



Multnomah County Oregon

Board of Commissioners & Agenda

connecting citizens with information and services

REVISED

BOARD OF COMMISSIONERS

Diane Linn, Chair

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

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

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

Maria Rojo de Steffey, Commission Dist. 1

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

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

Email: district1@co.multnomah.or.us

Serena Cruz Walsh, Commission Dist. 2

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

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

Email: serena@co.multnomah.or.us

Lisa Naito, Commission Dist. 3

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

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

Email: district3@co.multnomah.or.us

Lonnie Roberts, Commission Dist. 4

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

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

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

On-line Streaming Media, View Board Meetings
www.co.multnomah.or.us/cc/live_broadcast.shtml

On-line Agendas & Agenda Packet Material
www.co.multnomah.or.us/cc/agenda.shtml

Americans with Disabilities Act Notice: If you need this agenda in an alternate format, or wish to participate in a Board Meeting, please call the Board Clerk (503) 988-3277, or the City/County Information Center TDD number (503) 823-6868, for information on available services and accessibility.

DECEMBER 14, 2006 BOARD MEETINGS FASTLOOK AGENDA ITEMS OF INTEREST

Pg 3	9:30 a.m. Public Comment Opportunity
Pg 3	9:30 a.m. Resolution Declaring the North Hawthorne Bridgehead Block the Preferred Site for a New Courthouse in Portland
Pg 4	10:00 a.m. Report on Public Records and Citizen Survey Results Audits
Pg 5	10:45 a.m. Public Hearing to Consider and Act Upon a Measure 37 Claim by Cecilia Hunziker
Pg 5	11:05 a.m. Briefing on Juvenile Detention Costs and Conditions of Confinement
Pg 5	11:35 a.m. Resolution Allocating \$327,030 Contingency Funds to Fund 8 SUN Community Schools and Maintain Current Touchstone Staffing Levels through 06/30/07
December 21 & 28 Board Meetings Cancelled	

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>

Thursday, December 14, 2006 - 9:00 AM
Multnomah Building, First Floor Commissioners Conference Room 112
501 SE Hawthorne Boulevard, Portland

EXECUTIVE SESSION

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

Thursday, December 14, 2006 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

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

- C-1 Reappointment of Patrick Brothers to the Multnomah County PLANNING COMMISSION
- C-16 Appointment of Maegan Vidal to the Multnomah County CITIZEN INVOLVEMENT COMMITTEE

SHERIFF'S OFFICE

- C-2 Off-Premises Sales and Limited On-Premises Sales Liquor License Renewals for BIG BEAR'S CROWN POINT MARKET, 31815 E Columbia River Highway, Troutdale
- C-3 Full On-Premises Sales Liquor License Renewal for BOTTOMS UP TAVERN, 16900 NW St Helens Road, Portland
- C-4 Off-Premises Sales Liquor License Renewal for CORBETT COUNTRY MARKET, 36801 E. Historic Columbia River Highway, Corbett

- C-5 Off-Premises Sales Liquor License Renewal for CRACKER BARREL GROCERY, 15005 NW Sauvie Island Road, Portland
- C-6 Off-Premises Sales Liquor License Renewal for FRED'S MARINA, 12800 NW Marina Way, Portland
- C-7 Full On-Premises Sales, Off-Premises Sales and Limited On-Premises Sales Liquor License Renewals for HISTORIC SPRINGDALE PUB AND EATERY, 32302 E. Crown Point Highway, Corbett
- C-8 Full On-Premises Sales Liquor License Renewal for MULTNOMAH FALLS LODGE, S/S Scenic Highway and Columbia Gorge, Bridal Veil
- C-9 Off-Premises Sales Liquor License Renewal for ORIENT COUNTRY STORE, 29822 SE Orient Drive, Gresham
- C-10 Off-Premises Sales Liquor License Renewal for PLAINVIEW GROCERY, 11800 NW Cornelius Pass Road, Portland
- C-11 Full On-Premises Sales Liquor License Renewal for PLEASANT HOME SALOON, 31637 SE Dodge Park Boulevard, Gresham
- C-12 Off-Premises Sales Liquor License Renewal for ROCKY POINTE MARINA, 23586 NW St Helens Highway, Portland
- C-13 Off-Premises Sales Liquor License Renewal for TENLY'S JACKPOT FOODMART, 28210 SE Orient Drive, Gresham
- C-14 Off-Premises Sales Liquor License Renewal for WEECE'S MARKET, 7310 SE Pleasant Home Road, Gresham
- C-15 Limited On-Premises Sales Liquor License Renewal for WILDWOOD GOLF COURSE, 21881 NW St. Helens Road, Portland

REGULAR AGENDA - 9:30 AM
PUBLIC COMMENT

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 **9:30 AM Time Certain:** RESOLUTION Declaring the North Hawthorne Bridgehead Block the Preferred Site for a New Courthouse in Portland's Government Center Area and Directing Facilities to Prepare a Combined Project Proposal and Plan; Negotiate a Memorandum of Understanding with Equity Office Properties to Provide a Tunnel Suitable for Inmate Transport through their SW First and Main Property; Negotiate an Intergovernmental Agreement with the Portland Development Commission to Secure \$9 Million in Downtown Waterfront Renewal Area Funds for the Relocation of the Existing Hawthorne Bridge West-Bound Off-Ramp; and to Pursue Financing Alternatives for Courthouse Construction

