



Multnomah County Oregon

Board of Commissioners & Agenda

connecting citizens with information and services

BOARD OF COMMISSIONERS

Ted Wheeler, Chair

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

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

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

Maria Rojo de Steffey, Commission Dist. 1

501 SE Hawthorne Boulevard, Suite 600
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MAY 1 & 3, 2007 BOARD MEETINGS

FASTLOOK AGENDA ITEMS OF INTEREST

Pg 2	9:00 a.m. Tuesday Executive Session
Pg 2	10:00 a.m. Tuesday Facilities and Transportation Capital Briefings
Pg 3	9:30 a.m. Thursday Opportunity for Public Comment on Non-Agenda Matters
Pg 3	9:30 a.m. Thursday Proclaiming May 2007 Amyotrophic Lateral Sclerosis Awareness Month
Pg 4	9:55 a.m. Thursday Public Hearings to Consider and Possibly Act Upon Nine Measure 37 Claims
Pg 4	11:15 a.m. Thursday Public Hearing to Consider and Possibly Act Upon a Measure 37 Claim by Ella Mae Larson and Kenneth L. Larson

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 1, 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. 1 HOUR REQUESTED.
-

Tuesday, May 1, 2007 - 10:00 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

BUDGET BRIEFING

- B-1 Fiscal Year 2008 Facilities and Transportation Capital Program Briefing. Presented by Carol Ford, Cecilia Johnson and Other Department Staff. 90 MINUTES REQUESTED.

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

Thursday, May 3, 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 Repurchase of a Tax Foreclosed Property by the Former Owner, JAMES T. MALONE

DEPARTMENT OF COUNTY HUMAN SERVICES

- C-2 Budget Modification DCHS-20 Reclassifying a Program Coordinator to a Program Development Specialist Senior in Mental Health and Addiction Services Division, Quality Management, as determined by the Class/Comp Unit of Central Human Resources

DEPARTMENT OF HEALTH

- C-3 Budget Modification HD-29 Authorizing Six Position Reclassifications and Two Additional Positions within Various Divisions of the Health Department, as Determined by the Class/Comp Unit of Central Human Resources

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.

NON-DEPARTMENTAL - 9:30 AM

- R-1 PROCLAMATION Proclaiming the Month of May 2007 as Amyotrophic Lateral Sclerosis Awareness Month

DEPARTMENT OF COUNTY HUMAN SERVICES – 9:35 AM

- R-2 Budget Modification DCHS-21 Increasing Mental Health and Addiction Services (MHAS) appropriation by \$330,325 to Reflect State of Oregon Funding Revisions for Alcohol and Drug Services
- R-3 Budget Modification DCHS-22 Increasing the Aging and Disabilities Services Appropriation by \$53,492 to Reflect a New State of Oregon Department of Human Services (DHS) Health Promotion Grant
- R-4 Budget Modification DCHS-23 Appropriating \$80,567 of Title XIX Funds to Extend through June 30th Six Limited Duration Eligibility Specialist Positions in Aging and Disabilities Services Division

DEPARTMENT OF COUNTY MANAGEMENT – 9:45 AM

- R-5 RESOLUTION Adopting Multnomah County Investment Policy and Repealing Resolution 06-030
- R-6 RESOLUTION Declaring a Portion of the Property Located at 1401 NE 68th Avenue, Portland, Oregon to be Surplus and Approving a Real Property Lease with the State of Oregon

DEPARTMENT OF COMMUNITY SERVICES – 9:55 AM

- R-7 Public Hearings to Consider and Possibly Act Upon Nine Measure 37 Claims Seeking Compensation or Relief from Land Use Regulations to Construct Homes on Pre-existing Lots or Parcels in Unincorporated Portions of Multnomah County
- R-8 Public Hearing to Consider and Possibly Act Upon a Measure 37 Claim by Ella Mae Larson and Kenneth L. Larson for up to \$5,000,000 in Compensation on Property Located on Larson Road [T2N, R1W, Sec 28C, TL 300] Tax Lots 100 and 101, Sec 28CA TL 100 and Sec 28, TL 500 (Case File T1-06-111)
- R-9 Authorizing Settlement of *Multnomah County v. Larson* MCCC No. 0509-09438
- R-10 RESOLUTION Consenting to Department of State Lands Lease under the New Sauvie Island Bridge

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, April 24

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

**General Government Department Budget
Presentations**

CABLE PLAYBACK INFO:

Tuesday, April 24 - 9:30 AM LIVE Channel 29

Friday, April 27 - 8:00 PM Channel 29

Saturday, April 28 - 2:00 PM Channel 29

Sunday, April 29 - 11:00 AM Channel 29

Tue, April 24

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

***Public Hearing on the 2007-2008 Multnomah County
Budget - Multnomah County East Building, Sharron
Kelley Conference Room, 600 NE 8th, Gresham***

CABLE PLAYBACK INFO:

Tuesday, April 24 - 6:00 PM LIVE Channel 29

Friday, April 27 - 10:30 PM Channel 29

Saturday, April 28 - 4:30 PM Channel 29

Sunday, April 29 - 1:30 PM Channel 29

Thu, April 26

9:30 a.m.

***Public Hearing and Consideration of Approval of
the 2007-2008 Dunthorpe Riverdale Sanitary
Service District No. 1 Proposed Budget for
Submittal to Tax Supervising and Conservation
Commission***

***Public Hearing and Consideration of Approval the
2007-2008 Mid-County Street Lighting Service***

MULTNOMAH COUNTY 2007-2008 BUDGET WORK SESSIONS AND HEARINGS

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District No. 14 Proposed Budget for Submittal to Tax Supervising and Conservation Commission

CABLE PLAYBACK INFO:

Thursday, April 26 - 9:30 AM LIVE Channel 30
Saturday, April 28 - 10:00 AM Channel 29
Sunday, April 29 - 11:00 AM Channel 30
Tuesday, May 1 - 8:00 PM Channel 29

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

MULTNOMAH COUNTY 2007-2008 BUDGET WORK SESSIONS AND HEARINGS

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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

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***

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

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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

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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: 05/03/07
Agenda Item #: C-1
Est. Start Time: 9:30 AM
Date Submitted: 04/23/07

Agenda Title: **RESOLUTION Authorizing the Repurchase of a Tax Foreclosed Property by the Former Owner JAMES T. MALONE**

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

Date Requested:	<u>May 3, 2007</u>	Time Requested:	<u>Consent Item</u>
Department:	<u>Community Services</u>	Division:	<u>Tax Title</u>
Contact(s):	<u>Gary Thomas</u>		
Phone:	<u>503-988-3590</u>	Ext.	<u>22591</u>
Presenter(s):	<u>Gary Thomas</u>	I/O Address:	<u>503/4/TT</u>

General Information

1. What action are you requesting from the Board?

The Tax Title Section is requesting the Board to approve the repurchase of a tax foreclosed property by the former owner JAMES T. MALONE.

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 (as shown in Exhibit A) was foreclosed on for delinquent property taxes and came into County ownership on September 25, 2006. A letter dated October 30, 2006 was sent to the former contract purchaser of record, JAMES T. MALONE, providing the opportunity to repurchase the property. Mr. Malone contacted the County in November 2006, requesting the payoff information to repurchase the property within the 30 days provided by Multnomah County Code Chapter 7.

Although Mr. Malone and other family members and representatives continued to work with the County since November 2006, to complete the repurchase, certain complications related to financing and the estate of the former owner of record (the contract seller) who died in 1999, made it difficult to complete the repurchase within the 30 day timeline provided for under the County Code. The Tax Title Program recommends the Board approve this repurchase.

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 repurchase 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 B).

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

Multnomah County Code Section 7.402 provides for 30 days notice to the former owner of record to repurchase a property foreclosed on for delinquent property taxes.

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

Proof of payment of Gresham City Liens has been requested at the time of transfer.

R242629 19900-19926 NE HALSEY ST, GRESHAM OR

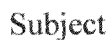


EXHIBIT B
PROPOSED PROPERTY LISTED FOR REPURCHASE
FISCAL YEAR 2007

LEGAL DESCRIPTION:

LOT 1, BLOCK 6, PERDITA

PROPERTY ADDRESS: 19900-19926 NE HALSEY ST GRESHAM

TAX ACCOUNT NUMBER: R242629

GREENSPACE DESIGNATION: No designation

SIZE OF PARCEL: 39,500

ASSESSED VALUE: \$698,570

ITEMIZED EXPENSES FOR TOTAL PRICE OF PRIVATE SALE

BACK TAXES & INTEREST:

\$66,687.39

TAX TITLE MAINTENANCE COST & EXPENSES:

\$250.00

PENALTY & FEE:

\$2053.67

FACILITIES/PROPERTY MANAGEMENT COST & EXPENSES:

\$11,384.11

MINIMUM PRICE REQUEST FOR REPURCHASE

\$80,375.17

Required Signature

**Department/
Agency Director:**

M. Cecilia Johnson

Date: 04/19/07

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Authorizing the Repurchase of a Tax Foreclosed Property by the Former Owner, JAMES T. MALONE

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County acquired the real property described below through the foreclosure of liens for delinquent property taxes, and James T. Malone is the former owner of record.
- b. Mr. Malone was the contract purchaser of record of the property described herein, he first contacted the County in November 2006 regarding the repurchase of the property from the County, and he and parties acting on his behalf have continued their efforts since that time to arrange for the financing of his repurchase of the property, which the County now understands Mr. Malone is able to accomplish.
- c. In addition certain complications related to the estate of the former owner of record (the former contract seller) who died in 1999, made it difficult to complete the repurchase within the 30 day timeline provided for under the County Code. Mr. Malone having acquired the rights of the former contract seller, now holds full authority to act individually as the party eligible to repurchase, and he wishes to do so.
- d. Although the timeline to allow the repurchase by Mr. Malone, as provided under MCC 7.402 has passed, the County's Tax Title Program still recommends the Board approve this proposed repurchase as in the public's best interest because Mr. Malone initiated the process in a timely manner in compliance with the cited code section and has made a reasonable good faith effort to accomplish the repurchase.
- e. As of May 15, 2007, the full amount due the County on this property is: **\$80,375.17**, (subject to any additional maintenance or repair expenses the County may yet incur while still in possession of the property), which amount is not less than that required by ORS 275.180; and it is in the best interest of the County that the property be sold to the former owner.

The Multnomah County Board of Commissioners Resolves:

1. Subject to the provisions of Resolve No. 2, the County Chair is authorized to execute a Bargain and Sale Deed, Deed No. D072127; conveying to the James T. Malone, the following described real property:

LOT 1 BLOCK 6 PERDITA

2. The County's Tax Title Program is authorized to forward the signed deed to the appropriate Escrow Officer under letter of instruction which shall provide:
 - (a) That the deed is to be processed only upon the receipt by the County of all funds the County is due in consideration for the above described property, and all municipal

charges have been paid in compliance with ORS 307.100; including but not limited to all fees and interest due to the City of Gresham as of the date of escrow;

(b) If the above conveyance to Mr. Malone is completed prior to May 15, 2007, to the extent the above quoted purchase price reflects per diem costs that have not yet accrued the Tax Title Program is authorized to adjust the purchase price accordingly;

(c) If the above conveyance to Mr. Malone is completed after May 15, 2007, to the extent the above quoted purchase price does not reflect additional expenses and or per diem costs that have accrued the Tax Title Program is authorized to adjust the purchase price accordingly; and

(d) That if the escrow is closed without the proper payment to the County the original deed and any copies shall be returned to the County.

ADOPTED this 3rd 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:
JAMES T. MALONE
12406 NE KNOTT ST
PORTLAND OR 97230-1625

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

Deed D072127 for R242629

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to JAMES T. MALONE, Grantee, the following described real property:

LOT 1 BLOCK 6 PERDITA

The true consideration paid for this transfer is \$80,375.17.

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 3rd 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 3rd 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. 07-074

Authorizing the Repurchase of a Tax Foreclosed Property by the Former Owner, JAMES T. MALONE

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County acquired the real property described below through the foreclosure of liens for delinquent property taxes, and James T. Malone is the former owner of record.
- b. Mr. Malone was the contract purchaser of record of the property described herein, he first contacted the County in November 2006 regarding the repurchase of the property from the County, and he and parties acting on his behalf have continued their efforts since that time to arrange for the financing of his repurchase of the property, which the County now understands Mr. Malone is able to accomplish.
- c. In addition certain complications related to the estate of the former owner of record (the former contract seller) who died in 1999, made it difficult to complete the repurchase within the 30 day timeline provided for under the County Code. Mr. Malone having acquired the rights of the former contract seller, now holds full authority to act individually as the party eligible to repurchase, and he wishes to do so.
- d. Although the timeline to allow the repurchase by Mr. Malone, as provided under MCC 7.402 has passed, the County's Tax Title Program still recommends the Board approve this proposed repurchase as in the public's best interest because Mr. Malone initiated the process in a timely manner in compliance with the cited code section and has made a reasonable good faith effort to accomplish the repurchase.
- e. As of May 15, 2007, the full amount due the County on this property is: **\$80,375.17**, (subject to any additional maintenance or repair expenses the County may yet incur while still in possession of the property), which amount is not less than that required by ORS 275.180; and it is in the best interest of the County that the property be sold to the former owner.

The Multnomah County Board of Commissioners Resolves:

1. Subject to the provisions of Resolve No. 2, the County Chair is authorized to execute a Bargain and Sale Deed, Deed No. D072127; conveying to the James T. Malone, the following described real property:

LOT 1 BLOCK 6 PERDITA

2. The County's Tax Title Program is authorized to forward the signed deed to the appropriate Escrow Officer under letter of instruction which shall provide:
 - (a) That the deed is to be processed only upon the receipt by the County of all funds the County is due in consideration for the above described property, and all municipal

charges have been paid in compliance with ORS 307.100; including but not limited to all fees and interest due to the City of Gresham as of the date of escrow;

(b) If the above conveyance to Mr. Malone is completed prior to May 15, 2007, to the extent the above quoted purchase price reflects per diem costs that have not yet accrued the Tax Title Program is authorized to adjust the purchase price accordingly;

(c) If the above conveyance to Mr. Malone is completed after May 15, 2007, to the extent the above quoted purchase price does not reflect additional expenses and or per diem costs that have accrued the Tax Title Program is authorized to adjust the purchase price accordingly; and

(d) That if the escrow is closed without the proper payment to the County the original deed and any copies shall be returned to the County.

ADOPTED this 3rd day of May, 2007.

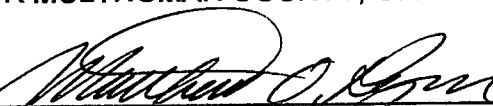


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


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

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503/4

Deed D072127 for R242629

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to JAMES T. MALONE, Grantee, the following described real property:

LOT 1 BLOCK 6 PERDITA

The true consideration paid for this transfer is \$80,375.17.

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 3rd 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 3rd 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:
JAMES T. MALONE
12406 NE KNOTT ST
PORTLAND OR 97230-1625

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

Deed D072127 for R242629

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to JAMES T. MALONE, Grantee, the following described real property:

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The true consideration paid for this transfer is \$80,375.17.

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IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 3rd 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

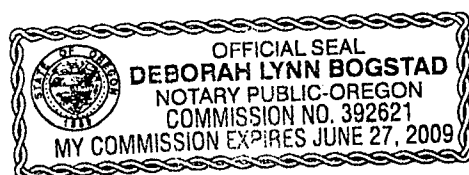
By 
Matthew O. Ryan, Assistant County Attorney

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Deed was acknowledged before me this 3rd 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 (long form)

APPROVED: MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-2 DATE 05-03-07
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 05/03/07
Agenda Item #: C-2
Est. Start Time: 9:30 AM
Date Submitted: 04/16/07

BUDGET MODIFICATION: DCHS - 20

**Budget Modification DCHS-20 Reclassifying a Program Coordinator to a
Program Development Specialist Senior in Mental Health and Addiction
Services Division, Quality Management, as determined by the Class/Comp Unit
Title: of Central Human Resources**

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

Requested Meeting Date:	<u>May 3, 2007</u>	Amount of Time Needed:	<u>N/A</u>
Department:	<u>Dept of County Human Services</u>	Division:	<u>Mental Health & Addiction</u>
Contact(s):	<u>Chris Yager</u>		
Phone:	<u>988-3691</u>	Ext.	<u>26777</u>
		I/O Address:	<u>167/620</u>
Presenter(s):	<u>Consent Calendar</u>		

General Information

1. What action are you requesting from the Board?

The Department of County Human Services recommends approval of budget modification DCHS-20 reclassifying a position in Mental Health & Addiction Services Division (MHAS), Quality Management.

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 modification reflects a Class/Comp decision on a reclassification request initiated by the employee in Mental Health & Addiction Services Division, Quality Management, program offer #25053. Class/Comp reviewed the submitted job duties and descriptions and agreed that a Program Development Specialist Senior was the best fit for the position. The purpose of this position and main job duties are as follows:

Planning, coordinating, and implementing Department of County Human Services (DCHS) HIPPA policies, practices and standards.

Leading the DCHS-wide HIPPA taskforce.

Routinely analyzing the effects of policy decisions upon service delivery and operations.

Conducting full risk assessments of HIPPA policies.

Assisting in the drafting of County-wide HIPPA policies.

Representing DCHS at the County's Privacy and Security Officials meetings.

Per Human Resources Class/Comp: "Over a third of this position's duties involve developing, communicating and helping execute organizational policy, conducting program analysis for a Dept-wide function, and planning, developing and leading a program at the department level as well as coordinating interdivisional, interdepartmental and County-wide projects. Such a span of control and leadership functions are consistent with Program Development Specialist, Senior."

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

This reclassification is retroactive to August 1, 2006 and increases the MHAS personnel expense budget by \$11,651 in the current fiscal year. The increased FY07 personnel cost is offset by a reduction of \$4,000 and \$7,651 in the program's printing and supply budgets, respectively.

The actual FY07 financial impact (current salary versus reclass salary) of the reclassification is an increase of \$9,474 in personnel expense.

Ongoing personnel costs will continue to increase, as the pay scale for a Program Development Specialist Senior (\$53,893 - \$66,352] is higher than the pay scale for a Program Coordinator (\$45,178 - \$55,557).

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

Local 88 represented employees have a contractual right to appeal and arbitrate the outcome of a reclassification request, which would include Board action to disapprove the request. It is the policy of Multnomah County to make all employment decisions without regard to race, religion, color, national origin, sex, age marital status, disability, political affiliations, sexual orientation, or any other non-merit factor.

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

N/A

ATTACHMENT A

Budget Modification

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

- What revenue is being changed and why?

N/A

- What budgets are increased/decreased?

The Risk Management budget increases by \$112.

- What do the changes accomplish?

Approval of a classification decision from Human Resources Class/Comp initiated by the employee.

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

Reclassification of a 1.0 FTE Program Coordinator to a Program Development Specialist in Mental Health & Addiction Services, Quality Management - program offer 25053.

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

N/A

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

N/A

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

N/A

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

N/A

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

ATTACHMENT B

BUDGET MODIFICATION: DCHS - 20

Required Signatures

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

Joanne Fuler

Date: 03/27/07

Budget Analyst:

Michael D. Jaspier

Date: 04/16/07

Department HR:

Carolyn L. Edgett

Date: 03/27/07

Countywide HR:

Date:

Budget Modification ID: **DCHS-20****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
				Program Offer	Cost Center	WBS Element						
1	20-80	1000	40	25053		MA SA QM CGF	60000	483,158	491,894	8,736		Base [710141]
2	20-80	1000	40	25053		MA SA QM CGF	60130	155,604	158,407	2,803		Salary Related
3	20-80	1000	40	25053		MA SA QM CGF	60140	117,363	117,475	112		Insurance
4	20-80	1000	40	25053		MA SA QM CGF	60180	12,036	8,036	(4,000)		Printing
5	20-80	1000	40	25053		MA SA QM CGF	60240	16,497	8,846	(7,651)		Supplies
6												
7	72-10	3500	20		705210		50316		(112)	(112)		Svc Reim F/S to Risk Mgmt
8	72-10	3500	20		705210		60330		112	112		Claims Paid
9												
10												
11												
12												
13												
14												
15												
16												
17												
18												
19												
20												
21												
22												
23												
24												
25												
26												
27												
28												
29												
										0	0	Total - Page 1
										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).

						ANNUALIZED			
PO#	Job #	HR Org	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
25053	6022	63311	Program Coordinator	710141	(1.00)	(44,398)	(14,247)	(13,107)	(71,752)
25053	6088	63311	Prog Development Spec Senior	710141	1.00	53,893	17,294	13,228	84,415
									0
									0
									0
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									0
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									0
									0
TOTAL ANNUALIZED CHANGES					0.00	9,495	3,047	121	12,663

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.

Effective 8-01-07						CURRENT YEAR			
PO#	Job #	HR Org	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
25053	6022	63311	Program Coordinator	710141	(0.92)	(40,846)	(13,107)	(12,058)	(66,011)
25053	6088	63311	Prog Development Spec Senior	710141	0.92	49,582	15,910	12,170	77,662
									0
									0
									0
									0
									0
									0
									0
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									0
									0
									0
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									0
									0
									0
TOTAL CURRENT FY CHANGES					0.00	8,736	2,803	112	11,651



MULTNOMAH COUNTY OREGON

DEPARTMENT OF COUNTY
MANAGEMENT
CENTRAL HUMAN RESOURCES
CLASSIFICATION/COMPENSATION UNIT

MULTNOMAH BUILDING
501 SE HAWTHORNE BLVD, 4th floor
PORTLAND OR 97214

PHONE (503) 988-5015
FAX (503) 988-3009
TDD (503) 988-5170

To: Cristina Gardner/Joan Rice
From: Joi Doi, Class/Comp Unit, Central HR (503/4)
Subject: Reclassification Request #648

March 2, 2007

We have completed our review of your request for a classification determination as outlined below.

Position Information

Date Request Received: February 1, 2007

Position Number: 710141
71041

Current Classification: Program Coordinator Requested Classification: Program Dev. Specialist Senior

Request is: ☒ Approved ☐ Denied

Allocated Classification: Program Dev. Specialist Senior

Proposed Effective Date: August 1, 2006

Please note this classification decision is subject to any required Board of County Commissioners approval under County Personnel Rule 5-50-030 and is considered preliminary until such approval is received.

Incumbent/Employee Information (If reclassification is approved and position is not vacant)

Name of Incumbent Employee: Cristina Gardner

Incumbent Reclassified with Position: ☒ Yes ☐ No

If Yes:

Proposed New Job Class Seniority Date: August 1, 2006

Employees that are reclassified with their position will be placed within the salary range for the new classification. Compensation will be determined in accordance with Personnel Rule 4-10-010 or applicable bargaining agreement. The employee's Department Human Resource Unit will provide a follow-up letter to the employee regarding the impact that the reclassification will have on compensation.

Per County Personnel Rule 5-50-030, employees reclassified downward will be placed on the recall list for reappointment to the higher classification. As such, the employee is placed on the _____ recall list. The employee's eligibility to remain on the list will expire on _____. The employee's Department Human Resource Unit will provide a follow-up letter to the employee regarding their recall list rights. (If employee is reclassified downward)

If No:

The reason the incumbent employee is not reclassified with the position:

- ☐ The change in duties, authority, and responsibility has not occurred gradually over a period of time



Not requested
by Joan, per
her email

MULTNOMAH COUNTY OREGON

Reclassification & Classification Request

Sept to c/c
1/29/07

☒ Requested by Supervisor Joan Rice (name)

☐ New Position

☒ Requested by Employee Christina Gardner (name)

☒ Existing Position

POSITION INFORMATION			
DEPARTMENT	COUNTY HUMAN SERVICES	WORK UNIT	Mental Health & Addiction Services Division Quality Management
CURRENT CLASS	PROGRAM COORDINATOR	POSITION NUMBER	7414 710141
PROPOSED CLASS	PROGRAM DEVELOPMENT SPECIALIST SENIOR	POSITION INCUMBENT	
PROPOSED EFFECTIVE DATE	ASAP	TIME IN NEW CLASS DUTIES	1 year and 4 months

A reclassification review is an analysis of a position's duties and responsibilities to determine the best classification fit for that position. Positions are reviewed and allocated as they are established. Positions are reclassified or abolished when job duties change significantly.

Allocation - Placement of a position in the best available classification fit. The process is used with new positions, and with positions affected by classification compensation studies.

Reclassification of a position - A budgetary action moving an existing position (upward, laterally, or downward) from one classification to another classification.

Reclassification of an employee - Incumbent employees may be reclassified when a position is reclassified if:

- o The knowledge, skills, and abilities of the two classifications are generally the same.
- o The majority of the incumbent's duties were characteristic of the new classification at least six months before the date the reclassification was requested.
- o The duties justifying the reclassification were added to the position gradually, and were added because of identifiable changes in the business plan described in the budget narrative.
- o Reclassification may or may not have an immediate affect on pay, but will affect an employee's class seniority date. (Please refer to the appropriate Personnel Rules and/or collective bargaining agreement language governing the process.)

A completed job description and organization chart must be submitted with this form. All documents must have required signatures. The blank job description form can be found on the MINT, Depts., Human Resources, Forms, job description

**** Questions regarding the reclassification process can be directed to Leon Oswalt x24422, Ruth Nutting x22342 or Joi Doi x 83241 in Central Human Resources, Classification & Compensation.**

EMPLOYEE SECTION

Describe why the position should be reclassified:

- o If new duties and responsibilities were added to the position, what are they, and why were they added?

With the exiting of Department contractor Rita Rathkey in September of 2005 – the position of Department Privacy Official was given to me with the expectation that I would continue to also function as the Division representative for both Privacy and Security under the Federal HIPAA Rule. It is in County Resolution 03-054 (3) and 05-050 (3) that each Department participating in the Hybrid Covered Entity have a Department Privacy and Security Official.

- o Date(s) the new duties and responsibilities were added/started:

Sept. 2005 (see
attached report)

EMPLOYEE SIGNATURE

1/29/07
DATE

Employee's signature indicates that the employee has reviewed the presented above, and represents that facts presented are ☒ accurate, ☐ inaccurate or incomplete.

SUPERVISOR SECTION

(To be completed by the exempt supervisor.)

1. Describe what change in plans or business requirements require the position to be reclassified:
Last major change in Christina Gardner's work responsibilities occurred September 2005 when she was assigned responsibility as Department Privacy Official.

2. If new duties and responsibilities were added to the position, what are they, and why were they added?
Preparation of monthly compliance reports for MHO contractors
MHO duties have been gradually added to position over the past two years as Federal and State adherence to required contract compliance have increased
Development and implementation of Division HIPAA policies and procedures in response to Federal changes since 2005.

3. Were all employees offered the opportunity to assume the new duties? If not, why?
Christina Gardner was the only current staff person with appropriate skill mix and experience to gradually assume new duties.

4. Date(s) the new duties and responsibilities were added:

September 2005
Department HIPAA,
other responsibility
changes have been
gradual.

5. How does the incumbent meet the minimum qualifications outlined in the class specification of the requested class?

Responsibilities appear as complex as many division PDS Sr positions
Christina has over four years of increasing responsibility for contract compliance and contract language development for the MHO.
Responsibility for Division HIPAA Privacy Official began in April 2003 in response to Federal regulations.
Christina has a Masters degree in public administration

Supervisor:
(PRINT)

JOAN RICE
Name, Title

1/29/07
Date

Supervisor

Joan Rice
Signature, Title

1/29/07
Date

Supervisor's signature indicates that the request was reviewed and the facts presented above are ☐ accurate or ☐ inaccurate or incomplete.

Department Director:

(For Management. Requests)

Signature, Title

Date

Department HR Analyst

Kim Pasquelli
Signature, Title

1/29/07
Date

HR Analyst signature indicates that the request was reviewed and the facts presented above describes all duties accurately and completely.

☐ Desk Audit is requested.

HR Comments:

Send Request form and signed position description to Central Human Resources Classification/Compensation.
Interoffice: 503/4/Carol Summer-Class/Comp
OR
Fax: 503-988-3009

For questions, please call: 503-988-5015 x24422 or 2432.



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (long form)

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-3 DATE 05-03-07
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 05/03/07
Agenda Item #: C-3
Est. Start Time: 9:30 AM
Date Submitted: 04/13/07

BUDGET MODIFICATION: HD - 29

Budget Modification HD-29 Authorizing Six Position Reclassifications and Two Additional Positions within Various Divisions of the Health Department, as Determined by the Class/Comp Unit of Central Human Resources

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

Requested Meeting Date:	<u>April 19, 2007</u>	Amount of Time Needed:	<u>5 Minutes</u>
Department:	<u>Health Department</u>	Division:	<u>ICS, CHS, BQ, & CHP3</u>
Contact(s):	<u>Wendy Lear, Business Services Manager</u>		
Phone:	<u>503 988-3674</u>	Ext.	<u>27574</u>
		I/O Address:	<u>167/2/210</u>
Presenter(s):	<u>Wendy Lear, Business Services Manager</u>		

General Information

1. What action are you requesting from the Board?

Approval of six staffing adjustments resulting from conversions of vacant positions to new classification and re-classification of existing positions, and the addition of two new positions. This will increase the Health Department's total FTE by .12 for FY07 and it will have no financial impact. The net effect of all changes is to increase local 88 membership by one position. All changes are reflected in FY08's budget.

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.

1. Add a vacant 1.0 Office Assistant Senior in Integrated Clinical Services (ICS) (Clinical Support & Infrastructure). The position was approved by Class Comp on 2/7/07. The position is responsible for researching, compiling, analyzing, and summarizing data for special projects and various comprehensive reports. Adjustments were taken in (Clinical Support & Infrastructure) professional services budget to cover position.

2. Reclassify 1.0 Finance Supervisor to a 1.0 Finance Manager in Business Quality (BQ); the reclassification was approved by Class Comp on 1/18/2007. The position will manage department budget process and financial reporting. Adjustments were taken in (Business Services) professional services budget to cover financial impact of reclass.
 3. Reclassify 1.0 Office Assistant 2 to a 1.0 Administrative Secretary in (Human Resources); Class Comp approved reclassification on 12/28/2006 to better suit the responsibilities of the position. Adjustments were taken in (Human Resources) professional services budget to cover reclass.
 4. Reclassify 1.0 Office Assistant 2 to a 1.0 Human Resources Technician in (Human Resources); Class Comp approved reclassification on 1/02/2007 to better suit the responsibilities of the position. Adjustments were taken in (Human Resources) professional services budget to cover change.
 5. Reclassify 1.0 Data Analyst to a 1.0 Data Analyst Sr. in ICS (Quality Assurance); Class Comp approved reclassification effective 1/5/2006. This was initiated by management to better fit the responsibilities of the position. Adjustments were taken in professional services and Travel/Training to cover reclass.
 6. Reclassify vacant 1.0 Dental Assistant to a 1.0 Office Assistant 2 in ICS (Dental Southeast); Class Comp approved reclassification on 12/22/2006. The duties and responsibilities described in the position are not consistent with the dental assistant classification. Duties described include reception in a clinic, scheduling appointments and general clerical responsibilities which are consistent with the office assistant 2 classification. This change will have no financial impact on FY07 budget.
 7. Reclassify 1.0 Research/Evaluation Supervisor to a 1.0 Principal Investigator in Community Health Promotion (CHP3) (PDES Projects); Class Comp approved reclassification on 12/21/2006. This was initiated by management to better fit the current duties which the position performs. Adjustments were taken in (PDES Projects) travel & training budget to cover reclass.
 8. Add vacant 1.0 Administrative Analyst in Community Health Services (CHS) (Environmental Health). The position was approved by Class/Comp on 9/15/2006. The position is responsible for providing administrative support (professional, technical, & analytical) within division. This addition will be covered by a delimited vacant position (.80 Office Assistant). There is no financial impact
- 3. Explain the fiscal impact (current year and ongoing).**
There is no fiscal impact.
- 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?**

No change in revenues

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

The Health Departments budget will increase by .12 FTE in FY07 with no net financial impact.

Changes are reflected in FY08 budget

- **What do the changes accomplish?**

Change of classification and staffing to better fit the duties of the positions within Health Department.

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

1. Add a vacant 1.0 Office Assistant Senior in ICS Clinical Support & Infrastructure
2. Reclassify vacant 1.0 Finance Supervisor to a 1.0 Finance Manager in Business Quality
3. Reclassify 1.0 Office Assistant 2 to a 1.0 Administrative Secretary in Human Resources
4. Reclassify 1.0 Office Assistant 2 to a 1.0 Human Resources Technician in Human Resources
5. Reclassify 1.0 Data Analyst to a 1.0 Data Analyst Sr. in ICS-Electronic Medical Records
6. Reclassify vacant 1.0 Dental Assistant to a 1.0 Office Assistant 2 in ICS-Dental Southeast
7. Reclassify 1.0 Research/Evaluation Supervisor to a 1.0 Principal Investigator in CHP3 PDES Projects
8. Add vacant 1.0 Administrative Analyst in CHS (Environmental Health).
10. Elimination of vacant .80 Office Assistant (CHS)

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

N/A

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

N/A

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

N/A

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

N/A

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

ATTACHMENT B

BUDGET MODIFICATION: HD - 29

Required Signatures

Elected Official
or Department/
Agency Director:

Jillian Shirley

Date: 04/09/07

Budget Analyst:

Debra

Date: 04/13/07

Department HR:

Patricia Keller

Date: 04/10/07

Countywide HR:

Date:

Budget Modification ID: **HD-07-29****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	Internal Order	Accounting Unit		Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
					Cost Center	WBS Element						
1	40-71	1000	30		407006		60170	147,000	123,863	(23,137)		Reduce Professional Services
2	40-71	1000	30		407006		60000		13,830	13,830		Add OA Sr.
3	40-71	1000	30		407006		60130		4,022	4,022		Add OA Sr.
4	40-71	1000	30		407006		60140		5,285	5,286		Add OA Sr.
5	40-90	1000	30		409300		60170	10,000	4,698	(5,302)		Reduce Professional Services
6	40-90	1000	30		409300		60000		3,826	3,826		Reclass OA 2 to HR Tech & OA 2 to Admin Sec
7	40-90	1000	30		409300		60130		1,228	1,228		Reclass OA 2 to HR Tech & OA 2 to Admin Sec
8	40-90	1000	30		409300		60140		248	248		Reclass OA 2 to HR Tech & OA 2 to Admin Sec
9	40-16	1000	30			4CA40-GF	60260	20,000	18,692	(1,308)		Reclass R/Evaluation Sup to Principal Invest
10	40-16	1000	30			4CA40-GF	60000		755	755		Reclass R/Evaluation Sup to Principal Invest
11	40-16	1000	30			4CA40-GF	60130		242	242		Reclass R/Evaluation Sup to Principal Invest
12	40-16	1000	30			4CA40-GF	60140		49	49		Reclass R/Evaluation Sup to Principal Invest
13	40-16	32165	30			4SA66-1	60000		189	189		Reclass R/Evaluation Sup to Principal Invest
14	40-16	32165	30			4SA66-1	60130		61	61		Reclass R/Evaluation Sup to Principal Invest
15	40-16	32165	30			4SA66-1	60140		12	12		Reclass R/Evaluation Sup to Principal Invest
16	40-16	1000	30			4CA72-01-1	60260	20,000	19,563	(437)		Reclass R/Evaluation Sup to Principal Invest
17	40-16	1000	30			4CA72-01-1	60000		315	315		Reclass R/Evaluation Sup to Principal Invest
18	40-16	1000	30			4CA72-01-1	60130		101	101		Reclass R/Evaluation Sup to Principal Invest
19	40-16	1000	30			4CA72-01-1	60140		21	21		Reclass R/Evaluation Sup to Principal Invest
20	40-90	1000	30		409001		60000		3,842	3,842		Reclass Finance Supervisor to Finance Manager
21	40-90	1000	30		409001		60130		1,233	1,233		Reclass Finance Supervisor to Finance Manager
22	40-90	1000	30		409001		60140		250	250		Reclass Finance Supervisor to Finance Manager
23	40-90	1000	30		409150		60170	55,000	49,675	(5,325)		Reduce Professional Services
24	40-71	26020	30			47020-00-26020	60000		6,702	6,702		Reclass Data Analyst to Data Analyst Sr.
25	40-71	26020	30			47020-00-26020	60130		1,948	1,948		Reclass Data Analyst to Data Analyst Sr.
26	40-71	26020	30			47020-00-26020	60140		435	435		Reclass Data Analyst to Data Analyst Sr.
27	40-71	26020	30			47020-00-26020	60170	20,000	15,458	(4,543)		Reduce Professional Services
28	40-71	26020	30			47020-00-26020	60260	28,000	23,458	(4,543)		Reduce Travel & Training
										0	0	Total
										0	0	GRAND TOTAL

Budget Modification ID: **HD-07-29****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						
84	40-36	32090	30			43600-00-32090	60000		(90)	(90)		Delete vacant OA 2 Step 4
85	40-36	32090	30			43600-00-32090	60130		(26)	(26)		Delete vacant OA 2 Step 4
86	40-36	32090	30			43600-00-32090	60140		(43)	(43)		Delete vacant OA 2 Step 4
87	40-36	1000	30			43600-GF	60000		(20,771)	(20,771)		Delete vacant OA 2 Step 4
88	40-36	1000	30			43600-GF	60130		(6,040)	(6,040)		Delete vacant OA 2 Step 4
89	40-36	1000	30			43600-GF	60140		(10,088)	(10,088)		Delete vacant OA 2 Step 4
90	40-36	21420	30			4SA33-9	60000		(3,962)	(3,962)		Delete vacant OA 2 Step 4
91	40-36	21420	30			4SA33-9	60130		(1,152)	(1,152)		Delete vacant OA 2 Step 4
92	40-36	21420	30			4SA33-9	60140		(1,924)	(1,924)		Delete vacant OA 2 Step 4
93	40-36	32090	30			43600-00-32090	60120		(4)	(4)		OA2 Language Premium 4%
94	40-36	32090	30			43600-00-32090	60130		(1)	(1)		OA2 Language Premium 4%
95	40-36	32090	30			43600-00-32090	60140		(0)	(0)		OA2 Language Premium 4%
96	40-36	1000	30			43600-GF	60120		(822)	(822)		OA2 Language Premium 4%
97	40-36	1000	30			43600-GF	60130		(264)	(264)		OA2 Language Premium 4%
98	40-36	1000	30			43600-GF	60140		(54)	(54)		OA2 Language Premium 4%
99	40-36	21420	30			4SA33-9	60120		(157)	(157)		OA2 Language Premium 4%
100	40-36	21420	30			4SA33-9	60130		(50)	(50)		OA2 Language Premium 4%
101	40-36	21420	30			4SA33-9	60140		(10)	(10)		OA2 Language Premium 4%
102	40-33	1000	30		403301		60000	26,445	26,445			Addition of Admin Analyst
103	40-33	1000	30		403301		60130	7,690	7,690			Addition of Admin Analyst
104	40-33	1000	30		403301		60140	6,941	6,941			Addition of Admin Analyst
105	40-33	1000	30		403301		60240	4,381	4,381			Increase Supplies Environmental Admin
									0	0	0	Total
									0	0	0	GRAND TOTAL

ANNUALIZED PERSONNEL CHANGE

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

						ANNUALIZED			
Fund	Job #	HR Org	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
1505	6073	64530	Data Analyst	712359	(1.00)	(42,825)	(12,454)	(13,227)	(68,506)
1505	6456	64530	Data Analyst Sr.	712359	1.00	49,527	14,402	13,662	77,591
1505	6347	61201	Dental Assistant	710803	(1.00)	(29,274)	(8,513)	(12,346)	(50,133)
1505	6001	61201	Office Assistant 2	710803	1.00	28,439	8,270	12,292	49,001
1000	6001	64781	Office Assistant 2	710676	(0.80)	(24,822)	(7,218)	(12,056)	(44,096)
1000	6033	64776	Administrative Analyst	712804	1.00	52,889	15,380	13,881	82,150
1000	6002	64806	Office Assistant Sr.	TBA	1.00	32,928	9,575	12,145	54,648
1505	9041	61166	Research/Evaluation Supervisor	709001	(1.00)	(80,124)	(25,712)	(15,651)	(121,487)
1505	9787	61166	Principal Investigator	709001	1.00	82,641	26,519	15,815	124,975
1000	6001	61214	Office Assistant 2	704560	(1.00)	(31,810)	(10,208)	(12,511)	(54,529)
1000	6005	61214	Administrative Secretary	704560	1.00	33,930	10,888	12,648	57,466
1000	6001	61214	Office Assistant 2	700691	(1.00)	(34,840)	(11,180)	(12,708)	(58,728)
1000	6101	61214	Human Resources Technician	700691	1.00	38,252	12,275	12,929	63,456
1000	9335	61221	Finance Supervisor	712108	(1.00)	(70,516)	(22,629)	(15,027)	(108,172)
1000	9336	61221	Finance Manager	712108	1.00	78,200	25,094	15,526	118,820
			TOTAL ANNUALIZED CHANGES		1.20	82,595	24,489	15,372	122,456

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
1505	6073	64530	Data Analyst	712359	(1.00)	(42,825)	(12,454)	(13,227)	(68,506)
1505	6456	64530	Data Analyst Sr.	712359	1.00	49,527	14,402	13,662	77,591
1505	6347	61201	Dental Assistant	710803	(0.54)	(15,808)	(4,597)	(6,667)	(27,072)
1505	6001	61201	Office Assistant 2	710803	0.54	15,357	4,466	6,638	26,461
1000	6001	64781	Office Assistant 2	710676	(0.80)	(24,822)	(7,218)	(12,056)	(44,096)
1000	6033	64776	Administrative Analyst	712804	0.50	26,445	7,690	6,941	41,076
1000	6002	64806	Office Assistant Sr.	TBA	0.42	13,830	4,022	5,285	23,136
1505	9041	61166	Research/Evaluation Supervisor	709001	(0.50)	(40,062)	(12,856)	(7,826)	(60,744)
1505	9787	61166	Principal Investigator	709001	0.50	41,320	13,260	7,908	62,487
1000	6001	61214	Office Assistant 2	704560	(1.00)	(31,810)	(10,208)	(12,511)	(54,529)
1000	6005	61214	Administrative Secretary	704560	1.00	33,930	10,888	12,648	57,466
1000	6001	61214	Office Assistant 2	700691	(0.50)	(17,420)	(5,590)	(6,354)	(29,364)
1000	6101	61214	Human Resources Technician	700691	0.50	19,126	6,138	6,465	31,728
1000	9335	61221	Finance Supervisor	712108	(0.50)	(35,258)	(11,315)	(7,514)	(54,086)
1000	9336	61221	Finance Manager	712108	0.50	39,100	12,547	7,763	59,409
			TOTAL CURRENT FY CHANGES		0.12	30,631	9,174	1,155	40,958



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 05/03/07
Agenda Item #: R-1
Est. Start Time: 9:30 AM
Date Submitted: 04/26/07

Agenda Title: **PROCLAMATION Proclaiming the Month of May, 2007 as Amyotrophic Lateral Sclerosis Awareness Month in Multnomah County, Oregon**

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

Requested Meeting Date: May 3, 2007 **Amount of Time Needed:** 5 mins
Department: Non-Departmental **Division:** Commissioner Lonnie Roberts
Contact(s): Sam Peterson
Phone: 503 988-5213 **Ext.** 85213 **I/O Address:** 503/600
Presenter(s): Commissioner Lonnie Roberts

General Information

1. What action are you requesting from the Board?

Adoption of a Proclamation Proclaiming the Month of May, 2007 as Amyotrophic Lateral Sclerosis Awareness Month in Multnomah County, Oregon

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

Amyotrophic Lateral Sclerosis (ALS), also known as Lou Gehrig's disease, is a fatal neurodegenerative disease with no known cause, means of prevention, or cure. Raising awareness is essential to obtaining funding for research for treatment and an eventual cure for Amyotrophic Lateral Sclerosis.

