YOU WISH TO ADDRESS THE BOARD:

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

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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

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

Please complete this form and return to the Board Clerk

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MEETING DATE: 5/10/07

SUBJECT: Measure 37 claim T₁-06-137

Dorothy Larsen

AGENDA NUMBER OR TOPIC: R 13 #9 L

FOR: _____ AGAINST: X THE ABOVE AGENDA ITEM

NAME: Mary Blankenship

ADDRESS: 31320 NE Hurt Rd

CITY/STATE/ZIP: Trousdale OR 97060

PHONE: DAYS: 503-703-1232 EVES: 503-695-5558

EMAIL: blansief@cascadiaaccess.com FAX: _____

SPECIFIC ISSUE: Objection to claim listed above

WRITTEN TESTIMONY: See attached,

IF YOU WISH TO ADDRESS THE BOARD:

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First I'd like to say, not that it has any bearing in the decision of this claim, that I have nothing but respect for Dorothy Larsen, the claimant. She is considered one of Corbett's "matriarchs"—a community supporter, staunch member of the Corbett Grange, and takes beautiful care of her property. However, I speak for many residents of what we call "Cabbage Hill", when I say that it pains us greatly to see this claim. It calls for a subdivision---potentially eight 'McMansions'--- on 2-acre parcels where raspberries and cabbage have been continuously grown for decades. These crops have turned significant profits, I am told.

Most of the surrounding properties range from four to ten acres in size, with some larger. In fact, across Ogden Rd. from this claim is a cattle ranch in the Columbia Gorge National Scenic Area, where there is a 40-acre minimum lot size. Much of the neighboring Scenic Area land, including my property, is Rural Residential 10 (10-acre minimum lot size.) It is no exaggeration to say that a subdivision of this size, although not nearly the scope of other claims we have seen in Troutdale/Corbett, would drastically change the profile of this area. Relative to the surrounding properties, it is huge.

The claim is located at the intersection of two major local thoroughfares, Woodard and Ogden Rd. This corner sees plenty of local traffic on a regular day, and it is magnified when there is a detour on Corbett Hill Rd. or the lower Scenic Highway. Increased traffic would place additional stress on roads and safety levels where many residents walk, bicycle, and ride their horses, and would augment noise, light, and pollution where many of us have bought property to escape these elements.

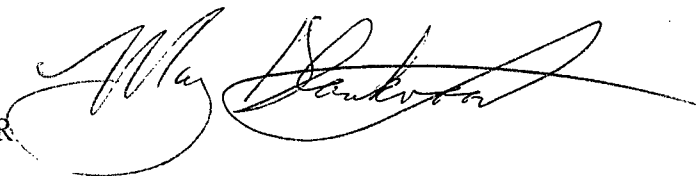
The water shortage in Corbett and in this section of Troutdale where this claim is located, has been well-documented. The minutes of the July 2006 Corbett Water District Board meeting state that, "based on future weather patterns, historic data and field observation, (District Manager) Frank Sterziner believes the Corbett Water District must act soon to secure an alternative water source. At this time, consideration must be given to limiting any new customer hook-ups to the system until source issues can be taken care of."

Finally, now that the legislature is working to extend the deadline for claim processing and referring a revised 37 to the voters in the fall, deciding on hurried claims at this time creates yet another division—two classes of claimants—those who made it under the wire, and those who didn't. I feel it would be prudent to put this claim on hold. If approved, after the revision, it might be reasonable to allow one or two more houses on this farmland, in accordance with the "Express Lane" that the Land Use Planning Committee has proposed. As much as we hate to see any division of this acreage, modest development of long-held property is an acceptable compromise to those whose interests many people thought they were voting for in 2004.

Respectfully submitted,

Mary Blankevoort

31320 NE Hurt Rd.; Troutdale, OR



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

Please complete this form and return to the Board Clerk

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MEETING DATE: 5/10/07

SUBJECT: MEASURE 37

AGENDA NUMBER OR TOPIC: _____

FOR: _____ AGAINST: ✓ THE ABOVE AGENDA ITEM

NAME: STUART SANDLER AGAINST APPROVAL OF 37 CLAIMS

ADDRESS: 19419 NW REEDER RD

CITY/STATE/ZIP: PORTLAND, OR 97231

PHONE: _____ DAYS: 503-691-3255 EVES: _____

EMAIL: SWES@SPIRITONC.COM FAX: _____

SPECIFIC ISSUE: DENY MEASURE 37 LAND CLAIMS

WRITTEN TESTIMONY: _____

IF YOU WISH TO ADDRESS THE BOARD:

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4. If written documentation is presented, please furnish one copy to the Board Clerk.

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. 07-096

Order Granting Ballot Measure 37 Request of Albert Hoppert, Personal Representative for the Estate of Mary Hoppert, Relating to Real Property Located at 19134-19136 NW Morgan Road, Multnomah County, Oregon

The Multnomah County Board of Commissioners Finds:

a. **Parties:** Albert Hoppert, Personal Representative for the Estate of Mary Hoppert (Claimant), is the Ballot Measure 37 Claimant who filed a demand for compensation to Multnomah County (County) on October 27, 2006.

b. **Subject Property:** This claim relates to property located at 19134-19136 NW Morgan Road, Multnomah County, Oregon, more specifically described as:

Tax Lot 200, Section 12DC, Township 2N, Range 2W, W.M.

c. **Relevant Dates of Property Ownership:**

Claimant has established that Mary Hoppert acquired an interest in the subject property prior to the County's adoption of land use regulations affecting the Subject Property.

The Claimant has submitted sufficient documentation to establish the requisite ownership under ORS 197.352. The Claimant acquired the subject property on February 2, 1955. Albert J. Hoppert, individually, inherited an interest in the subject property on July 2, 2005. The Claimant has retained an interest in the subject property since the time an interest was acquired.

The Board finds that the Claimant became an "owner" of the subject property, as that term is defined in ORS 197.352 (11)(C), as of February 2, 1955. In addition, the Board finds that Albert Hoppert, individually, through inheritance, acquired an interest in the subject property on July 2, 2005.

d. **County Codes as a Restriction on Use of the Property:**

Claimant has established that the county has adopted land use regulations since February 2, 1955 that restrict use of the property.

No land use regulations applied to the subject property on February 2, 1955. The County's RR zoning regulations currently apply to the subject property. RR regulations restrict the use of property within the zoning district.

The Board finds that County land use regulations adopted after the Claimant acquired the subject property restrict the use of that property.

e. **County Code Restrictions Reduce Fair Market Value:**

Claimant has established that County land use regulations affecting the Subject Property adopted subsequent to February 2, 1955 have reduced the fair market value of the property.

The Claimant estimates that the land use regulations described in section d. have caused a reduction in the fair market value of subject property: (1) \$250,000 for a land fill operation; and, (2) \$5,235,000 for the auto repair business. The Claimant has not provided documentation sufficient to support a specific dollar amount of reduction. Nevertheless, the Board determines that information in the record indicates that the fair market value of the subject property has been reduced to some extent as a result of land use regulations adopted by the County since the Claimant's family acquired the subject property.

f. **Public Notice**

Section 3.50 of the County Charter requires notice to the public of all Board agenda matters. This notice was provided. Notice of the hearing on this claim was given to persons who own land within 750 feet of the Subject Property by mail.

The Multnomah County Board of Commissioners Finds that Claimant has a Valid Measure 37 Claim for Compensation.

The Multnomah County Board of Commissioners Orders that:

1. The County will not pay the compensation demanded by the Claimant.
2. In lieu of compensation, the County shall not apply land use regulations adopted since July 2, 2005, except for those exempted under ORS 197.352(3), to allow the Claimant to use such property for uses permitted at the times the Claimant acquired the property.
3. Section 2 above, constitutes a waiver of Comprehensive Plan and Rural Area Plan policies that the regulations implement.