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 Board will consider adoption of this proclamation during its May 3, 2007 Board meeting attended by members of the public who are encouraged to speak on this matter. The Board meeting is broadcast on cable and streaming video.

Required Signature

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



Date: 04/26/07

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

PROCLAMATION NO. _____

Proclaiming the Month of May, 2007 as Amyotrophic Lateral Sclerosis Awareness Month in Multnomah County, Oregon

The Multnomah County Board of Commissioners Finds:

- a. Amyotrophic Lateral Sclerosis (ALS), also known as Lou Gehrig's disease, is a fatal neurodegenerative disease with no known cause, means of prevention, or cure.
- b. ALS first weakens the skeletal muscles in the extremities and as it progresses the patient experiences difficulty in swallowing, talking and breathing. Due to the continual muscular atrophy the patient eventually become a functional quadriplegic. ALS does not affect the patient's mental capacity, making the patient painfully aware of his or her body's continued deterioration.
- c. On average, ALS patients survive two to five years after diagnosis.
- d. Research indicates military veterans are at least 50% more likely to develop ALS than non-veterans.

The Multnomah County Board of Commissioners Proclaims:

The month of May 2007 as Amyotrophic Lateral Sclerosis Awareness Month in Multnomah County, Oregon and supports actions and legislation by the President and Congress of the United States with the purpose of funding research for treatment and an eventual cure for Amyotrophic Lateral Sclerosis.

ADOPTED this 3rd 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:
Commissioner Lonnie Roberts

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

PROCLAMATION NO. 07-075

Proclaiming the Month of May, 2007 as Amyotrophic Lateral Sclerosis Awareness Month in Multnomah County, Oregon

The Multnomah County Board of Commissioners Finds:


- a. Amyotrophic Lateral Sclerosis (ALS), also known as Lou Gehrig's disease, is a fatal neurodegenerative disease with no known cause, means of prevention, or cure.
- b. ALS first weakens the skeletal muscles in the extremities and as it progresses the patient experiences difficulty in swallowing, talking and breathing. Due to the continual muscular atrophy the patient eventually become a functional quadriplegic. ALS does not affect the patient's mental capacity, making the patient painfully aware of his or her body's continued deterioration.
- c. On average, ALS patients survive two to five years after diagnosis.
- d. Research indicates military veterans are at least 50% more likely to develop ALS than non-veterans.

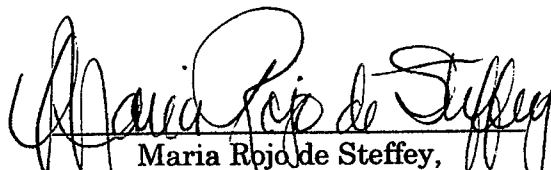
The Multnomah County Board of Commissioners Proclaims:

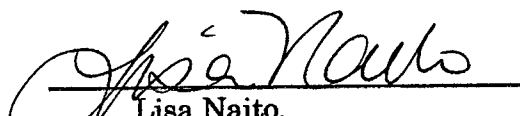
The month of May 2007 as Amyotrophic Lateral Sclerosis Awareness Month in Multnomah County, Oregon and supports actions and legislation by the President and Congress of the United States with the purpose of funding research for treatment and an eventual cure for Amyotrophic Lateral Sclerosis.

ADOPTED this 3rd day of May, 2007

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

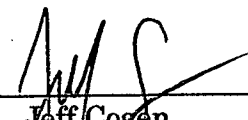

Ted Wheeler, County Chair

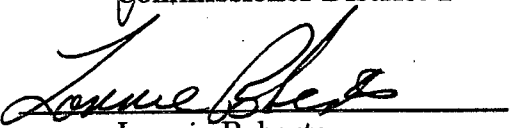

Maria Rojo de Steffey,
Commissioner District 1


Lisa Naito,
Commissioner District 3

SUBMITTED BY:
Commissioner Lonnie Roberts




Jeff Cogen
Commissioner District 2


Lonnie Roberts,
Commissioner District 4



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (long form)

APPROVED: MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-2 DATE 05-03-07
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 05/03/07
Agenda Item #: R-2
Est. Start Time: 9:35 AM
Date Submitted: 04/16/07

BUDGET MODIFICATION: DCHS -21

Agenda Title: Budget Modification DCHS-21 Increasing Mental Health and Addiction Services (MHAS) appropriation by \$330,325 to Reflect State of Oregon Funding Revisions for Alcohol and Drug Services

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

Requested Meeting Date:	<u>May 3, 2007</u>	Amount of Time Needed:	<u>5 minutes</u>
Department:	<u>Dept of County Human Services</u>	Division:	<u>Mental Health & Addictions</u>
Contact(s):	<u>Kathy Tinkle</u>		
Phone:	<u>503 988-3691</u>	Ext.	<u>26858</u>
	I/O Address:		<u>167/1/620</u>
Presenter(s):	<u>Keith Mitchell/Karl Brimmer</u>		

General Information

1. What action are you requesting from the Board?

The Department of County Human Services recommends approval of budget modification DCHS-21 appropriating \$330,325 of Federal/State funding,

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

The State Mental Health Grant Award is routinely amended by the State via Financial Assistance Awards (FAAs) which refine and clarify the scope of services and funding available. This budget modification reflects changes to our 2005-2007 biennium County Fiscal Assistance Contract (CFAC) with the State of Oregon through amendment # 96 dated 2-14-07. Service Element 61 (A&D Residential Services) is increased by \$101,471 for a residential slot rate change approved by the State. Service Element 66 (A&D Continuum of Care) is increased by \$91,531 for a cost of living adjustment for previously contracted services. Service Element 71 (Youth A&D Residential Treatment) is increased by \$85,537 for a client service day rate increase effective 7/1/06. Service Element 70 (A&D Prevention) is increased by \$51,786 as a result of unspent allocation from prior

fiscal year one biennium revenue.

The following program offers are impacted: 25080 A&D Adult Outpatient Addiction Treatment, 25086 Alcohol Drug Abuse and Prevention, 25087 A&D Residential Treatment - Women's Designated, 25090 A&D Detoxification, 25093 A&D Adult Residential, 25095 Youth Alcohol and Drug Outpatient Services, and 25096 African American Youth A&D Treatment.

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

This modification increases Addiction Services (MHAS) Fed/State appropriation by \$278,539 (all pass-through expense) for the current fiscal year 2006-07 in the following service elements:

A&D 61 A&D Residential Services	\$ 101,471
A&D 66 A&D Continuum of Care	\$ 91,531
A&D 71 Youth A&D Residential Treatment	\$ 85,537

In addition MHAS Fed/State appropriation increases by \$51,786 (all pass through), as a result of unspent funds from prior year one of the biennium agreement.

A&D 70 A&D Prevention	\$ 51,786
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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?**

State Mental Health Grant revenue is increased by \$330,325 to reflect the current agreement and appropriate unspent funds from year one of the biennium agreement.

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

Mental Health and Addiction Services Fed/State budget appropriation increases \$330,325.

- **What do the changes accomplish?**

The changes bring the budget in line with current state agreements through amendment # 96, which includes the balance of funds from year one of the biennium agreement.

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

N/A

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

The state service element funding is restricted to services only.

- **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?**

No, this is an ongoing biennium grant.

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

7/1/2005 – 6/30/2007

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

On-going biennium grant with the State of Oregon.

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

ATTACHMENT B

BUDGET MODIFICATION: DCHS - 21

Required Signatures

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



Date: 04/02/07

Budget Analyst:



Date: 04/16/07

Department HR:

Date:

Countywide HR:

Date:

Budget Modification ID: **DCHS-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	Program Offer	Cost Center	Accounting Unit	Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
						WBS Element						
1	20-80	83061	40	25093		MA AS CONT AD RES 61	50190	(2,598,801)	(2,663,742)	(64,941)		IG-OP Fed thru State
2	20-80	83061	40	25093		MA AS CONT AD RES 61	60160	2,598,801	2,663,742	64,941		Pass Thru & Prog Support
3												
4	20-80	83061	40	25087		MA AS CONT AD WM RES 61	50190	(1,460,000)	(1,496,530)	(36,530)		IG-OP Fed thru State
5	20-80	83061	40	25087		MA AS CONT AD WM RES 61	60160	1,460,000	1,496,530	36,530		Pass Thru & Prog Support
6												
7	20-80	83066	40	25080		MA AS CONT AD OUT TX 66	50190	(1,284,558)	(1,333,591)	(49,033)		IG-OP Fed thru State
8	20-80	83066	40	25080		MA AS CONT AD OUT TX 66	60160	1,284,558	1,333,591	49,033		Pass Thru & Prog Support
9												
10	20-80	83066	40	25090		MA AS CONT DETOX 66	50190	(1,391,089)	(1,424,479)	(33,390)		IG-OP Fed thru State
11	20-80	83066	40	25090		MA AS CONT DETOX 66	60160	1,391,089	1,424,479	33,390		Pass Thru & Prog Support
12												
13	20-80	83066	40	25095		MA AS CONT YTH TX 66	50190	(260,644)	(269,752)	(9,108)		IG-OP Fed thru State
14	20-80	83066	40	25095		MA AS CONT YTH TX 66	60160	260,644	269,752	9,108		Pass Thru & Prog Support
15												
16	20-80	83071	40	25096		MA AS CONT AF AM YTH 71	50190	(151,475)	(237,012)	(85,537)		IG-OP Fed thru State
17	20-80	83071	40	25096		MA AS CONT AF AM YTH 71	60160	151,475	237,012	85,537		Pass Thru & Prog Support
18												
19	20-80	84070	40	25086		MA AS CONT PRV PFY 70	50190	0	(51,786)	(51,786)		IG-OP Fed thru State
20	20-80	84070	40	25086		MA AS CONT PRV PFY 70	60160	0	51,786	51,786		Pass Thru & Prog Support
21												
22												
23												
24												
25												
26												
27												
28												
29												
										0	0	Total - Page 1
										0	0	GRAND TOTAL



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (long form)

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-3 DATE 05-03-07
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 05/03/07
Agenda Item #: R-3
Est. Start Time: 9:38 AM
Date Submitted: 04/16/07

BUDGET MODIFICATION: DCHS - 22

Agenda Title: Budget Modification DCHS-22 Increasing the Aging and Disabilities Services Appropriation by \$53,492 to Reflect a new State of Oregon Department of Human Services (DHS) Health Promotion Grant

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

Requested Meeting Date: May 3, 2007 **Amount of Time Needed:** 5 mins
Department: Dept. of County Human Services **Division:** Aging & Disabilities Services
Contact(s): Kathy Tinkle
Phone: 503 988-3691 **Ext.** 26858 **I/O Address:** 167/620
Presenter(s): Mary Shortall/Kathy Tinkle

General Information

1. What action are you requesting from the Board?

The Department of County Human Services (DCHS) recommends approval of budget modification DCHS-22 increasing Aging and Disabilities Services Division (ADSD) Fed/State appropriation by \$53,492 to reflect a new three year health promotion grant.

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.

DHS has awarded a new three-year Health Promotion grant to Aging and Disabilities Services (ADSD) in Community Services (program offer 25020). The funds will be passed through to partners and contractors to conduct two evidence-based programs - EnhanceFitness and Living Well with Chronic Conditions. Multnomah County will administer the grant and sub-contract management functions to Loaves and Fishes Centers, Inc. Loaves and Fishes will hold contracts with partners to provide training, scheduling and facilities. The project will be overseen by an Advisory Council of partners and senior advocates.

Multnomah County ADSD will lead a coalition of 15 organizations to increase self-management skills among low-income, ethnic and minority elderly with chronic health conditions, and increase levels of physical activity, by conducting two evidence-based programs: EnhanceFitness and Living Well with Chronic Conditions. Loaves and Fishes, Inc. is contracted to manage the project and will enroll persons with chronic disease age 60 or over, in one or both of the programs that will be conducted at twenty-one sites. The partnership includes nine non-profit ADS District Centers, Portland Parks and Recreation Senior Program, Loaves and Fishes, Inc., the Multnomah County Health Department Promotion programs, the Housing Authority of Portland, Kaiser-Permanente Health System and CareOregon, a non-profit health care provider.

The objectives of the Multnomah project are: (1) expand EnhanceFitness classes from six current sites to 18 sites; (2) make Living Well with Chronic Conditions programs available at 14 sites, (3) develop new communication tools to increase collaboration and referral between partners, (4) ensure referrals for these programs from health and long-term care partners, and (5) conduct Living Well classes for Russian, Spanish and Chinese-speaking communities and conduct EnhanceFitness and Living Well programs for the Gay, Lesbian, Bi-sexual and Transgender community.

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

The total grant is \$202,135 over three years - October 1, 2006 to July 31, 2009 (\$53, 492 in FY 2007, \$71,348 in FY 2008, \$71,350 in FY 2009 and \$5,945 in FY 2010.)

This modification increases ADSD Fed/State appropriation by \$53,492.

The following expenses increase: Pass-Through and Program Support by \$50,000; Travel & Training by \$1,723; and Grant Paid Indirect by \$1,769.

Department grant paid indirect revenue increases by \$497 with a corresponding increase in supplies.

Service reimbursements from the Fed/State fund to the General Fund increases by \$1,272.

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?**

Aging and Disabilities Services Division Fed/State revenue increases by \$53,492 to reflect a new three year health promotion grant.

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

Aging and Disability Services Community Services Program (Program Offer 25020) budget increases by \$53,492. Director's Office (program offer 25000) budget increases by \$497. County General Fund Contingency increases by \$1,272.

- **What do the changes accomplish?**

Revises the budget to reflect a new three year health promotion grant.

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

None.

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

Indirect is covered.

- **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?**

No, this is a three year grant and the functions will end when the grant expires.

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

October 1, 2006 to July 31, 2009.

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

There are no plans to continue funding when the grant ends

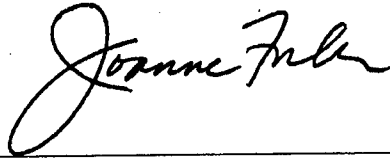
<p><i>NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.</i></p>

ATTACHMENT B

BUDGET MODIFICATION: DCHS - 22


Required Signatures

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



Date: 04/02/07

Budget Analyst:



Date: 04/16/07

Department HR:

Date: _____

Countywide HR:

Date: _____

Budget Modification or Amendment ID: **DCHS-22****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: 07

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Prg Offer	Cost Center	WBS Element						
1	30-45	32223	40	25020		ADSDIV43DAHP	60160		50,000	50,000		Pass-Through & Progm Support
2	30-45	32223	40	25020		ADSDIV43DAHP	60260		1,723	1,723		Travel & Training
3	30-45	32223	40	25020		ADSDIV43DAHP	60350		1,272	1,272		Central Indirect [2.46%]
4	30-45	32223	40	25020		ADSDIV43DAHP	60355		497	497		Department Indirect [0.96%]
5	30-45	32223	40	25020		ADSDIV43DAHP	50180		(53,492)	(53,492)		IG-OP Direct St
6												
7	26-00	1000	40	25000		CHSDO.IND1000	50370		(497)	(497)		Department Indirect Revenue
8	26-00	1000	40	25000		CHSDO.IND1000	60240		497	497		Supplies
9												
10	19	1000	20		9500001000		50310		1,272	1,272		Svs Reim F/S to General Fund
11	19	1000	20		9500001000		60470		(1,272)	(1,272)		Contingency
12												
13												
14												
15												
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19												
20												
21												
22												
23												
24												
25												
26												
27												
28												
29												
										0	0	Total - Page 1
										0	0	GRAND TOTAL



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (long form)

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-4 DATE 05-23-07
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 05/23/07
Agenda Item #: R-4
Est. Start Time: 9:41 AM
Date Submitted: 04/17/07

BUDGET MODIFICATION: DCHS- 23

Budget Modification DCHS-23 Appropriating \$80,567 of Title XIX Funds to
Agenda Extend through June 30th Six Limited Duration Eligibility Specialist Positions in
Title: Aging and Disabilities Services Division

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

Requested Meeting Date:	<u>May 3, 2007</u>	Amount of Time Needed:	<u>5 mins</u>
Department:	<u>Dept. of County Human Services</u>	Division:	<u>Aging & Disabilities Services</u>
Contact(s):	<u>Kathy Tinkle</u>		
Phone:	<u>503 988-3691</u>	Ext.	<u>26858</u>
Presenter(s):	<u>Mary Shortall</u>		
I/O Address:	<u>167/620</u>		

General Information

1. What action are you requesting from the Board?

The Department of County Human Services (DCHS) recommends approval of budget modification DCHS-23 increasing Aging and Disabilities Services Division (ADSD) budget by \$80,567 in Long Term Care (Program Offer 25023A).

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

The State of Oregon, Department of Human Services (DHS) has provided additional Title XIX funding through its contract with DCHS to continue employment of six limited duration Medicare Modernization Act (MMA) positions through the end of the fiscal year. Staff will continue to provide assistance with counseling and enrollment for dual eligible clients (those with both Medicare and Medicaid coverage) in the new prescription drug program available under the MMA. We anticipate these limited duration positions to become permanent after June 30, 2007, as a result of new permanent funding for MMA activities in the Governor's proposed budget.

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

This modification increases Aging and Disabilities Services Division Federal/State appropriation by \$80,567 of Title XIX revenue.

The following expenses increase: Personnel by \$73,296; Supplies by \$885; Local Mileage by \$410; Education & Training by \$225; Dues & Subscriptions by \$255; Printing by \$525; Telephone by \$1,385; Motor Pool by \$395; Distribution /Postage by \$605; and Grant Paid Indirect by \$2,586.

Department grant paid indirect revenue increases by \$726 with a corresponding increase in professional services.

Service reimbursements from the Federal/State fund will be increased as follows: \$15,193 Risk Fund; \$1,860 General Fund; \$1,385 Information Technology; \$395 Fleet; and \$605 Mail Distribution.

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?**

Aging and Disabilities Services Division Title XIX appropriation increases by \$80,567 due to increased funds to support the Medicare Modernization Act activities.

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

Aging and Disability Services Long Term Care (Program Offer 25023A) budget increases by \$80,567. Director's Office (Program Offer 25000) budget increases by \$726. Internal service provider's budgets increase by \$19,438.

- **What do the changes accomplish?**

Brings the budget in line with current state allocations and extends the funding for six positions through the end of the current fiscal year.

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

This budget modification extends the six limited duration Eligibility Specialist positions in ADS Long Term Care Program...

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

Indirect is covered.

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

Yes, special one-time-only allocation of Title XIX for the Medicare Modernization Act activities.

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

2005-2007 biennium.

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

Per the Governor's budget, the State intends to continue funding and make the allocation permanent in the next biennium 2007-2009. The limited duration positions will end June 30th. If funding is made permanent then the positions will be made permanent.

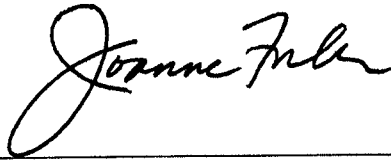
NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.

ATTACHMENT B

BUDGET MODIFICATION: DCHS - 23

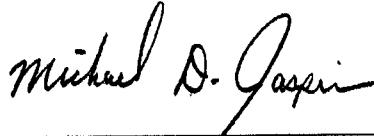
Required Signatures

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



Date: 04/16/07

Budget Analyst:



Date: 04/17/07

Department HR:

Date: _____

Countywide HR:

Date: _____

EXPENDITURES & REVENUES

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

Budget/Fiscal Year: 07

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	30-55	26090	40	25023A		ADSDIVLTCWDXIX	60000	-	8,913	8,913		Base [712770]
2	30-55	26090	40	25023A		ADSDIVLTCWDXIX	60130	-	2,592	2,592		Fringe
3	30-55	26090	40	25023A		ADSDIVLTCWDXIX	60140	-	3,033	3,033		Insurance
4	30-55	26090	40	25023A		ADSDIVLTCWDXIX	60180	-	105	105		Printing
5	30-55	26090	40	25023A		ADSDIVLTCWDXIX	60240	-	177	177		Supplies
6	30-55	26090	40	25023A		ADSDIVLTCWDXIX	60260	-	45	45		Education & Training
7	30-55	26090	40	25023A		ADSDIVLTCWDXIX	60270	-	82	82		Local Mileage & Travel
8	30-55	26090	40	25023A		ADSDIVLTCWDXIX	60340	-	51	51		Dues & Subscriptions
9	30-55	26090	40	25023A		ADSDIVLTCWDXIX	60370	-	277	277		Telephone Services
10	30-55	26090	40	25023A		ADSDIVLTCWDXIX	60410	-	79	79		Motor Pool Services
11	30-55	26090	40	25023A		ADSDIVLTCWDXIX	60460	-	121	121		Distribution / Postage
12	30-55	26090	40	25023A		ADSDIVLTCWDXIX	60350	-	368	368		Central Indirect [2.46%]
13	30-55	26090	40	25023A		ADSDIVLTCWDXIX	60355	-	143	143		Dept Indirect [0.96%]
14	30-55	26090	40	25023A		ADSDIVLTCWDXIX	50190	-	(15,986)	(15,986)		IG-OP Fed thru State
15												
16	30-55	26090	40	25023A		ADSDIVLTCNEDXIX	60000	-	8,914	8,914		Base [712771, 712772]
17	30-55	26090	40	25023A		ADSDIVLTCNEDXIX	60130	-	2,592	2,592		Fringe
18	30-55	26090	40	25023A		ADSDIVLTCNEDXIX	60140	-	3,034	3,034		Insurance
19	30-55	26090	40	25023A		ADSDIVLTCNEDXIX	60180	-	105	105		Printing
20	30-55	26090	40	25023A		ADSDIVLTCNEDXIX	60240	-	177	177		Supplies
21	30-55	26090	40	25023A		ADSDIVLTCNEDXIX	60260	-	45	45		Education & Training
22	30-55	26090	40	25023A		ADSDIVLTCNEDXIX	60270	-	82	82		Local Mileage & Travel
23	30-55	26090	40	25023A		ADSDIVLTCNEDXIX	60340	-	51	51		Dues & Subscriptions
24	30-55	26090	40	25023A		ADSDIVLTCNEDXIX	60370	-	277	277		Telephone Services
25	30-55	26090	40	25023A		ADSDIVLTCNEDXIX	60410	-	79	79		Motor Pool Services
26	30-55	26090	40	25023A		ADSDIVLTCNEDXIX	60460	-	121	121		Distribution / Postage
27	30-55	26090	40	25023A		ADSDIVLTCNEDXIX	60350	-	368	368		Central Indirect [2.46%]
28	30-55	26090	40	25023A		ADSDIVLTCNEDXIX	60355	-	144	144		Dept Indirect [0.96%]
29	30-55	26090	40	25023A		ADSDIVLTCNEDXIX	50190	-	(15,989)	(15,989)		IG-OP Fed thru State
30												
31												
										0	0	Total - Page 1
										0	0	GRAND TOTAL

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: 07

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						
32	30-55	26090	40	25023A		ADSDIVLTCSEDXIX	60000	-	8,913	8,913		Base [712769]
33	30-55	26090	40	25023A		ADSDIVLTCSEDXIX	60130	-	2,592	2,592		Fringe
32	30-55	26090	40	25023A		ADSDIVLTCSEDXIX	60140	-	3,033	3,033		Insurance
33	30-55	26090	40	25023A		ADSDIVLTCSEDXIX	60180	-	105	105		Printing
34	30-55	26090	40	25023A		ADSDIVLTCSEDXIX	60240	-	177	177		Supplies
35	30-55	26090	40	25023A		ADSDIVLTCSEDXIX	60260	-	45	45		Education & Training
36	30-55	26090	40	25023A		ADSDIVLTCSEDXIX	60270	-	82	82		Local Mileage & Travel
37	30-55	26090	40	25023A		ADSDIVLTCSEDXIX	60340	-	51	51		Dues & Subscriptions
38	30-55	26090	40	25023A		ADSDIVLTCSEDXIX	60370	-	277	277		Telephone Services
39	30-55	26090	40	25023A		ADSDIVLTCSEDXIX	60410	-	79	79		Motor Pool Services
40	30-55	26090	40	25023A		ADSDIVLTCSEDXIX	60460	-	121	121		Distribution / Postage
41	30-55	26090	40	25023A		ADSDIVLTCSEDXIX	60350	-	369	369		Central Indirect [2.46%]
42	30-55	26090	40	25023A		ADSDIVLTCSEDXIX	60355	-	144	144		Dept Indirect [0.96%]
43	30-55	26090	40	25023A		ADSDIVLTCSEDXIX	50190	-	(15,988)	(15,988)		IG-OP Fed thru State
44												
45												
46	30-55	26090	40	25023A		ADSDIVLTCMCXIX	60000	-	9,360	9,360		Base [712767]
47	30-55	26090	40	25023A		ADSDIVLTCMCXIX	60130	-	2,722	2,722		Fringe
48	30-55	26090	40	25023A		ADSDIVLTCMCXIX	60140	-	3,060	3,060		Insurance
49	30-55	26090	40	25023A		ADSDIVLTCMCXIX	60180	-	105	105		Printing
50	30-55	26090	40	25023A		ADSDIVLTCMCXIX	60240	-	177	177		Supplies
51	30-55	26090	40	25023A		ADSDIVLTCMCXIX	60260	-	45	45		Education & Training
52	30-55	26090	40	25023A		ADSDIVLTCMCXIX	60270	-	82	82		Local Mileage & Travel
53	30-55	26090	40	25023A		ADSDIVLTCMCXIX	60340	-	51	51		Dues & Subscriptions
54	30-55	26090	40	25023A		ADSDIVLTCMCXIX	60370	-	277	277		Telephone Services
55	30-55	26090	40	25023A		ADSDIVLTCMCXIX	60410	-	79	79		Motor Pool Services
56	30-55	26090	40	25023A		ADSDIVLTCMCXIX	60460	-	121	121		Distribution / Postage
57	30-55	26090	40	25023A		ADSDIVLTCMCXIX	60350	-	383	383		Central Indirect [2.46%]
58	30-55	26090	40	25023A		ADSDIVLTCMCXIX	60355	-	149	149		Dept Indirect [0.96%]
59	30-55	26090	40	25023A		ADSDIVLTCMCXIX	50190	-	(16,611)	(16,611)		IG-OP Fed thru State
60												
										0	0	Total - Page 2
										0	0	GRAND TOTAL

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: 07

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						
61	30-55	26090	40	25023A		ADSDIVLTCEDXIX	60000	-	8,913	8,913		Base [712768]
62	30-55	26090	40	25023A		ADSDIVLTCEDXIX	60130	-	2,592	2,592		Fringe
63	30-55	26090	40	25023A		ADSDIVLTCEDXIX	60140	-	3,033	3,033		Insurance
64	30-55	26090	40	25023A		ADSDIVLTCEDXIX	60180	-	105	105		Printing
65	30-55	26090	40	25023A		ADSDIVLTCEDXIX	60240	-	177	177		Supplies
66	30-55	26090	40	25023A		ADSDIVLTCEDXIX	60260	-	45	45		Education & Training
67	30-55	26090	40	25023A		ADSDIVLTCEDXIX	60270	-	82	82		Local Mileage & Travel
68	30-55	26090	40	25023A		ADSDIVLTCEDXIX	60340	-	51	51		Dues & Subscriptions
69	30-55	26090	40	25023A		ADSDIVLTCEDXIX	60370	-	277	277		Telephone Services
70	30-55	26090	40	25023A		ADSDIVLTCEDXIX	60410	-	79	79		Motor Pool Services
71	30-55	26090	40	25023A		ADSDIVLTCEDXIX	60460	-	121	121		Distribution / Postage
72	30-55	26090	40	25023A		ADSDIVLTCEDXIX	60350	-	369	369		Central Indirect [2.46%]
73	30-55	26090	40	25023A		ADSDIVLTCEDXIX	60355	-	144	144		Dept Indirect [0.96%]
74	30-55	26090	40	25023A		ADSDIVLTCEDXIX	50190	-	(15,988)	(15,988)		IG-OP Fed thru State
75												
76	26-00	1000	40	25000		CHSDO.IND1000	50370		(726)	(726)		Department Indirect Revenue
77	26-00	1000	40	25000		CHSDO.IND1000	60170		726	726		Professional Services
78												
79	72-10	3500	20		705210		50316		(15,193)	(15,193)		Svc Reim F/S to Risk Mgmt
80	72-10	3500	20		705210		60330		15,193	15,193		Claims Paid
81												
82	72-60	3503	20		709525		50310		(1,385)	(1,385)		Svc Reim F/S to Telecomm.
83	72-60	3503	20		709525		60200		1,385	1,385		Communications
84												
85	19	1000	20		9500001000		50310		(1,860)	(1,860)		Svs Reim F/S to General Fund
86	19	1000	20		9500001000		60470		1,860	1,860		Contingency
87												

ANNUALIZED PERSONNEL CHANGE

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

						ANNUALIZED			
Prg	Job #	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
25023A	6300	62960	Eligibility Specialist	712770	1.00	35,651	10,367	12,133	58,151
25023A	6300	63262	Eligibility Specialist	712771	0.50	17,826	5,184	6,067	29,077
25023A	6300	63262	Eligibility Specialist	712772	0.50	17,826	5,184	6,067	29,077
25023A	6300	62963	Eligibility Specialist	712769	1.00	35,651	10,367	12,133	58,151
25023A	6300	62958	Eligibility Specialist	712767	1.00	37,440	10,888	12,240	60,568
25023A	6300	62961	Eligibility Specialist	712768	1.00	35,651	10,367	12,133	58,151
			TOTAL ANNUALIZED CHANGES		5.00	180,045	52,357	60,773	293,175

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			
Prg	Job #	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
25023A	6300	62960	Eligibility Specialist	712770	0.25	8,913	2,592	3,033	14,538
25023A	6300	63262	Eligibility Specialist	712771	0.12	4,457	1,296	1,517	7,270
25023A	6300	63262	Eligibility Specialist	712772	0.12	4,457	1,296	1,517	7,270
25023A	6300	62963	Eligibility Specialist	712769	0.25	8,913	2,592	3,033	14,538
25023A	6300	62958	Eligibility Specialist	712767	0.25	9,360	2,722	3,060	15,142
25023A	6300	62961	Eligibility Specialist	712768	0.25	8,913	2,592	3,033	14,538
									0
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TOTAL CURRENT FY CHANGES					1.24	45,013	13,090	15,193	73,296



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 05/03/07
Agenda Item #: R-5
Est. Start Time: 9:45 AM
Date Submitted: 04/23/07

Agenda Title: **RESOLUTION Adopting Multnomah County's Investment Policy and Repealing Resolution 06-030**

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

Requested Meeting Date: May 3, 2007 Amount of Time Needed: 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 Multnomah County Investment Policy. DCM recommends approval.

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.

ORS 294.135 requires that municipalities adopt a written investment policy annually. Treasury has updated the Investment Policy previously adopted by Resolution No. 06-030.

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

The updated Investment Policy will have no financial impact on the General Fund. The changes to the policy since the prior approval by the Board in March 2006 are generally housekeeping in nature and not substantive.

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

The updated Investment Policy meets all legal requirements.

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

The updated Investment Policy was reviewed by both the Oregon Short Term Fund Board and the Multnomah County Investment Advisory Board. No changes were recommended by either.

Required Signature

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

Carol M. Ford

Date: 04/23/07

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Adopting Multnomah County Investment Policy and Repealing Resolution 06-030

The Multnomah County Board of Commissioners Finds:

- a. ORS 294.135 requires the county to adopt a written investment policy.
- b. Treasury has modified the investment policy adopted by the Board on March 16, 2006, by Resolution 06-030, to more closely conform to the model policies of the State Treasury and Government Finance Officers Association.
- c. The County's Investment Advisory Board reviewed the attached Multnomah County Investment Policy (Investment Policy) and recommended no changes.
- d. The Oregon Short Term Fund Board reviewed the Investment Policy and recommended no improvements or changes.

The Multnomah County Board of Commissioners Resolves:

1. The Board adopts the attached Multnomah County Investment Policy dated February, 2007.
2. The Chief Financial Officer and the Treasury Manager are authorized to administer the Investment Policy.
3. This resolution repeals and replaces the previous Investment Policy adopted by Resolution No. 06-030.

ADOPTED this 3rd 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 _____
Agnes Sowle, County Attorney

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

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 07-077

Adopting Multnomah County Investment Policy and Repealing Resolution 06-030

The Multnomah County Board of Commissioners Finds:

- a. ORS 294.135 requires the county to adopt a written investment policy.
- b. Treasury has modified the investment policy adopted by the Board on March 16, 2006, by Resolution 06-030, to more closely conform to the model policies of the State Treasury and Government Finance Officers Association.
- c. The County's Investment Advisory Board reviewed the attached Multnomah County Investment Policy (Investment Policy) and recommended no changes.
- d. The Oregon Short Term Fund Board reviewed the Investment Policy and recommended no improvements or changes.

The Multnomah County Board of Commissioners Resolves:

1. The Board adopts the attached Multnomah County Investment Policy dated February, 2007.
2. The Chief Financial Officer and the Treasury Manager are authorized to administer the Investment Policy.
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BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Ted Wheeler, Chair

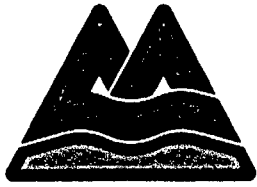
REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Agnes Sowle, County Attorney

SUBMITTED BY:

Carol Ford, Director, Department of County Management



MULTNOMAH COUNTY OREGON

Investment Policy

February 2007

I. SCOPE

This investment policy applies to the investing of the financial assets of all funds included in Multnomah County's investment portfolio as defined in this policy. During the Fiscal Year 2005-2006, the County's average daily balance of cash invested was approximately \$268,000,000, with the high of \$770,856,000 occurring in November 2005 and the low of \$129,373,000 occurring in October 2005.

All applicable cash will be invested in compliance with Oregon Revised Statutes 294 and 295, and all other applicable statutes, policies and other written procedures. Investment earnings of the investment portfolio shall be allocated to eligible County governmental, proprietary and fiduciary funds as summarized in Addendum A.

Investments owned by Multnomah County Hospital Facilities Authority do not fall under the purview of Multnomah County or this investment policy.

II. INVESTMENT OBJECTIVES

- The primary investment objective of Multnomah County is the preservation of capital and the protection of investment principal.
- The County's investment portfolio will remain sufficiently liquid to enable the County to meet all reasonably anticipated operating requirements. This preference for liquidity will be basic to investment decisions.
- The County will strive to attain a market rate of return throughout budgeting cycles.
- The County will diversify its investment types and maturities to avoid unreasonable concentration within security types and financial institutions.
- The County will comply with Federal and State laws, IRS Regulations, GAAP and GASB guidelines, and Oregon State Treasury guidelines.

III. STANDARDS OF CARE

1. Prudence The standard of prudence to be used by the Treasury Manager and treasury staff shall be the "prudent person" standard which states that "Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived."

The Treasury Manager and treasury staff acting in accordance with written procedures and this investment policy, and exercising due diligence shall be relieved of personal responsibility for an

individual security's credit risk or market price fluctuations, provided deviations from expectations are reported in a timely manner, and that investment transactions are carried out in accordance with this investment policy.

2. Ethics and Conflicts of Interest County employees involved in the investment process shall refrain from business activity that could conflict with the proper execution and management of the investment process, or that could impair their ability to make impartial decisions. Such employees shall disclose any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions could be related to the performance of the investment portfolio. Such employees shall at all times comply with the State of Oregon Government Standards and Practices code of ethics set forth in ORS 244.

3. Delegation of Authority The Treasury Manager is designated as the investment officer of the County and is responsible for the daily cash management, as well as all investment decisions and activities. No person is authorized to engage in an investment transaction for the County except as provided under the terms of this policy and procedures established by the Investment officer. The Treasury Manager may authorize Treasury staff to act as his designees with dual signature requirement. (See Addendum G).

IV. SAFEKEEPING AND CUSTODY

1. Delivery versus Payment All investments eligible for delivery purchased pursuant to this investment policy will be delivered versus payment by either book entry or physical delivery to a third-party custodian.

2. Authorized Financial Institutions and Broker/Dealers The Treasury Manager will maintain and review annually a list of financial institutions authorized to provide the County investment and safekeeping services, as well as a list of approved security broker/dealers. To be eligible, a financial institution must meet at least one of the following three criteria:

- a. Be a primary dealer of the Federal Reserve Bank of New York; or
- b. Report voluntarily to the F.R.B. of New York; or
- c. Affirm that it has met the securities dealers' capital adequacy requirements of the F.R.B. of New York continuously for the preceding 12 months.

The Treasury Manager is authorized to sign a Trading Authorization Agreement or Master Repurchase Agreement with any institution included on the list, and will maintain a file, either electronically or hard copy, of the most recent audited financial reports of each firm on the approved list.

The Treasury Manager is authorized to transact trades directly with issuers of corporate debt and commercial paper provided that the provisions of ORS 294.035 and this investment policy are observed.

The Treasury Manager is responsible for maintaining current files documenting the appropriate licenses and professional credentials of broker/dealers with whom the County transacts trades. Additional documentation to be maintained includes certification of state registration, NASD

certification, certification of having read and agreeing to comply with the County's current investment policy.

Qualified financial institutions and broker/dealers are included in Addendum B.

3. Internal Controls The Treasury Manager shall be responsible for implementing effective internal controls to address the following areas of concern:

- Clear delegation of authority
- Segregation of duties and separation of responsibilities for trade execution, accounting, and record keeping
- Written confirmation of transactions and funds transfers
- Compliance with investment policy constraints and requirements
- Timely reconciliation of custodial reports
- Appropriate security for online access to bank accounts and bank data

V. AUTHORIZED INVESTMENTS

This investment policy limits approved investment securities to the following:

1. U.S. Treasury Issues
2. Agencies and Instrumentalities of the United States
3. Municipal Debt
4. Savings and Demand Accounts
5. Time Certificates of Deposit
6. Banker's Acceptances
7. Corporate Debt
8. Repurchase Agreements (collateral margins per Oregon State Treasury)
9. Reverse Repurchase Agreements (with approval of Chief Financial Officer)
10. Local Government Investment Pool (LGIP)

The specific permitted securities are defined under Oregon Revised Statutes 294.035, 294.040, 294.046 and 294.810. (See Addendum C). Collateral requirements for bank deposits, time deposits, certificates of deposit and savings accounts are defined in ORS 295. (See Addendum D).

VI. INVESTMENT PARAMETERS

The Treasury Manager is responsible for preparing projected an annual cash flow schedule for all funds included in the County's investment portfolio. The cash flow schedule shall be continuously reviewed to compare projected flows to actual.

County's investments shall be diversified by type, maturity and issuer. Before any transaction is concluded, to the extent practicable, the Treasury Manager shall solicit and document competitive bids and offers on comparable securities. When not practicable, the reasons should be similarly documented. At all times the Treasury Manager will strive for best execution of all transactions. Additionally, if reasonably unanticipated events cause the portfolio limits to be exceeded, the Treasury Manager will take the steps necessary to correct the situation as soon as is practicable. The Treasury Manager will promptly advise the Chief Financial Officer and the Investment Advisory Board of the occurrence.

Investments may be sold at a loss when the Treasury Manager deems that such a decision is prudent.

1. Diversification by Type The Treasury Manager shall limit the types of securities owned based on their proportional market value to the total investment portfolio market value in the following manner:

- | | |
|----------------------------------|--|
| ○ U.S. Treasury Issues | Up to 100% |
| ○ Agencies and Instrumentalities | Up to 75% and 25% per issuer |
| ○ Municipal Debt | Up to 10% and 10% per issuer |
| ○ Savings Accounts | Up to 50% and 25% per institution |
| ○ Certificates of Deposit | Up to 20% and 1% of deposits per institution |
| ○ Banker's Acceptances | Up to 20% and 10% per issuer |
| ○ Corporate Debt | Up to 25% and 5% per issuer |
| ○ Repurchase Agreements | Per collateral securing repo and margin requirements |
| ○ Reverse Repurchase Agreements | Up to 10% |
| ○ LGIP | Per ORS 294.810 |

Investments in corporate debt may exceed 25% up to a limit of 30% for a period not to exceed 10 successive business days with prompt appropriate notifications.

2. Maximum Maturities In order to insure that funds are available for operating cash flow requirements, the Treasury Manager shall limit the maturities of securities owned based on market value in order to manage the weighted average maturity (WAM) of the portfolio appropriate to current market conditions and economic expectations. The following guidelines shall apply:

- | | |
|-------------------|-------------|
| ○ Under 30 days | Minimum 10% |
| ○ 31 -- 90 days | Minimum 25% |
| ○ 91 -- 270 days | Minimum 50% |
| ○ 271 -- 365 days | Minimum 70% |
| ○ 1 -- 3 years | Maximum 30% |

Investment maturities may exceed the guidelines for a period not to exceed 10 successive business days with prompt appropriate notifications.

3. Management of Credit Quality The Treasury Manager shall calculate and report the average credit quality of the investment portfolio to manage aggregate portfolio credit risk.