4. The rights obtained by a claimant through the Board's grant of a waiver of County land use regulations shall be transferable to the extent allowed by state law.

ADOPTED this 10th day of May, 2007.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Sandra N. Duffy, Assistant County Attorney

SUBMITTED BY:
Agnes Sowle, County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. 07-097

Order Granting Ballot Measure 37 Request of Virginia Atkinson Relating to Real Property Located at 2950 NW 53rd Drive, Multnomah County, Oregon

The Multnomah County Board of Commissioners Finds:

- a. **Parties:** Virginia Atkinson (Claimant) is the Ballot Measure 37 Claimant who filed a demand for compensation to Multnomah County (County) on May 26, 2005.
- b. **Subject Property:** This claim relates to property located at 2950 NW 53rd Dr., Multnomah County, Oregon, more specifically described as:

Tax Lot 700 and Tax Lots 200 & 800 Section 25A, Township 1N, Range 1W, W.M.

- c. **Relevant Dates of Property Ownership:**

Claimant has established that a family member acquired an interest in the subject property prior to the County's adoption of land use regulations affecting the Subject Property.

The Claimant has submitted sufficient documentation to establish the requisite ownership under ORS 197.352. The Claimant's mother-in-law, Lenora Atkinson, acquired the subject property on November 30, 1942. The Claimant and her husband acquired Tax Lot 700 from Lenora Atkinson by deed dated September 13, 1955. The Claimant's husband inherited Tax Lots 200 & 800 from Lenora Atkinson on September 12, 1969. The Claimant inherited Tax Lots 200 & 800 from her husband on May 15, 1992. The Claimant has retained an interest in the subject property since the time an interest was acquired.

The Board finds that the Claimant became an "owner" of the subject property, as that term is defined in ORS 197.352 (11)(C), as of September 13, 1955 for Tax Lot 700, and as of May 15, 1992 for Tax Lots 200 & 800. In addition, the Board finds that Lenora Atkinson is a "family member," as defined by ORS 197.352 (11)(A), who acquired the subject property on November 30, 1942.

- d. **County Codes as a Restriction on Use of the Property:**

Claimant has established that the county has adopted land use regulations since November 30, 1942 (Tax Lot 700) that restrict use of the property.

No land use regulations applied to the subject property on November 30, 1942. The County's CFU-2 zoning regulations currently apply to the subject property. CFU-2 regulations restrict the use of property within the zoning district.

The Board finds that County land use regulations adopted after the Claimant's family member acquired the subject property restrict the use of that property relative to the uses allowed when acquired by the family.

e. County Code Restrictions Reduce Fair Market Value:

Claimant has established that County land use regulations affecting the Subject Property adopted subsequent to November 30, 1942 have reduced the fair market value of the property.

The Claimant estimates that the land use regulations described in section d. have caused a \$1.1 million reduction in the fair market value of subject property. The Claimant has not provided documentation sufficient to support a specific dollar amount of reduction. Nevertheless, the Board determines that information in the record indicates that the fair market value of the subject property has been reduced to some extent as a result of land use regulations adopted by the County since the Claimant's family acquired the subject property.

f. Public Notice

Section 3.50 of the County Charter requires notice to the public of all Board agenda matters. This notice was provided. Notice of the hearing on this claim was given to persons who own land within 750 feet of the Subject Property by mail.

The Multnomah County Board of Commissioners Finds that Claimant has a Valid Measure 37 Claim for Compensation.

The Multnomah County Board of Commissioners Orders that:

1. The County will not pay the compensation demanded by the Claimant.
2. In lieu of compensation, the County shall not apply land use regulations adopted since September 13, 1955 as to Tax Lot 700, and since May 15, 1992 as to Tax Lots 200 & 800, except for those exempted under ORS 197.352(3), to allow the Claimant to use such property for uses permitted at the times the Claimant acquired the property.
3. Section 2 above, constitutes a waiver of Comprehensive Plan and Rural Area Plan policies that the regulations implement.