4. Investment of Bond Proceeds Bond proceeds may be segregated within the County's investment portfolio and invested in a manner consistent with Internal Revenue Service limitations on tax-exempt issuers, as well as the trust indenture and anticipated drawdown of proceeds.

Similarly, funds received as a result of a defeasance of previously issued County debt shall be invested in a manner consistent with Oregon Revised Statutes, I.R.S. regulations and the terms of the indenture documents of the debt instrument.

5. Community Banking Investment Program Pursuant to Multnomah County Board Resolution No. 98-129, dated September 10, 1998; the Treasury Manager is authorized to purchase time certificates of deposit from qualified community banks in the face amount of \$95,000 per bank to a total of \$1,500,000. (See Addendum E).

VII. REPORTING AND OVERSIGHT

1. Methodology The Treasury Manager shall prepare monthly a management summary that provides the details of the investment portfolio, as well as transaction details for the reporting period. Details shall be sufficient to document conformance with the provisions of statutes and this investment policy and shall include a listing of individual securities held at the end of the period. All investments owned will be marked-to-market monthly by the County's third party custodian.

At the time of settlement of a purchase, an investment will be booked at cost. Any gain or loss resulting from an investment sold or called will be credited or charged to investment income as of the settlement date of the transaction. Premiums and discounts on securities will be amortized or accreted to stated maturity date. In the event of call or sale before maturity, any remaining premiums or discounts will be credited or charged to income as of the call or sale settlement date.

The County shall comply with all legal requirements and generally accepted accounting principals (GAAP). These principals are contained in the pronouncements of authoritative bodies including, but not limited to, the American institute of Certified Public Accountants (AICPA), the Financial Accounting Standards Board (FASB), and the Government Accounting Standards Board (GASB).

Most of the County's available cash will be pooled for investment purposes in the investment portfolio. Cash not pooled will be restricted to:

- Contract retainage and lien deposits;
- Deferred compensation deposits and investments;
- Cash designated for Certificates of Participation, Full Faith and Credit, General Obligation, and Revenue Bond reserves;
- Cash designated for construction payments;
- Petty cash and other imprest funds.

These items will earn interest income, if applicable, from the financial institution holding the funds in a trust or fiduciary capacity.

The monthly management investment summary will be provided to the Chair of the Board, the members of the Investment Advisory Board, the Chief Financial Officer, and the County Auditor.

2. Benchmarks The performance of the County's portfolio will be measured against the performance of the Local Government Invest Pool (LGIP) and the yield of the 91-day U.S. Treasury Bill. It is the goal of the County to maintain throughout the accounting cycle a yield that is not more than 50 basis points (1/2 percent) lower than that of LGIP, and is not less than 25 basis points (1/4 percent) higher than that of the 91-day Treasury Bill. The County will endeavor to compare its portfolio yield with those of Washington County, Clackamas County and the city of Gresham.

3. Portfolio Earnings Allocation The amount of earnings allocated monthly will be calculated by the General Ledger section based on the following:

- The average daily cash balance (ADCB) of each eligible fund will be calculated. The Property Tax Trust Fund ADCB will be reduced by the average daily uncollected funds (float).
- The average monthly yield of the County's investment portfolio will be calculated on a 365-day basis.
- An administrative fee of 100 basis points (1%) will be deducted from the earnings allocation prior to distribution.

- If the ADCB of a fund is negative and the fund has earnings received, the fund will be debited earnings for the period at the average monthly yield of the portfolio for the period that the fund's cash balance is negative.
- The allocation of earnings process is summarized in Addendum A.

4. Investment Advisory Board The County Chair will appoint the members of the Investment Advisory Board (IAB) to three-year terms. The IAB will consist of five citizen members, who will be nominated on the basis of their expertise in financial markets and fixed income investments. (See Addendum F).

The IAB will meet quarterly to review the County's investment performance and adherence to the investment policy. All such meetings will be open to the public and publicized as required by the "Open Meetings Law."

Minutes of each meeting of the IAB shall be recorded and included in the management summary for the following month.

5. Indemnification Clause The County shall indemnify County officials and Investment Advisory Board members from personal liability for losses that might occur pursuant to administering this investment policy.

VII. POLICY ADOPTION

The County's investment policy shall be reviewed annually by the Chief Financial Officer and the Investment Advisory Board for appropriate modifications. It will then be submitted to the Oregon Short Term Fund Board for comments. Any comments or suggestions made by the OSTFB but not implemented by the County will be explained to the Board of County Commissioners.

This policy and any amendments to this policy are to be approved annually by the Board of County Commissioners.

ADDENDUM A

Investment Earnings Allocation

A. Pursuant to State law and County policy investment earnings will be allocated to all Debt Service Funds, all Capital Projects Funds, all Special Revenue Funds, except as noted below and the Behavioral Health Managed Care Fund (3002).

B. Investment earnings will not be allocated to the Federal/State Program Fund because the majority of the expenditures are on a reimbursement basis from the grantor agency and the General Fund provides the cash flow.

C. The General Fund will receive the balance of the investment earnings. All other Funds that are supported in whole or part by the General Fund will not be allocated investment earnings.

D. In the event a new fund or account is created, the Chief Financial Officer is authorized to make the determination if the fund or account should receive investment earnings. This determination is to be based on the criteria used for the funds in existence at the time this policy is adopted.

ADDENDUM B

Qualified Financial Institutions and Broker/Dealers

Banks:

- 1) Albina Community Bank
- 2) Bank of America
- 3) Key Bank
- 4) Union Bank of California
- 5) US Bank
- 6) Umpqua Bank
- 7) Wells Fargo Bank
- 8) Oregon Community Banks (Per Resolution No. 98-129)

Brokerage Firms:

- 1) BA Securities
- 2) D.A. Davidson & Co
- 3) Lehman Brothers Inc.
- 4) Morgan Keegan & Co.
- 5) Piper Jaffray & Co.
- 6) RBC Dain Rauscher, Inc.
- 7) Seattle Northwest Securities Corp.
- 8) Smith Barney.
- 9) UBS Financial Services
- 10) Union Bank Investment Services

Other:

Local Government Investment Pool (LGIP)

ADDENDUM C

Liquid Investments Available to Oregon Local Governments

United States Treasury Issues

1. U.S. Treasury Bills
2. U.S. Treasury Notes
3. U.S. Treasury Bonds
4. U.S. Treasury STRIPS (Separate Trading of Registered Interest and Principal of Securities)
5. BECCS (Bearer Corpora Conversions)
6. CUBES (Coupons Under Book-Entry Safekeeping)
7. U.S. Treasury Inflation-Indexed Bonds

All Treasury notes and bonds are strippable. STRIPS are created by separating the interest (coupon) and principal (the note or bond itself); thereby creating zero coupon securities that are sold at a deep discount and payment is received at maturity. STRIPS are direct obligations of the U.S. Treasury and are backed by the full faith and credit of the United States. Strips are not to be confused with CAT's, TIGR's, etc., which are proprietary products that represent a security interest in an underlying U.S. Treasury security. These latter investments ARE NOT permissible investments for local governments.

Previously, when U.S. Treasury Bonds were in physical form, they were literally separated into serial coupons from their respective bonds. This was before book entry; before proprietary products created by dealers that were security interests in some underlying note or bond; and, before the U.S. Treasury itself allowed stripping of its longer debt issues. These old physically separated instruments (basically bearer securities) were converted by the Federal Reserve into wireable book entry form to make the STRIPS market more uniform. These former physical securities that have been so converted are called Coupons Under Book Entry Safekeeping (hence the acronym CUBES). These CUBES are very rare, trade at a higher rate than on-the-run comparable U.S. Treasury STRIPS, and are extremely illiquid. Being old U.S. Treasury securities, CUBES carry the same full faith and credit of the United States Government.

In January, 1997, the United States Treasury started issuing Treasury Inflation Protected Securities (TIPS). Inflation indexed note auctions are usually announced on the first Wednesday of January and July, with the auction process occurring the second week of January and July. Issuance is the 15th of the same month. These bonds will be fully strippable. Like other bonds, they will be offered in denominations of \$1,000.00. More detailed information beyond this cursory description is available from the Internet (www.publicdebt.treas.gov), The Bond Market Association (www.bondmarkets.com), and research data from brokers/dealers.

Agencies and Instrumentalities of the United States

1. Federal Home Loan Banks (FHLB) - Discount Notes, Consolidated bonds, Floating Rate Notes, and MTNs.
www.fhfb-of.com
2. Federal Farm Credit Banks (FFCB) - Consolidated system-wide notes and bonds, Discount notes, Floating Rate Notes, MTNs, and Master notes.
www.farmcredit-ffcb.com
3. Federal National Mortgage Association ("Fannie Mae") - Discount Notes, MTNs, Senior and Subordinated Benchmark Notes (fixed and floating), strips, zero-coupon securities, and mortgage-backed securities.
www.fanniemae.com
4. Federal Home Loan Mortgage Corporation ("Freddie Mac") - Discount Notes, MTNs, Senior and Subordinated Reference Notes (fixed and floating), Mortgage Participation Certificates (PC's), Collateralized Mortgage Obligations (CMO's), and Strips.
www.freddiemac.com
5. Government National Mortgage Association ("Ginnie Mae") - Mortgage-Backed Securities in 15- and 30-year maturities - guaranteed by the full faith and credit of the U.S. Government. Collateralized by FHA, VA, and FMHA insured mortgage loans.
www.ginniemae.gov
6. Financing Corporation (FICO) —Long-term bonds (none issued since 9/89) - Principal repayment defeased by zero coupon Treasuries.
7. Resolution Funding Corporation (REFCORP) - Strips and Bonds — 30 & 40-year issues - Principal collateralized by U.S. Treasuries, interest payments backed by the U.S. Treasury and FIRREA.
8. Tennessee Valley Authority (TVA) - Discount Notes, Strips, Notes, and Bonds - Issues available in maturities 5 to 50 years. www.tva.gov
9. Financial Assistance Corporation (FAC) - 15 year bonds, guaranteed by the Treasury, first issued in 7/88. This entity provides capital to Farm Credit System Institutions.
10. Federal Land Banks (FLB) - Bonds - Currently issued through FFCB. (Banks for Cooperatives and Federal Intermediate Credit Bank also issue through FFCB and have no direct issues outstanding.)
11. Federal Housing Administration (FHA) - Debentures - Backed by the full faith and credit of the U.S. Government.
12. Farmers Home Administration (FMHA) - Certificates of Beneficial Ownership (CBO's). Backed by the full faith and credit of the U.S. Government. Discontinued in 1975, small amount remains outstanding.

13. General Services Administration (GSA) - Participation Certificates - Secured by the full faith and credit of the U.S. Government. No new issues since 1974. www.gsa.gov
14. Maritime Administration - Bonds - Collateralized by ship mortgages, further backed by the full faith and credit of the U.S. Government in the event of default.
15. Washington Metropolitan Area Transit Authority - Bonds - Backed by the full faith and credit of the U.S. Government. Small amount remains outstanding.
16. Small Business Administration (SBA) - Debentures - Backed by the full faith and credit of the U.S. Government. Small amount remains outstanding.
www.sba.gov
17. Department of Housing and Urban Development (HUD) - Notes, New Housing Authority Bonds - 40-year issues with 15-year calls. Backed by the full faith and credit of the U.S. Government. No new issues since 1974. Small amount remains outstanding.
18. United States Postal Service - Bonds - May be backed by the full faith and credit of the U. S. Government. Issues with maturities of 20 years or longer. www.usps.com
19. United States Department of Veterans' Affairs Guaranteed REMIC Pass-Through Certificates Vendee Mortgage Trust 1992-1 (VINNIE MAE). The full and timely payment of principal and interest of these certificates is guaranteed by the Department of Veterans' Affairs and this guarantee is further backed by the full faith and credit of the United States of America.
20. Private Export Funding Corporation (PEFCO) — Secured Notes with maturities of 5 years or longer.-Interest is guaranteed by the Export-Import Bank of the United States (Eximbank, a federal agency) and whose principal is secured by either cash, securities backed by the full faith and credit of the United States, or Guaranteed Importer Notes which are guaranteed by the Eximbank. The Secured Notes, which are rated AAA.
www.pefco.com
21. Federal Agricultural Mortgage Corporation (Farmer Mac), a federally chartered instrumentality of the United States was created to provide capital for agricultural real estate and rural housing. Instruments include discount notes, medium-term notes, and mortgage backed securities. www.farmermac.com

Pursuant to ORS 294.046, this list contains all "agencies and instrumentalities of the United States with available obligations that any county, municipality, political subdivision or school district may invest in...." Generally, all U.S. Treasuries, and Agencies listed in 1 through 8 are appropriate investments for excess cash funds (if the maturities of such instruments are within the local government's investment guidelines). However, attention should be paid to any peculiar characteristics of some of the instruments. For example, mortgage-backed securities like GNMA's may have volatile prepayment characteristics which may make their final maturities unknown. In falling interest rate cycles, borrowers' whose underlying mortgages are the security for the GNMA bonds may refinance their loans accelerating the principal return to the investor. Therefore, the term for a GNMA cannot be relied upon to perform, for example, a debt defeasance. Agencies listed in 9 through 21 are viewed as less appropriate for local government investments, may be infrequently traded, and can be characterized by thin, illiquid markets.

International institutions in which the United States Government owns capital stock (paid-in or callable) are not eligible investments for local governments and are not listed here (World Bank, Asian Development Bank, Inter-American Development Bank, etc.).

Local Government Investment Pool

No minimum investment: deposits are limited to the amount prescribed on: "Memo Regarding Limitation in ORS 294.810." These limits can be temporarily exceeded for 20 business days by county governments and 10 days by other local governments as a result of pass-through funds (ORS 294.810).

Repurchase Agreements

Typically these are investment arrangements involving the purchase of US Government and agency securities with a simultaneous agreement to resell them back to the same seller for the same dollar investment plus a fee. Amounts invested, rate, and terms are negotiable but such repurchase transactions are limited to 90 days maximum term. Maximum percentages for prices paid for the collateral securities are prescribed by the Oregon Investment Council or the Oregon Short-Term Fund Board [ORS 294.035 (11); ORS 294.135 (2)]. On March 12, 1996, the Board prescribed the following minimum pricing margins for repurchase collateral:

US Treasury Securities:	102%
US Agency Discount and Coupon Securities:	102%
Mortgage Backed and Other:	103%*

Bankers' Acceptances

Appropriate if: guaranteed by, and carried on the books of, a qualified financial institution; eligible for discount by the Federal Reserve System; and issued by a qualified financial institution whose short-term letter of credit rating is rated in the highest category by one or more nationally recognized statistical rating organizations.. They are limited to a 25% maximum of the moneys of a local government available for investment on the settlement date per qualified financial institution [ORS 294.035 (8) (a), (b), (c)].

Corporate Indebtedness (secured and unsecured)

These securities are corporate commercial paper and promissory notes that have minimum commercial paper ratings of A1 or P1 or long-term minimum ratings of Aa (Moody's) or AA (S & P) or equivalent by any nationally recognized statistical rating organization. The minimum credit quality may be lowered to A2, P2 for commercial paper and A for long-term if the issuer meets the criteria of paragraphs (A) and (B) of ORS 294.035 (9) (c). They are limited to 35% of the moneys of a local government available for investment [ORS 294.035 (9), (a), (b), (c), (d)]

Municipal Debt Obligations

Lawfully issued debt obligations of the agencies and instrumentalities of the State of Oregon and its political subdivisions that have a long-term debt rating of A or an equivalent rating or better or are rated on the settlement date in the highest category for short-term municipal debt by a nationally recognized statistical rating organization [ORS 294.035 (2)]. Also, lawfully issued debt obligations of the States of California, Idaho and Washington and their political subdivisions if such obligations have a long-term rating of AA or better or are rated on the settlement date in the highest category for short-term municipal debt by a nationally recognized statistical rating organization [ORS 294.035 (3)]. For these latter obligations, they are allowable subject to ORS 294.040.

Certificates of Deposits

Certificates of deposit are not an investment security but rather a time deposit in a qualified financial institution. They must be FDIC insured to \$100,000 and further collateralized above the FDIC insurance pursuant to Oregon Revised Statutes.

ADDENDUM D

Collateral Requirements for Public Funds Deposits

295.015 Maintenance of securities by depository required. Except as provided in ORS 295.018:

(1) Each depository throughout the period of its possession of public fund deposits shall maintain on deposit with its custodians, at its own expense, securities having a value not less than 25 percent of the certificates of participation issued by its pool manager.

(2) The depository may deposit other eligible securities with its custodian and withdraw from deposit securities theretofore pledged to secure deposits of public funds, if the remaining securities have a value not less than 25 percent of outstanding certificates of participation of the pool manager. The pool manager shall execute such releases and surrender such custodian's receipts as are appropriate to effect substitutions and withdrawals of excess pledged securities. [1967 c.451 §2; 1975 c.515 §3]

ADDENDUM E

RESOLUTION No. 98 – 129

Resolution adopting Multnomah County's Community Banking Investment Program

The Board of County Commissioners finds:

1. Many small banks that are community owned ("Community Banks") are located in rural and urban areas throughout the state and provide valuable services including making small business loans, loans to promote entrepreneurial activities and consumer loans for tuition and purchases of automobiles and homes.
2. Multnomah County, Oregon (the "County") has successfully formed partnerships with Community Banks in Multnomah County by making investments with Albina Community Bank and American State Bank and wishes to expand this partnership to provide an economic engine to link the urban/rural relationships throughout the state.
3. The County is committed to forming partnerships with Community Banks, consumers and businesses to provide the much needed capital to assist in economic development, the creation of jobs and providing loans for home purchases, home improvements automobile loans and tuition expenses.
4. Community Bank loans to businesses and consumers generate significant economic development, provide employment opportunities for the communities in which they are located and enhance the livability of their communities.
5. The economic development, employment opportunities made possible by small businesses add to the quality of life of all Oregonians, including those in Multnomah County.
6. With the restructuring and consolidation of banking in Oregon, small businesses and consumers are placing an even higher demand for loans on Oregon Community Banks and Community Banks are constantly exploring new ways to raise deposits to provide loans to small businesses and consumers.
7. The County understands and appreciates the positive economic impact and enriched quality of life that Community Banks have in communities throughout the State of Oregon.
8. The County wishes to establish a model Community Banking Investment Program and encourages other governments in a position to implement similar programs to do so.
9. The County is authorized under ORS 294.035 to invest in certificates of deposit in banks, mutual savings banks and savings and loan associations which maintain a head office or a branch in this state in the capacity of a bank, mutual savings bank or savings and loan association.

10. The County's investment policy, adopted by the Board, authorizes the County to purchase time certificates of deposit with financial institutions covered by FDIC insurance or institutions that cause to have a Certificate of Participation issued evidencing collateral on all public funds on deposit.

11. The County's investment policy requires the County to safeguard assets, maintain sufficient liquidity requirements and obtain a competitive rate of return.

12. The County's Investment Advisory Board has reviewed and approved this policy direction.

The Board Resolves:

1. The County will purchase qualified time certificates of deposit from Community Banks to provide deposits for the Community Banks to make loans.

2. The total amount of funds available for this program will be \$1,500,000.

3. The par amount of the certificate of deposit will not exceed \$95,000 per institution.

4. The Community Bank must meet the following requirements to participate in this program:

a. The Community Bank's time certificate of deposit yield must be competitive with similar qualified investments available to the County at the time of purchase.

b. The Community Bank must have headquarters in the State of Oregon.

c. The Community Bank's assets will not exceed \$750,000,000 as of the most recent financial statement.

d. The Community Banks must have the bank's Board of Directors approve a resolution affirming its participation in the Multnomah County Community Banking Investment Program.

e. The Community Bank's loans to deposits ratio shall equal or exceed the national average for similar institutions.

f. The Community Bank's Community Reinvestment Act ("CRA") rating must be satisfactory or higher.

g. The Community Bank must provide evidence that they are a member of the FDIC.

5. When making investments with Community Banks, the Treasury Manager will follow all other provisions contained in the County's Investment Policy.

ADOPTED this 10th day of September 1998.
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ADDENDUM F

Multnomah County Investment Advisory Board

Marc Gonzales

Term Expires: 6/30/08
Fourth Term

Jennifer Cooperman

Term Expires: 6/30/08
Third Term

Thomas Landye

Term Expires: 6/30/09
Fifth Term

Jack Pessia

Term Expires: 6/30/09
First Term

George Scherzer

Term Expires: 6/30/08
Seventh Term

Staff:

Mindy Harris, Chief Financial Officer
Harry Morton, Treasury Manager
Calvin Smith, Treasury Specialist
Tsultrim Yehshopa, Treasury Specialist

(503) 988-3786
(503) 988-3290
(503) 988-3440
(503) 988-3681

ADDENDUM G

Delegation of Authority

Harry S. Morton
Treasury Manager

Single Signature Authority

Calvin J. Smith
Finance Specialist 2

Designee / Dual Signature Authority

Tsultrim C. Yehshopa
Finance Specialist 1

Designee / Dual Signature Authority



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 05/03/07
Agenda Item #: R-6
Est. Start Time: 9:50 AM
Date Submitted: 04/18/07

Agenda Title: RESOLUTION Declaring a Portion of the Property Located at 1401 NE 68th Avenue, Portland, Oregon to be Surplus and Approving a Real Property Lease with the State of Oregon

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

Requested Meeting Date: May 3, 2007 Amount of Time Needed: 5 Minutes
Department: County Management Division: Facilities and Property Management
Contact(s): Carla Bangert
Phone: (503) 988-4128 Ext 84128 I/O Address: FPM / 274
Presenter(s): Carla Bangert, FPM, Dave Koch, DCJ and Brett Taute, FPM

General Information

1. What action are you requesting from the Board?

Declare a portion of the property located at 1401 NE 68th Avenue, Portland, OR to be surplus and approving a real property lease with the State of Oregon.

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

Multnomah County owns the approximate 230,709 square foot Juvenile Justice Complex ("JJC") located at 1401 NE 68th Avenue, Portland, Oregon. Approximately 2,844 square feet of space within JJC is currently vacant and is not needed for any County use. The Department of Community Justice ("DCJ") operates programs at this property and does not anticipate needing the space for at least five (5) years. The State of Oregon desires to lease space in JJC for its Oregon Youth Authority program for a five (5) year term. This will allow the Oregon Youth Authority closer proximity to State Courts and Multnomah County programs provided at this facility. DCJ believes this is a productive and appropriate co-tenancy and will have program benefits.

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

FY08 tenant revenue is budgeted to be approximately \$66,700. The \$23.44 per square foot rate is the same rate charged County tenants and will be adjusted each July 1st, effective 7/01/08, to reflect cost allocations for the facility.

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

None

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

None

Required Signature

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

Carol M. Ford

Date: 04/20/07

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Declaring a Portion of the Property Located at 1401 NE 68th Avenue, Portland, Oregon to be Surplus and Approving a Real Property Lease with the State of Oregon

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County owns the approximate 230,709 square foot Juvenile Justice Complex ("JJC") located at 1401 NE 68th Avenue, Portland, Oregon. Approximately 2,844 square feet of space within JJC is currently vacant and is not needed for any County use. The Department of Community Justice ("DCJ") operates programs at this property and does not anticipate needing the space for at least five (5) years.
- b. The State of Oregon desires to lease the approximate 2,844 square foot space at JJC for its Oregon Youth Authority program for a five (5) year term. This will allow the Oregon Youth Authority closer proximity to State Courts and Multnomah County programs provided at this facility. DCJ believes this is a productive and appropriate co-tenancy and will have program benefits.
- c. The attached lease has been negotiated with the State of Oregon for the benefit of the Oregon Youth Authority program.
- d. It is in the best interests of the County to lease the property on the terms and conditions set forth in the attached lease.

The Multnomah County Board of Commissioners Resolves:

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

ADOPTED this 3rd 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:
Carol M. Ford, Director, Dept. of County Management

LEASE

Date:

Between: Multnomah County, Oregon ("Landlord")
Facilities and Property Management
Attn: Asset Management-Leases
401 N. Dixon Street
Portland, OR 97227
Phone: (503) 988-3322
FAX: (503) 988-5082

And: State of Oregon ("Tenant")
acting by and through the Oregon Youth Authority
530 Center Street NE
Suite 200
Salem, OR 97301-3765

Landlord leases to Tenant and Tenant leases from Landlord the following described property (the "Premises") on the terms and conditions stated below:

Approximately 2,844 square feet of space, as shown on Exhibit "A" of this Lease, in the building known as the Juvenile Justice Complex, located at 1401 NE 68th Avenue, Portland, Oregon 97213.

Section 1. Occupancy

- 1.1 **Original Term.** The term of this lease shall commence upon the last signature of the parties to the Lease and continue through **June 30, 2012** unless sooner terminated as hereinafter provided.
- 1.2 **Possession.** Tenant's right to possession and obligations under the lease shall commence upon full execution of the Lease.

Section 2. Rent.

- 2.1 **Base Rent.** During the original term, Tenant shall pay to Landlord as **rent the sum of \$5,557.41 per month**. Rent shall be payable on the first day of each month in advance at the address for Landlord first above stated or at such place as may be designated by Landlord. Rent is based upon the internal charges Landlord assesses its program users and Rent hereunder shall be adjusted when such charges are adjusted effective with Landlord's fiscal year, commencing July 1. Landlord shall provide Tenant notice of any adjustment in the Rent. Initial rent adjustment will be effective July 1, 2008.

2.2 Rent Adjustment. Rent is subject to adjustment annually at the start of Landlord's fiscal year, which begins on July 1st. Landlord shall provide Tenant notice by June 1st of the new rental rate which shall be effective on July 1st.

2.3 Additional Rent. Any other sum that Tenant is required to pay to Landlord shall be considered additional rent.

Section 3. Use of the Premises.

3.1 Permitted Use. The Premises shall be used for office and administrative functions associated with the Oregon Youth Authority. The Premises shall be used for no other purpose without the consent of Landlord, which consent shall not be unreasonably withheld or delayed.

3.2 Restrictions on Use. In connection with the use of the Premises, Tenant shall:

- (1) Conform to all applicable laws and regulations of any public authority affecting the Premises and the use, and correct at Tenant's own expense any failure of compliance created through Tenant's fault or by reason of Tenant's use, but Tenant shall not be required to make any structural changes to effect such compliance.
- (2) Refrain from any activity that would make it impossible to insure the Premises against casualty, would increase the insurance rate, or would prevent Landlord from taking advantage of any ruling of the Oregon Insurance Rating Bureau, or its successor, allowing Landlord to obtain reduced premium rates for long-term fire insurance policies, unless Tenant pays the additional cost of the insurance.
- (3) Refrain from any use that would be reasonably offensive to other tenants or owners or users of neighboring premises or that would tend to create a nuisance or damage the reputation of the Premises.
- (4) Refrain from loading the electrical system or floors beyond the point considered safe by a competent engineer or architect.
- (5) Refrain from making any marks on or attaching any sign, insignia, antenna, aerial, or other device to the exterior or interior walls, windows, or roof of the Premises without the written consent of Landlord, which shall not be unreasonably withheld.

3.2.1 Hazardous Substances. Sublessee shall not cause or permit any Hazardous Substance to be spilled, leaked, disposed of, or otherwise released on or under the Premises. Tenant may use or otherwise handle on the Premises only those Hazardous Substances typically used or sold in the prudent and safe operation of the permitted use specified in Section 3.1. Tenant may store such Hazardous Substances on the Premises only in quantities necessary to satisfy Tenant's reasonably anticipated needs. Tenant shall comply with all Environmental Laws and exercise the highest degree of care in the use, handling, and storage of Hazardous Substances and shall take all practicable

measures to minimize the quantity and toxicity of Hazardous Substances used, handled, or stored on the Premises. Upon the expiration or termination of this Lease, Tenant shall remove all Hazardous Substances from the Premises. The term Environmental Law shall mean any federal, state, or local statute, regulation, or ordinance or any judicial or other governmental order pertaining to the protection of health, safety or the environment. The term Hazardous Substance shall mean any hazardous, toxic, infectious or radioactive substance, waste, and material as defined or listed by any Environmental Law and shall include, without limitation, petroleum oil and its fractions.

- 3.3 Parking.** Tenant, its employees and clientele shall have the non-exclusive use of parking spaces in the parking lot at the Juvenile Justice Complex site located at 1401 NE 68th, Portland, Oregon, but are not guaranteed available parking space at any time.

Section 4. Repairs and Maintenance

- 4.1 Maintenance and Repair of Premises.** Responsibilities for repair and maintenance of the Premises shall be as follows:

- (1) Landlord shall perform all necessary maintenance and repairs to the structure, foundation, exterior walls, roof, doors and windows, elevators, emergency lighting, and Landlord-provided fire extinguishers, sidewalks and parking area, which are located on the Premises or the structure in which the Premises are located. Landlord shall maintain, repair or replace, if necessary and at Landlord's sole expense, the heating, air conditioning, plumbing, electrical, and lighting systems in the Premises, obtaining required permits and inspections from Codes enforcement authorities. Landlord shall maintain the Premises, grounds, and landscaping in good repair and appearance, as determined necessary in Landlord's sole discretion. Carpets shall be repaired and replaced as determined necessary by Landlord. Landlord shall furnish, install and replace all exterior and interior lighting bulbs, ballasts and fluorescent tubes. Landlord shall be given a reasonable time period to complete repairs necessitated under this section. Landlord shall have no liability for failure to perform required maintenance and repair unless written notice of such maintenance or repair is given by Tenant or if Landlord fails to commence efforts to remedy the problem in a reasonable time and manner.
- (2) Tenant shall take good care of the interior of the Premises and at the expiration of the term surrender the Premises broom clean and in as good condition as at the commencement of this Lease, excepting reasonable wear, permitted alterations, and damage by fire or other casualty.

- 4.2 Tenant's Obligations.** The following shall be the responsibility of Tenant:

- (1) Any repairs necessitated by the negligence of Tenant, its agents, employees, and invitees, except in Section 6.2 dealing with waiver of subrogation, but including repairs that would otherwise be the responsibility of Landlord under Section 4.1.

- (2) Any repairs or alterations required under Tenant's obligation to comply with laws and regulations as set forth in Section 3.2(1).
- (3) All other repairs to the Premises which Landlord is not required to make under Section 4.1.

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

4.4 Inspection of Premises. Landlord shall have the right to inspect the Premises at any reasonable time or times to determine the necessity of repair. Whether or not such inspection is made, the duty of Landlord to make repairs shall not mature until a reasonable time after Landlord has received from Tenant written notice of the repairs that are required.

Section 5. Alterations

5.1 Alterations Prohibited. Tenant shall make no improvements or alterations on the Premises of any kind without first obtaining Landlord's written consent, which consent shall not be unreasonably withheld or delayed. All alterations shall be made in a good and workmanlike manner, and in compliance with all applicable laws and building codes.

5.2 Alterations Required. No improvements or alterations are required prior to Tenant's right to possession.

5.3 Ownership and Removal of Alterations. All improvements and alterations performed on the Premises by either Landlord or Tenant shall be the property of Landlord when installed unless the applicable Landlord's consent or work sheet specifically provides otherwise. Improvements and alterations installed by Tenant shall, at Landlord's option, be removed by Tenant and the Premises restored unless the applicable Landlord's consent or work sheet specifically provides otherwise.

Section 6. Insurance

6.1 Insurance Required. Landlord shall keep the Premises insured at Landlord's expense against fire and other risks covered by a standard fire insurance policy with an endorsement for extended coverage. Tenant shall bear the expense of any insurance insuring the property of Tenant on the Premises against such risks but shall not be required to insure.

6.2 Liability Insurance. Before going into possession of the Premises, Tenant shall procure and thereafter during the term of the Lease shall continue to carry the following insurance at Tenant's cost: commercial general liability policy (occurrence version) in a responsible company with coverage for bodily injury and property damage liability, personal and advertising injury liability, and medical payment with a general aggregate limit of not less than \$1,000,000 and a per occurrence limit of not less than \$1,000,000. Such insurance shall cover all risks arising directly or indirectly out of Tenant's activities on or any condition of the Premises whether or not related to an occurrence caused or contributed to by Landlord's negligence. Such insurance shall protect Tenant against the claims of Landlord on account of the obligations assumed by Tenant under Section 10.2, and shall name Landlord as an additional insured.

6.3 Insurance Documentation; Self-Insurance. A certificate evidencing such insurance and bearing endorsements requiring thirty (30) days' written notice to Landlord prior to any change or cancellation shall be furnished to Landlord prior to Tenant's occupancy of the property. If Tenant is self-insured for liability, in lieu of providing the insurance required by paragraph 6.2, Tenant shall provide a letter to landlord stating that fact.

6.4 Waiver of Subrogation. Neither party shall be liable to the other (or to the other's successors or assigns) for any loss or damage caused by fire or any of the risks enumerated in a standard fire insurance policy with an extended coverage endorsement, and in the event of insured loss, neither party's insurance company shall have a subrogated claim against the other. This waiver shall be valid only if the insurance policy in question expressly permits waiver of subrogation or if the insurance company agrees in writing that such a waiver will not affect coverage under the policies. Each party agrees to use best efforts to obtain such an agreement from its insurer if the policy does not expressly permit a waiver of subrogation.

Section 7. Taxes.

7.1 Property Taxes. Tenant shall pay as due all taxes on its personal property located on the Premises. Tenant shall, upon invoice from Landlord, reimburse Landlord for all real property taxes levied against the Premises. As used herein, real property taxes include any fee or charge relating to the ownership, use or rental of the Premises, other than taxes on net income of Landlord.

7.1 Special Assessments. If an assessment for a public improvement is made against the Premises, Landlord may elect to cause such assessment to be paid in the maximum number of installments allowed by law, in which case all of the installments payable with respect to the lease term shall be treated the same as general real property taxes for purposes of Section 7.1.

7.2 Contest of Taxes. Tenant shall be permitted to contest the amount of any tax of assessment as long as such contest is conducted in a manner that does not cause any risk that Landlord's interest in the Premises will be foreclosed for nonpayment. Landlord shall cooperate in any reasonable manner with such contest by Tenant.

7.3 Proration of Taxes. Tenant's share of real property taxes and assessments for the years in which this Lease commences or terminates shall be prorated based on the portion of the tax year that this Lease is in effect.

7.4 Exemption from Real Property Taxes. Tenant is a public body and is eligible for real property tax exemption as provided for by ORS 307.112, and will apply for said exemption. The rent payable by Tenant under terms of the Lease has been established to reflect the savings resulting from the exemption from taxation. If the leased Premises become subject to a local property tax lien during the term of this Lease and Tenant fails to discharge any such lien, Landlord may do so and collect the cost as additional rent. Any amount so added shall bear interest at the rate of ten percent (10%) per annum from the date expended by Landlord and shall be payable on demand. Such action by Landlord shall not constitute a waiver of any right or remedy which Landlord may have on account of Tenant's default.

Section 8. Services and Utilities.

8.1 Landlord and Tenant Responsibilities. Landlord will cause, at its sole expense, the following utilities and services to be furnished to the Premises: Water; Sewer Stormwater; Electricity; Gas; trash Removal; Janitorial Service; Janitorial Supplies; Window Washing (exterior); Window Washing (interior); and, Snow and Ice Removal.

8.2 Recycling Materials. Landlord shall support the policy for recycling materials as provided in ORS 279.560 to the extent possible by providing adequate collection areas and storage facilities for office recycling programs when recycling services are available.

Section 9. Damage and Destruction

9.1 Partial Damage. If the Premises are partly damaged and Section 9.2 does not apply, the Premises shall be repaired by Landlord at Landlord's expense. Repairs shall be accomplished with all reasonable dispatch subject to interruptions and delays from labor disputes and matters beyond the control of Landlord and shall be performed in accordance with the provisions of Section 4.3.

9.2 Destruction. If the Premises or the building are destroyed or damaged such that the cost of repair exceeds fifty percent (50%) of the value of the building before the damage, or the damage exceeds fifty percent (50%) of the square footage of the Premises, either party may elect to terminate the lease as of the date of the damage or destruction by notice given to the other in writing not more than forty-five (45) days following the date of damage. In such event all rights and obligations of the parties shall cease as of the date of termination, and Tenant shall be entitled to the reimbursement of any prepaid

amounts paid by Tenant and attributable to the anticipated term. If neither party elects to terminate, Landlord shall proceed to restore the Premises to substantially the same form as prior to the damage or destruction. Work shall be commenced as soon as reasonably possible and thereafter shall proceed without interruption except for work stoppages on account of labor disputes and matters beyond Landlord's reasonable control.

9.3 Rent Abatement. Rent shall be abated during the repair of any damage to the extent the Premises are untenantable, except that there shall be no rent abatement where the damage occurred as the result of the fault of Tenant.

9.4 Damage Late in Term. If damage or destruction to which Section 9.2 would apply occurs within one (1) year before the end of the then-current lease term, Tenant may elect to terminate the lease by written notice to landlord given within thirty (30) days after the date of the damage. Such termination shall have the same effect as termination by Landlord under Section 9.2.

Section 10. Liability and Indemnity

10.1 Liens

- (1) Except with respect to activities for which Landlord is responsible, Tenant shall pay as due all claims for work done on and for services rendered or material furnished to the Premises, and shall keep the Premises free from any liens. If Tenant fails to pay any such claims or to discharge any lien, Landlord may do so and collect the cost as additional rent. Any amount so added shall bear interest at the rate of eight percent (8%) per annum from the date expended by Landlord and shall be payable on demand. Such action by Landlord shall not constitute a waiver of any right or remedy which Landlord may have on account of Tenant's default.
- (2) Tenant may withhold payment of any claim in connection with a good-faith dispute over the obligation to pay, as long as Landlord's property interests are not jeopardized. If a lien is filed as a result of nonpayment, Tenant shall, within ten (10) days after knowledge of the filing, secure the discharge of the lien or deposit with Landlord cash or sufficient corporate surety bond or other surety satisfactory to landlord in an amount sufficient to discharge the lien plus any costs, attorney fees, and other charges that could accrue as a result of a foreclosure or sale under the lien.

10.2 Indemnification. Subject to the limitations and conditions of the Oregon Tort Claims Act, ORS 30.260 through 30.300, and Article XI, Section 7 of the Oregon Constitution, Tenant shall indemnify, defend, and hold harmless Landlord from any claim, loss, or liability arising out of or related to any negligent activity of Tenant on the Premises or any condition of the Premises in the possession or under the control of Tenant. Landlord shall have no liability to Tenant for any injury, loss, or damage caused by third parties, or by any condition of the Premises except to the extent caused by Landlord's negligence or breach of duty under this Lease.

Section 11. Quiet Enjoyment; Mortgage Priority

11.1 Landlord's Warranties.

- (1) Landlord warrants that it is the owner of the Premises and has the right to lease them, Landlord will defend Tenant's right to quiet enjoyment of the Premises from the lawful claims of all persons during the Lease term.
- (2) Landlord affirms that the Premises, including any common area within the real property in which the Premises are situated, complied with all applicable regulatory and building codes requirements at the date of construction.

Section 12. Assignment and Subletting. No part of the Premises may be assigned, mortgaged, or subleased, nor may a right of use of any portion of the property be conferred on any third person by any other means, without the prior written consent of Landlord which consent shall not be unreasonably withheld or delayed. This provision shall apply to all transfers by operation of law. No consent in one instance shall prevent the provision from applying to a subsequent instance. In determining whether to consent to assignment Landlord may consider the following factors: financial ability of assignee; use of Premises to be similar to the use permitted under Section 3.1 of this Lease.

Section 13. Default. The following shall be events of default:

13.1 Default in Rent. Failure of Tenant to pay rent or any other charge within ten (10) days after written notice that it is due.

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

13.3 Insolvency. Insolvency of Tenant; an assignment by Tenant for the benefit of creditors; the filing by Tenant of a voluntary petition in bankruptcy; an adjudication that Tenant is bankrupt or the appointment of a receiver of the properties of Tenant; the filing of any involuntary petition of bankruptcy and failure of Tenant to secure a dismissal of the petition within thirty (30) days after filing; attachment of or the levying of execution on the leasehold interest and failure of Tenant to secure discharge of the attachment or release of the levy of execution within ten (10) days shall constitute a default. If the Lease has been assigned, the events of default so specified shall apply only with respect to the one then exercising the rights of Tenant under the Lease.

Section 14. Remedies on Default. In the event of default by Tenant, the Lease may be terminated at the option of Landlord by written notice to Tenant. Whether or not the Lease is terminated by the election of Landlord, Landlord shall be entitled to pursue any remedies available to Landlord under applicable law.

Section 15. Surrender at Expiration

15.1 Condition of Premises. Upon expiration of the Lease term or earlier termination on account of default, Tenant shall deliver all keys to Landlord and surrender the Premises in first-class condition and broom clean. Alterations constructed by Tenant with permission from Landlord shall not be removed or restored to the original condition unless the terms of permission for the alteration so require. Depreciation and wear from ordinary use for the purpose for which the Premises are leased shall be excepted but repairs for which Tenant is responsible shall be completed to the latest practical date prior to such surrender. Tenant's obligations under this section shall be subordinate to the provisions of Section 9 relating to destruction.

15.2 Fixtures

- (1) All fixtures placed upon the Premises during the term, other than Tenant's trade fixtures, shall, at Landlord's option, become the property of Landlord. If Landlord so elects, Tenant shall remove any or all fixtures that would otherwise remain the property of Landlord, and shall repair any physical damage resulting from the removal. If Tenant fails to remove such fixtures, Landlord may do so and charge the cost to Tenant with interest at the legal rate from the date of expenditure. Tenant shall be allowed to use furnishings and fixtures within the leased space at the time the Lease is executed. Landlord shall not be responsible for the repair and/or replacement of any of the items Tenant chooses to use. Landlord's furnishings and fixtures shall remain Landlord's property at the expiration of the Lease.
- (2) Prior to expiration or other termination of the lease term Tenant shall remove all furnishings, furniture and trade fixtures that remain its property. If Tenant fails to do so, this shall be an abandonment of the property, and Landlord may retain the property and all rights of Tenant with respect to it shall cease or, by notice in writing given to Tenant within twenty (20) days after removal was required, Landlord may elect to hold Tenant to its obligation of removal. If Landlord elects to require Tenant to remove, Landlord may effect a removal and place the property in public storage for Tenant's account. Tenant shall be liable to Landlord for the cost of removal, transportation to storage, and storage, with interest at the legal rate on all such expenses from the date of expenditure by Landlord.