4. The rights obtained by a claimant through the Board's grant of a waiver of County land use regulations shall be transferable to the extent allowed by state law.

ADOPTED this 10th day of May, 2007.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON




Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Sandra N. Duffy, Assistant County Attorney

SUBMITTED BY:
Agnes Sowle, County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. 07-098

Order Granting Ballot Measure 37 Request of Jim Ellis Relating to Real Property Located at 35611 SE MacInnes Road, Multnomah County, Oregon

The Multnomah County Board of Commissioners Finds:

a. **Parties:** Ruth M. Smith Living Trust c/o James Ellis (Claimant) is the Ballot Measure 37 Claimant who filed a demand for compensation to Multnomah County (County) on May 26, 2005.

b. **Subject Property:** This claim relates to property located at 35611 SE MacInnes Road, Multnomah County, Oregon, more specifically described as:

Tax Lot 300 Section 3, Township 1S, Range 4E, W.M.

c. **Relevant Dates of Property Ownership:**

Claimant has established that a family member acquired an interest in the subject property prior to the County's adoption of land use regulations affecting the Subject Property.

The Claimant has submitted sufficient documentation to establish the requisite ownership under ORS 197.352. The Claimant's mother, Ruth Smith, acquired the subject property on March 11, 1946. The Claimant inherited the property on January 26, 2001 and still owns that property today.

The Board finds that the Claimant became an "owner" of the subject property on January 26, 2001, as that term is defined in ORS 197.352 (11)(C). In addition, the Board finds that Ruth Smith is a "family member," as defined by ORS 197.352 (11)(A), who acquired the subject property on March 11, 1946.

d. **County Codes as a Restriction on Use of the Property:**

Claimant has established that the county has adopted land use regulations since March 11, 1946 that restrict use of the property.

No land use regulations applied to the subject property on March 11, 1946. The County's Exclusive Farm Use (EFU) zoning regulations currently apply to the subject property. EFU regulations purposefully restrict the use of property within the zoning district.

The Board finds that County land use regulations adopted after the Claimant's family acquired the subject property restrict the use of that property relative to the uses allowed when acquired by the family.

e. County Code Restrictions Reduce Fair Market Value:

Claimant has established that County land use regulations affecting the Subject Property adopted subsequent to March 11, 1946 have reduced the fair market value of the property.

The Claimant estimates that the land use regulations described in section d. have caused a \$2.3 million reduction in the fair market value of subject property. The Claimant has not provided documentation sufficient to support a specific dollar amount of reduction. Nevertheless, the Board determines that information in the record indicates that the fair market value of the subject property has been reduced to some extent as a result of land use regulations adopted by the County since the Claimant's family acquired the subject property.

f. Public Notice

Section 3.50 of the County Charter requires notice to the public of all Board agenda matters. This notice was provided. Notice of the hearing on this claim was given to persons who own land within 750 feet of the Subject Property by mail.

The Multnomah County Board of Commissioners Finds that Claimant has a Valid Measure 37 Claim for Compensation.

The Multnomah County Board of Commissioners Orders that:

1. The County will not pay the compensation demanded by the Claimant.
2. In lieu of compensation, the County shall not apply land use regulations adopted since January 26, 2001, except for those exempted under ORS 197.352(3), to allow the Claimant to use the Subject Property for uses permitted at the time the Claimant acquired the property.
3. Section 2 above, constitutes a waiver of Comprehensive Plan and Rural Area Plan policies that the regulations implement.

4. The rights obtained by a claimant through the Board's grant of a waiver of County land use regulations shall be transferable to the extent allowed by state law.

ADOPTED this 10th day of May, 2007.

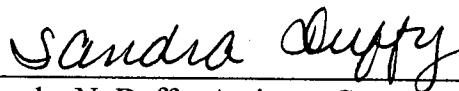
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON




Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Sandra N. Duffy, Assistant County Attorney

SUBMITTED BY:
Agnes Sowle, County Attorney