15.3 Holdover

- (1) If Tenant does not vacate the Premises at the time required, Landlord shall have the option to treat Tenant as a tenant from month to month, subject to all of the provisions of this lease except the provisions for term and renewal and rental rate, which landlord may increase commensurate with increases in operating and maintenance expenses for the Premises. Failure of Tenant to remove fixtures, furniture, furnishings, or trade fixtures that Tenant is required to remove under this lease shall constitute a failure to vacate to which this section shall apply if the property not removed will substantially interfere with occupancy of the Premises by another tenant or with occupancy by Landlord for any purpose including preparation for a new tenant.
- (2) If a month to month tenancy results from a holdover by Tenant under this Section 15.3, the tenancy shall be terminable at the end of any monthly rental period on written notice from Landlord given not less than ten (10) days prior to the termination which shall be specified in the notice. Tenant waives any notice that would otherwise be provided by law with respect to a month to month tenancy.

Section 16. Miscellaneous

- 16.1 Nonwaiver.** Waiver by either party of strict performance of any provision of this Lease shall not be a waiver of or prejudice the party's right to require strict performance of the same provision in the future or of any other provision.
- 16.2 Notices.** Any notice required or permitted under this Lease shall be given when actually delivered or forty-eight (48) hours after deposited in United States mail as certified mail addressed to the address first given in this Lease or to such other address as may be specified from time to time by either of the parties in writing.
- 16.3 Succession.** Subject to the above-stated limitations on transfer of Tenant's interest, this Lease shall be binding on and inure to the benefit of the parties and their respective successors and assigns.
- 16.4 Entry for Inspection.** Landlord shall, subject to the provisions of paragraph 4.3, have the right to enter upon the Premises at any time to determine Tenant's compliance with this lease, to make necessary repairs to the building or to the Premises or to show the Premises to any prospective tenant or purchaser, and in addition shall have the right, at any time during the last two (2) months of the term of this Lease, to place and maintain upon the Premises notices for leasing or selling of the Premises.
- 16.5 Interest on Rent and Other Charges.** Any rent or other payment required of Tenant by this Lease shall, if not paid within ten (10) days after it is due, bear interest at the rate of eight percent (8%) per annum (but not in any event at a rate greater than the maximum rate of interest permitted by law) from the due date until paid.

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

16.7 Time of Essence. Time is of the essence of the performance of each of Tenant's obligations under this Lease.

16.8 Early Termination. Landlord or Tenant may terminate this Lease for any reason with minimum ninety (90) day written notice to the other.

IN WITNESS HEREOF, the duly authorized representatives of the parties have executed this Sublease as of the day and year first written above.

LANDLORD
Multnomah County, Oregon

By: _____
Ted Wheeler, Chair

Reviewed By:

Matthew O. Ryan
Assistant County Attorney

Date: _____

TENANT
State of Oregon, acting by and
through Oregon Youth Authority

By: _____
Name: George Dunford
Title: Asst. Director, Business Svc.

Approval:

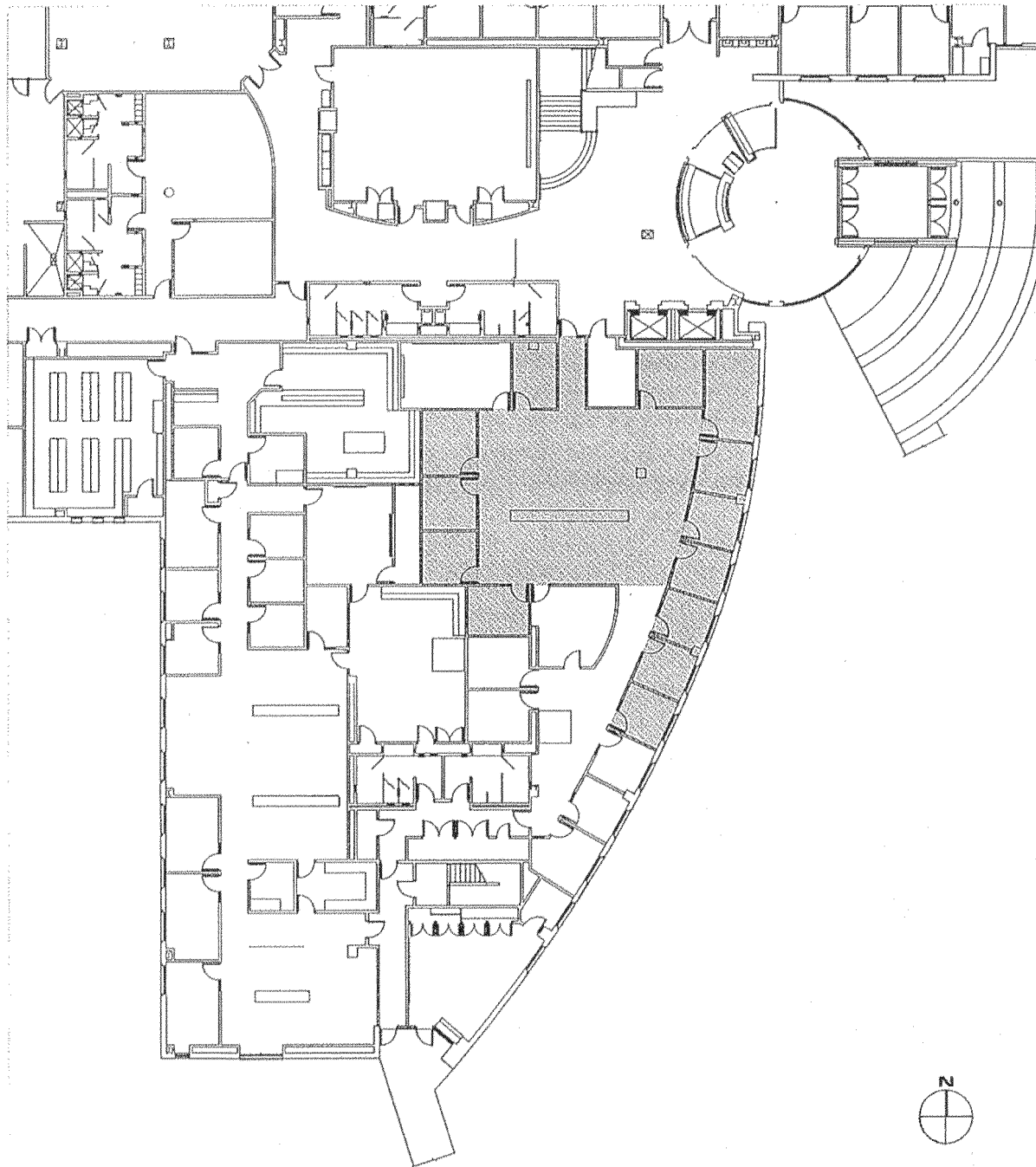
Margaret W. Taylor
State of Oregon, acting by and through
Department of Administrative Services

Date: April 6, 2007

Exhibit A

Juvenile Justice Complex - 311

1401 NE 68th Avenue
Portland, OR 97213



LEASED AREA
Premises



First Floor

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 07-079

Declaring a Portion of the Property Located at 1401 NE 68th Avenue, Portland, Oregon to be Surplus and Approving a Real Property Lease with the State of Oregon

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County owns the approximate 230,709 square foot Juvenile Justice Complex ("JJC") located at 1401 NE 68th Avenue, Portland, Oregon. Approximately 2,844 square feet of space within JJC is currently vacant and is not needed for any County use. The Department of Community Justice ("DCJ") operates programs at this property and does not anticipate needing the space for at least five (5) years.
- b. The State of Oregon desires to lease the approximate 2,844 square foot space at JJC for its Oregon Youth Authority program for a five (5) year term. This will allow the Oregon Youth Authority closer proximity to State Courts and Multnomah County programs provided at this facility. DCJ believes this is a productive and appropriate co-tenancy and will have program benefits.
- c. The attached lease has been negotiated with the State of Oregon for the benefit of the Oregon Youth Authority program.
- d. It is in the best interests of the County to lease the property on the terms and conditions set forth in the attached lease.

The Multnomah County Board of Commissioners Resolves:

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

ADOPTED this 3rd 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:

Carol M. Ford, Director, Dept. of County Management

LEASE

Date:

Between: Multnomah County, Oregon ("Landlord")
Facilities and Property Management
Attn: Asset Management-Leases
401 N. Dixon Street
Portland, OR 97227
Phone: (503) 988-3322
FAX: (503) 988-5082

And: State of Oregon ("Tenant")
acting by and through the Oregon Youth Authority
530 Center Street NE
Suite 200
Salem, OR 97301-3765

Landlord leases to Tenant and Tenant leases from Landlord the following described property (the "Premises") on the terms and conditions stated below:

Approximately 2,844 square feet of space, as shown on Exhibit "A" of this Lease, in the building known as the Juvenile Justice Complex, located at 1401 NE 68th Avenue, Portland, Oregon 97213.

Section 1. Occupancy

- 1.1 **Original Term.** The term of this lease shall commence upon the last signature of the parties to the Lease and continue through **June 30, 2012** unless sooner terminated as hereinafter provided.
- 1.2 **Possession.** Tenant's right to possession and obligations under the lease shall commence upon full execution of the Lease.

Section 2. Rent.

- 2.1 **Base Rent.** During the original term, Tenant shall pay to Landlord as **rent the sum of \$5,557.41 per month**. Rent shall be payable on the first day of each month in advance at the address for Landlord first above stated or at such place as may be designated by Landlord. Rent is based upon the internal charges Landlord assesses its program users and Rent hereunder shall be adjusted when such charges are adjusted effective with Landlord's fiscal year, commencing July 1. Landlord shall provide Tenant notice of any adjustment in the Rent. Initial rent adjustment will be effective July 1, 2008.

2.2 Rent Adjustment. Rent is subject to adjustment annually at the start of Landlord's fiscal year, which begins on July 1st. Landlord shall provide Tenant notice by June 1st of the new rental rate which shall be effective on July 1st.

2.3 Additional Rent. Any other sum that Tenant is required to pay to Landlord shall be considered additional rent.

Section 3. Use of the Premises.

3.1 Permitted Use. The Premises shall be used for office and administrative functions associated with the Oregon Youth Authority. The Premises shall be used for no other purpose without the consent of Landlord, which consent shall not be unreasonably withheld or delayed.

3.2 Restrictions on Use. In connection with the use of the Premises, Tenant shall:

- (1) Conform to all applicable laws and regulations of any public authority affecting the Premises and the use, and correct at Tenant's own expense any failure of compliance created through Tenant's fault or by reason of Tenant's use, but Tenant shall not be required to make any structural changes to effect such compliance.
- (2) Refrain from any activity that would make it impossible to insure the Premises against casualty, would increase the insurance rate, or would prevent Landlord from taking advantage of any ruling of the Oregon Insurance Rating Bureau, or its successor, allowing Landlord to obtain reduced premium rates for long-term fire insurance policies, unless Tenant pays the additional cost of the insurance.
- (3) Refrain from any use that would be reasonably offensive to other tenants or owners or users of neighboring premises or that would tend to create a nuisance or damage the reputation of the Premises.
- (4) Refrain from loading the electrical system or floors beyond the point considered safe by a competent engineer or architect.
- (5) Refrain from making any marks on or attaching any sign, insignia, antenna, aerial, or other device to the exterior or interior walls, windows, or roof of the Premises without the written consent of Landlord, which shall not be unreasonably withheld.

3.2.1 Hazardous Substances. Sublessee shall not cause or permit any Hazardous Substance to be spilled, leaked, disposed of, or otherwise released on or under the Premises. Tenant may use or otherwise handle on the Premises only those Hazardous Substances typically used or sold in the prudent and safe operation of the permitted use specified in Section 3.1. Tenant may store such Hazardous Substances on the Premises only in quantities necessary to satisfy Tenant's reasonably anticipated needs. Tenant shall comply with all Environmental Laws and exercise the highest degree of care in the use, handling, and storage of Hazardous Substances and shall take all practicable

measures to minimize the quantity and toxicity of Hazardous Substances used, handled, or stored on the Premises. Upon the expiration or termination of this Lease, Tenant shall remove all Hazardous Substances from the Premises. The term Environmental Law shall mean any federal, state, or local statute, regulation, or ordinance or any judicial or other governmental order pertaining to the protection of health, safety or the environment. The term Hazardous Substance shall mean any hazardous, toxic, infectious or radioactive substance, waste, and material as defined or listed by any Environmental Law and shall include, without limitation, petroleum oil and its fractions.

- 3.3 Parking.** Tenant, its employees and clientele shall have the non-exclusive use of parking spaces in the parking lot at the Juvenile Justice Complex site located at 1401 NE 68th, Portland, Oregon, but are not guaranteed available parking space at any time.

Section 4. Repairs and Maintenance

- 4.1 Maintenance and Repair of Premises.** Responsibilities for repair and maintenance of the Premises shall be as follows:

- (1) Landlord shall perform all necessary maintenance and repairs to the structure, foundation, exterior walls, roof, doors and windows, elevators, emergency lighting, and Landlord-provided fire extinguishers, sidewalks and parking area, which are located on the Premises or the structure in which the Premises are located. Landlord shall maintain, repair or replace, if necessary and at Landlord's sole expense, the heating, air conditioning, plumbing, electrical, and lighting systems in the Premises, obtaining required permits and inspections from Codes enforcement authorities. Landlord shall maintain the Premises, grounds, and landscaping in good repair and appearance, as determined necessary in Landlord's sole discretion. Carpets shall be repaired and replaced as determined necessary by Landlord. Landlord shall furnish, install and replace all exterior and interior lighting bulbs, ballasts and fluorescent tubes. Landlord shall be given a reasonable time period to complete repairs necessitated under this section. Landlord shall have no liability for failure to perform required maintenance and repair unless written notice of such maintenance or repair is given by Tenant or if Landlord fails to commence efforts to remedy the problem in a reasonable time and manner.
- (2) Tenant shall take good care of the interior of the Premises and at the expiration of the term surrender the Premises broom clean and in as good condition as at the commencement of this Lease, excepting reasonable wear, permitted alterations, and damage by fire or other casualty.

- 4.2 Tenant's Obligations.** The following shall be the responsibility of Tenant:

- (1) Any repairs necessitated by the negligence of Tenant, its agents, employees, and invitees, except in Section 6.2 dealing with waiver of subrogation, but including repairs that would otherwise be the responsibility of Landlord under Section 4.1.

- (2) Any repairs or alterations required under Tenant's obligation to comply with laws and regulations as set forth in Section 3.2(1).
- (3) All other repairs to the Premises which Landlord is not required to make under Section 4.1.

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

4.4 Inspection of Premises. Landlord shall have the right to inspect the Premises at any reasonable time or times to determine the necessity of repair. Whether or not such inspection is made, the duty of Landlord to make repairs shall not mature until a reasonable time after Landlord has received from Tenant written notice of the repairs that are required.

Section 5. Alterations

5.1 Alterations Prohibited. Tenant shall make no improvements or alterations on the Premises of any kind without first obtaining Landlord's written consent, which consent shall not be unreasonably withheld or delayed. All alterations shall be made in a good and workmanlike manner, and in compliance with all applicable laws and building codes.

5.2 Alterations Required. No improvements or alterations are required prior to Tenant's right to possession.

5.3 Ownership and Removal of Alterations. All improvements and alterations performed on the Premises by either Landlord or Tenant shall be the property of Landlord when installed unless the applicable Landlord's consent or work sheet specifically provides otherwise. Improvements and alterations installed by Tenant shall, at Landlord's option, be removed by Tenant and the Premises restored unless the applicable Landlord's consent or work sheet specifically provides otherwise.

Section 6. Insurance

6.1 Insurance Required. Landlord shall keep the Premises insured at Landlord's expense against fire and other risks covered by a standard fire insurance policy with an endorsement for extended coverage. Tenant shall bear the expense of any insurance insuring the property of Tenant on the Premises against such risks but shall not be required to insure.

6.2 Liability Insurance. Before going into possession of the Premises, Tenant shall procure and thereafter during the term of the Lease shall continue to carry the following insurance at Tenant's cost: commercial general liability policy (occurrence version) in a responsible company with coverage for bodily injury and property damage liability, personal and advertising injury liability, and medical payment with a general aggregate limit of not less than \$1,000,000 and a per occurrence limit of not less than \$1,000,000. Such insurance shall cover all risks arising directly or indirectly out of Tenant's activities on or any condition of the Premises whether or not related to an occurrence caused or contributed to by Landlord's negligence. Such insurance shall protect Tenant against the claims of Landlord on account of the obligations assumed by Tenant under Section 10.2, and shall name Landlord as an additional insured.

6.3 Insurance Documentation; Self-Insurance. A certificate evidencing such insurance and bearing endorsements requiring thirty (30) days' written notice to Landlord prior to any change or cancellation shall be furnished to Landlord prior to Tenant's occupancy of the property. If Tenant is self-insured for liability, in lieu of providing the insurance required by paragraph 6.2, Tenant shall provide a letter to landlord stating that fact.

6.4 Waiver of Subrogation. Neither party shall be liable to the other (or to the other's successors or assigns) for any loss or damage caused by fire or any of the risks enumerated in a standard fire insurance policy with an extended coverage endorsement, and in the event of insured loss, neither party's insurance company shall have a subrogated claim against the other. This waiver shall be valid only if the insurance policy in question expressly permits waiver of subrogation or if the insurance company agrees in writing that such a waiver will not affect coverage under the policies. Each party agrees to use best efforts to obtain such an agreement from its insurer if the policy does not expressly permit a waiver of subrogation.

Section 7. Taxes.

7.1 Property Taxes. Tenant shall pay as due all taxes on its personal property located on the Premises. Tenant shall, upon invoice from Landlord, reimburse Landlord for all real property taxes levied against the Premises. As used herein, real property taxes include any fee or charge relating to the ownership, use or rental of the Premises, other than taxes on net income of Landlord.

7.1 Special Assessments. If an assessment for a public improvement is made against the Premises, Landlord may elect to cause such assessment to be paid in the maximum number of installments allowed by law, in which case all of the installments payable with respect to the lease term shall be treated the same as general real property taxes for purposes of Section 7.1.

7.2 Contest of Taxes. Tenant shall be permitted to contest the amount of any tax of assessment as long as such contest is conducted in a manner that does not cause any risk that Landlord's interest in the Premises will be foreclosed for nonpayment. Landlord shall cooperate in any reasonable manner with such contest by Tenant.

7.3 Proration of Taxes. Tenant's share of real property taxes and assessments for the years in which this Lease commences or terminates shall be prorated based on the portion of the tax year that this Lease is in effect.

7.4 Exemption from Real Property Taxes. Tenant is a public body and is eligible for real property tax exemption as provided for by ORS 307.112, and will apply for said exemption. The rent payable by Tenant under terms of the Lease has been established to reflect the savings resulting from the exemption from taxation. If the leased Premises become subject to a local property tax lien during the term of this Lease and Tenant fails to discharge any such lien, Landlord may do so and collect the cost as additional rent. Any amount so added shall bear interest at the rate of ten percent (10%) per annum from the date expended by Landlord and shall be payable on demand. Such action by Landlord shall not constitute a waiver of any right or remedy which Landlord may have on account of Tenant's default.

Section 8. Services and Utilities.

8.1 Landlord and Tenant Responsibilities. Landlord will cause, at its sole expense, the following utilities and services to be furnished to the Premises: Water; Sewer Stormwater; Electricity; Gas; trash Removal; Janitorial Service; Janitorial Supplies; Window Washing (exterior); Window Washing (interior); and, Snow and Ice Removal.

8.2 Recycling Materials. Landlord shall support the policy for recycling materials as provided in ORS 279.560 to the extent possible by providing adequate collection areas and storage facilities for office recycling programs when recycling services are available.

Section 9. Damage and Destruction

9.1 Partial Damage. If the Premises are partly damaged and Section 9.2 does not apply, the Premises shall be repaired by Landlord at Landlord's expense. Repairs shall be accomplished with all reasonable dispatch subject to interruptions and delays from labor disputes and matters beyond the control of Landlord and shall be performed in accordance with the provisions of Section 4.3.

9.2 Destruction. If the Premises or the building are destroyed or damaged such that the cost of repair exceeds fifty percent (50%) of the value of the building before the damage, or the damage exceeds fifty percent (50%) of the square footage of the Premises, either party may elect to terminate the lease as of the date of the damage or destruction by notice given to the other in writing not more than forty-five (45) days following the date of damage. In such event all rights and obligations of the parties shall cease as of the date of termination, and Tenant shall be entitled to the reimbursement of any prepaid

amounts paid by Tenant and attributable to the anticipated term. If neither party elects to terminate, Landlord shall proceed to restore the Premises to substantially the same form as prior to the damage or destruction. Work shall be commenced as soon as reasonably possible and thereafter shall proceed without interruption except for work stoppages on account of labor disputes and matters beyond Landlord's reasonable control.

9.3 Rent Abatement. Rent shall be abated during the repair of any damage to the extent the Premises are untenantable, except that there shall be no rent abatement where the damage occurred as the result of the fault of Tenant.

9.4 Damage Late in Term. If damage or destruction to which Section 9.2 would apply occurs within one (1) year before the end of the then-current lease term, Tenant may elect to terminate the lease by written notice to landlord given within thirty (30) days after the date of the damage. Such termination shall have the same effect as termination by Landlord under Section 9.2.

Section 10. Liability and Indemnity

10.1 Liens

- (1) Except with respect to activities for which Landlord is responsible, Tenant shall pay as due all claims for work done on and for services rendered or material furnished to the Premises, and shall keep the Premises free from any liens. If Tenant fails to pay any such claims or to discharge any lien, Landlord may do so and collect the cost as additional rent. Any amount so added shall bear interest at the rate of eight percent (8%) per annum from the date expended by Landlord and shall be payable on demand. Such action by Landlord shall not constitute a waiver of any right or remedy which Landlord may have on account of Tenant's default.
- (2) Tenant may withhold payment of any claim in connection with a good-faith dispute over the obligation to pay, as long as Landlord's property interests are not jeopardized. If a lien is filed as a result of nonpayment, Tenant shall, within ten (10) days after knowledge of the filing, secure the discharge of the lien or deposit with Landlord cash or sufficient corporate surety bond or other surety satisfactory to landlord in an amount sufficient to discharge the lien plus any costs, attorney fees, and other charges that could accrue as a result of a foreclosure or sale under the lien.

10.2 Indemnification. Subject to the limitations and conditions of the Oregon Tort Claims Act, ORS 30.260 through 30.300, and Article XI, Section 7 of the Oregon Constitution, Tenant shall indemnify, defend, and hold harmless Landlord from any claim, loss, or liability arising out of or related to any negligent activity of Tenant on the Premises or any condition of the Premises in the possession or under the control of Tenant. Landlord shall have no liability to Tenant for any injury, loss, or damage caused by third parties, or by any condition of the Premises except to the extent caused by Landlord's negligence or breach of duty under this Lease.

Section 11. Quiet Enjoyment; Mortgage Priority

11.1 Landlord's Warranties.

- (1) Landlord warrants that it is the owner of the Premises and has the right to lease them, Landlord will defend Tenant's right to quiet enjoyment of the Premises from the lawful claims of all persons during the Lease term.
- (2) Landlord affirms that the Premises, including any common area within the real property in which the Premises are situated, complied with all applicable regulatory and building codes requirements at the date of construction.

Section 12. Assignment and Subletting. No part of the Premises may be assigned, mortgaged, or subleased, nor may a right of use of any portion of the property be conferred on any third person by any other means, without the prior written consent of Landlord which consent shall not be unreasonably withheld or delayed. This provision shall apply to all transfers by operation of law. No consent in one instance shall prevent the provision from applying to a subsequent instance. In determining whether to consent to assignment Landlord may consider the following factors: financial ability of assignee; use of Premises to be similar to the use permitted under Section 3.1 of this Lease.

Section 13. Default. The following shall be events of default:

- 13.1 Default in Rent.** Failure of Tenant to pay rent or any other charge within ten (10) days after written notice that it is due.
- 13.2 Default in Other Covenants.** Failure of Tenant to comply with any term or condition or fulfill any obligation of Lease (other than the payment of rent or other charges) within twenty (20) days after written notice by Landlord specifying the nature of the default with reasonable particularity. If the default is of such a nature that it cannot be completely remedied within the twenty (20) day period, this provision shall be complied with if Tenant begins correction of the default within the twenty (20) day period and thereafter proceeds with reasonable diligence and in good faith to effect the remedy as soon as practicable.
- 13.3 Insolvency.** Insolvency of Tenant; an assignment by Tenant for the benefit of creditors; the filing by Tenant of a voluntary petition in bankruptcy; an adjudication that Tenant is bankrupt or the appointment of a receiver of the properties of Tenant; the filing of any involuntary petition of bankruptcy and failure of Tenant to secure a dismissal of the petition within thirty (30) days after filing; attachment of or the levying of execution on the leasehold interest and failure of Tenant to secure discharge of the attachment or release of the levy of execution within ten (10) days shall constitute a default. If the Lease has been assigned, the events of default so specified shall apply only with respect to the one then exercising the rights of Tenant under the Lease.

Section 14. Remedies on Default. In the event of default by Tenant, the Lease may be terminated at the option of Landlord by written notice to Tenant. Whether or not the Lease is terminated by the election of Landlord, Landlord shall be entitled to pursue any remedies available to Landlord under applicable law.

Section 15. Surrender at Expiration

15.1 Condition of Premises. Upon expiration of the Lease term or earlier termination on account of default, Tenant shall deliver all keys to Landlord and surrender the Premises in first-class condition and broom clean. Alterations constructed by Tenant with permission from Landlord shall not be removed or restored to the original condition unless the terms of permission for the alteration so require. Depreciation and wear from ordinary use for the purpose for which the Premises are leased shall be excepted but repairs for which Tenant is responsible shall be completed to the latest practical date prior to such surrender. Tenant's obligations under this section shall be subordinate to the provisions of Section 9 relating to destruction.

15.2 Fixtures

- (1) All fixtures placed upon the Premises during the term, other than Tenant's trade fixtures, shall, at Landlord's option, become the property of Landlord. If Landlord so elects, Tenant shall remove any or all fixtures that would otherwise remain the property of Landlord, and shall repair any physical damage resulting from the removal. If Tenant fails to remove such fixtures, Landlord may do so and charge the cost to Tenant with interest at the legal rate from the date of expenditure. Tenant shall be allowed to use furnishings and fixtures within the leased space at the time the Lease is executed. Landlord shall not be responsible for the repair and/or replacement of any of the items Tenant chooses to use. Landlord's furnishings and fixtures shall remain Landlord's property at the expiration of the Lease.
- (2) Prior to expiration or other termination of the lease term Tenant shall remove all furnishings, furniture and trade fixtures that remain its property. If Tenant fails to do so, this shall be an abandonment of the property, and Landlord may retain the property and all rights of Tenant with respect to it shall cease or, by notice in writing given to Tenant within twenty (20) days after removal was required, Landlord may elect to hold Tenant to its obligation of removal. If Landlord elects to require Tenant to remove, Landlord may effect a removal and place the property in public storage for Tenant's account. Tenant shall be liable to Landlord for the cost of removal, transportation to storage, and storage, with interest at the legal rate on all such expenses from the date of expenditure by Landlord.

15.3 Holdover

- (1) If Tenant does not vacate the Premises at the time required, Landlord shall have the option to treat Tenant as a tenant from month to month, subject to all of the provisions of this lease except the provisions for term and renewal and rental rate, which landlord may increase commensurate with increases in operating and maintenance expenses for the Premises. Failure of Tenant to remove fixtures, furniture, furnishings, or trade fixtures that Tenant is required to remove under this lease shall constitute a failure to vacate to which this section shall apply if the property not removed will substantially interfere with occupancy of the Premises by another tenant or with occupancy by Landlord for any purpose including preparation for a new tenant.
- (2) If a month to month tenancy results from a holdover by Tenant under this Section 15.3, the tenancy shall be terminable at the end of any monthly rental period on written notice from Landlord given not less than ten (10) days prior to the termination which shall be specified in the notice. Tenant waives any notice that would otherwise be provided by law with respect to a month to month tenancy.

Section 16. Miscellaneous

- 16.1 Nonwaiver.** Waiver by either party of strict performance of any provision of this Lease shall not be a waiver of or prejudice the party's right to require strict performance of the same provision in the future or of any other provision.
- 16.2 Notices.** Any notice required or permitted under this Lease shall be given when actually delivered or forty-eight (48) hours after deposited in United States mail as certified mail addressed to the address first given in this Lease or to such other address as may be specified from time to time by either of the parties in writing.
- 16.3 Succession.** Subject to the above-stated limitations on transfer of Tenant's interest, this Lease shall be binding on and inure to the benefit of the parties and their respective successors and assigns.
- 16.4 Entry for Inspection.** Landlord shall, subject to the provisions of paragraph 4.3, have the right to enter upon the Premises at any time to determine Tenant's compliance with this lease, to make necessary repairs to the building or to the Premises or to show the Premises to any prospective tenant or purchaser, and in addition shall have the right, at any time during the last two (2) months of the term of this Lease, to place and maintain upon the Premises notices for leasing or selling of the Premises.
- 16.5 Interest on Rent and Other Charges.** Any rent or other payment required of Tenant by this Lease shall, if not paid within ten (10) days after it is due, bear interest at the rate of eight percent (8%) per annum (but not in any event at a rate greater than the maximum rate of interest permitted by law) from the due date until paid.

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

16.7 Time of Essence. Time is of the essence of the performance of each of Tenant's obligations under this Lease.

16.8 Early Termination. Landlord or Tenant may terminate this Lease for any reason with minimum ninety (90) day written notice to the other.

IN WITNESS HEREOF, the duly authorized representatives of the parties have executed this Sublease as of the day and year first written above.

LANDLORD
Multnomah County, Oregon

By: _____
Ted Wheeler, Chair

Reviewed By:

Matthew O. Ryan
Assistant County Attorney

Date: _____

TENANT
State of Oregon, acting by and
through Oregon Youth Authority

By: _____
Name: George Dunford
Title: Asst. Director, Business SCS.

Approval:

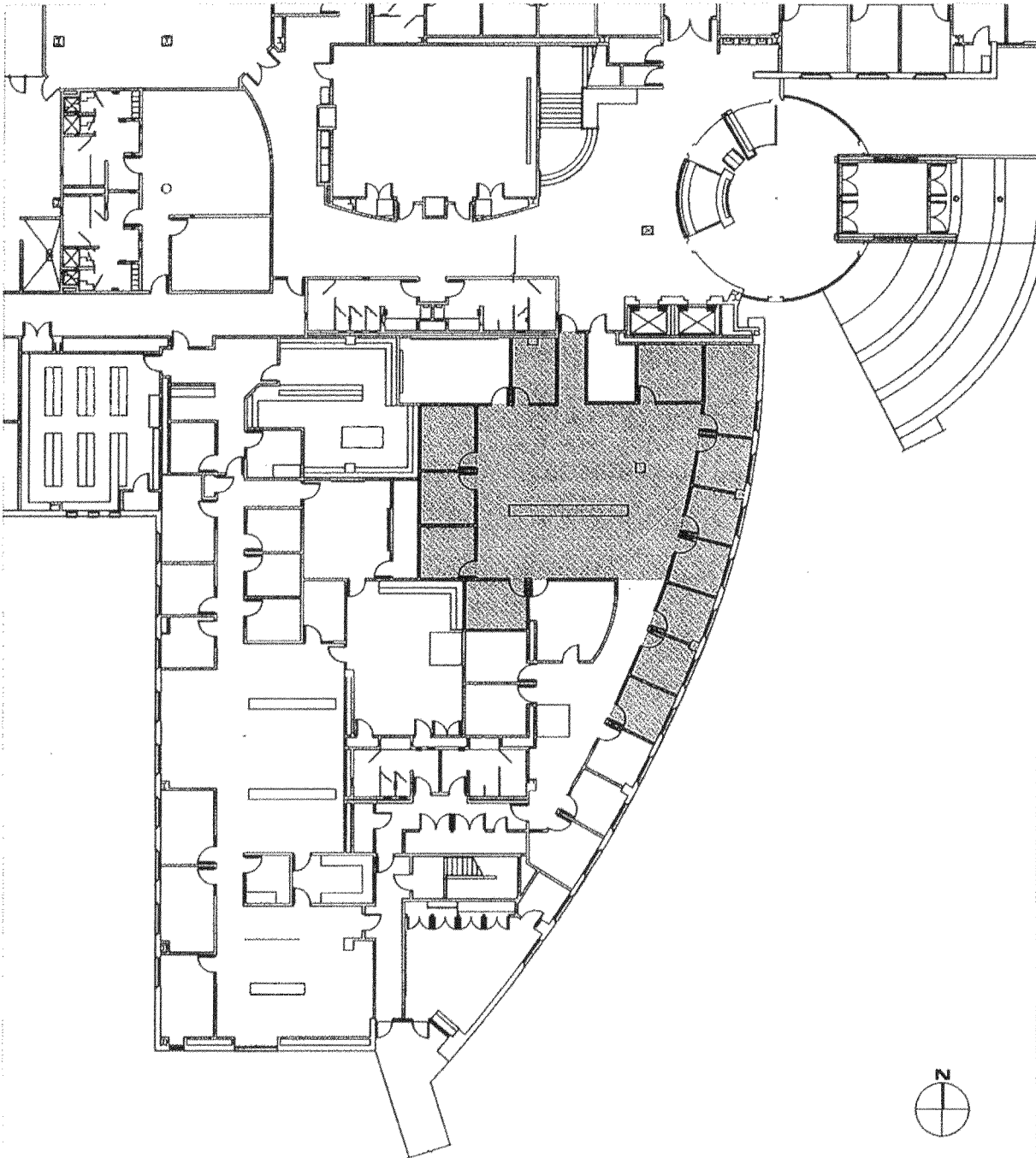
Margaret W. Taylor
State of Oregon, acting by and through
Department of Administrative Services

Date: April 6, 2007

Exhibit A

Juvenile Justice Complex - 311

1401 NE 68th Avenue
Portland, OR 97213



LEASED AREA
Premises



First Floor



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 05/03/07
Agenda Item #: R-7
Est. Start Time: 9:55 AM
Date Submitted: 04/19/07

Agenda Title: **Public Hearings to Consider and Possibly Act Upon Nine Measure 37 Claims Seeking Compensation or Relief from Land Use Regulations to Construct Homes on Pre-existing Lots or Parcels in Unincorporated Portions of Multnomah County**

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

Requested Meeting Date: May 3, 2007 Amount of Time Needed: 90 minutes
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 claim filed by nine (9) claimants seeking compensation or relief from regulations that prevent them from constructing a single family dwelling on existing properties that do not presently contain dwellings. 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 been met.

The claimants are challenging County zoning regulations enacted after they acquired individual interests in the properties. Acquisition dates vary by claim and are listed in the staff report. Claimants assert that land use regulations enacted after they acquired the properties have prevented

them from establishing a residential use. While some of the claims contain limited information, and may need to be supplemented as discussed in the report, the claimants have established that the challenged regulations have restricted the use such that there has been a reduction in the value of the properties. The specific nature of the restrictions is discussed in the report.

Statewide Planning Goals were effective January 25, 1975, prior to the date some of the claimants acquired their properties. While the County did not have acknowledged codes implementing the Goals until August 14, 1980, the state has taken the position they are nonetheless applicable and that local jurisdictions must require claimants meet them. Staff anticipates the state will take a similar position with these claims. This may impact the claimant's ability to construct a dwelling on the property should the Board grant regulatory relief.

Several claimants acquired properties when they were subject to regulations that only allowed dwellings required for, or in conjunction with farm or timber uses. Should the Board grant regulatory relief to these claimants, a separate land use decision will be required in order to confirm that the dwellings are for these purposes.

Staff recommends the Board find these to be valid claims (except for a portion of one of the claims as noted in the report). As an alternative to compensation, the Board may choose to waive the challenged regulations. If the Board chooses this option, the staff report contains conditions the Board may want to incorporate into their decision.

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

The dollar amount for compensation varies for each claim. In aggregate, it exceeds \$6.7 million; however, unless otherwise noted in the staff report these dollar figure are not supported by an appraisal. The per claim amount of compensation sought is identified in the staff report. Individual appraisals would have to be prepared should the Board prefer compensation as an alternative to regulatory relief.

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: 04/19/07



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 3, 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 and memorandum from the County Attorneys Office, this requirement has been met.

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	T1-06-082	William and Kay Finney	South of 41100 SE Trout Creek Road, Tax Lot 900, Section 18, Township 1S, Range 5E, W.M.	40 ac
2	T1-06-090	Elenore Charlton	Tax Lots 100, 400, 500 and 800 Section 16, Township 2 North, Range 1 West, W.M.	131.05 ac
3	T1-06-097	Marta Pohlman Kerley	West of 15201 NW Cornelius Pass Road, Tax Lot 400, Section 25, Township 2N, Range 2W, W.M.	10 ac
4	T1-06-101	Peter and Alice Patterson	Tax Lot 400, Section 5, Township 2 North, Range 1 West, W.M.	42.63 ac
5	T1-06-102	Julianne Ward	End of Lucy Reeder Road, Tax Lot 700, Section 5, Township 2 N, Range 1W, W.M.	42.63 ac
6	T1-06-112	Don Joyce	Tax Lot 1700, Township 2 North, Range 1 West, Section 20BC (Lots 4-7, Block 25, Burlington Subdivision).	0.69 ac
7	T1-06-120	Darrold, Daniel, and Scott Belcher	North of 30727 SE Pipeline Road, Tax Lots 400 and 500, Section 08CD, Township 1S, Range 4East, W.M.	19.7 ac
8	T1-06-126	Andrew & Lynn Campbell	3494 SE Mannthey Road, Tax Lot 100, Section 7 Township 1 South, Range 5 East, W.M.	40 ac
9	T1-06-139	Loretta Morrison, Gloria Jean Anderson, Nancy Hudson	North of 19863 NW Logie Trail Road. Partition Plat 1993-91; Lots 1, 2, and 3. Section 13B, Township 2N, Range 2W, W.M.	144 ac

PART III: CLAIM SUMMARY

Each claim evaluated in this report seeks monetary compensation or relief from County land use regulations that prevent them from constructing a single family dwelling on existing properties that do not presently contain dwellings. Some claimants own several properties. Land use regulations challenged in these claims are those that prevent the claimants from establishing a residential use.

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?

The claimants have established that they acquired the properties before the laws in question were adopted. Further, as noted below, claimants have provided a chain of title confirming that they have continuously owned the properties. Where claimants have not provided such evidence, the County can rely upon statements that they have maintained continual ownership provided a condition is imposed in the Board Order requiring a chain of title to substantiate the assertion prior to development permits being issued.

The following are the dates the current owner acquired the properties listed above, instrument numbers of the deed documents, the zoning in effect at the time, the current zoning of the property and whether or not the claimant provided a chain of title to confirm continuity of ownership.

Claim	Date Acquired	Instrument #	Zoning When Acquired	Current Zoning	Chain of Title?
1	6/21/1988	Bk 2144, Pg 1210	MUF-38 (Ord. #238)	CFU-4	Yes
2(a)	8/9/1967 – TL 100	Bk 575, Pg 650	F-2 (Ord. #100)	EFU	Yes
2(b)	9/16/1975 – TL 400, 500, 800	Bk 1061, Pg 1697	F-2 (Ord. #100)	EFU	Yes
3	2/24/1986	Bk 1889, Pg 167	MUF-19 (Ord. #238)	CFU-2	Yes
4	7/12/1978	Bk 1281, Pg 1087	EFU-38 (Ord. #148)	EFU	No
5	7/12/1978	Bk 1333, Pg 2157	EFU-38 (Ord. #148)	EFU	Yes
6(a)	7/12/1954 (Lots 4 & 5)	Bk 1669, Pg 575	No Zoning	CFU-1	No
6(b)	12/8/1978 (Lots 6 & 7)	Bk 1321, Pg 1310	MUF-20 (Ord. #148)	CFU-1	No
7(a)	10/28/77 (Darrold and Daniel Belcher)	Bk 1219, Pg 1858	MUA-20 (Ord. #148)	EFU	No
7(b)	8/2/06 Scott Belcher	Inst#2006-142951	MUA-20 (Ord. #148)	EFU	No
8	3/5/1991	Bk 2391, Pg 2614	MUF-38 (Ord. #238)	CFU-4	No
9	5/6/1992	Bk 2553, Pg 809	MUF-38 (Ord. #238)	CFU-1	Yes

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

Some challenged regulations enforced by the County restrict the claimants' use of the properties, as follows:

Claim	Nature of the Restriction
1	MUF-38 zoning in effect when the claimants acquired the property allowed a single family dwelling on lots 38 acres in size or larger provided specific development standards were satisfied (§11.15.2168(E), Ord. #236). Current CFU-4 regulations contain specific standards that further limit dwellings in commercial timber areas, allowing them only if they satisfy a template test where there is already an established residential presence in the area, heritage tract standards for properties owned prior to 1/1/1985, or large acreage requirements for properties larger than 160 acres (or 200 non-contiguous acres). The claimants cannot satisfy the current requirements.
2	F-2 zoning in effect when the claimant acquired the properties allowed a dwelling or dwellings for owner, operator, and/or help required to carry out grazing, agriculture, horticulture or the growing of timber (§3.112 Ord. #100). Current EFU regulations require a certain level of farm related income to be generated from the property in the last two years or three of the last five years in order to qualify a dwelling (§34.2625(D)&(E)). The EFU tract rules (§34.2610) and aggregation requirements (§34.2675) treat the properties as a single unit of land, prohibiting the claimant from establishing dwellings on each property.
3	MUF-19 in effect when the claimants acquired the property allowed a single family dwelling on lots less than 38-acres in size when in conjunction with a primary use (Farm use, Forest Practice, or Wood Processing Operation) provided specific development standards were satisfied ((§11.15.2168(E), Ord. #236). Current CFU-2 regulations contain specific standards that further limit dwellings in commercial timber areas, allowing them only if they satisfy a template test where there is already an established residential presence in the area, heritage tract standards for properties owned prior to 1/1/1985, or large acreage requirements for properties larger than 160 acres (or 200 non-contiguous acres). The claimants cannot satisfy the current requirements.
4	The EFU-38 zoning regulations in effect in 1978 contained a primary use provision for the construction of a residential use in conjunction with farm use (§3.103.1(c), Ord. #148). Current Exclusive Farm Use regulations do not allow a dwelling to be constructed immediately but first require a certain level of farm related income to be generated from the property in the last two years or three of the last five years (§34.2625(D)&(E)). The claimant cannot satisfy the income requirement.
5	The EFU-38 zoning regulations in effect in 1978 contained a primary use provision for the construction of a residential use in conjunction with farm use (§3.103.1(c), Ord. #148). Current Exclusive Farm Use regulations do not allow a dwelling to be constructed immediately but first require a certain level of farm related income to be generated from the property in the last two years or three of the last five years (§34.2625(D)&(E)). The claimant cannot satisfy the income requirement.
6	No zoning existed for this portion of Multnomah County when the claimant acquired Lots 4 & 5. The MUF-20 zone in effect for Lots 6 & 7 upon acquisition allowed a single family dwelling on a lot (§ 3.143.1(e), Ord. #148). Current CFU-1 zoning regulations aggregate all four lots into one tract and prohibit dwellings on tracts smaller than 160 contiguous acres (§ 33.2035(B)). The claimant's property cannot satisfy this acreage requirement.
7	MUA-20 zoning in effect when claimants Darrold and Daniel Belcher acquired the property in 1977 permitted a dwelling on a legal lot as an outright allowed use. EFU zoning first imposed in 1980 required demonstration that dwellings were in conjunction with farm use, and aggregated contiguous lots in the same ownership. EFU zoning still restricts dwellings in this way, prohibiting the claimants from establishing a residence on each of the properties they own. There are 5 lots in this claim based on 1962 zoning map. Scott Belcher obtained an ownership interest in August of 2006, when current regulations were in effect. Accordingly, his use of the property has not been restricted.

8	MUF-38 zoning in effect when the claimants acquired the property allowed a single family dwelling on lots 38 acres in size or larger provided specific development standards were satisfied (§11.15.2168(E), Ord. #236). Current CFU-4 regulations contain specific standards that further limit dwellings in commercial timber areas, allowing them only if they satisfy a template test where there is already an established residential presence in the area, heritage tract standards for properties owned prior to 1/1/1985, or large acreage requirements for properties larger than 160 acres (or 200 non-contiguous acres). The claimants cannot satisfy the current requirements.
9	MUF-38 zoning in effect when the claimants acquired the property allowed a single family dwelling on lots 38 acres in size or larger provided specific development standards were satisfied (§11.15.2168(E), Ord. #236). Current CFU-1 regulations contain specific standards that further limit dwellings in commercial timber areas, allowing them only if they satisfy a large acreage tract requirement for properties larger than 160 acres (or 200 non-contiguous acres). The claimants cannot satisfy the current requirements.

Statewide Planning Goals were effective January 25, 1975, prior to the date some of the claimants acquired their properties. While the County did not have acknowledged codes implementing the Goals until August 14, 1980, the state has taken the position they are nonetheless applicable and that local jurisdictions must require claimants meet them. Staff anticipates the state will take a similar position with these claims. This may impact the claimant's ability to construct a dwelling on the property should the Board grant regulatory relief.

Several claimants acquired properties when they were subject to regulations that only allowed dwellings required for, or in conjunction with farm or timber uses. Should the Board grant regulatory relief to these claimants, a separate land use decision will be required in order to confirm that the dwellings are for these purposes.

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

Some regulations that restrict the claimants' use have reduced the fair market value of the properties. The amount of monetary compensation sought by claimants is listed below, along with a brief description of the evidence they provided in support of the figures. Unless noted, claimants have not provided appraisals. While this alternative information is not sufficient to establish a specific dollar amount for compensation, it is adequate 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

Claim	Compensation Sought	Supporting Evidence
1	\$300,000	Statement from the claimant of the value of four comparable properties that sold in the area within 12 months of when they filed the claim.
2	\$2,000,000	Statement of developed versus undeveloped value from a realtor and PGP appraisal report submitted for the Elinor Wiley Measure 37 claim.
3	\$1,300,000	Sales data from properties throughout the Tri-County area for sales between September 2005 and September 2006.

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.

4	\$385,000	Comparable sales information and statement from realtor.
5	\$385,000	Comparable sales information and statement from realtor.
6	None Specified	Claimant's assertion that the regulations have reduced the properties value. This may need to be supplemented by County Assessment prior to the hearing.
7	\$1,600,000	Sales of a variety of Clackamas County properties prepared by First American Title.
8	\$140,000	Appraisal prepared by Rolfe Rehse, dated November 29, 2006
9	\$594,000	1997 Valuation letter from American Valuations Incorporated

PART V: RECOMMENDATION

Considering the information provided herein, staff recommends that the Board find the claims valid (except for Scott Belcher's claim in Claim #8). As an alternative to compensation, the Board may choose to not apply (i.e. waive) land use regulations enacted after the claimants acquired the properties 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). If the Board chooses to waive land use regulations, staff recommends that the Board address the following in the Board Order:

1. Include a statement that any waiver or modification of the county land use regulations does not constitute a waiver or modification of corresponding state laws, or administrative rules. Before any building permits may be issued, an authorization from the state must be secured.
2. Note that waiver of the listed regulations also constitutes a waiver of Comprehensive Plan and Rural Area Plan policies that the rules implement.
3. Action by the Board of Commissioners to not apply regulations does not authorize immediate development of the intended use. Rules that still apply require that land use and building permits be approved by the County before development can proceed. Specifically, land use permits will be required where claimants acquired properties subject to regulations that only allowed dwellings required for, or in conjunction with farm or timber uses in order to confirm that the dwellings are for those purposes.
4. Include a statement that Statewide Planning Goals were effective January 25, 1975, prior to the date some of the claimants acquired their properties. While the County did not have acknowledged codes implementing the Goals until August 14, 1980, the state has taken the position they are nonetheless applicable and that local jurisdictions must require claimants meet them. The County anticipates the state will take a similar position with these claims. This may impact the claimants' ability to construct a dwelling on the property.
5. Require claimants provide a chain of title prior to development permits being issued to confirm continuity of ownership.
6. Include a statement that any right obtained by a claimant through the Board's grant of a waiver of County land use regulations is transferable only to the extent allowed by law.

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.

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: Derrick Tokos, Principal Planner

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

Date: April 19, 2007

Re:

Claim	File No.	Claimant(s)	Location
1	T1-06-082	William and Kay Finney	South of 41100 SE Trout Creek Road, Tax Lot 900, Section 18, Township 1S, Range 5E, W.M.
2	T1-06-090	Elenore Charlton	Tax Lots 100, 400, 500 and 800 Section 16, Township 2 North, Range 1 West, W.M.
3	T1-06-097	Marta Pohlman Kerley	West of 15201 NW Cornelius Pass Road, Tax Lot 400, Section 25, Township 2N, Range 2W, W.M.
4	T1-06-101	Peter and Alice Patterson	Tax Lot 400, Section 5, Township 2 North, Range 1 West, W.M.
5	T1-06-102	Julianne Ward	End of Lucy Reeder Road, Tax Lot 700, Section 5, Township 2 N, Range 1W, W.M.
6	T1-06-112	Don Joyce	Township 2 North, Range 1 West, Section 20BC Tax Lot 1700 (Lots 4-7)
7	T1-06-120	Darrold, Daniel, and Scott Belcher	North of 30727 SE Pipeline Road, Tax Lots 400 and 500, Section 08CD, Township 1S, Range 4East, W.M.
8	T1-06-126	Andrew & Lynn Campbell	3494 SE Mannthey Road, Tax Lot 100, Section 7 Township 1 South, Range 5 East, W.M.
9	T1-06-139	Loretta Morrison, Gloria Jean Anderson, Nancy Hudson	North of 19863 NW Logie Trail Road. Partition Plat 1993-91; Lots 1, 2, and 3. Section 13B, Township 2N, Range 2W, W.M.

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.

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BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR MULTNOMAH COUNTY, OREGON

ORDER NO. _____

Order Granting Ballot Measure 37 Request of William and Kay Finney Relating to a Parcel of Land Located South of 41100 SE Trout Creek Road, Tax Lot 900, Section 18, Township 1S, Range 5E, W.M., Multnomah County, Oregon

The Multnomah County Board of Commissioners Finds:

- a. **Parties:** William and Kay Finney are the Ballot Measure 37 Claimants who filed a demand for compensation to Multnomah County (Land Use Planning file # T1-06-082).
- b. **Subject Real Property:** This claim relates to real property located South of 41100 SE Trout Creek Road, Multnomah County, Oregon, more specifically described as:

Tax Lot 900, Section 18,
Township 1S, Range 5E, W.M.
Collectively (the Subject Property)

- c. **Relevant Dates of Property Ownership:**

Claimants have established that they acquired an interest in the Subject Property prior to the County's adoption of the land use regulations affecting the Subject Property.

A chain of title submitted by the claimants shows that they acquired the Subject Property on June 21, 1988, when it was zoned MUF-38. The claimants assert that the current zoning of the property (CFU-4) restricts their use of the property and diminishes the value of the property.

The Board finds that the claimants obtained an interest in the subject property on June 21, 1988, prior to the county's adoption of the current CFU-4 regulations which affect the Subject Property as described in section d.

- d. **County Codes as a Restriction on Use of the Property:**

Claimants have established that the county has adopted land use regulations since June 21, 1988, that restrict the use of the Subject Property.

The Subject Property was zoned MUF-38 when the claimants acquired the property on June 21, 1988. That zoning allowed a single family dwelling on lots 38 acres in size or larger, provided specific development standards were satisfied (§11.15.2168(E), Ord. #236). Current CFU-4 regulations contain specific standards that further limit dwellings in commercial timber areas, allowing them only if they satisfy a template test where there is already an established residential presence in the area, heritage tract standards for properties owned prior to January 1, 1985, or

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large acreage requirements for properties larger than 160 acres (or 200 non-contiguous acres). The MUF-38 zone allowed uses that are not permitted under the CFU-4 zone which is a more restrictive zone.

The Board finds that the Claimants have established that the land use regulations adopted since June 21, 1988 have restricted use of the Subject Property.

e. **County Code Restrictions Reduce Fair Market Value:**

Claimants have established that the county land use regulations affecting the Subject Property adopted subsequent to June 21, 1988 have reduced the fair market value of the Subject Property.

The change in zoning from MUF-38 to a more restrictive zone, CFU-4, after Claimants acquired the Subject Property on June 21, 1988, have reduced the value of the Subject Property by restricting the construction of dwellings on forest land. Claimants seek compensation in the amount of \$300,000. The supporting evidence provided by Claimants is a statement of the value of four comparable properties that sold in the area within 12 months prior to the filing of their claim. While this alternative information is not sufficient to establish a specific dollar amount for compensation, it is adequate 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.

The Board finds that the Claimants have established that land use regulations adopted since June 21, 1988, have reduced the fair market value of 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 Find that Claimants have a Valid Measure 37 Claim for Compensation.

The Multnomah County Board of Commissioners Order that:

1. **The County will not pay the compensation demanded by Claimants.**
2. **In lieu of compensation, the County shall not apply land use regulations adopted since June 21, 1988, except for those exempted under ORS 197.352(3), to allow Claimants to use the Subject Property for uses permitted under regulations in effect on that date. This Order does not assure Claimants can use the Subject Property for the uses requested in this claim. It provides Claimants with an opportunity to meet the requirements of the county land use regulations in place at the time of Claimants' acquisition of the Subject Property.**

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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 3rd 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

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BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR MULTNOMAH COUNTY, OREGON

ORDER NO. _____

Order Granting Ballot Measure 37 Request of Elenore Charlton Relating to a Parcel of Land identified as Tax Lots 100, 400, 500 and 800 Section 16, Township 2 North, Range 1 West, W.M., Multnomah County, Oregon

The Multnomah County Board of Commissioners Finds:

a. **Party:** Elenore Charlton is the Ballot Measure 37 Claimant who filed a demand for compensation to Multnomah County (Land Use Planning file # T1-06-090).

b. **Subject Real Properties:** This claim relates to six deeded parcels specifically described as:

Tax Lots 100, 400, 500 and 800 Section 16,
Township 2 North, Range 1 West, W.M
Collectively (the Subject Property)

c. **Relevant Dates of Property Ownership:**

Claimant has established that she acquired an interest in the Subject Property prior to the County's adoption of the land use regulations affecting the Subject Property.

A chain of title submitted by the claimant shows that she acquired the Subject Property as follows:

(1) (Tax Lot 100) August 9, 1967, when it was zoned F-2.

(2) (Tax Lots 400, 500 and 800) September 16, 1975 when it was zoned F-2.

The claimant asserts that the current zoning of the Subject Property (EFU) restricts her use of the Subject Property and diminishes the value of the Subject Property.

The Board finds that the claimant obtained an interest in the Subject Property on August 9, 1967, and September 16, 1975, prior to the county's adoption of the current EFU regulations which affect the Subject Property as described in section d.

d. **County Codes as a Restriction on Use of the Property:**

Claimant has established that the county has adopted land use regulations since August 9, 1967 and September 16, 1975 that restrict the use of the Subject Property.

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The Subject Property was zoned F-2 when the claimant acquired the Subject Property on August 9, 1967 and September 16, 1975. F-2 zoning allowed a dwelling or dwellings for owner, operator, and/or help required to carry out grazing, agriculture, horticulture or the growing of timber (§3.112 Ord. #100). Current EFU regulations require a certain level of farm related income to be generated from the property in the last two years or three of the last five years in order to qualify a dwelling (§34.2625(D)&(E)). The EFU tract rules (§34.2610) and aggregation requirements (§34.2675) treat the properties as a single unit of land, prohibiting the claimant from establishing dwellings on each property. The F-2 zone allowed uses that are not permitted under the EFU, which is a more restrictive zone.

The Board finds that the Claimant has established that the land use regulations adopted since August 9, 1967 and September 16, 1975, have restricted use of the Subject Property.

e. **County Code Restrictions Reduce Fair Market Value:**

Claimant has established that the county land use regulations affecting the Subject Property adopted subsequent to August 9, 1967 and September 16, 1975, have reduced the fair market value of the Subject Property.

The change in zoning from F-2 to a more restrictive zone, EFU, after Claimant acquired the Subject Property on August 9, 1967 and September 16, 1975, has reduced the value of the Subject Property by restricting the construction of dwellings on farm land. Claimant seeks compensation in the amount of \$2,000,000. The supporting evidence provided is Claimant's statement of value of developed properties in her area versus the value of undeveloped properties, as provided by a realtor and the PGP appraisal report submitted for the Elinor Wiley Measure 37 claim. While this alternative information is not sufficient to establish a specific dollar amount for compensation, it is adequate 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.

The Board finds that the Claimant has established that land use regulations adopted since August 9, 1967 and September 16, 1975, have reduced the fair market value of 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 Claimant.**

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2. **In lieu of compensation, the County shall not apply land use regulations adopted since August 9, 1967 (for Tax Lot 100) and September 16, 1975 (for Tax Lots 400, 500 and 800), except for those exempted under ORS 197.352(3), to allow Claimant to use the Subject Property for uses permitted under regulations in effect on that date. This Order does not assure Claimant can use the Subject Property for the uses requested in this claim. It provides Claimant with an opportunity to meet the requirements of the county land use regulations in place at the time of Claimant's acquisition of the Subject 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 3rd 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

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BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR MULTNOMAH COUNTY, OREGON

ORDER NO. _____

Order Granting Ballot Measure 37 Request of Marta Pohlman Kerley Relating to a Parcel of Land West of 15201 NW Cornelius Pass Road, Multnomah County, Oregon

The Multnomah County Board of Commissioners Finds:

- a. **Party:** Marta Pohlman Kerley is the Ballot Measure 37 Claimant who filed a demand for compensation to Multnomah County (Land Use Planning File # T1-06-097).
- b. **Subject Real Properties:** This claim relates to real property specifically described as:

Tax Lot 400, Section 25,
Township 2N, Range 2W, W.M.
Collectively (the Subject Property)
- c. **Relevant Dates of Property Ownership:**

Claimant has established that she acquired an interest in the Subject Property prior to the County's adoption of the land use regulations affecting the Subject Property.

A chain of title submitted by the claimant shows that she acquired the Subject Property on February 24, 1986 when it was zoned MUF-19. The claimant asserts that the current zoning of the Subject Property (CFU-2) restricts her use of the Subject Property and diminishes the value of the Subject Property.

The Board finds that the claimant obtained an interest in the Subject Property on February 24, 1986, prior to the county's adoption of the current CFU-2 regulations which affect the Subject Property as described in section d.

- d. **County Codes as a Restriction on Use of the Property:**

Claimant has established that the county has adopted land use regulations since February 24, 1986 that restrict the use of the Subject Property.

The Subject Property was zoned MUF-19 when the claimant acquired the Subject Property on February 24, 1986. MUF-19 zoning allowed a single family dwelling on lots less than 38-acres in size when in conjunction with a primary use (Farm use, Forest Practice, or Wood Processing Operation) provided specific development standards were satisfied ((§11.15.2168(E), Ord. #236). Current CFU-2 regulations contain specific standards that further limit dwellings in commercial timber areas, allowing them only if they satisfy a template test where there is already an established residential presence in the area, heritage tract standards for properties owned prior to January 1, 1985, or large acreage requirements for properties larger than 160

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acres (or 200 non-contiguous acres). The MUF-19 zone allowed uses that are not permitted under the CFU-2, which is a more restrictive zone.

The Board finds that the Claimant has established that the land use regulations adopted since February 24, 1986, have restricted use of the Subject Property.

e. **County Code Restrictions Reduce Fair Market Value:**

Claimant has established that the county land use regulations affecting the Subject Property adopted subsequent to February 24, 1986, have reduced the fair market value of the Subject Property.

The change in zoning from MUF-19 to a more restrictive zone, CFU-2, after Claimant acquired the Subject Property on February 24, 1986, has reduced the value of the Subject Property by restricting the construction of dwellings on forest land. Claimant seeks compensation in the amount of \$1,300,000. The supporting evidence provided is Claimant's sales data from properties throughout the Tri-County area for sales between September 2005 and September 2006. While this alternative information is not sufficient to establish a specific dollar amount for compensation, it is adequate 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.

The Board finds that the Claimant has established that land use regulations adopted since February 24, 1986, have reduced the fair market value of 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 Claimant.**
2. **In lieu of compensation, County Land Use Planning shall not apply County land use regulations adopted since February 24, 1986, except for those exempted under ORS 197.352(3), to allow Claimant to use the Subject Property for uses permitted under regulations in effect on that date. This Order does not assure Claimant can use the Subject Property for the uses requested in this claim. It provides Claimant with an opportunity to meet the requirements of the county land use regulations in place at the time of Claimant's acquisition of the Subject Property.**

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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 3rd 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 Peter and Alice Patterson Relating to a Parcel of Land Located at Tax Lot 400, Section 5, Township 2 North, Range 1 West, W.M., Multnomah County, Oregon

The Multnomah County Board of Commissioners Finds:

- a. **Parties:** Peter and Alice Patterson are the Ballot Measure 37 Claimants who filed a demand for compensation to Multnomah County (Land Use Planning file # T1-06-101).
- b. **Subject Real Property:** This claim relates to real property located in , Multnomah County, Oregon, more specifically described as:

Tax Lot 400, Section 5,
Township 2 North, Range 1 West, W.M.
Collectively (the Subject Property)

- c. **Relevant Dates of Property Ownership:**

Claimants have established that they acquired an interest in the Subject Property prior to the County's adoption of the land use regulations affecting the Subject Property.

Claimants assert that they acquired the Subject Property on July 12, 1978, when it was zoned EFU-38; and, that the current zoning of the property (EFU) restricts their use of the property and diminishes the value of the property. Claimants have not provided the County with a chain of title to support their acquisition date or their continuous ownership of the Subject Property.

The Board finds that the claimants obtained an interest in the subject property on July 12, 1978, prior to the county's adoption of the current EFU regulations which affect the Subject Property as described in section d.

- d. **County Codes as a Restriction on Use of the Property:**

Claimants have established that the county has adopted land use regulations since July 12, 1978, that restrict the use of the Subject Property.

The Subject Property was zoned EFU-38 when the claimants acquired the property on July 12, 1978. That zone contained a primary use provision for the construction of a residential use in conjunction with farm use (§3.103.1(c), Ord. #148). Current Exclusive Farm Use (EFU) regulations do not allow a dwelling to be constructed immediately but first require a certain level of farm related income to be generated from the property in the last two years or three of the last

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five years (§34.2625(D)&(E)). The EFU-38 zone allowed uses that are not permitted under the current EFU zone which is a more restrictive zone.

Statewide Planning Goals were effective January 25, 1975, prior to the date the claimant acquired the property. Standards for farm and non-farm dwellings in Exclusive Farm zones were also codified in state law prior to 1975. While the County had not yet implemented these rules, the state has taken the position they are nonetheless applicable and that local jurisdictions must require claimants meet them. The state will take a similar position with this claim. This may impact the claimant's ability to construct a dwelling on the property.

The Board finds that the Claimants have established that the land use regulations adopted since July 12, 1978 have restricted use of the Subject Property.

e. County Code Restrictions Reduce Fair Market Value:

Claimants have established that the county land use regulations affecting the Subject Property adopted subsequent to July 12, 1978 have reduced the fair market value of the Subject Property.

The change in zoning from EFU-38 to a more restrictive zone, EFU, after Claimants acquired the Subject Property on July 12, 1978 has reduced the value of the Subject Property by restricting the construction of dwellings on farm land. Claimants seek compensation in the amount of \$385,000. The supporting evidence provided by Claimants is comparable sales information and a statement from a realtor. While this alternative information is not sufficient to establish a specific dollar amount for compensation, it is adequate 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.

The Board finds that the Claimants have established that land use regulations adopted since July 12, 1978, have reduced the fair market value of 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 Find that Claimants have a Valid Measure 37 Claim for Compensation.

The Multnomah County Board of Commissioners Order that:

- 1. The County will not pay the compensation demanded by Claimants.**
- 2. In lieu of compensation, the County shall not apply land use regulations adopted since July 12, 1978, except for those exempted under ORS 197.352(3), to allow**

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Claimants to use the Subject Property for uses permitted under regulations in effect on that date. This Order does not assure Claimant can use the Subject Property for the uses requested in this claim. It provides Claimant with an opportunity to meet the requirements of the county land use regulations in place at the time of Claimant's acquisition of the Subject Property.

- 3. Section 2 above, constitutes a waiver of Comprehensive Plan and Rural Area Plan policies that the regulations implement.**
- 4. Claimants shall provide the County with a chain of title to support their acquisition date and their continuous ownership of the Subject Property prior to issuance of any building permits.**
- 5. The rights obtained by claimants 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 3rd 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

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BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR MULTNOMAH COUNTY, OREGON

ORDER NO. _____

Order Granting Ballot Measure 37 Request of Julianne Ward Relating to a Parcel of Land End of Lucy Reeder Road, Tax Lot 700, Section 5, Township 2 N, Range 1W, W.M., Multnomah County, Oregon

The Multnomah County Board of Commissioners Finds:

a. **Party:** Julianne Ward is the Ballot Measure 37 Claimant who filed a demand for compensation to Multnomah County (Land Use Planning file # T1-06-102).

b. **Subject Real Properties:** This claim relates to real properties specifically described as:

Tax Lot 700, Section 5,
Township 2 N, Range 1W, W.M.
Collectively (the Subject Property)

c. **Relevant Dates of Property Ownership:**

Claimant has established that she acquired an interest in the Subject Property prior to the County's adoption of the land use regulations affecting the Subject Property.

A chain of title submitted by the claimant shows that she acquired the Subject Property as follows:

(1) (Tax Lot 100) August 9, 1967, when it was zoned F-2.

(2) (Tax Lots 400, 500 and 800) September 16, 1975 when it was zoned F-2.

The claimant asserts that the current zoning of the Subject Property (EFU) restricts her use of the Subject Property and diminishes the value of the Subject Property.

The Board finds that the claimant obtained an interest in the Subject Property on August 9, 1967, and September 16, 1975, prior to the county's adoption of the current EFU regulations which affect the Subject Property as described in section d.

d. **County Codes as a Restriction on Use of the Property:**

Claimant has established that the county has adopted land use regulations since July 12, 1978, that restrict the use of the Subject Property.

The Subject Property was zoned EFU-38 when the claimant acquired the property on July 12, 1978. That zone contained a primary use provision for the construction of a residential use in

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conjunction with farm use (§3.103.1(c), Ord. #148). Current Exclusive Farm Use (EFU) regulations do not allow a dwelling to be constructed immediately but first require a certain level of farm related income to be generated from the property in the last two years or three of the last five years (§34.2625(D)&(E)). The EFU-38 zone allowed uses that are not permitted under the current EFU zone which is a more restrictive zone.

Statewide Planning Goals were effective January 25, 1975, prior to the date the claimant acquired the property. Standards for farm and non-farm dwellings in Exclusive Farm zones were also codified in state law prior to 1975. While the County had not yet implemented these rules, the state has taken the position they are nonetheless applicable and that local jurisdictions must require claimants meet them. The state will take a similar position with this claim. This may impact the claimant's ability to construct a dwelling on the property.

The Board finds that the Claimant has established that the land use regulations adopted since July 12, 1978 have restricted use of the Subject Property.

e. **County Code Restrictions Reduce Fair Market Value:**

Claimant has established that the county land use regulations affecting the Subject Property adopted subsequent to July 12, 1978 have reduced the fair market value of the Subject Property.

The change in zoning from EFU-38 to a more restrictive zone, EFU, after Claimant acquired the Subject Property on July 12, 1978, has reduced the value of the Subject Property by restricting the construction of dwellings on farm land. Claimant seeks compensation in the amount of \$385,000. The supporting evidence provided by Claimant is comparable sales information and a statement from a realtor. While this alternative information is not sufficient to establish a specific dollar amount for compensation, it is adequate 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.

The Board finds that the Claimant has established that land use regulations adopted since July 12, 1978, have reduced the fair market value of 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 Find that Claimant has a Valid Measure 37 Claim for Compensation.

The Multnomah County Board of Commissioners Order that:

1. **The County will not pay the compensation demanded by Claimant.**

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2. **In lieu of compensation, the County shall not apply land use regulations adopted since July 12, 1978, except for those exempted under ORS 197.352(3), to allow Claimant to use the Subject Property for uses permitted under regulations in effect on that date. This Order does not assure Claimant can use the Subject Property for the uses requested in this claim. It provides Claimant with an opportunity to meet the requirements of the county land use regulations in place at the time of Claimant's acquisition of the Subject 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 3rd 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

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BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR MULTNOMAH COUNTY, OREGON

ORDER NO. _____

Order Granting Ballot Measure 37 Request of Don Joyce Relating to a Parcel of Land identified as Tax Lot 1700, Township 2 North, Range 1 West, Section 20BC (Lots 4-7, Block 25, Burlington Subdivision), W.M., Multnomah County, Oregon

The Multnomah County Board of Commissioners Finds:

- a. **Party:** Don Joyce is the Ballot Measure 37 Claimant who filed a demand for compensation to Multnomah County (Land Use Planning file # T1-06-112).
- b. **Subject Real Property:** This claim relates to real properties specifically described as:

Tax Lot 1700,
Township 2 North, Range 1 West,
Section 20BC (Lots 4-7, Block 25, Burlington Subdivision).
Collectively (the Subject Property)
- c. **Relevant Dates of Property Ownership:**

Claimant has established that he acquired an interest in the Subject Property prior to the County's adoption of land use regulations affecting the Subject Property.

Claimant asserts that he acquired the Subject Property as follows:

- (1) (Lots 4 and 5) July 12, 1954, when there was no zoning in place on these lots of the Subject Property.
- (2) (Lots 6 and 7) December 8, 1978 when these lots of Subject Property were zoned MUF-20.

The claimant asserts that the current zoning of the Subject Property (CFU-1) restricts his use of the Subject Property and diminishes its value.

The Board finds that the claimant obtained interests in the Subject Property on July 12, 1954 and December 8, 1978, prior to the county's adoption of the current CFU-1 regulations which affect the Subject Property as described in section d.

- d. **County Codes as a Restriction on Use of the Property:**

Claimant has established that the county has adopted land use regulations since August 9, 1967 and September 16, 1975 that restrict the use of the Subject Property.

A portion of the Subject Property was unzoned (Lots 4 and 5) and the remainder zoned MUF-20 (Lots 6 and 7) when the claimant acquired the Subject Property on July 12, 1954 and December 8, 1978, respectively. There were no restrictions on development for Lots 4 and 5. The MUF-20 zone in effect for Lots 6 & 7 upon acquisition allowed a single family dwelling on a lot (§ 3.143.1(e), Ord. #148). Current CFU-1 zoning regulations aggregate all four lots into one tract and prohibit dwellings on tracts smaller than 160 contiguous acres (§ 33.2035(B)). Both the unzoned portion of the Subject Property and

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the MUF-20 zone portion allowed uses that are not permitted under the CFU-1, which is a more restrictive zone.

Statewide Planning Goals were effective January 25, 1975, prior to the date the claimant acquired the property. While the County had not yet implemented these rules, the state has taken the position they are nonetheless applicable and that local jurisdictions must require claimants meet them. We anticipate the state will take a similar position with this claim, and require the County apply Statewide Planning Goal 4, for Forest Lands, directly to this property. This may impact the claimant's ability to construct a dwelling.

The Board finds that the Claimant has established that the land use regulations adopted since July 12, 1954 and December 8, 1978, have restricted use of the Subject Property.

e. **County Code Restrictions Reduce Fair Market Value:**

Claimant has established that the county land use regulations affecting the Subject Property adopted subsequent to July 12, 1954 and December 8, 1978, have reduced the fair market value of the Subject Property.

Claimant asserts that the County land use regulations adopted after claimant's dates of acquisition have reduced the property value. The County Division of Assessment and Taxation reviewed the property for a determination of value, comparing its value if it is buildable to its value if unbuildable. According to a County appraiser, the property was last physically looked at in 1996. The property was valued as excess land and has no access. The current Real Market Value is \$6,900.

If the property was developable, the County appraiser estimated that one home could be put on the lot. The base value according to County adjustment tables is \$99,000. The property would be adjusted upward \$25,000 for its size and downward \$40,000 for development costs for a total real market value of \$84,000.

Thus, the change from no zoning (Lots 4 and 5) and MUF-20 (Lots 6 and 7) to a more restrictive zone, CFU-1, after Claimant acquired the Subject Property on July 12, 1954 and December 8, 1978, has reduced the value of the Subject Property by restricting the construction of dwellings on forest land.

The Board finds that the Claimant has established that land use regulations adopted since July 12, 1954 and December 8, 1978, have reduced the fair market value of 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 Claimant.**
2. **In lieu of compensation, the County shall not apply land use regulations adopted since July 12, 1954 (Lots 4 and 5) and December 8, 1978 (Lots 6 and 7), except for those exempted**

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under ORS 197.352(3), to allow Claimant to use the Subject Property for uses permitted under regulations in effect on those dates. This Order does not assure Claimant can use the Subject Property for the uses requested in this claim. It provides Claimant with an opportunity to meet the requirements of the county land use regulations in place at the time of Claimant's acquisition of the Subject Property.

3. Section 2 above, constitutes a waiver of Comprehensive Plan and Rural Area Plan policies that the regulations implement.
4. Claimant shall provide the County with a chain of title to support his acquisition dates and his continuous ownership of the Subject Property prior to issuance of any building permits.
5. 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 3rd 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

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BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR MULTNOMAH COUNTY, OREGON

ORDER NO. _____

Order Granting Ballot Measure 37 Request of Darrold and Daniel Belcher and Denying the Ballot Measure 37 Request of Scott Belcher Relating to a Parcel of Land Located North of 30727 SE Pipeline Road, Multnomah County, Oregon

The Multnomah County Board of Commissioners Finds:

- a. **Parties:** Darrold, Daniel, and Scott Belcher are the Ballot Measure 37 Claimants who filed a demand for compensation to Multnomah County (Land Use Planning file # T1-06-120).
- b. **Subject Real Property:** This claim relates to real property located North of 30727 SE Pipeline Road, Multnomah County, Oregon, more specifically described as:

Tax Lots 400 and 500, Section 08CD,
Township 1S, Range 4East, W.M.
Collectively (the Subject Property)

- c. **Relevant Dates of Property Ownership:**

Claimants Darrold and Daniel Belcher have established that they acquired an interest in the Subject Property prior to the County's adoption of the land use regulations affecting the Subject Property; Scott Belcher has not.

The County has determined that Claimants acquired the Subject Property as follows:

- (1) On October 28, 1977 (Darrold and Daniel) when it was zoned MUA-20. The current zoning of the property is EFU.
- (2) On August 2, 2006 (Scott) when it was zoned EFU, which remains the current zoning of the property.

Claimants have not provided the County with a chain of title to support their acquisition date or their continuous ownership of the Subject Property.

The Board finds that Claimants Darrold and Daniel Belcher obtained an interest in the Subject Property on October 28, 1977, prior to the county's adoption of the current EFU regulations which affect the Subject Property as described in section d. The Board further finds that Claimant Scott Belcher obtained an interest in the Subject Property on August 2, 2006, after the County's adoption of the current EFU regulations.

- d. **County Codes as a Restriction on Use of the Property:**

Claimants Darrold and Daniel Belcher have established that the county has adopted land use regulations since October 28, 1977, that restrict the use of the Subject Property. Claimant Scott Belcher has not established that the county has adopted land use regulations since August 2, 2006, that restrict the use of the Subject Property.

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The Subject Property was zoned MUA-20 when the Claimants Darrold and Daniel Belcher acquired the property on October 28, 1977, which permitted a dwelling on a legal lot as an outright allowed use. EFU zoning first imposed in 1980 required demonstration that dwellings were in conjunction with farm use, and aggregated contiguous lots in the same ownership. EFU zoning still restricts dwellings in this way, prohibiting the claimants from establishing a residence on each of the properties they own. There are 5 lots in this claim based on 1962 zoning map. The MUA-20 zone is less restrictive than the EFU zone.

Scott Belcher obtained an ownership interest in August of 2006, when current regulations were in effect. Scott Belcher has not established that the County has adopted land use regulations after his acquisition date that restrict his use of the Subject Property. Accordingly, his use of the property has not been restricted.

Statewide Planning Goals were effective January 25, 1975, prior to the date the claimant acquired the property. Standards for farm and non-farm dwellings in Exclusive Farm zones were also codified in state law prior to 1975. While the County had not yet implemented these rules, the state has taken the position they are nonetheless applicable and that local jurisdictions must require claimants meet them. The state will take a similar position with this claim. This may impact the claimant's ability to construct a dwelling on the property.

The Board finds that the Claimants have established that the land use regulations adopted since October 28, 1977 have restricted use of the Subject Property.

e. **County Code Restrictions Reduce Fair Market Value:**

Claimants Darrold and Daniel Belcher have established that the county land use regulations affecting the Subject Property adopted subsequent to July 12, 1978 have reduced the fair market value of the Subject Property. Claimant Scott Belcher has not established that the county adopted any land use regulations after his acquisition date of August 2, 2006, which reduced the fair market value of 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 Find:

That Claimants Darrold and Daniel Belcher have a Valid Measure 37 Claim for Compensation; and, Claimant Scott Belcher does not have a Valid Measure 37 Claim for Compensation.

The Multnomah County Board of Commissioners Order that:

1. **The County will not pay the compensation demanded by Claimants Darrold and Daniel Belcher.**
2. **In lieu of compensation, the County shall not apply land use regulations adopted since October 28, 1977, except for those exempted under ORS 197.352(3), to allow Claimants Darrold and Daniel Belcher to use the Subject Property for uses permitted under regulations in effect on that date. This Order does not assure Claimants can use the Subject Property for the uses requested in this claim. It provides Claimants with an**

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opportunity to meet the requirements of the County land use regulations in place at the time of Claimants' acquisition of the Subject Property.

3. Section 2 above, constitutes a waiver of Comprehensive Plan and Rural Area Plan policies that the regulations implement.
4. Claimants shall provide the County with a chain of title to support their acquisition date and their continuous ownership of the Subject Property prior to issuance of any building permits.
5. The rights obtained by claimants 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 3rd 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

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BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR MULTNOMAH COUNTY, OREGON

ORDER NO. _____

Order Granting Ballot Measure 37 Request of Andrew and Lynn Campbell Relating to a Parcel of Land Located at 3494 SE Mannthey Road, Multnomah County, Oregon

The Multnomah County Board of Commissioners Finds:

- a. **Parties:** Andrew and Lynn Campbell are the Ballot Measure 37 Claimants who filed a demand for compensation to Multnomah County (Land Use Planning file # T1-06-126).
- b. **Subject Real Property:** This claim relates to real property located at 3494 SE Mannthey Road, Multnomah County, Oregon, more specifically described as:

Tax Lot 100, Section 7
Township 1 South, Range 5 East, W.M.
Collectively (the Subject Property)

- c. **Relevant Dates of Property Ownership:**

Claimants have established that they acquired an interest in the Subject Property prior to the County's adoption of the land use regulations affecting the Subject Property.

Claimants assert that they acquired the Subject Property on March 5, 1991, when it was zoned MUF-38 and claim that the current zoning of the property (CFU-4) restricts their use of the property and diminishes the value of the property.

The Board finds that the claimants obtained an interest in the subject property on March 5, 1991, prior to the county's adoption of the current CFU-4 regulations which affect the Subject Property as described in section d.

- d. **County Codes as a Restriction on Use of the Property:**

Claimants have established that the county has adopted land use regulations since March 5, 1991, that restrict the use of the Subject Property.

The Subject Property was zoned MUF-38 when the claimants acquired the property on March 5, 1991. MUF-38 zoning in effect when the claimants acquired the property allowed a single family dwelling on lots 38 acres in size or larger provided specific development standards were satisfied (§11.15.2062, Ord. #643). Current CFU-4 regulations contain specific standards that further limit dwellings in commercial timber areas, allowing them only if they satisfy a template test where there is already an established residential presence in the area, heritage tract standards for properties owned prior to January 1, 1985, or large acreage requirements for properties larger

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than 160 acres (or 200 non-contiguous acres). The MUF-38 zone allowed uses that are not permitted under the CFU-4 zone which is a more restrictive zone.

The Board finds that the Claimants have established that the land use regulations adopted since March 5, 1991 have restricted use of the Subject Property.

e. **County Code Restrictions Reduce Fair Market Value:**

Claimants have established that the county land use regulations affecting the Subject Property adopted subsequent to March 5, 1991 have reduced the fair market value of the Subject Property.

The change in zoning from MUF-38 to a more restrictive zone, CFU-4, after Claimants acquired the Subject Property on March 5, 1991, have reduced the value of the Subject Property by restricting the construction of dwellings on forest land. Claimants seek compensation in the amount of \$140,000. The supporting evidence provided by Claimants is an appraisal prepared by Rolfe Rehse, dated November 29, 2006.

The Board finds that the Claimants have established that land use regulations adopted since March 5, 1991, have reduced the fair market value of 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 Find that Claimants have a Valid Measure 37 Claim for Compensation.

The Multnomah County Board of Commissioners Order that:

1. **The County will not pay the compensation demanded by Claimants.**
2. **In lieu of compensation, the County shall not apply land use regulations adopted since March 5, 1991, except for those exempted under ORS 197.352(3), to allow Claimants to use the Subject Property for uses permitted under regulations in effect on that date. This Order does not assure Claimants can use the Subject Property for the uses requested in this claim. It provides Claimants with an opportunity to meet the requirements of the county land use regulations in place at the time of Claimants' acquisition of the Subject Property.**

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3. Section 2 above, constitutes a waiver of Comprehensive Plan and Rural Area Plan policies that the regulations implement.
4. Claimants shall provide the County with a chain of title to support their acquisition date and their continuous ownership of the Subject Property prior to issuance of any building permits.
5. The rights obtained by claimants 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 3rd 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 Loretta Morrison, Gloria Jean Anderson and Nancy Hudson Relating to a Parcel of Land Located North of 19863 NW Logie Trail Road, Multnomah County, Oregon

The Multnomah County Board of Commissioners Finds:

- a. **Parties:** Loretta Morrison, Gloria Jean Anderson and Nancy Hudson are the Ballot Measure 37 Claimants who filed a demand for compensation to Multnomah County (Land Use Planning file # T1-06-139).

Subject Real Property: This claim relates to real property located North of 19863 NW Logie Trail Road, Multnomah County, Oregon, more specifically described as:

North of 19863 NW Logie Trail Road.
Partition Plat 1993-91; Lots 1, 2, and 3. Section 13B,
Township 2N, Range 2W, W.M.
Collectively (the Subject Property)

- b. **Relevant Dates of Property Ownership:**

Claimants have established that they acquired an interest in the Subject Property prior to the County's adoption of the land use regulations affecting the Subject Property.

Claimants provided a chain of title to support their assertion that they acquired the Subject Property on May 6, 1992, when it was zoned MUF-38, and claim that the current zoning of the property (CFU-1) restricts their use of the property and diminishes the value of the property.

The Board finds that the claimants obtained an interest in the subject property on May 6, 1992, prior to the county's adoption of the current CFU-1 regulations which affect the Subject Property as described in section d.

- c. **County Codes as a Restriction on Use of the Property:**

Claimants have established that the county has adopted land use regulations since May 6, 1992, that restrict the use of the Subject Property.

The Subject Property was zoned MUF-38 when the claimants acquired the property on May 6, 1992. MUF-38 zoning in effect when the claimants acquired the property allowed a single family dwelling on lots 38 acres in size or larger provided specific development standards were

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satisfied (§11.15.2168(E), Ord. #236). Claimants' property is 144 acres in size. Current CFU-1 regulations contain specific standards that further limit dwellings in commercial timber areas, allowing them only if they satisfy a large acreage tract requirement for properties larger than 160 acres (or 200 non-contiguous acres). The MUF-38 zone allowed uses that are not permitted under the CFU-1 zone which is a more restrictive zone.

The Board finds that the Claimants have established that the land use regulations adopted since May 6, 1992 have restricted use of the Subject Property.

d. County Code Restrictions Reduce Fair Market Value:

Claimants have established that the county land use regulations affecting the Subject Property adopted subsequent to May 6, 1992 have reduced the fair market value of the Subject Property.

The change in zoning from MUF-38 to a more restrictive zone, CFU-1, after Claimants acquired the Subject Property on May 6, 1992, have reduced the value of the Subject Property by restricting the construction of dwellings on forest land. Claimants seek compensation in the amount of \$594,000. The supporting evidence provided by Claimants is a 1997 Valuation letter from American Valuations Incorporated

The Board finds that the Claimants have established that land use regulations adopted after May 6, 1992, have reduced the fair market value of the Subject Property.

e. 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 Find that Claimants have a Valid Measure 37 Claim for Compensation.

The Multnomah County Board of Commissioners Order that:

- 1. The County will not pay the compensation demanded by Claimants.**
- 2. In lieu of compensation, the County shall not apply land use regulations adopted since May 6, 1992, except for those exempted under ORS 197.352(3), to allow Claimants to use the Subject Property for uses permitted under regulations in effect on that date. This Order does not assure Claimants can use the Subject Property for the uses requested in this claim. It provides Claimants with an opportunity to meet the requirements of the county land use regulations in place at the time of Claimants' acquisition of the Subject Property.**

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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 3rd 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

05/03/07 Script for 10 Measure 37 Hearings (R-7 and R-8)

INTRODUCTION:

Chair: This is the time set for public hearings on the claims of **William and Kay Finney; Elenore Charlton; Marta Pohlman Kerley; Peter and Alice Patterson, Julianne Ward; Don Joyce; Darrold, Daniel, and Scott Belcher; Andrew and Lynn Campbell; and Loretta Morrison, Gloria Jean Anderson and Nancy Hudson** under Ballot Measure 37. Included in this portion of the procedures, is the claim of **Ella Mae Larson and Kenneth L. Larson**, which will be heard separately following the nine aforementioned claims. 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: _____

05/03/07 Script for 10 Measure 37 Hearings (R-7 and R-8)

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:

05/03/07 Script for 10 Measure 37 Hearings (R-7 and R-8)

Chair: In each of these 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.

Chair: Please call the first hearing.

Board Clerk:

R-7 Public Hearings to Consider and Possibly Act Upon Nine Measure 37 Claims Seeking Compensation or Relief from Land Use Regulations to Construct Homes on Pre-existing Lots or Parcels in Unincorporated Portions of Multnomah County

1	T1-06-082	William and Kay Finney
2	T1-06-090	Elenore Charlton
3	T1-06-097	Marta Pohlman Kerley
4	T1-06-101	Peter and Alice Patterson
5	T1-06-102	Julianne Ward
6	T1-06-112	Don Joyce
7	T1-06-120	Darrold, Daniel, and Scott Belcher
8	T1-06-126	Andrew and Lynn Campbell
9	T1-06-139	Loretta Morrison, Gloria Jean Anderson and Nancy Hudson

05/03/07 Script for 10 Measure 37 Hearings (R-7 and R-8)

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 1?

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF Order Granting Ballot Measure
37 Request of William and Kay Finney**

OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

**THE MOTION FAILS
OR
THE ORDER IS ADOPTED**

Do I have a motion on Claim 2?

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF Order Granting Ballot Measure
37 Request of Elenore Charlton**

OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

**THE MOTION FAILS
OR
THE ORDER IS ADOPTED**

05/03/07 Script for 10 Measure 37 Hearings (R-7 and R-8)

Do I have a motion on Claim 3?

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF Order Granting Ballot Measure
37 Request of Marta Pohlman Kerley**

OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

**THE MOTION FAILS
OR
THE ORDER IS ADOPTED**

Do I have a motion on Claim 4?

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF Order Granting Ballot Measure
37 Request of Peter and Alice Patterson**

OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

**THE MOTION FAILS
OR
THE ORDER IS ADOPTED**

Do I have a motion on Claim 5?

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF Order Granting Ballot Measure
37 Request of Julianne Ward**

OPPORTUNITY FOR BOARD COMMENTS

**05/03/07 Script for 10 Measure 37 Hearings
(R-7 and R-8)**

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

THE MOTION FAILS

OR

THE ORDER IS ADOPTED

Do I have a motion on Claim 6?

COMMISSIONER _____ MOVES

COMMISSIONER _____ SECONDS

**APPROVAL OF Order Granting Ballot Measure
37 Request of Don Joyce**

OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

THE MOTION FAILS

OR

THE ORDER IS ADOPTED

Do I have a motion on Claim 7?

COMMISSIONER _____ MOVES

COMMISSIONER _____ SECONDS

**APPROVAL OF Order Granting Ballot Measure
37 Request of Darrold and Daniel Belcher and
Denying the Ballot Measure 37 Request of Scott
Belcher**

OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

THE MOTION FAILS

OR

THE ORDER IS ADOPTED

05/03/07 Script for 10 Measure 37 Hearings (R-7 and R-8)

Do I have a motion on Claim 8?

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF Order Granting Ballot Measure
37 Request of Andrew and Lynn Campbell**

OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

**THE MOTION FAILS
OR
THE ORDER IS ADOPTED**

Do I have a motion on Claim 9?

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF Order Granting Ballot Measure
37 Request of Loretta Morrison, Gloria Jean
Anderson and Nancy Hudson**

OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

**THE MOTION FAILS
OR
THE ORDER IS ADOPTED**

Chair: Please call the next hearing.

Board Clerk:

**R-8 Public Hearing to Consider and Possibly Act Upon a Measure 37 Claim by
Ella Mae Larson and Kenneth L. Larson for up to \$5,000,000 in
Compensation on Property Located on Larson Road [T2N, R1W, Sec 28C,**

05/03/07 Script for 10 Measure 37 Hearings (R-7 and R-8)

TL 300] Tax Lots 100 and 101, Sec 28CA TL 100and Sec 28, TL 500
(Case File T1-06-111)

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 R-8?

COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF Order Granting, with Conditions,
Ballot Measure 37 Request of Ella Mae Larson
and Kenneth L. Larson

OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

THE MOTION FAILS
OR
THE ORDER IS ADOPTED

R-9 Authorizing Settlement of Multnomah County v. Larson MCCC No. 0509-09438

COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF R-9

JOHN THOMAS EXPLANATION, RESPONSE TO
QUESTIONS

**05/03/07 Script for 10 Measure 37 Hearings
(R-7 and R-8)**

OPPORTUNITY FOR PUBLIC TESTIMONY

**OPPORTUNITY FOR BOARD COMMENTS
ALL IN FAVOR, VOTE AYE, OPPOSED ____?**

**THE MOTION FAILS
OR
THE AUTHORIZATION IS APPROVED**

**R-10 RESOLUTION Consenting to Department of State Lands Lease under the
New Sauvie Island Bridge**

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF R-10**

**JOHN THOMAS EXPLANATION, RESPONSE TO
QUESTIONS**

OPPORTUNITY FOR PUBLIC TESTIMONY

OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

**THE MOTION FAILS
OR
THE RESOLUTION IS ADOPTED**

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

**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

VERBAL(?)

MEETING DATE: 5/03/07

SUBJECT: General public comment pertaining
to all the M-37 claims

AGENDA NUMBER OR TOPIC: All claims

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM (concerns)

NAME: CINDY REID

ADDRESS: PO BOX 837731

CITY/STATE/ZIP: PORTLAND, OR 97283

PHONE: _____ DAYS: _____ EVES: _____

EMAIL: climbah@spintone.com FAX: _____

SPECIFIC ISSUE: DIFFICULTY RE INFORMATION / (3) CURRENT PUBLIC

DOLL INDICATING 37 WOULD NOT PASS IF INFO HAD BEEN AVAILABLE
INFO CONTINUES UNFOLDING + ONLY INCREASES

WRITTEN TESTIMONY: ANGST OVER THIS MEASURE - INDIVIDUAL VS
COLLECTIVE GOOD

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: 5/3/07

SUBJECT: Measure 37 - Charlton

AGENDA NUMBER OR TOPIC: R-7

FOR: X AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Megan Walseth - Ball Janik LLP

ADDRESS: 101 SW Main Street, Suite 1100

CITY/STATE/ZIP: Portland, OR 97213

PHONE: _____ DAYS: 503 2282525 EVES: _____

EMAIL: mwalseth@bjllp.com FAX: 503 2951058

SPECIFIC ISSUE: support a recommendation of approval

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: 5-3-07

SUBJECT: BALLOT MEASURE 37 FOR
MARTA PALMAN KERLEY

AGENDA NUMBER OR TOPIC: _____

FOR: ✓ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: FRANK WALKER dba FRANK WALKER "ASSOCIATES"

ADDRESS: P.O. Box 7170

CITY/STATE/ZIP: SALEM OR 97301

PHONE: DAYS: 503 588-8001 EVES: 949-5545 (503)

EMAIL: FrankWalker@comcast.net FAX: 503 588-8007

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: ALREADY PROVIDED

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 3

SUBJECT: Measure 37

AGENDA NUMBER OR TOPIC: R-7 - Patterson & Ward

FOR: X AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Tim Ramis

ADDRESS: 1727 N.W. Hoyt

CITY/STATE/ZIP: Portland 97209

PHONE: DAYS: 503.222.4402 EVES: _____

EMAIL: ~~tim@ramis.com~~ tim@rclawyers.com FAX: _____

SPECIFIC ISSUE: Pension 3
of proposed order

WRITTEN TESTIMONY: yes

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.

RAMIS CREW CORRIGAN LLP

ATTORNEYS AT LAW

1727 NW HOYT STREET
PORTLAND, OREGON 97209
TELEPHONE (503) 222-4402
FAX (503) 243-2944
WWW.RCCLAWYERS.COM

Timothy V. Ramis
jennvd@rcclawyers.com

May 3, 2007

Multnomah County Board of Commissioners
501 SE Hawthorne Boulevard
Portland, Oregon

Re: T1-06-101 Peter and Alice Patterson
T1-06-102 Julianne Patterson Ward

Dear Commissioners:

Please consider the following proposed amendment to the recommendations in the staff report for the group of claims scheduled for hearing on May 3, 2007.

Recommendation No. 3 should be amended to describe how the county applied EFU-38 regulations in the late 1970s. This zoning affects only the Patterson and Ward claims. Both parcels were acquired in July 1978, when the minimum lot size in the EFU-38 zone was 38 acres. The adjacent parcels are identical in size with 42.63 acres and both therefore exceeded the minimum lot size. In 1979, the county issued a building permit for a dwelling on one of the lots.

Please amend the proposed order as follows:

3. Action by the Board of Commissioners to not apply regulations does not authorize immediate development of the intended use. Rules that still apply require that land use and building permits will be approved by the County before development can proceed. Specifically, land use permits will be required where claimants acquired properties subject to regulations that only allowed dwellings required for, or in conjunction with farm or timber uses in order to confirm that the dwellings are for those purposes.

However, a dwelling is a use permitted outright on claim parcels that met the minimum lot size of 38 acres in the EFU-38 zone when the time of acquisition was in 1978 or 1979, and qualified owners of such property have the right to a dwelling subject only to current building permit requirements. No additional land use permit shall be required. (See 1000 Friends v. Clackamas County, 3 LCDC 113, 125-127 (1979). For those cases in which a building permit was issued in 1978 or 1979, the building permit shall be renewed.

Multnomah County Board of Commissioners
May 3, 2007
Page 2

Please apply this amended recommendation to the conditions of approval in both File Nos. T1-06-101 and T1-06-102. Thank you.

Very truly yours,



Timothy V. Ramis

TVR/gws

G:\gws\Patterson\amend staff report lt.wpd

T1-06-101 PETER & ALICE **PATTERSON**
T1-06-102 JULIANNE PATTERSON **WARD**

1. LETTER REQUESTING AMENDED
CONDITION
2. 1979 BUILDING PERMIT
3. 1948 PATTERSON FARM PLAN
4. **PATTERSON** ACQUISITION &
CURRENT OWNER DEEDS
5. **WARD** ACQUISITION DEED

RAMIS CREW CORRIGAN LLP

ATTORNEYS AT LAW

1727 NW HOYT STREET
PORTLAND, OREGON 97209
TELEPHONE (503) 222-4402
FAX (503) 243-2944
WWW.RCCLAWYERS.COM

Timothy V. Ramis
jennvd@rcclawyers.com

May 3, 2007

Multnomah County Board of Commissioners
501 SE Hawthorne Boulevard
Portland, Oregon

Re: T1-06-101 Peter and Alice Patterson
T1-06-102 Julianne Patterson Ward

Dear Commissioners:

Please consider the following proposed amendment to the recommendations in the staff report for the group of claims scheduled for hearing on May 3, 2007.

Recommendation No. 3 should be amended to describe how the county applied EFU-38 regulations in the late 1970s. This zoning affects only the Patterson and Ward claims. Both parcels were acquired in July 1978, when the minimum lot size in the EFU-38 zone was 38 acres. The adjacent parcels are identical in size with 42.63 acres and both therefore exceeded the minimum lot size. In 1979, the county issued a building permit for a dwelling on one of the lots.

Please amend the proposed order as follows:

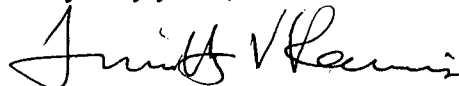
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Multnomah County Board of Commissioners
May 3, 2007
Page 2

Please apply this amended recommendation to the conditions of approval in both File Nos. T1-06-101 and T1-06-102. Thank you.

Very truly yours,



Timothy V. Ramis

TVR/gws

G:\gws\Patterson\amend staff report lt. wpd



MULTNOMAH COUNTY OREGON

ENVIRONMENTAL SERVICES/PERMIT SECTION
2115 SE MORRISON STREET
PORTLAND, OREGON 97214

Inspection (503) 248-5272 Plumbing 248-3668 Nuisance Control 248-3582
ding 248-3047 Sewage 248-3672 Right-of-Way Use 248-3582

LDING-SIGN-LAND USE PERMIT

Address Lucy Reeder Road, Sauvie Island
Route 1, Portland, Oregon 97231 15919 NW Lucy Reeder Rd

Legal Desc. Section 5, T 2 N, R 1 W, WM Tax Lot 1918

Lot _____ Blk _____ Addition _____

Property Owner Peter V. & Alice L. Patterson

Address 3946 NE 65th, Portland, OR Zip 97213

Occupant _____

Address _____

Contractor Owner

Address _____ Lic. No. _____

Plans By: ☒ Arch ☐ Engineer ☐ Designer ☐ Owner

☒ SFR ☐ COMMERCIAL ☐ SIGN ☐

☐ DUPLEX ☐ INDUSTRIAL ☐ LAND USE ☐

☐ APARTMENT ☐ DEMOLITION ☐ ACCESSORY ☐

☐ MOVE-From _____

☒ NEW CONSTRUCTION ☒ FLOOR AREA 1980 Sq Ft

☐ ALTERATION ☐ STORIES 2 HEIGHT 24

☐ ADDITION ☐ NO. OF LIVING UNITS 1

☐ BASEMENT ☐ NO. OF BEDROOMS 3

Use Of Structure Single Family Residence

Description Of Work Construction of Single Family Residence

Special Conditions BA 185 LES 183-78
185-77 (no conditions specified)

MULTNOMAH COUNTY
R/W use permit office
no work in public R/W
indicated or approved

PERMIT NO. 790701

VALUATION 65,000

PERMIT

Recpt. 9309 51 21 217.00 BC

Recpt. 9309 Dec 8.70 BC

Recpt. 9309 URGENT 5.00 BC

Recpt. 253 9309 4/25/79 230.70 TL

Recpt. _____ Fee _____

Recpt. 253 8031 3/15/79 100.50 TL

Recpt. _____ Fee _____

Recpt. _____ Fee _____

Recpt. _____ Fee _____

Recpt. _____ Fee _____

Recpt. _____ Fee _____

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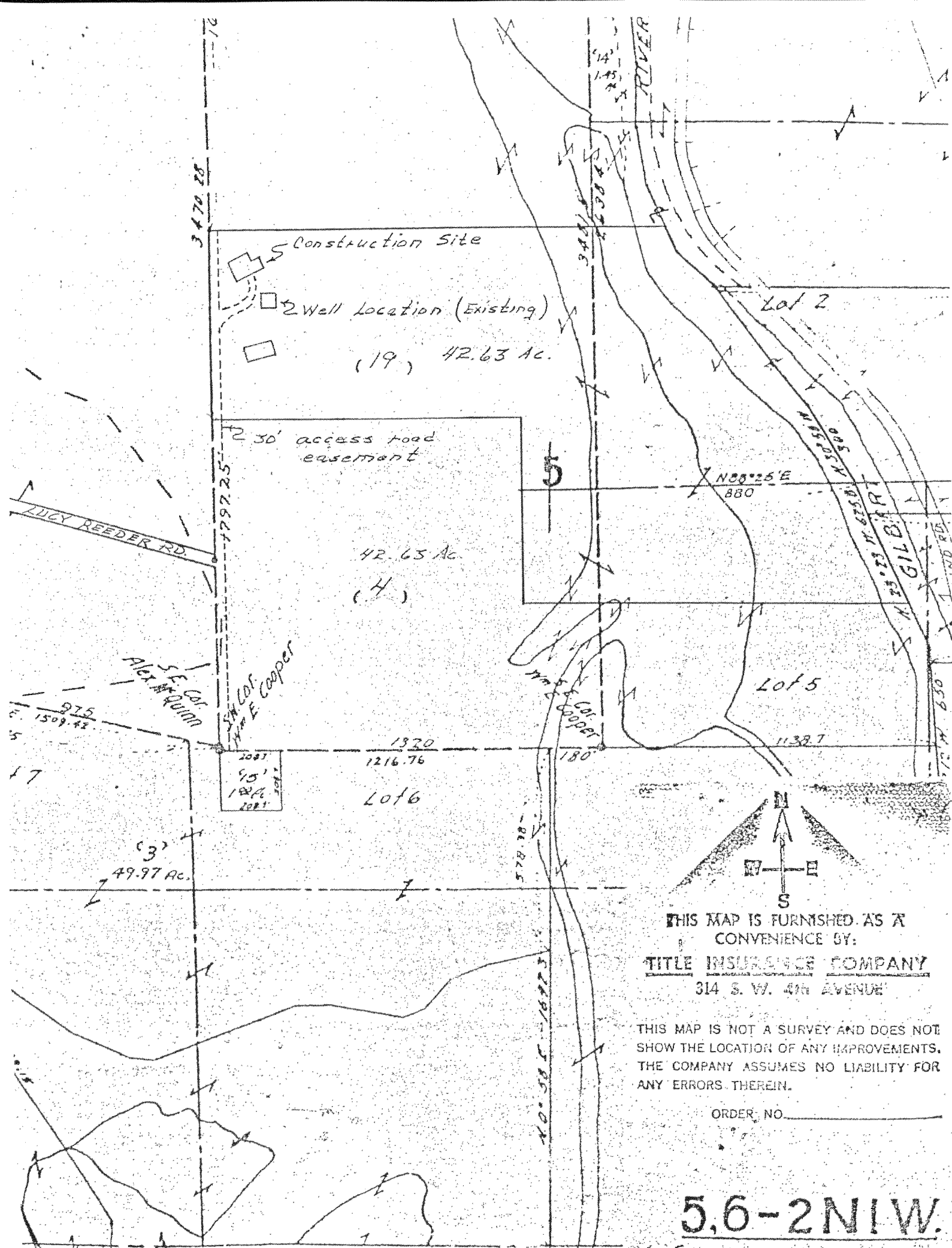
I hereby acknowledge that the information given above is correct. I agree to build in a workman-like manner and in accordance with the above description, approved plans, specifications and all applicable codes and orders of Multnomah County.

Date 12/7/79 Signature Peter V. Patterson Phone 282-5367

PERMIT ISSUED

By APB

Date 4-25-79



Construction Site

Well Location (Existing)

(19) 42.63 Ac.

30' access road easement

42.65 Ac.
(4)

LUCY REEDER RD.

SE COR
ALICE REEDER

SW COR
H. E. COOPER

Lot 6

Lot 5



THIS MAP IS FURNISHED AS A
CONVENIENCE BY:

TITLE INSURANCE COMPANY
314 S. W. 4th AVENUE

THIS MAP IS NOT A SURVEY AND DOES NOT
SHOW THE LOCATION OF ANY IMPROVEMENTS.
THE COMPANY ASSUMES NO LIABILITY FOR
ANY ERRORS THEREIN.

ORDER NO. _____

5.6-2N1W.

Frank G. Patterson

No. 45

449 Acres



1/1/48 SCS Farm Plan

Scale 1" = 100'

1978

21

7

BOOK OF RECORDS

BARGAIN AND SALE DEED—STATUTORY FORM
INDIVIDUAL GRANTOR

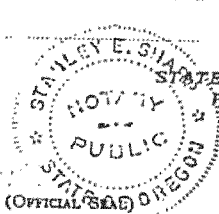
BOOK 1281 PAGE 1087

JULIA LENORE PATTERSON
conveys to PETER V. PATTERSON & ALICE L. PATTERSON, Tenants by the entirety, Grantor,
the following described real property situated in Multnomah County, Oregon, to-wit: Grantee.

SEE EXHIBIT "A"

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

The true consideration for this conveyance is \$... GIFT (Here comply with the requirements of ORS 93.030)
Grantees have agreed to provide grantor with certain support under certain
conditions during the remainder of grantor's life in consideration for this
deed, however, no dollar value can presently be placed upon this obligation.
Dated this ... day of July, 1978...



Julia Lenore Patterson
Julia Lenore Patterson
STATE OF OREGON, County of Multnomah, ss. July 12, 1978
Personally appeared the above named Julia Lenore Patterson

and acknowledged the foregoing instrument to be her voluntary act and deed.

Before me: *Stanley E. Sharp*
Notary Public for Oregon—My commission expires: 4/23/79

BARGAIN AND SALE DEED

Julia Lenore Patterson,
Peter V. Patterson et ux

GRANTOR

GRANTEE'S ADDRESS, ZIP

After recording return to:

Peter V. Patterson
3946 N.E. 65th
Portland, Oregon 97213

NAME, ADDRESS, ZIP

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

Peter V. Patterson
3946 N.E. 65th
Portland, Oregon 97213

NAME, ADDRESS, ZIP

STATE OF OREGON

County of } ss.

I certify that the within instru-
ment was received for record on the
... day of ... 19...
at ... o'clock M., and recorded
in book ... on page ... or as
file/reel number ...
Record of Deeds of said County.

Witness my hand and seal of
County affixed.

By .. Recording Officer
Deputy

SPACE RESERVED
FOR
RECORDER'S USE

1978

21

7

BOOK OF RECORDS

EXHIBIT "A"

11301 11303

Beginning at the Southwest corner of the Donation Land Claim of William E. Cooper and Ellen C. Cooper, his wife, Claim No. 51 and being in Section 5 of Township 2 North of Range 1 West of the Willamette Meridian; thence North 0 degrees 01' 02" West along the West line of said Donation Land Claim 1152.0 feet to a point marked by a 1 inch iron rod and which is the true place of beginning; thence South 89 degrees 23' 40" East 1075 feet; thence South 0 degrees 01' 02" East 655 feet; thence South 89 degrees 23' 40" East 1350 feet to the centerline of the Gilbert River; thence Northwesterly along the centerline of the Gilbert River to the South line of the John C. Herring tract, which is in Section 5 of Township 2 North of Range 1 West of the Willamette Meridian; thence North 89 degrees 23' 40" West to a point on the West line of the William E. Cooper D.L.C. marked by a 5/8 inch iron rod; thence South 0 degrees 01' 02" East 645.25 feet to the true place of beginning. This parcel is 42.63 acres more or less.

Granting unto the grantee, their heirs, and assigns, a right-of-way for vehicle passage over a strip of land 30 feet wide along the West line of the Cooper Donation Land Claim and extending from the East end of Lucy Reeder Road #1191 North to the South line of the above described property.

BOOK OF RECORDS

7

21

1978

57343

STATE OF OREGON
Multnomah County

I, _____, Director, Department of Administration Services and Recorder of County of _____, do hereby certify that the within instrument of writing was received for record and recorded in the record of _____ of said County at _____

JUL 21 1978 - 9 22 AM

MULTNOMAH COUNTY, OREGON

1281 1089
Witness my hand and seal of office affixed.

Director
Department of Administration
Services

Asc-27

Deputy

Don 1281 Inc 1089

600

volume / page

date / time

94 065171

194 APR 25 PM 1:32

PAGE 1 of 3

RECORDING SECTION
MULTNOMAH COUNTY

State of Oregon
County of Multnomah

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

Cindy Swick, Deputy

	RECORD	<u>10</u>
FEES -	SURVEY	<u>3</u>
	D.O.R.	<u>20</u>

PLEASE DO NOT REMOVE; THIS CERTIFICATE IS A PART OF
THE PUBLIC RECORD

BARGAIN AND SALE DEED—STATUTORY FORM
INDIVIDUAL GRANTEE

Peter V. Patterson and Alice L. Patterson, Husband and Wife

conveys to Peter V. Patterson Trust U/A Dated 4/1/90, 1994 as to an undivided one-half (1/2) interest and Alice L. Patterson Trust U/A Dated 4/1/90, 1994 as to an undivided one-half (1/2) interest. Grantee, the following real property situated in Multnomah County, Oregon, to-wit:

SEE EXHIBIT "A" ATTACHED

IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE

The true consideration for this conveyance is \$ NONE. (Here comply with the requirements of ORS 93.030)Dated this 20th day of April, 1994

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

Peter V. Patterson
Alice L. Patterson

STATE OF OREGON, County of Clatsop ss.Personally appeared the above named Peter V. Patterson and Alice L. Patterson 20 April, 1994

OFFICIAL SEAL
JOAN R. FARLEY
NOTARY PUBLIC - OREGON
COMMISSION NO. 0005010
(MY COMMISSION EXPIRES AUG. 19, 1995)

and acknowledged the foregoing instrument to be their voluntary act and deed.

Notary Public for Oregon—My commission expires: 8-19-95

BARGAIN AND SALE DEED

Peter V. Patterson & Alice L. Patterson

GRANTOR
GRANTEE

GRANTEE'S ADDRESS, ZIP

After recording return to:

Peter V. & Alice L. Patterson
222A NW Uptown Terrace, #2A
Portland, OR 97210

NAME, ADDRESS, ZIP

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

Peter V. & Alice L. Patterson
222A NW Uptown Terrace, #2A
Portland, OR 97210

NAME, ADDRESS, ZIP

STATE OF OREGON,

County of _____

I certify that the within instrument was received for record on the _____ day of _____, 19____.

at _____ o'clock _____ M., and recorded in book/reel/volume No. _____ on page _____ or as fee/file/instrument/microfilm/reception No. _____, Record of Deeds of said county.

Witness my hand and seal of County affixed.

NAME

TITLE

By _____ Deputy

2

94-65171

41-25-94

EXHIBIT "A"

Beginning at the Southwest corner of the Donation Land Claim of William E. Cooper and Ellen C. Cooper, his wife, Claim No. 51 and being in Section 5 of Township 2 North of Range 1 West of the Willamette Meridian; thence North 0 degrees 01' 02" West along the West line of said Donation Land Claim 1152.0 feet to a point marked by a 1 inch iron rod and which is the true place of beginning; thence South 89 degrees 23' 40" East 1075 feet; thence South 0 degrees 01' 02" East 655 feet; thence South 89 degrees 23' 40" East 1350 feet to the centerline of the Gilbert River; thence Northwesterly along the centerline of the Gilbert River to the South line of the John C. Herring tract, which is in Section 5 of Township 2 North of Range 1 West of the Willamette Meridian; thence North 89 degrees 23' 40" West to a point on the West line of the William E. Cooper D.L.C. marked by a 5/8 inch iron rod; thence South 0 degrees 01' 02" East 645.25 feet to the true place of beginning. This parcel is 42.63 acres more or less.

Granting unto the grantee, their heirs, and assigns, a right-of-way for vehicle passage over a strip of land 30 feet wide along the West line of the Cooper Donation Land Claim and extending from the East end of Lucy Reeder Road #1191 North to the South line of the above described property.

Recorded in the County of Multnomah, Oregon

C. Swick, Deputy Clerk

Total : 24.00

2001-023061 02/20/2001 02:07:17pm ATKLM

A31	2	REC	SUR	DOR	OLIS
10.00	3.00	10.00	1.00		

Grantor:

P.V. & Alice Patterson
1934 SW Terrace Dr
Portland, OR 97201

Grantee:

Trustee(s) Patterson Living Trusts
1934 SW Terrace Dr
Portland, OR 97201

Send tax statements to:

No change

After recording return to:

Dale F. Evans, Attorney at Law
PO Box 1708
Lake Oswego, OR 97035

BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, that PETER V. PATTERSON and ALICE L. PATTERSON, Husband and Wife, as Grantor, do hereby grant, bargain, sell and convey unto PETER V. PATTERSON, Trustee of Peter V. Patterson Living Trust u/a dated April 20, 1994, as Amended, an undivided one-half (1/2) interest and to ALICE L. PATTERSON, Trustee of Alice L. Patterson Living Trust u/a dated April 20, 1994, as Amended, an undivided one-half (1/2) interest in and to the following described real property situated in Multnomah County, State of Oregon:

Beginning at the Southeast corner of the Donation Land Claim of William E. Cooper and Ellen C. Cooper, his wife, Claim No. 51 and being in Section 5, Township 2 North, Range 1 West of the Willamette Meridian; thence North 0°01'02" West along the West line of said Donation Land Claim 1152.0 feet to a point marked by a 1 inch iron rod and which is the true place of beginning; thence South 89°23'40" East 1075 feet; thence South 0°01'02" East 655 feet; thence South 89°23'40" East 1350 feet to the centerline of the Gilbert River; thence Northwesterly along the centerline of the Gilbert River to the South line of the John C. Herring tract, which is in Section 5 of Township 2 North of Range 1 West of the Willamette Meridian; thence North 89°23'40" West to a point on the West line of the William E. Cooper D.L.C. marked by a 5/8 inch iron rod; thence South 0°01'02" East 645.25 feet to the true place of beginning. This parcel is 42.63 acres more or less.

(Legal description continued on page 2)

The true and actual consideration paid for this transfer in terms of dollars, is: \$ None. (Grantors are conveying their interest to their respective revocable living trust(s)).

Page 1 of 2 - Bargain and Sale Deed

2

Granting unto the grantee, their heirs, and assigns, a right-of-way for vehicle passage over a strip of land 30 feet wide along the West line of the Cooper Donation Land Claim and extending from the East end of Lucy Reeder Road #1191 North to the South line of the above described property.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

Dated: February 12, 2001 .

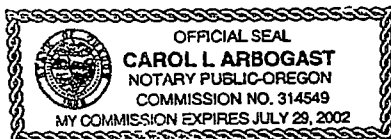

Peter V. Patterson

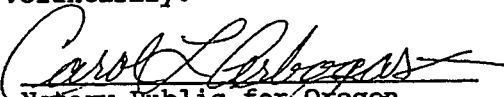

Alice L. Patterson

STATE OF OREGON

County of Washington) ss.

On this 12 day of February, 2001, personally appeared before me the above Peter V. Patterson and Alice L. Patterson, who executed the within instrument, and acknowledged to me that they executed the same freely and voluntarily.




Notary Public for Oregon
My commission expires July 29, 2002

A:\PATTERSI.DEE

1979

28

2

BOOK OF RECORDS

TA
BARGAIN AND SALE DEED—STATUTORY FORM
JULIA LENORE PATTERSON
INDIVIDUAL GRANTOR
conveys to JULIANNE WARD, Grantor,
the following described real property situated in Multnomah County, Oregon, to-wit: Grantee,

SEE EXHIBIT "A"

IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE
The true consideration for this conveyance is \$... GIFT (Here comply with the requirements of ORS 93.030)
Grantee has agreed to provide grantor with certain support under certain conditions during the remainder of grantor's life in consideration for this deed, however, no dollar value can presently be placed upon this obligation.
Dated this 12th day of July, 1978

JULIA LENORE PATTERSON
Julia Lenore Patterson
STATE OF OREGON, County of Multnomah ss. July 12, 1978
Personally appeared the above named Julia Lenore Patterson
and acknowledged the foregoing instrument to be her voluntary act and deed.
Before me: Stanley E. Smith
Notary Public for Oregon—My commission expires: 4/23/79
(Official Seal)

BARGAIN AND SALE DEED
Julia Lenore Patterson,
Julianne Ward,
GRANTOR
GRANTEE
GRANTEE'S ADDRESS, ZIP
After recording return to:
Julianne Ward
818 S. King Apt. #605
Honolulu, Hawaii 96800
NAME, ADDRESS, ZIP
Until a change is requested, all tax statements
shall be sent to the following address:
Julianne Ward
818 S. King Apt. #605
Honolulu, Hawaii 96800
NAME, ADDRESS, ZIP

SPACE RESERVED
FOR
RECORDOR'S USE

STATE OF OREGON
County of
I certify that the within instrument
was received for record on the
day of 1978
at o'clock M., and recorded
in book on page or as
file/reel number
Record of Deeds of said County.
Witness my hand and seal of
County affixed.
By Recording Officer
Deputy

1979

28

2

BOOK OF RECORDS

EXHIBIT "A"

1334 2158

Beginning at the Southwest corner of the Donation Land Claim of William E. Cooper and Ellen C. Cooper, his wife, Claim No. 51 and being in Section 5 of Township 2 North of Range 1 West of the Willamette Meridian; thence North 0 degrees 01' 02" West along the West line of said Donation Land Claim 1152.0 feet to a point marked by a 1 inch iron rod and which is the true place of beginning; thence South 89 degrees 23' 40" East 1075.0 feet; thence South 0 degrees 01' 02" East 655.0 feet; thence South 89 degrees 23' 40" East 1350.0 feet to the centerline at the Gilbert River; thence southerly along the centerline of the Gilbert River to the intersection of the South line of Lot 5; thence West along the South line of Lot 5 1138.70 feet to the Southeast corner of the William E. Cooper D.L.C.; thence West 1320.0 feet to the Southwest corner at said D.L.C.; thence North 0 degrees 01' 02" West 1152.0 feet to the true place of beginning; reserving unto herself, her heirs and assigns a right-of-way for vehicle passage over a strip of land 30 feet wide along the West line of the Cooper Donation Land Claim and extending from the East end of Lucy Reeder Road #1191 North to the North line of the above described property. This parcel is 42.63 acres more or less.

T1-06-101 PETER & ALICE **PATTERSON**
T1-06-102 JULIANNE PATTERSON **WARD**

1. LETTER REQUESTING AMENDED
 CONDITION
2. 1979 BUILDING PERMIT
3. 1948 PATTERSON FARM PLAN
4. **PATTERSON** ACQUISITION &
 CURRENT OWNER DEEDS
5. **WARD** ACQUISITION DEED

RAMIS CREW CORRIGAN LLP

ATTORNEYS AT LAW

1727 NW HOYT STREET
PORTLAND, OREGON 97209
TELEPHONE (503) 222-4402
FAX (503) 243-2944
WWW.RCCLAWYERS.COM

Timothy V. Ramis
jennyd@rcclawyers.com

May 3, 2007

Multnomah County Board of Commissioners
501 SE Hawthorne Boulevard
Portland, Oregon

Re: T1-06-101 Peter and Alice Patterson
T1-06-102 Julianne Patterson Ward

Dear Commissioners:

Please consider the following proposed amendment to the recommendations in the staff report for the group of claims scheduled for hearing on May 3, 2007.

Recommendation No. 3 should be amended to describe how the county applied EFU-38 regulations in the late 1970s. This zoning affects only the Patterson and Ward claims. Both parcels were acquired in July 1978, when the minimum lot size in the EFU-38 zone was 38 acres. The adjacent parcels are identical in size with 42.63 acres and both therefore exceeded the minimum lot size. In 1979, the county issued a building permit for a dwelling on one of the lots.

Please amend the proposed order as follows:

3. Action by the Board of Commissioners to not apply regulations does not authorize immediate development of the intended use. Rules that still apply require that land use and building permits will be approved by the County before development can proceed. Specifically, land use permits will be required where claimants acquired properties subject to regulations that only allowed dwellings required for, or in conjunction with farm or timber uses in order to confirm that the dwellings are for those purposes.

However, a dwelling is a use permitted outright on claim parcels that met the minimum lot size of 38 acres in the EFU-38 zone when the time of acquisition was in 1978 or 1979, and qualified owners of such property have the right to a dwelling subject only to current building permit requirements. No additional land use permit shall be required. (See 1000 Friends v. Clackamas County, 3 LCDC 113, 125-127 (1979). For those cases in which a building permit was issued in 1978 or 1979, the building permit shall be renewed.

Multnomah County Board of Commissioners
May 3, 2007
Page 2

Please apply this amended recommendation to the conditions of approval in both File Nos.
T1-06-101 and T1-06-102. Thank you.

Very truly yours,


Timothy V. Ramis

TVR/gws

G:\gws\Patterson\amend staff report lt. wpd



MULTNOMAH COUNTY OREGON

ENVIRONMENTAL SERVICES/PERMIT SECTION
2115 SE MORRISON STREET
PORTLAND, OREGON 97214

Inspection (503) 248-5272 Plumbing 248-3668 Nuisance Control 248-3582
ding 248-3047 Sewage 248-3672 Right-of-Way Use 248-3582

LDING-SIGN-LAND USE PERMIT

Address Lucy Reeder Road, Sauvie Island
Route 1, Portland, Oregon 97231 15919 NW Lucy Reeder Rd

Legal Desc. Section 5, T 2 N, R 1 W, WM Tax Lot 1918

Lot Blk Addition

Property Owner Peter V. & Alice L. Patterson

Address 3946 NE 65th, Portland, OR Zip 97213

Occupant

Address

Contractor

Address

Plans By: ☒ Arch ☐ Engineer ☐ Designer ☐ Owner

☒ SFR ☐ COMMERCIAL ☐ SIGN ☐

☐ DUPLEX ☐ INDUSTRIAL ☐ LAND USE ☐

☐ APARTMENT ☐ DEMOLITION ☐ ACCESSORY ☐

☐ MOVE From

☒ NEW CONSTRUCTION X FLOOR AREA 1980 Sq Ft

☐ ALTERATION STORIES 2 HEIGHT 24

☐ ADDITION NO. OF LIVING UNITS 1

☐ BASEMENT NO. OF BEDROOMS 3

Use Of Structure Single Family Residence

Description Of Work Construction of Single Family Residence

Special Conditions BA 185-77 (no conditions specified)

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

Date 4/9/79 Signature Peter V. Patterson Phone 282-5367

PERMIT NO. 790701

VALUATION 65,000

PERMIT

Recpt. 9309 51 21 217.00 BC
9309 Fee 8.70 BC

9309 URCHARGE 5.00 BC
253 9309 4/25/79 230.70 TL

Recpt. Fee

253 0031 3/15/79 1005.00 TL

 Fee

 Fee

 Fee

 Fee

 Fee

Zone EFU-39 Map 21

Const. Type 5H

Occ. Group R3

Fire Dist. Fire Zone 3

FIRE DIST. Appr.

By

Date 3-26-79

R/W USE Appr.

By

Date 3-26-79

SANITATION Appr.

By

Date 3/19

PLUMBING Appr.

By

Date 3-9-79

ZONING Appr.

By

Date 4/25/79

STRUCTURAL DESIGN Appr.

By

Date

BUILDING Appr.

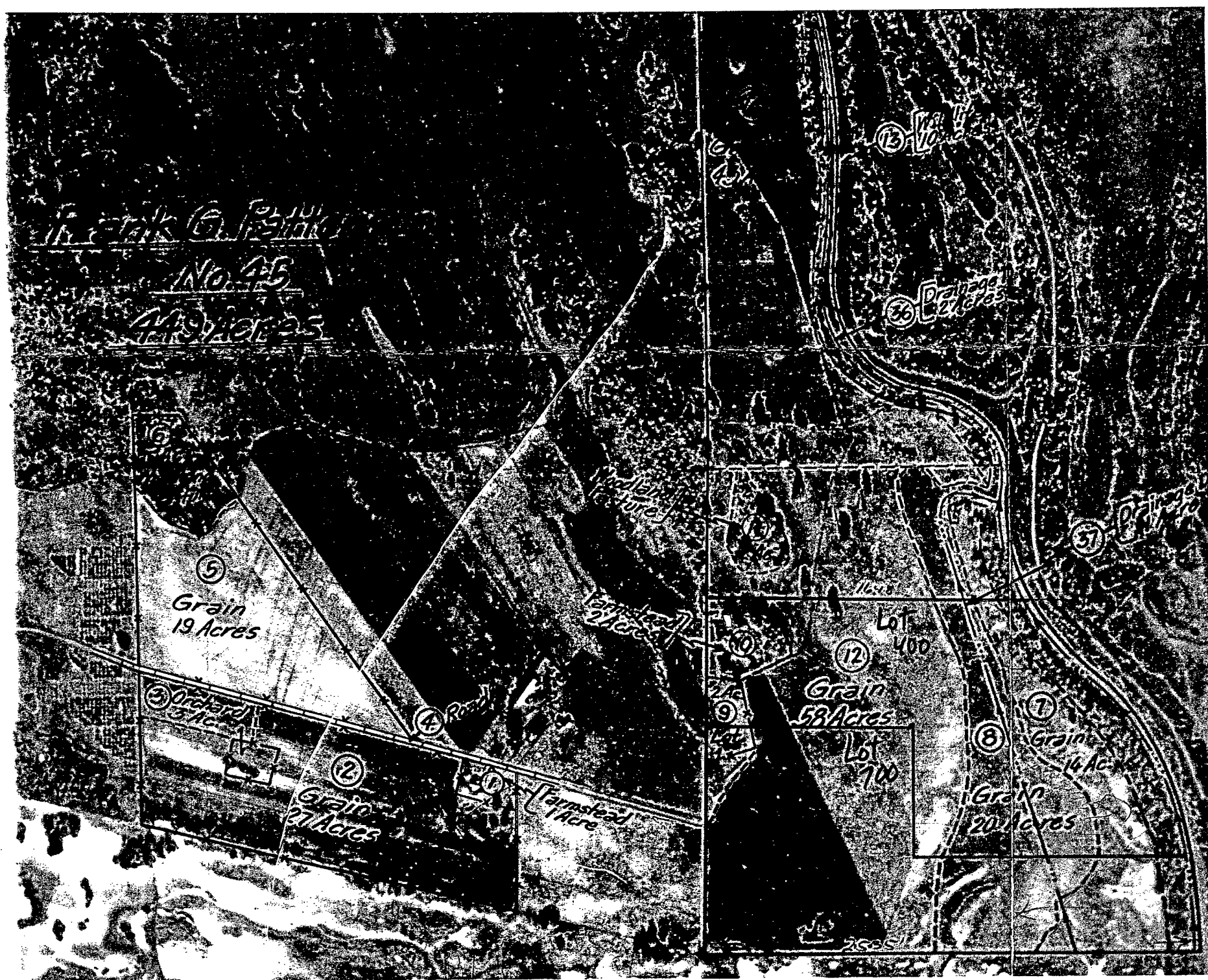
By

Date 4-25-79

PERMIT ISSUED

By

Date 4-25-79



1/1/48 SCS Farm Plan

Scale 1" = 650'

1/2 1/2 1/2 1/2 1/2

1978

21

7

BOOK OF RECORDS

TA

BARGAIN AND SALE DEED—STATUTORY FORM
INDIVIDUAL GRANTOR

BOOK 1281 PAGE 1087

JULIA LENORE PATTERSON
conveys to PETER V. PATTERSON & ALICE L. PATTERSON, Tenants by the entirety, Grantor,
the following described real property situated in Multnomah County, Oregon, to-wit: Grantee,

SEE EXHIBIT "A"

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

The true consideration for this conveyance is \$... GIFT (Here comply with the requirements of ORS 93.030)
Grantees have agreed to provide grantor with certain support under certain
conditions during the remainder of grantor's life in consideration for this
deed, however, no dollar value can presently be placed upon this obligation.
Dated this ... day of July, 1978...

Julia Lenore Patterson

Julia Lenore Patterson



STATE OF OREGON, County of Multnomah, ss. July 12, 1978

Personally appeared the above named Julia Lenore Patterson

and acknowledged the foregoing instrument to be her voluntary act and deed.

Before me:

Notary Public for Oregon—My commission expires: 4/23/79

BARGAIN AND SALE DEED

Julia Lenore Patterson,
Peter V. Patterson et uxGRANTOR
GRANTEE

GRANTEE'S ADDRESS, ZIP

After recording return to:

Peter V. Patterson
3946 N.E. 65th
Portland, Oregon 97213

NAME, ADDRESS, ZIP

Until a change is requested, all tax statements
shall be sent to the following address:Peter V. Patterson
3946 N.E. 65th
Portland, Oregon 97213

NAME, ADDRESS, ZIP

STATE OF OREGON

County of } ss.

I certify that the within instru-
ment was received for record on the
... day of ... 19...
at ... o'clock M., and recorded
in book ... on page ... or as
file/reel number ...
Record of Deeds of said County.
Witness my hand and seal of
County affixed.

SPACE RESERVED
FOR
RECORDER'S USE

Recording Officer

By ... Deputy

EXHIBIT "A"

CON-1291 REG-1083

Beginning at the Southwest corner of the Donation Land Claim of William E. Cooper and Ellen C. Cooper, his wife, Claim No. 51 and being in Section 5 of Township 2 North of Range 1 West of the Willamette Meridian; thence North 0 degrees 01' 02" West along the West line of said Donation Land Claim 1152.0 feet to a point marked by a 1 inch iron rod and which is the true place of beginning; thence South 89 degrees 23' 40" East 1075 feet; thence South 0 degrees 01' 02" East 655 feet; thence South 89 degrees 23' 40" East 1350 feet to the centerline of the Gilbert River; thence Northwesterly along the centerline of the Gilbert River to the South line of the John C. Herring tract, which is in Section 5 of Township 2 North of Range 1 West of the Willamette Meridian; thence North 89 degrees 23' 40" West to a point on the West line of the William E. Cooper D.L.C. marked by a 5/8 inch iron rod; thence South 0 degrees 01' 02" East 645.25 feet to the true place of beginning. This parcel is 42.63 acres more or less.

Granting unto the grantee, their heirs, and assigns, a right-of-way for vehicle passage over a strip of land 30 feet wide along the West line of the Cooper Donation Land Claim and extending from the East end of Lucy Reeder Road #1191 North to the South line of the above described property.

BOOK OF RECORDS

7

21

1978

57343

STATE OF OREGON
Multnomah County

I, Director, Department of Administration Services and Records of County
and "v" said County, do hereby certify that the
within instrument of writing was received for record
and recorded in the record of
of said County at

JUL 21 1978 - 9 00 AM
MULTNOMAH COUNTY, OREGON

1281 1089
witness my hand and seal of office affixed.

Director
Department of Administration
Services

Rec-17

Deputy
Deputy.

Don 1281 hr 1089

600

volume / page

date / time

94 065171

94 APR 25 PM 1:32

PAGE 1 of 3

RECORDING SECTION
MULTNOMAH COUNTY

State of Oregon
County of Multnomah

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

Cindy Swick, Deputy

	RECORD	<u>10</u>
FEES -	SURVEY	<u>3</u>
	D.O.R.	<u>20</u>

PLEASE DO NOT REMOVE; THIS CERTIFICATE IS A PART OF
THE PUBLIC RECORD

41 25 94

OR

BARGAIN AND SALE DEED—STATUTORY FORM
INDIVIDUAL GRANTOR

Peter V. Patterson and Alice L. Patterson, Husband and Wife

conveys to Peter V. Patterson Trust U/A Dated April 12, 1994 as to an undivided one-half (1/2) interest and Alice L. Patterson Trust U/A Dated April 12, 1994 as to an undivided one-half (1/2) interest. Grantee, the following real property situated in Multnomah County, Oregon, to-wit:

SEE EXHIBIT "A" ATTACHED

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

The true consideration for this conveyance is \$ NONE. (Here comply with the requirements of ORS 93.030)Dated this 20th day of April, 1994

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

Peter V. Patterson

Alice L. Patterson

Alice L. Patterson

STATE OF OREGON, County of Clatsop, ss.Personally appeared the above named Peter V. Patterson and Alice L. Patterson

OFFICIAL SEAL
JOAN R. FARLEY
NOTARY PUBLIC—OREGON
COMMISSION NO. 0005010
(MY COMMISSION EXPIRES AUG. 19, 1995)

and acknowledged the foregoing instrument to be their voluntary act and deed.

Notary Public for Oregon—My commission expires: 8-19-95

BARGAIN AND SALE DEED

Peter V. Patterson & Alice L. Patterson

GRANTOR

GRANTEE

GRANTEE'S ADDRESS, ZIP

After recording return to:

Peter V. & Alice L. Patterson
222A NW Uptown Terrace, #2A
Portland, OR 97210

NAME, ADDRESS, ZIP

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

Peter V. & Alice L. Patterson
222A NW Uptown Terrace, #2A
Portland, OR 97210

NAME, ADDRESS, ZIP

SPACE RESERVED
FOR
RECORDER'S USE

STATE OF OREGON,

County of _____, ss.

I certify that the within instrument was received for record on the _____ day of _____, 19____, at _____ o'clock _____ M., and recorded in book/reel/volume No. _____ on page _____ or as fee/file/instrument/microfilm/reception No. _____, Record of Deeds of said county.

Witness my hand and seal of County affixed.

NAME TITLE

By _____ Deputy

2

94-65171

11-25-94

EXHIBIT "A"

Beginning at the Southwest corner of the Donation Land Claim of William E. Cooper and Ellen C. Cooper, his wife, Claim No. 51 and being in Section 5 of Township 2 North of Range 1 West of the Willamette Meridian; thence North 0 degrees 01' 02" West along the West line of said Donation Land Claim 1152.0 feet to a point marked by a 1 inch iron rod and which is the true place of beginning; thence South 89 degrees 23' 40" East 1075 feet; thence South 0 degrees 01' 02" East 655 feet; thence South 89 degrees 23' 40" East 1350 feet to the centerline of the Gilbert River; thence Northwesterly along the centerline of the Gilbert River to the South line of the John C. Herring tract, which is in Section 5 of Township 2 North of Range 1 West of the Willamette Meridian; thence North 89 degrees 23' 40" West to a point on the West line of the William E. Cooper D.L.C. marked by a 5/8 inch iron rod; thence South 0 degrees 01' 02" East 645.25 feet to the true place of beginning. This parcel is 42.63 acres more or less.

Granting unto the grantee, their heirs, and assigns, a right-of-way for vehicle passage over a strip of land 30 feet wide along the West line of the Cooper Donation Land Claim and extending from the East end of Lucy Reeder Road #1191 North to the South line of the above described property.

Recorded in the County of Multnomah, Oregon

C. Swick, Deputy Clerk

Total : 24.00

2001-023061 02/20/2001 02:07:17pm ATKLM

A31	2	REC	SUR	DOR	OLIS
10.00		3.00	10.00		1.00

Grantor:

P.V. & Alice Patterson
1934 SW Terrace Dr
Portland, OR 97201

Grantee:

Trustee(s) Patterson Living Trusts
1934 SW Terrace Dr
Portland, OR 97201

Send tax statements to:

No change

After recording return to:

Dale F. Evans, Attorney at Law
PO Box 1708
Lake Oswego, OR 97035

BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, that PETER V. PATTERSON and ALICE L. PATTERSON, Husband and Wife, as Grantor, do hereby grant, bargain, sell and convey unto PETER V. PATTERSON, Trustee of Peter V. Patterson Living Trust u/a dated April 20, 1994, as Amended, an undivided one-half (1/2) interest and to ALICE L. PATTERSON, Trustee of Alice L. Patterson Living Trust u/a dated April 20, 1994, as Amended, an undivided one-half (1/2) interest in and to the following described real property situated in Multnomah County, State of Oregon:

Beginning at the Southeast corner of the Donation Land Claim of William E. Cooper and Ellen C. Cooper, his wife, Claim No. 51 and being in Section 5, Township 2 North, Range 1 West of the Willamette Meridian; thence North 0°01'02" West along the West line of said Donation Land Claim 1152.0 feet to a point marked by a 1 inch iron rod and which is the true place of beginning; thence South 89°23'40" East 1075 feet; thence South 0°01'02" East 655 feet; thence South 89°23'40" East 1350 feet to the centerline of the Gilbert River; thence Northwesterly along the centerline of the Gilbert River to the South line of the John C. Herring tract, which is in Section 5 of Township 2 North of Range 1 West of the Willamette Meridian; thence North 89°23'40" West to a point on the West line of the William E. Cooper D.L.C. marked by a 5/8 inch iron rod; thence South 0°01'02" East 645.25 feet to the true place of beginning. This parcel is 42.63 acres more or less.

(Legal description continued on page 2)

The true and actual consideration paid for this transfer in terms of dollars, is: \$ None. (Grantors are conveying their interest to their respective revocable living trust(s)).

Page 1 of 2 - Bargain and Sale Deed

2

Granting unto the grantee, their heirs, and assigns, a right-of-way for vehicle passage over a strip of land 30 feet wide along the West line of the Cooper Donation Land Claim and extending from the East end of Lucy Reeder Road #1191 North to the South line of the above described property.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

Dated: February 12, 2001 .

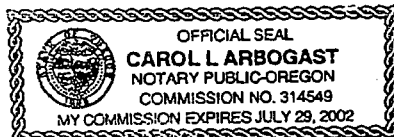
Peter V. Patterson
Peter V. Patterson

Alice L. Patterson
Alice L. Patterson

STATE OF OREGON

County of Washington) ss.

On this 12 day of February, 2001, personally appeared before me the above Peter V. Patterson and Alice L. Patterson, who executed the within instrument, and acknowledged to me that they executed the same freely and voluntarily.



Carol L. Arbogast
Notary Public for Oregon
My commission expires: July 29, 2002

A:\PATTERSI.DEE

1979

28

2

BOOK OF RECORDS

TA

BARGAIN AND SALE DEED—STATUTORY FORM
INDIVIDUAL GRANTOR

JULIA LENORE PATTERSON
conveys to JULIANNE WARD,
the following described real property situated in Multnomah County, Oregon, to-wit:

Grantor,
Grantee,

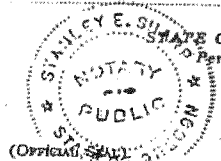
SEE EXHIBIT "A"

IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE

The true consideration for this conveyance is \$ GIFT. (Here comply with the requirements of ORS 93.030)
Grantee has agreed to provide grantor with certain support under certain
conditions during the remainder of grantor's life in consideration for this
deed, however, no dollar value can presently be placed upon this obligation.
Dated this 12th day of July, 1978.

JULIA LENORE PATTERSON

Julia Lenore Patterson



STATE OF OREGON, County of Multnomah, as July 12, 1978
Personally appeared the above named Julia Lenore Patterson

and acknowledged the foregoing instrument to be her voluntary act and deed.

Before me: Stanley E. Smith

Notary Public for Oregon—My commission expires: 4/23/79

BARGAIN AND SALE DEED

Julia Lenore Patterson,
Julianne Ward,GRANTOR
GRANTEEGRANTEE'S ADDRESS, ZIP
After recording return to:

Julianne Ward
818 S. King Apt. #605
Honolulu, Hawaii 96800

NAME, ADDRESS, ZIP

Until a change is requested, all tax statements
shall be sent to the following address:
Julianne Ward
818 S. King Apt. #605
Honolulu, Hawaii 96800

NAME, ADDRESS, ZIP

STATE OF OREGON

County of

I certify that the within instrument was received for record on the
day of 1978
at o'clock M. and recorded
in book on page or as
file/reef number
Record of Deeds of said County.
Witness my hand and seal of
County affixed.

By Recording Officer
Deputy

SPACE RESERVED
FOR
RECORDER'S USE

1979

28

2

BOOK OF RECORDS

EXHIBIT "A"

1333 402158

Beginning at the Southwest corner of the Donation Land Claim of William E. Cooper and Ellen C. Cooper, his wife, Claim No. 51 and being in Section 5 of Township 2 North of Range 1 West of the Willamette Meridian; thence North 0 degrees 01' 02" West along the West line of said Donation Land Claim 1152.0 feet to a point marked by a 1 inch iron rod and which is the true place of beginning; thence South 89 degrees 23' 40" East 1075.0 feet; thence South 0 degrees 01' 02" East 655.0 feet; thence South 89 degrees 23' 40" East 1350.0 feet to the centerline at the Gilbert River; thence southerly along the centerline of the Gilbert River to the intersection of the South line of Lot 5; thence West along the South line of Lot 5 1138.70 feet to the Southeast corner of the William E. Cooper D.L.C.; thence West 1320.0 feet to the Southwest corner at said D.L.C.; thence North 0 degrees 01' 02" West 1152.0 feet to the true place of beginning; reserving unto herself, her heirs and assigns a right-of-way for vehicle passage over a strip of land 30 feet wide along the West line of the Cooper Donation Land Claim and extending from the East end of Lucy Reeder Road #1191 North to the North line of the above described property. This parcel is 42.63 acres more or less.

**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: 5/03/07

SUBJECT: T1-06-101

AGENDA NUMBER OR TOPIC: T1-06-101 Patterson

FOR: ☒ AGAINST: ☐ THE ABOVE AGENDA ITEM
(condition)

NAME: Cindy Reid

ADDRESS: PO Box 83731

CITY/STATE/ZIP: Portland, OR 97283

PHONE: _____ DAYS: _____

EVES: _____

EMAIL: Cinbar@spintone.com

FAX: _____

SPECIFIC ISSUE: _____

Written only WRITTEN TESTIMONY: grant SFR condition
that SFR is tied to EFU use.

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: 5/03/07

SUBJECT: M-37 ~~CLAIMS~~

↓

AGENDA NUMBER OR TOPIC: Claim #2 T1-06-090 (For condition step farm use)

FOR: ☒ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: CINDY REID

ADDRESS: PO BOX 83731

CITY/STATE/ZIP: PORTLAND, OR 97283

PHONE: DAYS: (503) 621-3071

EVES: _____

EMAIL: cimbah@spintone.com

FAX: _____

SPECIFIC ISSUE: _____

☒ only WRITTEN TESTIMONY: want to insure that SFR^s per lot of
Record are kept tied to Farm Use (EFU)
otherwise, am totally supportive of this claim.

(I do not need to address the Board - But will if needed)

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: 5/03/07

SUBJECT: M-37 - Claim 5 - T1-06-102 (WARD)

AGENDA NUMBER OR TOPIC: (Above)

FOR: ✓ AGAINST: _____ THE ABOVE AGENDA ITEM
(Condition)

NAME: Cindy REID

ADDRESS: PO BOX 83731

CITY/STATE/ZIP: PORTLAND, OR 97283

PHONE: DAYS: (503) 621-3071

EVES: _____

EMAIL: cindahe@spiritone.com

FAX: _____

SPECIFIC ISSUE: ~~SFR~~

* only WRITTEN TESTIMONY: Support SFR claim with condition
that property conform to ECU requirements
as a condition for granting SFR.

IF YOU WISH TO ADDRESS THE BOARD:

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

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. 07-080

Order Granting Ballot Measure 37 Request of William and Kay Finney Relating to a Parcel of Land Located South of 41100 SE Trout Creek Road, Tax Lot 900, Section 18, Township 1S, Range 5E, W.M., Multnomah County, Oregon

The Multnomah County Board of Commissioners Finds:

- a. **Parties:** William and Kay Finney are the Ballot Measure 37 Claimants who filed a demand for compensation to Multnomah County (Land Use Planning file # T1-06-082).
- b. **Subject Real Property:** This claim relates to real property located South of 41100 SE Trout Creek Road, Multnomah County, Oregon, more specifically described as:

Tax Lot 900, Section 18,
Township 1S, Range 5E, W.M.
Collectively (the Subject Property)

- c. **Relevant Dates of Property Ownership:**

Claimants have established that they acquired an interest in the Subject Property prior to the County's adoption of the land use regulations affecting the Subject Property.

A chain of title submitted by the claimants shows that they acquired the Subject Property on June 21, 1988, when it was zoned MUF-38. The claimants assert that the current zoning of the property (CFU-4) restricts their use of the property and diminishes the value of the property.

The Board finds that the claimants obtained an interest in the subject property on June 21, 1988, prior to the county's adoption of the current CFU-4 regulations which affect the Subject Property as described in section d.

- d. **County Codes as a Restriction on Use of the Property:**

Claimants have established that the county has adopted land use regulations since June 21, 1988, that restrict the use of the Subject Property.

The Subject Property was zoned MUF-38 when the claimants acquired the property on June 21, 1988. That zoning allowed a single family dwelling on lots 38 acres in size or larger, provided specific development standards were satisfied (§11.15.2168(E), Ord. #236). Current CFU-4 regulations contain specific standards that further limit dwellings in commercial timber areas, allowing them only if they satisfy a template test where there is already an established residential presence in the area, heritage tract standards for properties owned prior to January 1, 1985, or

large acreage requirements for properties larger than 160 acres (or 200 non-contiguous acres). The MUF-38 zone allowed uses that are not permitted under the CFU-4 zone which is a more restrictive zone.

The Board finds that the Claimants have established that the land use regulations adopted since June 21, 1988 have restricted use of the Subject Property.

e. County Code Restrictions Reduce Fair Market Value:

Claimants have established that the county land use regulations affecting the Subject Property adopted subsequent to June 21, 1988 have reduced the fair market value of the Subject Property.

The change in zoning from MUF-38 to a more restrictive zone, CFU-4, after Claimants acquired the Subject Property on June 21, 1988, have reduced the value of the Subject Property by restricting the construction of dwellings on forest land. Claimants seek compensation in the amount of \$300,000. The supporting evidence provided by Claimants is a statement of the value of four comparable properties that sold in the area within 12 months prior to the filing of their claim. While this alternative information is not sufficient to establish a specific dollar amount for compensation, it is adequate 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.

The Board finds that the Claimants have established that land use regulations adopted since June 21, 1988, have reduced the fair market value of 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 Find that Claimants have a Valid Measure 37 Claim for Compensation.

The Multnomah County Board of Commissioners Order that:

- 1. The County will not pay the compensation demanded by Claimants.**
- 2. In lieu of compensation, the County shall not apply land use regulations adopted since June 21, 1988, except for those exempted under ORS 197.352(3), to allow Claimants to use the Subject Property for uses permitted under regulations in effect on that date. This Order does not assure Claimants can use the Subject Property for the uses requested in this claim. It provides Claimants with an opportunity to meet the requirements of the county land use regulations in place at the time of Claimants' acquisition of the Subject 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 3rd day of May, 2007.



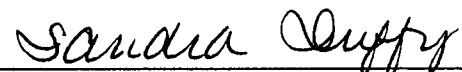
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



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. 07-081

Order Granting Ballot Measure 37 Request of Elenore Charlton Relating to a Parcel of Land identified as Tax Lots 100, 400, 500 and 800 Section 16, Township 2 North, Range 1 West, W.M., Multnomah County, Oregon

The Multnomah County Board of Commissioners Finds:

a. **Party:** Elenore Charlton is the Ballot Measure 37 Claimant who filed a demand for compensation to Multnomah County (Land Use Planning file # T1-06-090).

b. **Subject Real Properties:** This claim relates to six deeded parcels specifically described as:

Tax Lots 100, 400, 500 and 800 Section 16,
Township 2 North, Range 1 West, W.M
Collectively (the Subject Property)

c. **Relevant Dates of Property Ownership:**

Claimant has established that she acquired an interest in the Subject Property prior to the County's adoption of the land use regulations affecting the Subject Property.

A chain of title submitted by the claimant shows that she acquired the Subject Property as follows:

(1) (Tax Lot 100) August 9, 1967, when it was zoned F-2.

(2) (Tax Lots 400, 500 and 800) September 16, 1975 when it was zoned F-2.

The claimant asserts that the current zoning of the Subject Property (EFU) restricts her use of the Subject Property and diminishes the value of the Subject Property.

The Board finds that the claimant obtained an interest in the Subject Property on August 9, 1967, and September 16, 1975, prior to the county's adoption of the current EFU regulations which affect the Subject Property as described in section d.

d. **County Codes as a Restriction on Use of the Property:**

Claimant has established that the county has adopted land use regulations since August 9, 1967 and September 16, 1975 that restrict the use of the Subject Property.

The Subject Property was zoned F-2 when the claimant acquired the Subject Property on August 9, 1967 and September 16, 1975. F-2 zoning allowed a dwelling or dwellings for owner, operator, and/or help required to carry out grazing, agriculture, horticulture or the growing of timber (§3.112 Ord. #100). Current EFU regulations require a certain level of farm related income to be generated from the property in the last two years or three of the last five years in order to qualify a dwelling (§34.2625(D)&(E)). The EFU tract rules (§34.2610) and aggregation requirements (§34.2675) treat the properties as a single unit of land, prohibiting the claimant from establishing dwellings on each property. The F-2 zone allowed uses that are not permitted under the EFU, which is a more restrictive zone.

The Board finds that the Claimant has established that the land use regulations adopted since August 9, 1967 and September 16, 1975, have restricted use of the Subject Property.

e. County Code Restrictions Reduce Fair Market Value:

Claimant has established that the county land use regulations affecting the Subject Property adopted subsequent to August 9, 1967 and September 16, 1975, have reduced the fair market value of the Subject Property.

The change in zoning from F-2 to a more restrictive zone, EFU, after Claimant acquired the Subject Property on August 9, 1967 and September 16, 1975, has reduced the value of the Subject Property by restricting the construction of dwellings on farm land. Claimant seeks compensation in the amount of \$2,000,000. The supporting evidence provided is Claimant's statement of value of developed properties in her area versus the value of undeveloped properties, as provided by a realtor and the PGP appraisal report submitted for the Elinor Wiley Measure 37 claim. While this alternative information is not sufficient to establish a specific dollar amount for compensation, it is adequate 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.

The Board finds that the Claimant has established that land use regulations adopted since August 9, 1967 and September 16, 1975, have reduced the fair market value of 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 Claimant.**

2. **In lieu of compensation, the County shall not apply land use regulations adopted since August 9, 1967 (for Tax Lot 100) and September 16, 1975 (for Tax Lots 400, 500 and 800), except for those exempted under ORS 197.352(3), to allow Claimant to use the Subject Property for uses permitted under regulations in effect on that date. This Order does not assure Claimant can use the Subject Property for the uses requested in this claim. It provides Claimant with an opportunity to meet the requirements of the county land use regulations in place at the time of Claimant's acquisition of the Subject 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 3rd day of May, 2007.

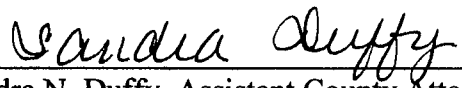


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


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. 07-082

Order Granting Ballot Measure 37 Request of Marta Pohlman Kerley Relating to a Parcel of Land West of 15201 NW Cornelius Pass Road, Multnomah County, Oregon

The Multnomah County Board of Commissioners Finds:

- a. **Party:** Marta Pohlman Kerley is the Ballot Measure 37 Claimant who filed a demand for compensation to Multnomah County (Land Use Planning File # T1-06-097).
- b. **Subject Real Properties:** This claim relates to real property specifically described as:

Tax Lot 400, Section 25,
Township 2N, Range 2W, W.M.
Collectively (the Subject Property)

- c. **Relevant Dates of Property Ownership:**

Claimant has established that she acquired an interest in the Subject Property prior to the County's adoption of the land use regulations affecting the Subject Property.

A chain of title submitted by the claimant shows that she acquired the Subject Property on February 24, 1986 when it was zoned MUF-19. The claimant asserts that the current zoning of the Subject Property (CFU-2) restricts her use of the Subject Property and diminishes the value of the Subject Property.

The Board finds that the claimant obtained an interest in the Subject Property on February 24, 1986, prior to the county's adoption of the current CFU-2 regulations which affect the Subject Property as described in section d.

- d. **County Codes as a Restriction on Use of the Property:**

Claimant has established that the county has adopted land use regulations since February 24, 1986 that restrict the use of the Subject Property.

The Subject Property was zoned MUF-19 when the claimant acquired the Subject Property on February 24, 1986. MUF-19 zoning allowed a single family dwelling on lots less than 38-acres in size when in conjunction with a primary use (Farm use, Forest Practice, or Wood Processing Operation) provided specific development standards were satisfied ((§11.15.2168(E), Ord. #236). Current CFU-2 regulations contain specific standards that further limit dwellings in commercial timber areas, allowing them only if they satisfy a template test where there is already an established residential presence in the area, heritage tract standards for properties owned prior to January 1, 1985, or large acreage requirements for properties larger than 160

acres (or 200 non-contiguous acres). The MUF-19 zone allowed uses that are not permitted under the CFU-2, which is a more restrictive zone.

The Board finds that the Claimant has established that the land use regulations adopted since February 24, 1986, have restricted use of the Subject Property.

e. County Code Restrictions Reduce Fair Market Value:

Claimant has established that the county land use regulations affecting the Subject Property adopted subsequent to February 24, 1986, have reduced the fair market value of the Subject Property.

The change in zoning from MUF-19 to a more restrictive zone, CFU-2, after Claimant acquired the Subject Property on February 24, 1986, has reduced the value of the Subject Property by restricting the construction of dwellings on forest land. Claimant seeks compensation in the amount of \$1,300,000. The supporting evidence provided is Claimant's sales data from properties throughout the Tri-County area for sales between September 2005 and September 2006. While this alternative information is not sufficient to establish a specific dollar amount for compensation, it is adequate 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.

The Board finds that the Claimant has established that land use regulations adopted since February 24, 1986, have reduced the fair market value of 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 Claimant.**
- 2. In lieu of compensation, County Land Use Planning shall not apply County land use regulations adopted since February 24, 1986, except for those exempted under ORS 197.352(3), to allow Claimant to use the Subject Property for uses permitted under regulations in effect on that date. This Order does not assure Claimant can use the Subject Property for the uses requested in this claim. It provides Claimant with an opportunity to meet the requirements of the county land use regulations in place at the time of Claimant's acquisition of the Subject 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 3rd day of May, 2007.

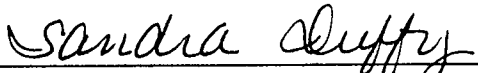


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


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. 07-083

Order Granting Ballot Measure 37 Request of Peter and Alice Patterson Relating to a Parcel of Land Located at Tax Lot 400, Section 5, Township 2 North, Range 1 West, W.M., Multnomah County, Oregon

The Multnomah County Board of Commissioners Finds:

- a. **Parties:** Peter and Alice Patterson are the Ballot Measure 37 Claimants who filed a demand for compensation to Multnomah County (Land Use Planning file # T1-06-101).
- b. **Subject Real Property:** This claim relates to real property located in , Multnomah County, Oregon, more specifically described as:

Tax Lot 400, Section 5,
Township 2 North, Range 1 West, W.M.
Collectively (the Subject Property)

- c. **Relevant Dates of Property Ownership:**

Claimants have established that they acquired an interest in the Subject Property prior to the County's adoption of the land use regulations affecting the Subject Property.

Claimants assert that they acquired the Subject Property on July 12, 1978, when it was zoned EFU-38; and, that the current zoning of the property (EFU) restricts their use of the property and diminishes the value of the property. Claimants have not provided the County with a chain of title to support their acquisition date or their continuous ownership of the Subject Property.

The Board finds that the claimants obtained an interest in the subject property on July 12, 1978, prior to the county's adoption of the current EFU regulations which affect the Subject Property as described in section d.

- d. **County Codes as a Restriction on Use of the Property:**

Claimants have established that the county has adopted land use regulations since July 12, 1978, that restrict the use of the Subject Property.

The Subject Property was zoned EFU-38 when the claimants acquired the property on July 12, 1978. That zone contained a primary use provision for the construction of a residential use in conjunction with farm use (§3.103.1(c), Ord. #148). Current Exclusive Farm Use (EFU) regulations do not allow a dwelling to be constructed immediately but first require a certain level of farm related income to be generated from the property in the last two years or three of the last

five years (§34.2625(D)&(E)). The EFU-38 zone allowed uses that are not permitted under the current EFU zone which is a more restrictive zone.

Statewide Planning Goals were effective January 25, 1975, prior to the date the claimant acquired the property. Standards for farm and non-farm dwellings in Exclusive Farm zones were also codified in state law prior to 1975. While the County had not yet implemented these rules, the state has taken the position they are nonetheless applicable and that local jurisdictions must require claimants meet them. The state will take a similar position with this claim. This may impact the claimant's ability to construct a dwelling on the property.

The Board finds that the Claimants have established that the land use regulations adopted since July 12, 1978 have restricted use of the Subject Property.

e. County Code Restrictions Reduce Fair Market Value:

Claimants have established that the county land use regulations affecting the Subject Property adopted subsequent to July 12, 1978 have reduced the fair market value of the Subject Property.

The change in zoning from EFU-38 to a more restrictive zone, EFU, after Claimants acquired the Subject Property on July 12, 1978 has reduced the value of the Subject Property by restricting the construction of dwellings on farm land. Claimants seek compensation in the amount of \$385,000. The supporting evidence provided by Claimants is comparable sales information and a statement from a realtor. While this alternative information is not sufficient to establish a specific dollar amount for compensation, it is adequate 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.

The Board finds that the Claimants have established that land use regulations adopted since July 12, 1978, have reduced the fair market value of 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 Find that Claimants have a Valid Measure 37 Claim for Compensation.

The Multnomah County Board of Commissioners Order that:

- 1. The County will not pay the compensation demanded by Claimants.**
- 2. In lieu of compensation, the County shall not apply land use regulations adopted since July 12, 1978, except for those exempted under ORS 197.352(3), to allow**

Claimants to use the Subject Property for uses permitted under regulations in effect on that date. This Order does not assure Claimant can use the Subject Property for the uses requested in this claim. It provides Claimant with an opportunity to meet the requirements of the county land use regulations in place at the time of Claimant's acquisition of the Subject Property.

3. Section 2 above, constitutes a waiver of Comprehensive Plan and Rural Area Plan policies that the regulations implement.
4. Claimants shall provide the County with a chain of title to support their acquisition date and their continuous ownership of the Subject Property prior to issuance of any building permits.
5. The rights obtained by claimants 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 3rd 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. 07-084

Order Granting Ballot Measure 37 Request of Julianne Ward Relating to a Parcel of Land End of Lucy Reeder Road, Tax Lot 700, Section 5, Township 2 N, Range 1W, W.M., Multnomah County, Oregon

The Multnomah County Board of Commissioners Finds:

a. **Party:** Julianne Ward is the Ballot Measure 37 Claimant who filed a demand for compensation to Multnomah County (Land Use Planning file # T1-06-102).

b. **Subject Real Properties:** This claim relates to real properties specifically described as:

Tax Lot 700, Section 5,
Township 2 N, Range 1W, W.M.
Collectively (the Subject Property)

c. **Relevant Dates of Property Ownership:**

Claimant has established that she acquired an interest in the Subject Property prior to the County's adoption of the land use regulations affecting the Subject Property.

A chain of title submitted by the claimant shows that she acquired the Subject Property as follows:

(1) (Tax Lot 100) August 9, 1967, when it was zoned F-2.

(2) (Tax Lots 400, 500 and 800) September 16, 1975 when it was zoned F-2.

The claimant asserts that the current zoning of the Subject Property (EFU) restricts her use of the Subject Property and diminishes the value of the Subject Property.

The Board finds that the claimant obtained an interest in the Subject Property on August 9, 1967, and September 16, 1975, prior to the county's adoption of the current EFU regulations which affect the Subject Property as described in section d.

d. **County Codes as a Restriction on Use of the Property:**

Claimant has established that the county has adopted land use regulations since July 12, 1978, that restrict the use of the Subject Property.

The Subject Property was zoned EFU-38 when the claimant acquired the property on July 12, 1978. That zone contained a primary use provision for the construction of a residential use in

conjunction with farm use (§3.103.1(c), Ord. #148). Current Exclusive Farm Use (EFU) regulations do not allow a dwelling to be constructed immediately but first require a certain level of farm related income to be generated from the property in the last two years or three of the last five years (§34.2625(D)&(E)). The EFU-38 zone allowed uses that are not permitted under the current EFU zone which is a more restrictive zone.

Statewide Planning Goals were effective January 25, 1975, prior to the date the claimant acquired the property. Standards for farm and non-farm dwellings in Exclusive Farm zones were also codified in state law prior to 1975. While the County had not yet implemented these rules, the state has taken the position they are nonetheless applicable and that local jurisdictions must require claimants meet them. The state will take a similar position with this claim. This may impact the claimant's ability to construct a dwelling on the property.

The Board finds that the Claimant has established that the land use regulations adopted since July 12, 1978 have restricted use of the Subject Property.

e. County Code Restrictions Reduce Fair Market Value:

Claimant has established that the county land use regulations affecting the Subject Property adopted subsequent to July 12, 1978 have reduced the fair market value of the Subject Property.

The change in zoning from EFU-38 to a more restrictive zone, EFU, after Claimant acquired the Subject Property on July 12, 1978, has reduced the value of the Subject Property by restricting the construction of dwellings on farm land. Claimant seeks compensation in the amount of \$385,000. The supporting evidence provided by Claimant is comparable sales information and a statement from a realtor. While this alternative information is not sufficient to establish a specific dollar amount for compensation, it is adequate 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.

The Board finds that the Claimant has established that land use regulations adopted since July 12, 1978, have reduced the fair market value of 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 Find that Claimant has a Valid Measure 37 Claim for Compensation.

The Multnomah County Board of Commissioners Order that:

- 1. The County will not pay the compensation demanded by Claimant.**

2. In lieu of compensation, the County shall not apply land use regulations adopted since July 12, 1978, except for those exempted under ORS 197.352(3), to allow Claimant to use the Subject Property for uses permitted under regulations in effect on that date. This Order does not assure Claimant can use the Subject Property for the uses requested in this claim. It provides Claimant with an opportunity to meet the requirements of the county land use regulations in place at the time of Claimant's acquisition of the Subject 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 3rd 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. 07-085

Order Granting Ballot Measure 37 Request of Don Joyce Relating to a Parcel of Land identified as Tax Lot 1700, Township 2 North, Range 1 West, Section 20BC (Lots 4-7, Block 25, Burlington Subdivision), W.M., Multnomah County, Oregon

The Multnomah County Board of Commissioners Finds:

- a. **Party:** Don Joyce is the Ballot Measure 37 Claimant who filed a demand for compensation to Multnomah County (Land Use Planning file # T1-06-112).
- b. **Subject Real Property:** This claim relates to real properties specifically described as:

Tax Lot 1700,
Township 2 North, Range 1 West,
Section 20BC (Lots 4-7, Block 25, Burlington Subdivision).
Collectively (the Subject Property)
- c. **Relevant Dates of Property Ownership:**

Claimant has established that he acquired an interest in the Subject Property prior to the County's adoption of land use regulations affecting the Subject Property.

Claimant asserts that he acquired the Subject Property as follows:

- (1) (Lots 4 and 5) July 12, 1954, when there was no zoning in place on these lots of the Subject Property.
- (2) (Lots 6 and 7) December 8, 1978 when these lots of Subject Property were zoned MUF-20.

The claimant asserts that the current zoning of the Subject Property (CFU-1) restricts his use of the Subject Property and diminishes its value.

The Board finds that the claimant obtained interests in the Subject Property on July 12, 1954 and December 8, 1978, prior to the county's adoption of the current CFU-1 regulations which affect the Subject Property as described in section d.

- d. **County Codes as a Restriction on Use of the Property:**

Claimant has established that the county has adopted land use regulations since August 9, 1967 and September 16, 1975 that restrict the use of the Subject Property.

A portion of the Subject Property was unzoned (Lots 4 and 5) and the remainder zoned MUF-20 (Lots 6 and 7) when the claimant acquired the Subject Property on July 12, 1954 and December 8, 1978, respectively. There were no restrictions on development for Lots 4 and 5. The MUF-20 zone in effect for Lots 6 & 7 upon acquisition allowed a single family dwelling on a lot (§ 3.143.1(e), Ord. #148). Current CFU-1 zoning regulations aggregate all four lots into one tract and prohibit dwellings on tracts smaller than 160 contiguous acres (§ 33.2035(B)). Both the unzoned portion of the Subject Property and

the MUF-20 zone portion allowed uses that are not permitted under the CFU-1, which is a more restrictive zone.

Statewide Planning Goals were effective January 25, 1975, prior to the date the claimant acquired the property. While the County had not yet implemented these rules, the state has taken the position they are nonetheless applicable and that local jurisdictions must require claimants meet them. We anticipate the state will take a similar position with this claim, and require the County apply Statewide Planning Goal 4, for Forest Lands, directly to this property. This may impact the claimant's ability to construct a dwelling.

The Board finds that the Claimant has established that the land use regulations adopted since July 12, 1954 and December 8, 1978, have restricted use of the Subject Property.

e. County Code Restrictions Reduce Fair Market Value:

Claimant has established that the county land use regulations affecting the Subject Property adopted subsequent to July 12, 1954 and December 8, 1978, have reduced the fair market value of the Subject Property.

Claimant asserts that the County land use regulations adopted after claimant's dates of acquisition have reduced the property value. The County Division of Assessment and Taxation reviewed the property for a determination of value, comparing its value if it is buildable to its value if unbuildable. According to a County appraiser, the property was last physically looked at in 1996. The property was valued as excess land and has no access. The current Real Market Value is \$6,900.

If the property was developable, the County appraiser estimated that one home could be put on the lot. The base value according to County adjustment tables is \$99,000. The property would be adjusted upward \$25,000 for its size and downward \$40,000 for development costs for a total real market value of \$84,000.

Thus, the change from no zoning (Lots 4 and 5) and MUF-20 (Lots 6 and 7) to a more restrictive zone, CFU-1, after Claimant acquired the Subject Property on July 12, 1954 and December 8, 1978, has reduced the value of the Subject Property by restricting the construction of dwellings on forest land.

The Board finds that the Claimant has established that land use regulations adopted since July 12, 1954 and December 8, 1978, have reduced the fair market value of 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 Claimant.**
- 2. In lieu of compensation, the County shall not apply land use regulations adopted since July 12, 1954 (Lots 4 and 5) and December 8, 1978 (Lots 6 and 7), except for those exempted**

under ORS 197.352(3), to allow Claimant to use the Subject Property for uses permitted under regulations in effect on those dates. This Order does not assure Claimant can use the Subject Property for the uses requested in this claim. It provides Claimant with an opportunity to meet the requirements of the county land use regulations in place at the time of Claimant's acquisition of the Subject Property.

3. Section 2 above, constitutes a waiver of Comprehensive Plan and Rural Area Plan policies that the regulations implement.
4. Claimant shall provide the County with a chain of title to support his acquisition dates and his continuous ownership of the Subject Property prior to issuance of any building permits.
5. 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 3rd 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. 07-086

Order Granting Ballot Measure 37 Request of Darrold and Daniel Belcher and Denying the Ballot Measure 37 Request of Scott Belcher Relating to a Parcel of Land Located North of 30727 SE Pipeline Road, Multnomah County, Oregon

The Multnomah County Board of Commissioners Finds:

- a. **Parties:** Darrold, Daniel, and Scott Belcher are the Ballot Measure 37 Claimants who filed a demand for compensation to Multnomah County (Land Use Planning file # T1-06-120).
- b. **Subject Real Property:** This claim relates to real property located North of 30727 SE Pipeline Road, Multnomah County, Oregon, more specifically described as:

Tax Lots 400 and 500, Section 08CD,
Township 1S, Range 4East, W.M.
Collectively (the Subject Property)

- c. **Relevant Dates of Property Ownership:**

Claimants Darrold and Daniel Belcher have established that they acquired an interest in the Subject Property prior to the County's adoption of the land use regulations affecting the Subject Property; Scott Belcher has not.

The County has determined that Claimants acquired the Subject Property as follows:

- (1) On October 28, 1977 (Darrold and Daniel) when it was zoned MUA-20. The current zoning of the property is EFU.
- (2) On August 2, 2006 (Scott) when it was zoned EFU, which remains the current zoning of the property.

Claimants have not provided the County with a chain of title to support their acquisition date or their continuous ownership of the Subject Property.

The Board finds that Claimants Darrold and Daniel Belcher obtained an interest in the Subject Property on October 28, 1977, prior to the county's adoption of the current EFU regulations which affect the Subject Property as described in section d. The Board further finds that Claimant Scott Belcher obtained an interest in the Subject Property on August 2, 2006, after the County's adoption of the current EFU regulations.

- d. **County Codes as a Restriction on Use of the Property:**

Claimants Darrold and Daniel Belcher have established that the county has adopted land use regulations since October 28, 1977, that restrict the use of the Subject Property. Claimant Scott Belcher has not established that the county has adopted land use regulations since August 2, 2006, that restrict the use of the Subject Property.

The Subject Property was zoned MUA-20 when the Claimants Darrold and Daniel Belcher acquired the property on October 28, 1977, which permitted a dwelling on a legal lot as an outright allowed use. EFU zoning first imposed in 1980 required demonstration that dwellings were in conjunction with farm use, and aggregated contiguous lots in the same ownership. EFU zoning still restricts dwellings in this way, prohibiting the claimants from establishing a residence on each of the properties they own. There are 5 lots in this claim based on 1962 zoning map. The MUA-20 zone is less restrictive than the EFU zone.

Scott Belcher obtained an ownership interest in August of 2006, when current regulations were in effect. Scott Belcher has not established that the County has adopted land use regulations after his acquisition date that restrict his use of the Subject Property. Accordingly, his use of the property has not been restricted.

Statewide Planning Goals were effective January 25, 1975, prior to the date the claimant acquired the property. Standards for farm and non-farm dwellings in Exclusive Farm zones were also codified in state law prior to 1975. While the County had not yet implemented these rules, the state has taken the position they are nonetheless applicable and that local jurisdictions must require claimants meet them. The state will take a similar position with this claim. This may impact the claimant's ability to construct a dwelling on the property.

The Board finds that the Claimants have established that the land use regulations adopted since October 28, 1977 have restricted use of the Subject Property.

e. County Code Restrictions Reduce Fair Market Value:

Claimants Darrold and Daniel Belcher have established that the county land use regulations affecting the Subject Property adopted subsequent to July 12, 1978 have reduced the fair market value of the Subject Property. Claimant Scott Belcher has not established that the county adopted any land use regulations after his acquisition date of August 2, 2006, which reduced the fair market value of 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 Find:

That Claimants Darrold and Daniel Belcher have a Valid Measure 37 Claim for Compensation; and, Claimant Scott Belcher does not have a Valid Measure 37 Claim for Compensation.

The Multnomah County Board of Commissioners Order that:

- 1. The County will not pay the compensation demanded by Claimants Darrold and Daniel Belcher.**
- 2. In lieu of compensation, the County shall not apply land use regulations adopted since October 28, 1977, except for those exempted under ORS 197.352(3), to allow Claimants Darrold and Daniel Belcher to use the Subject Property for uses permitted under regulations in effect on that date. This Order does not assure Claimants can use the Subject Property for the uses requested in this claim. It provides Claimants with an**

opportunity to meet the requirements of the County land use regulations in place at the time of Claimants' acquisition of the Subject Property.

3. Section 2 above, constitutes a waiver of Comprehensive Plan and Rural Area Plan policies that the regulations implement.
4. Claimants shall provide the County with a chain of title to support their acquisition date and their continuous ownership of the Subject Property prior to issuance of any building permits.
5. The rights obtained by claimants 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 3rd 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. 07-087

Order Granting Ballot Measure 37 Request of Andrew and Lynn Campbell Relating to a Parcel of Land Located at 3494 SE Mannthey Road, Multnomah County, Oregon

The Multnomah County Board of Commissioners Finds:

- a. **Parties:** Andrew and Lynn Campbell are the Ballot Measure 37 Claimants who filed a demand for compensation to Multnomah County (Land Use Planning file # T1-06-126).
- b. **Subject Real Property:** This claim relates to real property located at 3494 SE Mannthey Road, Multnomah County, Oregon, more specifically described as:

Tax Lot 100, Section 7
Township 1 South, Range 5 East, W.M.
Collectively (the Subject Property)

- c. **Relevant Dates of Property Ownership:**

Claimants have established that they acquired an interest in the Subject Property prior to the County's adoption of the land use regulations affecting the Subject Property.

Claimants assert that they acquired the Subject Property on March 5, 1991, when it was zoned MUF-38 and claim that the current zoning of the property (CFU-4) restricts their use of the property and diminishes the value of the property.

The Board finds that the claimants obtained an interest in the subject property on March 5, 1991, prior to the county's adoption of the current CFU-4 regulations which affect the Subject Property as described in section d.

- d. **County Codes as a Restriction on Use of the Property:**

Claimants have established that the county has adopted land use regulations since March 5, 1991, that restrict the use of the Subject Property.

The Subject Property was zoned MUF-38 when the claimants acquired the property on March 5, 1991. MUF-38 zoning in effect when the claimants acquired the property allowed a single family dwelling on lots 38 acres in size or larger provided specific development standards were satisfied (§11.15.2062, Ord. #643). Current CFU-4 regulations contain specific standards that further limit dwellings in commercial timber areas, allowing them only if they satisfy a template test where there is already an established residential presence in the area, heritage tract standards for properties owned prior to January 1, 1985, or large acreage requirements for properties larger

than 160 acres (or 200 non-contiguous acres). The MUF-38 zone allowed uses that are not permitted under the CFU-4 zone which is a more restrictive zone.

The Board finds that the Claimants have established that the land use regulations adopted since March 5, 1991 have restricted use of the Subject Property.

e. County Code Restrictions Reduce Fair Market Value:

Claimants have established that the county land use regulations affecting the Subject Property adopted subsequent to March 5, 1991 have reduced the fair market value of the Subject Property.

The change in zoning from MUF-38 to a more restrictive zone, CFU-4, after Claimants acquired the Subject Property on March 5, 1991, have reduced the value of the Subject Property by restricting the construction of dwellings on forest land. Claimants seek compensation in the amount of \$140,000. The supporting evidence provided by Claimants is an appraisal prepared by Rolfe Rehse, dated November 29, 2006.

The Board finds that the Claimants have established that land use regulations adopted since March 5, 1991, have reduced the fair market value of 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 Find that Claimants have a Valid Measure 37 Claim for Compensation.

The Multnomah County Board of Commissioners Order that:

- 1. The County will not pay the compensation demanded by Claimants.**
- 2. In lieu of compensation, the County shall not apply land use regulations adopted since March 5, 1991, except for those exempted under ORS 197.352(3), to allow Claimants to use the Subject Property for uses permitted under regulations in effect on that date. This Order does not assure Claimants can use the Subject Property for the uses requested in this claim. It provides Claimants with an opportunity to meet the requirements of the county land use regulations in place at the time of Claimants' acquisition of the Subject Property.**

3. Section 2 above, constitutes a waiver of Comprehensive Plan and Rural Area Plan policies that the regulations implement.
4. Claimants shall provide the County with a chain of title to support their acquisition date and their continuous ownership of the Subject Property prior to issuance of any building permits.
5. The rights obtained by claimants 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 3rd day of May, 2007.

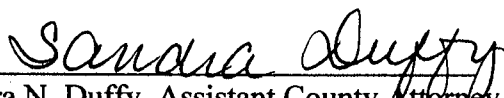


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


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. 07-088

Order Granting Ballot Measure 37 Request of Loretta Morrison, Gloria Jean Anderson and Nancy Hudson Relating to a Parcel of Land Located North of 19863 NW Logie Trail Road, Multnomah County, Oregon

The Multnomah County Board of Commissioners Finds:

- a. **Parties:** Loretta Morrison, Gloria Jean Anderson and Nancy Hudson are the Ballot Measure 37 Claimants who filed a demand for compensation to Multnomah County (Land Use Planning file # T1-06-139).

Subject Real Property: This claim relates to real property located North of 19863 NW Logie Trail Road, Multnomah County, Oregon, more specifically described as:

North of 19863 NW Logie Trail Road.
Partition Plat 1993-91; Lots 1, 2, and 3. Section 13B,
Township 2N, Range 2W, W.M.
Collectively (the Subject Property)

- b. **Relevant Dates of Property Ownership:**

Claimants have established that they acquired an interest in the Subject Property prior to the County's adoption of the land use regulations affecting the Subject Property.

Claimants provided a chain of title to support their assertion that they acquired the Subject Property on May 6, 1992, when it was zoned MUF-38, and claim that the current zoning of the property (CFU-1) restricts their use of the property and diminishes the value of the property.

The Board finds that the claimants obtained an interest in the subject property on May 6, 1992, prior to the county's adoption of the current CFU-1 regulations which affect the Subject Property as described in section d.

- c. **County Codes as a Restriction on Use of the Property:**

Claimants have established that the county has adopted land use regulations since May 6, 1992, that restrict the use of the Subject Property.

The Subject Property was zoned MUF-38 when the claimants acquired the property on May 6, 1992. MUF-38 zoning in effect when the claimants acquired the property allowed a single family dwelling on lots 38 acres in size or larger provided specific development standards were

satisfied (§11.15.2168(E), Ord. #236). Claimants' property is 144 acres in size. Current CFU-1 regulations contain specific standards that further limit dwellings in commercial timber areas, allowing them only if they satisfy a large acreage tract requirement for properties larger than 160 acres (or 200 non-contiguous acres). The MUF-38 zone allowed uses that are not permitted under the CFU-1 zone which is a more restrictive zone.

The Board finds that the Claimants have established that the land use regulations adopted since May 6, 1992 have restricted use of the Subject Property.

d. County Code Restrictions Reduce Fair Market Value:

Claimants have established that the county land use regulations affecting the Subject Property adopted subsequent to May 6, 1992 have reduced the fair market value of the Subject Property.

The change in zoning from MUF-38 to a more restrictive zone, CFU-1, after Claimants acquired the Subject Property on May 6, 1992, have reduced the value of the Subject Property by restricting the construction of dwellings on forest land. Claimants seek compensation in the amount of \$594,000. The supporting evidence provided by Claimants is a 1997 Valuation letter from American Valuations Incorporated

The Board finds that the Claimants have established that land use regulations adopted after May 6, 1992, have reduced the fair market value of the Subject Property.

e. 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 Find that Claimants have a Valid Measure 37 Claim for Compensation.

The Multnomah County Board of Commissioners Order that:

- 1. The County will not pay the compensation demanded by Claimants.**
- 2. In lieu of compensation, the County shall not apply land use regulations adopted since May 6, 1992, except for those exempted under ORS 197.352(3), to allow Claimants to use the Subject Property for uses permitted under regulations in effect on that date. This Order does not assure Claimants can use the Subject Property for the uses requested in this claim. It provides Claimants with an opportunity to meet the requirements of the county land use regulations in place at the time of Claimants' acquisition of the Subject 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 3rd day of May, 2007.

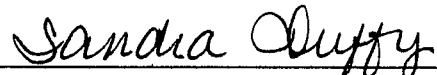


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


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



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 05/03/07
Agenda Item #: R-8
Est. Start Time: 11:15 AM
Date Submitted: 04/27/07

Agenda Title: Public Hearing to Consider and Possibly Act Upon a Measure 37 Claim by Ella Mae Larson and Kenneth L. Larson for up to \$5,000,000 in Compensation on Property Located on Larson Road [T2N, R1W, Sec 28C, TL 300] Tax Lots 100 and 101, Sec 28CA TL 100 and Sec 28, TL 500 (Case File T1-06-111)

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

Requested Meeting Date: May 3, 2007
Amount of Time Needed: 15 minutes
Department: Non-Departmental
Division: County Attorney
Contact(s): Derrick Tokos, John Thomas
Phone: 503-988-3043 Ext. 22682 I/O Address: 455/116
Presenter(s): John Thomas, Derrick Tokos

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 Ella Mae Larson and Kenneth L. Larson. Land use planning has outlined an approach to deciding this claim in a staff report dated April 25, 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.

For a claim to be valid, land use regulations must have been adopted after claimants acquired the property which restrict the claimants use of private real property in a manner that reduces the fair market value of the property relative to how the property could have been used at the time the claimants acquired the property. As outlined in the staff report dated April 25, 2007, this requirement has been met.

The claim is for \$5,000,000 in compensation. Claimant Ella Mae Larson acquired an interest in the property on January 4, 1973, except for one small parcel which was acquired on March 15, 1996. County zoning for the property in 1973 was M-1.

The subject property was zoned M-1 on the date that claimant Ella Mae Larson acquired the property. After Ella Mae Larson acquired the property the zoning was subsequently changed and the property is now zoned MUA-20. The M-1 zone allows uses that are not permitted under the MUA-20 zone which is a more restrictive zone.

Kenneth L. Larson acquired his interest in the property on May 1, 1996. Regulations were adopted after May 1, 1996 which restrict use and reduce value.

Regulations adopted since January 4, 1973 have restricted use the subject property for uses permitted under regulations in effect on January 4, 1973.

Staff recommends the Board of Commissioners approve this claim as provided in the proposed form of Order prepared by Staff.

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

The claimants assert a reduction in value of \$5,000,000. There will be no fiscal impact associated with approval of the claim as proposed by staff because approval will take the form of not applying regulations in lieu of payment of compensation.

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 25, 2007. The proposed order takes no position with respect to transferability which is a matter of state law.

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

Public notice of this hearing is being 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: 04/25/2007



**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, May 3, 2007 at 9:30 am or soon thereafter in the Commissioners' Board Room of the Multnomah Building, located at 501 SE Hawthorne, Portland, Oregon.

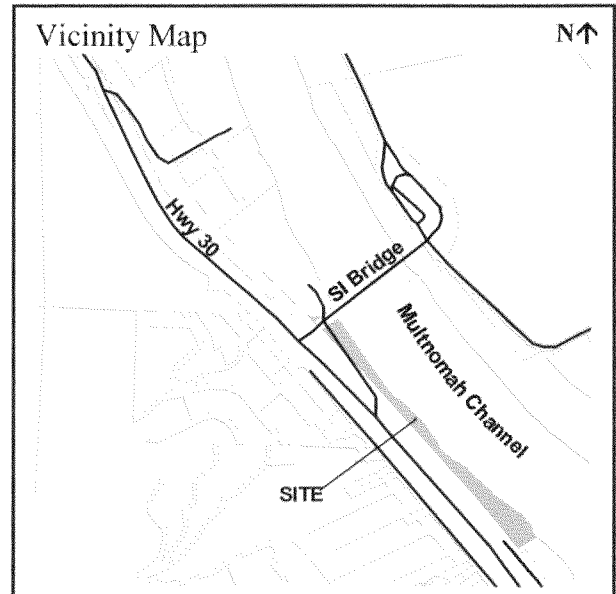
Case File: T1-06-111

Claimants: Ella Mae and Kenneth L. Larson

Location: Property located on Larson Road, Multnomah County, Oregon in Township 2N, Range 1W, W.M., more specifically described as:

- Tax Lots 100 and 101 on map 28C and Tax Lot 500 on map 28D (Parcel 1)
- Tax Lot 100 on map 28CA (Parcel 2)

Collectively, the Subject Property



Claim: \$5,000,000 in compensation.

Zoning: MUA-20

Site Size: 5.04 acres

Approach to Deciding the Claim:

Claimants acquired an interest in the subject property on various dates. Ella Mae Larson acquired Parcel 1 on January 4, 1973, and Parcel 2 on March 15, 1996. Kenneth L. Larson acquired an interest in the Subject Property on May 1, 1996 as a purchaser of the Subject Property on contract from Ella Mae Larson. Our analysis confirms that the Claimants have established that land use regulations adopted since these dates have restricted use of the Subject Property and reduced value. Consequently, the Board must either:

- a. Pay compensation equal to the reduction in fair market value of the property attributed to the challenged regulations which restrict claimants' use of their property; or.
- b. Not apply regulations to allow the claimant to use the Subject Property for uses permitted on the various acquisition dates.

Staff Analysis

(The following is a step-by-step evaluation of the claim, which consists of the application materials submitted by the claimant. The analysis is structured as a series of questions that must be answered to establish if a claim is valid.)

1. *Has the owner made a complete written demand under Ballot Measure 37?*

Yes. The materials submitted by the claimant constitute a complete "written demand for compensation" within the meaning of Measure 37. There is an issue whether Ella Mae Larson, as a contract seller, has retained an interest in the Subject Property sufficient to establish a right to assert a claim under Measure 37. The County Attorney advises that the Board should accept that Claimant Ella Mae Larson's interest in the Subject Property is sufficient to permit her to make a claim under Measure 37.

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

Yes. The Claimants obtained interests in the Subject Property as described above. The County adopted land use regulations after the dates of acquisition which restrict use and reduce the value of the Subject Property.

Parcel 1 was zoned M-1 on the date that claimant Ella Mae Larson acquired the property. After Ella Mae Larson acquired the property on January 4, 1973, the zoning was subsequently changed and the property is now zoned MUA-20. The M-1 zone allows uses that are not permitted under the MUA-20 zone which is a more restrictive zone.

After Ella Mae Larson acquired an interest in Parcel 2 on March 15, 1996 and Kenneth L. Larson acquired his interest in the property on May 1, 1996, the County adopted the Sauvie Island/Multnomah Channel Rural Area Plan. Policies contained in that Rural Area Plan call for adoption of zoning regulations that would cap the density of moorage/marina development to what existed on July 1, 1997. Should these policies be implemented, they would restrict the use of the Subject Property.

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

Yes. See 2 above.

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

Yes. Staff concludes that regulations adopted since the acquisition of the property interests by Claimants have reduced the value of the property.

The change in zoning from M-1 to a more restrictive zone, MUA-20, after Ella Mae Larson acquired Parcel 1 on January 4, 1973 has reduced the value of those parcels to prospective purchasers by restricting the options for development.

Additional regulations adopted after Claimant Ella Mae Larson acquired Parcel 2 on March 15, 1996 and Claimant Kenneth L. Larson acquired his interest in the Subject Property on May 1, 1996, including policies in the Sauvie Island/Multnomah Channel Rural Area Plan that call for a cap on the

overall density of moorage/marina development, have reduced the value of the Subject Property to prospective purchasers by restricting the options for development.

5. Have those regulations that reduce the fair market value of the property been enforced?

Yes. The MUA-20 zoning designation applies to the Subject Property.

Land use regulations enacted after the date the owner acquires the property must be enforced for the measure to be operative. The MUA-20 zoning designation and associated Comprehensive Plan and Rural Area Plan policies are currently being enforced with respect to the subject property.

Public Comment

Notices are being mailed on April 26, 2007 to all owners of property within 750 feet of the subject property.

Conclusion

Considering the above findings, Claimants have established that county land use regulations enacted since Claimants acquired the property or interests therein restrict use and reduce value.

Claimants have listed a number of different proposed uses of the Subject Property in their claim. Based on the general descriptions of the proposed uses, it is not possible to determine at this time which of these uses would be permitted under the regulations in effect on the various acquisition dates applicable to the claim. Therefore, staff recommends that the Board not apply regulations adopted since the applicable acquisition dates in order to allow the claimants to use the property for whatever uses were permitted on the applicable acquisition dates. The proposed form of Order was prepared based on this recommendation.

If the Board of Commissioners chooses to not apply the regulations in lieu of compensation, Land Use Planning recommends that the Board of Commissioners adopt the proposed form of Order prepared by staff on this claim.

Issued by:



By: Derrick I. Tokos, AICP, Planner

For: Karen Schilling- Planning Director

Date: April 25, 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
1	94	Letter from Donald Joe Willis Signed Measure 37 Application Form	11/29/06

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. _____

Order Granting, with Conditions, Ballot Measure 37 Request of Ella Mae Larson and Kenneth L. Larson Relating to Real Property Located on Larson Road adjacent to the Sauvie Island Bridge, Multnomah County, Oregon

The Multnomah County Board of Commissioners Finds:

a. **Parties:** Ella Mae Larson and Kenneth L. Larson (Claimants) are Ballot Measure 37 Claimants who filed a demand for compensation to Multnomah County (County) on November 29, 2006.

b. **Subject Property:** This claim relates to property located on Larson Road, Multnomah County, Oregon in Township 2N, Range 1W, W.M., more specifically described as:

Tax Lots 100 and 101 on map 28C and Tax Lot 500 on map 28D (Parcel 1)
Tax Lot 100 on map 28CA (Parcel 2)
Collectively (the Subject Property)

c. **Relevant Dates of Property Ownership:**

Claimants have established that they acquired an interest in the subject property prior to the County's adoption of land use regulations affecting the Subject Property.

A deed submitted by Claimant Ella Mae Larson shows that she acquired Parcel 1 on January 4, 1973, and Parcel 2 on March 15, 1996. A memorandum of agreement shows that Kenneth Larson acquired an interest in the Subject Property on May 1, 1996 as a purchaser of the property on contract from Ella Mae Larson. The contract is unfulfilled and no deed has been delivered. There is an issue whether Ella Mae Larson, as a contract seller, has retained an interest in the property sufficient to establish a right to assert a claim under Measure 37. On advice of the County Attorney the Board finds that it is in the best interests of the County to accept that Claimant Ella Mae Larson's interest in the Subject Property is sufficient to permit her to make a claim under Measure 37. In addition, the Board finds that Kenneth Larson acquired an interest in the property on May 1, 1996. Lastly, the Board finds that the Claimants acquired an interest in the Subject Property prior to the County's adoption of the Sauvie Island/Multnomah Channel Rural Area Plan affecting the property as described below in section d.

d. **County Codes as a Restriction on Use of the Property:**

Claimants have established that the county has adopted land use regulations since January 4, 1973 that restrict use of the property.

Parcel 1 was zoned M-1 on the date that claimant Ella Mae Larson acquired the property. After Ella Mae Larson acquired the property on January 4, 1973, the zoning was subsequently changed and the property is now zoned MUA-20. The M-1 zone allows uses that are not permitted under the MUA-20 zone which is a more restrictive zone.

After Ella Mae Larson acquired an interest in Tax Lot 100 on map 28CA on March 15, 1996 and Kenneth L. Larson acquired his interest in the property on May 1, 1996, the County adopted the Sauvie Island/Multnomah Channel Rural Area Plan. Policies contained in that Rural Area Plan call for adoption of zoning regulations that would cap the density of moorage/marina development to what existed on July 1, 1997. Should these policies be implemented, they would restrict the use of the Subject Property.

The Board finds that the Claimants have established that land use regulations adopted since January 4, 1973 have restricted use of the Subject Property.

e. County Code Restrictions Reduce Fair Market Value:

Claimants have established that county land use regulations affecting the Subject Property adopted subsequent to January 4, 1973 have reduced the fair market value of the property.

The change in zoning from M-1 to a more restrictive zone, MUA-20, after Ella Mae Larson acquired Parcel 1 on January 4, 1973 has reduced the value of those parcels to prospective purchasers by restricting the options for development.

Additional regulations adopted after Claimant Ella Mae Larson acquired Parcel 2 on March 15, 1996 and Claimant Kenneth L. Larson acquired his interest in the Subject Property on May 1, 1996, including policies in the Sauvie Island/Multnomah Channel Rural Area Plan that call for a cap on the overall density of moorage/marina development, have reduced the value of the Subject Property to prospective purchasers by restricting the options for development.

The Board finds that Claimants have established that land use regulations adopted since January 4, 1973, have reduced the fair market value of the Subject Property.

f. Public Notice

Notice of the hearing on this claim was given to persons who own land within 750 feet of the Subject Property by mail on April 26, 2007.

The Multnomah County Board of Commissioners Orders that:

- 1. The County will not pay the compensation demanded by Claimants.**

2. In lieu of compensation, County Land Use Planning shall not apply County land use regulations adopted since January 4, 1973 as to Parcel 1, and since March 15, 1996 as to Parcel 2, except for those exempted under ORS 197.352 (3), to allow Claimant Ella Mae Larson to use such parcels for uses permitted under regulations in effect on those dates.
3. In lieu of compensation, County Land Use Planning shall not apply County land use regulations adopted since May 1, 1996, except for those exempted under ORS 197.352 (3), to allow Claimant Kenneth L. Larson to use the Subject Property for uses permitted under regulations in effect at that time.
4. Sections 2 and 3 above constitute a waiver of Comprehensive Plan and Rural Area Plan policies that the regulations implement.
5. 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 3rd 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:
Agnes Sowle, County Attorney

DRAFT

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR MULTNOMAH COUNTY, OREGON

ORDER NO. _____

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The Multnomah County Board of Commissioners Finds:

a. **Parties:** Ella Mae Larson and Kenneth L. Larson (Claimants) are Ballot Measure 37 Claimants who filed a demand for compensation to Multnomah County (County) on November 29, 2006.

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3. In lieu of compensation, County Land Use Planning shall not apply County land use regulations adopted since May 1, 1996, except for those exempted under ORS 197.352 (3), to allow Claimant Kenneth L. Larson to use the Subject Property for uses permitted under regulations in effect at that time.
4. Sections 2 and 3 above constitute a waiver of Comprehensive Plan and Rural Area Plan policies that the regulations implement.
5. 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 3rd 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:
Agnes Sowle, County Attorney

05/03/07 Script for 10 Measure 37 Hearings (R-7 and R-8)

INTRODUCTION:

Chair: This is the time set for public hearings on the claims of **William and Kay Finney; Elenore Charlton; Marta Pohlman Kerley; Peter and Alice Patterson, Julianne Ward; Don Joyce; Darrold, Daniel, and Scott Belcher; Andrew and Lynn Campbell; and Loretta Morrison, Gloria Jean Anderson and Nancy Hudson** under Ballot Measure 37. Included in this portion of the procedures, is the claim of **Ella Mae Larson and Kenneth L. Larson**, which will be heard separately following the nine aforementioned claims. 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: _____

05/03/07 Script for 10 Measure 37 Hearings (R-7 and R-8)

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:

05/03/07 Script for 10 Measure 37 Hearings (R-7 and R-8)

Chair: In each of these 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.

Chair: Please call the first hearing.

Board Clerk:

R-7 Public Hearings to Consider and Possibly Act Upon Nine Measure 37 Claims Seeking Compensation or Relief from Land Use Regulations to Construct Homes on Pre-existing Lots or Parcels in Unincorporated Portions of Multnomah County

1	T1-06-082	William and Kay Finney
2	T1-06-090	Elenore Charlton
3	T1-06-097	Marta Pohlman Kerley
4	T1-06-101	Peter and Alice Patterson
5	T1-06-102	Julianne Ward
6	T1-06-112	Don Joyce
7	T1-06-120	Darrold, Daniel, and Scott Belcher
8	T1-06-126	Andrew and Lynn Campbell
9	T1-06-139	Loretta Morrison, Gloria Jean Anderson and Nancy Hudson

05/03/07 Script for 10 Measure 37 Hearings (R-7 and R-8)

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 1?

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF Order Granting Ballot Measure
37 Request of William and Kay Finney**

OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

**THE MOTION FAILS
OR
THE ORDER IS ADOPTED**

Do I have a motion on Claim 2?

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF Order Granting Ballot Measure
37 Request of Elenore Charlton**

OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

**THE MOTION FAILS
OR
THE ORDER IS ADOPTED**

05/03/07 Script for 10 Measure 37 Hearings (R-7 and R-8)

Do I have a motion on Claim 3?

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF Order Granting Ballot Measure
37 Request of Marta Pohlman Kerley**

OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

**THE MOTION FAILS
OR
THE ORDER IS ADOPTED**

Do I have a motion on Claim 4?

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF Order Granting Ballot Measure
37 Request of Peter and Alice Patterson**

OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

**THE MOTION FAILS
OR
THE ORDER IS ADOPTED**

Do I have a motion on Claim 5?

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF Order Granting Ballot Measure
37 Request of Julianne Ward**

OPPORTUNITY FOR BOARD COMMENTS

**05/03/07 Script for 10 Measure 37 Hearings
(R-7 and R-8)**

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

THE MOTION FAILS

OR

THE ORDER IS ADOPTED

Do I have a motion on Claim 6?

COMMISSIONER _____ MOVES

COMMISSIONER _____ SECONDS

**APPROVAL OF Order Granting Ballot Measure
37 Request of Don Joyce**

OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

THE MOTION FAILS

OR

THE ORDER IS ADOPTED

Do I have a motion on Claim 7?

COMMISSIONER _____ MOVES

COMMISSIONER _____ SECONDS

**APPROVAL OF Order Granting Ballot Measure
37 Request of Darrold and Daniel Belcher and
Denying the Ballot Measure 37 Request of Scott
Belcher**

OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

THE MOTION FAILS

OR

THE ORDER IS ADOPTED

05/03/07 Script for 10 Measure 37 Hearings (R-7 and R-8)

Do I have a motion on Claim 8?

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF Order Granting Ballot Measure
37 Request of Andrew and Lynn Campbell**

OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

**THE MOTION FAILS
OR
THE ORDER IS ADOPTED**

Do I have a motion on Claim 9?

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF Order Granting Ballot Measure
37 Request of Loretta Morrison, Gloria Jean
Anderson and Nancy Hudson**

OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

**THE MOTION FAILS
OR
THE ORDER IS ADOPTED**

Chair: Please call the next hearing.

Board Clerk:

**R-8 Public Hearing to Consider and Possibly Act Upon a Measure 37 Claim by
Ella Mae Larson and Kenneth L. Larson for up to \$5,000,000 in
Compensation on Property Located on Larson Road [T2N, R1W, Sec 28C,**

05/03/07 Script for 10 Measure 37 Hearings (R-7 and R-8)

TL 300] Tax Lots 100 and 101, Sec 28CA TL 100and Sec 28, TL 500
(Case File T1-06-111)

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 R-8?

COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF Order Granting, with Conditions,
Ballot Measure 37 Request of Ella Mae Larson
and Kenneth L. Larson

OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

THE MOTION FAILS
OR
THE ORDER IS ADOPTED

R-9 Authorizing Settlement of Multnomah County v. Larson MCCC No. 0509-09438

COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF R-9

JOHN THOMAS EXPLANATION, RESPONSE TO
QUESTIONS

**05/03/07 Script for 10 Measure 37 Hearings
(R-7 and R-8)**

OPPORTUNITY FOR PUBLIC TESTIMONY

**OPPORTUNITY FOR BOARD COMMENTS
ALL IN FAVOR, VOTE AYE, OPPOSED ____?**

**THE MOTION FAILS
OR
THE AUTHORIZATION IS APPROVED**

**R-10 RESOLUTION Consenting to Department of State Lands Lease under the
New Sauvie Island Bridge**

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF R-10**

**JOHN THOMAS EXPLANATION, RESPONSE TO
QUESTIONS**

OPPORTUNITY FOR PUBLIC TESTIMONY

OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

**THE MOTION FAILS
OR
THE RESOLUTION IS ADOPTED**

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

**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: 5/03/07

SUBJECT: Larson Manna Dev't (M-37)

T1-06-111

AGENDA NUMBER OR TOPIC: R-8

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM (LIST CONCERNS)

NAME: CINDY REID

ADDRESS: PO BOX 83731

CITY/STATE/ZIP: PORTLAND, OR 97283

PHONE: DAYS: (503) 621-3071

EVES: _____

EMAIL: cinhah@spintone.com

FAX: _____

SPECIFIC ISSUE: want to list concerns re: Manna Dev't

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.

*spoken
testimony*

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. 07-089

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a. **Parties:** Ella Mae Larson and Kenneth L. Larson (Claimants) are Ballot Measure 37 Claimants who filed a demand for compensation to Multnomah County (County) on November 29, 2006.

b. **Subject Property:** This claim relates to property located on Larson Road, Multnomah County, Oregon in Township 2N, Range 1W, W.M., more specifically described as:

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Tax Lot 100 on map 28CA (Parcel 2)
Collectively (the Subject Property)

c. **Relevant Dates of Property Ownership:**

Claimants have established that they acquired an interest in the subject property prior to the County's adoption of land use regulations affecting the Subject Property.

A deed submitted by Claimant Ella Mae Larson shows that she acquired Parcel 1 on January 4, 1973, and Parcel 2 on March 15, 1996. A memorandum of agreement shows that Kenneth Larson acquired an interest in the Subject Property on May 1, 1996 as a purchaser of the property on contract from Ella Mae Larson. The contract is unfulfilled and no deed has been delivered. There is an issue whether Ella Mae Larson, as a contract seller, has retained an interest in the property sufficient to establish a right to assert a claim under Measure 37. On advice of the County Attorney the Board finds that it is in the best interests of the County to accept that Claimant Ella Mae Larson's interest in the Subject Property is sufficient to permit her to make a claim under Measure 37. In addition, the Board finds that Kenneth Larson acquired an interest in the property on May 1, 1996. Lastly, the Board finds that the Claimants acquired an interest in the Subject Property prior to the County's adoption of the Sauvie Island/Multnomah Channel Rural Area Plan affecting the property as described below in section d.

d. **County Codes as a Restriction on Use of the Property:**

Claimants have established that the county has adopted land use regulations since January 4, 1973 that restrict use of the property.

Parcel 1 was zoned M-1 on the date that claimant Ella Mae Larson acquired the property. After Ella Mae Larson acquired the property on January 4, 1973, the zoning was subsequently changed and the property is now zoned MUA-20. The M-1 zone allows uses that are not permitted under the MUA-20 zone which is a more restrictive zone.

After Ella Mae Larson acquired an interest in Tax Lot 100 on map 28CA on March 15, 1996 and Kenneth L. Larson acquired his interest in the property on May 1, 1996, the County adopted the Sauvie Island/Multnomah Channel Rural Area Plan. Policies contained in that Rural Area Plan call for adoption of zoning regulations that would cap the density of moorage/marina development to what existed on July 1, 1997. Should these policies be implemented, they would restrict the use of the Subject Property.

The Board finds that the Claimants have established that land use regulations adopted since January 4, 1973 have restricted use of the Subject Property.

e. County Code Restrictions Reduce Fair Market Value:

Claimants have established that county land use regulations affecting the Subject Property adopted subsequent to January 4, 1973 have reduced the fair market value of the property.

The change in zoning from M-1 to a more restrictive zone, MUA-20, after Ella Mae Larson acquired Parcel 1 on January 4, 1973 has reduced the value of those parcels to prospective purchasers by restricting the options for development.

Additional regulations adopted after Claimant Ella Mae Larson acquired Parcel 2 on March 15, 1996 and Claimant Kenneth L. Larson acquired his interest in the Subject Property on May 1, 1996, including policies in the Sauvie Island/Multnomah Channel Rural Area Plan that call for a cap on the overall density of moorage/marina development, have reduced the value of the Subject Property to prospective purchasers by restricting the options for development.

The Board finds that Claimants have established that land use regulations adopted since January 4, 1973, have reduced the fair market value of the Subject Property.

f. Public Notice

Notice of the hearing on this claim was given to persons who own land within 750 feet of the Subject Property by mail on April 26, 2007.

The Multnomah County Board of Commissioners Orders that:


- 1. The County will not pay the compensation demanded by Claimants.**

2. In lieu of compensation, County Land Use Planning shall not apply County land use regulations adopted since January 4, 1973 as to Parcel 1, and since March 15, 1996 as to Parcel 2, except for those exempted under ORS 197.352 (3), to allow Claimant Ella Mae Larson to use such parcels for uses permitted under regulations in effect on those dates.
3. In lieu of compensation, County Land Use Planning shall not apply County land use regulations adopted since May 1, 1996, except for those exempted under ORS 197.352 (3), to allow Claimant Kenneth L. Larson to use the Subject Property for uses permitted under regulations in effect at that time.
4. Sections 2 and 3 above constitute a waiver of Comprehensive Plan and Rural Area Plan policies that the regulations implement.
5. 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 3rd day of May, 2007.

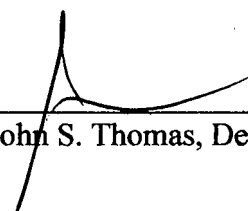


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
John S. Thomas, Deputy County Attorney

SUBMITTED BY:

Agnes Sowle, County Attorney



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (short form)

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-9 DATE 05-03-07
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 05/03/07
Agenda Item #: R-9
Est. Start Time: 11:30 AM
Date Submitted: 04/27/07

Agenda Title: Authorizing Settlement of Multnomah County v. Larson MCCC No. 0509-09438

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

Requested Meeting Date: May 3, 2007 Amount of Time Needed: 5 minutes
Department: Non-Departmental Division: County Attorney
Contact(s): John S. Thomas, Deputy County Attorney
Phone: 503-988-3138 Ext. 83138 I/O Address: 503/500
Presenter(s): John S. Thomas, Deputy County Attorney

General Information

1. What action are you requesting from the Board?

Authorize settlement of Multnomah County v. Larson MCCC No. 0509-09438

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 is a condemnation action to acquire property necessary for the construction of the new Sauvie Island Bridge. The settlement will settle all issues in the case including claims for just compensation and attorney fees. This action does not affect any Program Offers. See #3 below.

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

The settlement will be paid from funds allocated for the Sauvie Island Bridge Project.

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

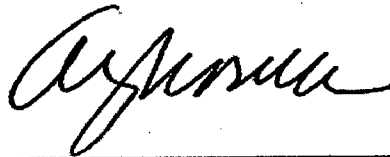
On December 18, 2003, the Board adopted Resolution 03-171 delegating authority to the County Attorney to settle claims and litigation against the County or its employees in amounts up to \$25,000 per case. The County Attorney must obtain Board approval for all settlements of over \$25,000.

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

N/A

Required Signature

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

A handwritten signature in cursive script, appearing to read "A. J. ...", written over a horizontal line.

Date: 04/24/2007



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 05/03/07
Agenda Item #: R-10
Est. Start Time: 11:35 AM
Date Submitted: 04/18/07

Agenda Title: RESOLUTION Consenting to Department of State Lands Lease Under the New Sauvie Island Bridge

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

Requested Meeting Date: May 3, 2007 Amount of Time Needed: 5 minutes
Department: Non-Departmental Division: County Attorney
Contact(s): John S. Thomas, Deputy County Attorney
Phone: 503-988-3138 Ext. 83138 I/O Address: 503/500
Presenter(s): John S. Thomas, Deputy County Attorney

General Information

1. What action are you requesting from the Board?

Approve Resolution Consenting to Department of State Lands Lease Under the New Sauvie Island Bridge

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 County is acquiring property for the new Sauvie Island Bridge. The owner of the property over which the new bridge is being constructed operates a boat ramp that will be under the bridge when construction is completed. After the acquisition of the rights needed for the bridge the owner will be allowed to resume use of the boat ramp subject to the county's rights to construct, reconstruct, alter, improve, repair and maintain the bridge and subject to the easement rights of the County in an easement from the Department of State Lands. The State of Oregon has ownership of all property below ordinary high water adjacent to the property under the new Sauvie Island Bridge. As the riparian owner, the owner of the property under the new bridge has a right to lease the area below ordinary high water from the State of Oregon. In order to assure that the owner can use the boat ramp it is in the best interests of the County to consent to a lease of the area under the bridge below ordinary high water for limited use of the area for boating and boat ramp access and boat ramp purposes, provided no temporary or permanent structures are allowed under the bridge.

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

N/A

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

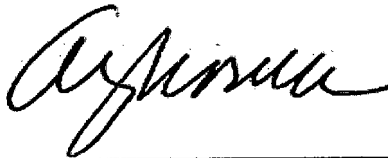
This resolution has been reviewed and approved by the Transportation Department and the County attorney

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

N/A

Required Signature

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

A handwritten signature in black ink, appearing to read "Agustin", is written over a horizontal line.

Date: 04/18/07

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Consenting to Department of State Lands Lease under the New Sauvie Island Bridge

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County is constructing a new Sauvie Island Bridge adjacent to the existing bridge.
- b. The owner of the property over which the new bridge is being constructed operates a boat ramp that will be under the bridge when construction is completed.
- c. The legal description for the property being acquired from the owner allows continued use of the boat ramp on the upland property after completion of the bridge subject to the county's rights to construct, reconstruct, alter, improve, repair and maintain the bridge.
- d. The State of Oregon has ownership of all property below ordinary high water adjacent to the property under the new Sauvie Island Bridge. Multnomah County has an easement from the Department of State Lands to construct and maintain the new bridge.
- e. As the riparian owner, the owner of the upland property under the new bridge has a right to lease the area below ordinary high water from the State of Oregon. The County is also acquiring rights in this area from the owner of the upland property. It is in the best interests of the County to consent to a lease for a limited use of the area under the bridge for boating and boat ramp access and boat ramp purposes, subject to the rights of Multnomah County acquired by agreement or condemnation in such area and subject to the easement rights of Multnomah County under the easement from the State of Oregon to Multnomah County for the new Sauvie Island Bridge.

The Multnomah County Board of Commissioners Resolves:

1. The Board of County Commissioners consents to a Department of State Lands lease of the area under the new Sauvie Island Bridge below ordinary high water to the upland owner for boat ramp, boat ramp access and boating purposes only, subject to the rights of Multnomah County acquired by agreement or condemnation in such area and subject to the easement rights of Multnomah County under the easement from the State of Oregon to Multnomah County for the new Sauvie Island Bridge.

2. The Chair is authorized to execute such documents as may be necessary to evidence the consent of the Board to the lease.

ADOPTED this 3rd 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:

Agnes Sowle, County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 07-090

Consenting to Department of State Lands Lease under the New Sauvie Island Bridge

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County is constructing a new Sauvie Island Bridge adjacent to the existing bridge.
- b. The owner of the property over which the new bridge is being constructed operates a boat ramp that will be under the bridge when construction is completed.
- c. The legal description for the property being acquired from the owner allows continued use of the boat ramp on the upland property after completion of the bridge subject to the county's rights to construct, reconstruct, alter, improve, repair and maintain the bridge.
- d. The State of Oregon has ownership of all property below ordinary high water adjacent to the property under the new Sauvie Island Bridge. Multnomah County has an easement from the Department of State Lands to construct and maintain the new bridge.
- e. As the riparian owner, the owner of the upland property under the new bridge has a right to lease the area below ordinary high water from the State of Oregon. The County is also acquiring rights in this area from the owner of the upland property. It is in the best interests of the County to consent to a lease for a limited use of the area under the bridge for boating and boat ramp access and boat ramp purposes, subject to the rights of Multnomah County acquired by agreement or condemnation in such area and subject to the easement rights of Multnomah County under the easement from the State of Oregon to Multnomah County for the new Sauvie Island Bridge.

The Multnomah County Board of Commissioners Resolves:

1. The Board of County Commissioners consents to a Department of State Lands lease of the area under the new Sauvie Island Bridge below ordinary high water to the upland owner for boat ramp, boat ramp access and boating purposes only, subject to the rights of Multnomah County acquired by agreement or condemnation in such area and subject to the easement rights of Multnomah County under the easement from the State of Oregon to Multnomah County for the new Sauvie Island Bridge.

2. The Chair is authorized to execute such documents as may be necessary to evidence the consent of the Board to the lease.

ADOPTED this 3rd day of May, 2007.

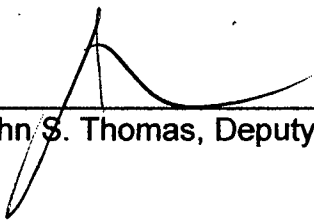


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
John S. Thomas, Deputy County Attorney

SUBMITTED BY:
Agnes Sowle, County Attorney