SHERIFF'S OFFICE - 9:50 AM

- R-2 Budget Modification MCSO-05 Appropriating \$62,912 from General Fund Contingency to Provide Multnomah County Law Enforcement Deputies Crisis Intervention Training Offered by the City of Portland

AUDITOR'S OFFICE - 10:00 AM

- R-3 Public Records Audit. Presented by Auditor Suzanne Flynn. 15 MINUTES REQUESTED.
- R-4 Citizen Survey Results Audit. Presented by Auditor Suzanne Flynn. 15 MINUTES REQUESTED.

DEPARTMENT OF HEALTH - 10:30 AM

- R-5 Budget Modification HD-12 Appropriating \$386,036 for the Health Departments Participation in an Enhanced Nurse Home Visitation Project to Prevent Intimate Partner Violence
- R-6 Budget Modification HD-13 Requesting Approval of \$5,000 from the Juan Young Trust to Assist in Providing Dental Care to Patients at the Juvenile Detention Center

SCHOOL AND COMMUNITY PARTNERSHIPS - 10:35 AM

- R-7 RESOLUTION Approving Allocating Strategic Investment Program Community Housing Funds to Assist in Developing a Low Income Housing Project by Innovative Housing, Inc.

DEPARTMENT OF COMMUNITY SERVICES - 10:40 AM

- R-8 First Reading and Possible Adoption of an ORDINANCE Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code, Comprehensive Plan and Map Revisions Related to the Regulatory Improvement Code Amendment Package 2 in Compliance with Metro's Functional Plan and Declaring an Emergency
- R-9 Public Hearing and Consideration of an ORDER Establishing the Final Assessment Against the Individual Parcels for the NW 8th Avenue Bridge Replacement Project and Directing the Publication and Mailing of Notice to Property Owners Under ORS 223.210 (1)
- R-10 Public Hearing to Consider and Possibly Act Upon a Measure 37 Claim by Cecilia Hunziker for \$890,000 in Compensation or Relief from Regulations to Allow a Five Lot Land Division with Homes on Each Lot on Property Located at 13715 NW Germantown Road [TL 300, Sec 09, T1N, R1W, W.M.] (Case File T1-05-063)

DEPARTMENT OF COMMUNITY JUSTICE - 11:00 AM

- R-11 Budget Modification DCJ-12 Creating a Full-Time Corrections Counselor in the Transitional Services Unit of the Adult Services Division, Using Professional Services Budget
- R-12 Briefing on Juvenile Detention Costs and Conditions of Confinement. Presented by Joanne Fuller, Dave Koch and Washington and Clackamas County Representatives. 30 MINUTES REQUESTED.

NON-DEPARTMENTAL - 11:35 AM

- R-13 RESOLUTION Allocating \$327,030 of Contingency Funds to the Office of School and Community Partnerships to Fund the Eight Affected SUN Community Schools and Maintain their Current Touchstone Staffing Levels through June 30, 2007
- R-14 Budget Modification OSCP-09 Appropriating \$327,030 of County General Fund Contingency to Fund SUN Community Schools and Touchstone through June 30, 2007
- R-15 Commissioners Lisa Naito, Lonnie Roberts and Maria Rojo de Steffey Presenting Awards of Appreciation to Chair Diane Linn, Commissioner Serena Cruz Walsh and Auditor Suzanne Flynn

DEPARTMENT OF COUNTY HUMAN SERVICES

R-16 Budget Modification DCHS-14 Increasing Domestic Violence Appropriation by \$249,333 from Unspent Prior Year Funding from Center for Disease Control (CDC) Cooperative Agreement and Adding 1.33 FTE Research/Evaluation Analyst 1

DEPARTMENT OF COMMUNITY SERVICES

R-17 Continued Public Hearing to Consider and Possibly Act Upon a Measure 37 Claim by Elinor Wiley for up to \$800,000 in Compensation or Relief from Regulations to Allow a Five Lot Subdivision and the Development of Four Additional Single Family Residences on Property Located at 13801 NW Charlton Road, Portland [T2N, R1W, SEC 16, TL 900] (Case File T1-06-048) [Continued from December 7, 2006]



Multnomah County Oregon

Board of Commissioners & Agenda

connecting citizens with information and services

BOARD OF COMMISSIONERS

Diane Linn, Chair

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

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

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

Maria Rojo de Steffey, Commission Dist. 1

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

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

Email: district1@co.multnomah.or.us

Serena Cruz Walsh, Commission Dist. 2

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

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

Email: serena@co.multnomah.or.us

Lisa Naito, Commission Dist. 3

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

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

Email: district3@co.multnomah.or.us

Lonnie Roberts, Commission Dist. 4

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

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

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

On-line Streaming Media, View Board Meetings
www.co.multnomah.or.us/cc/live_broadcast.shtml

On-line Agendas & Agenda Packet Material
www.co.multnomah.or.us/cc/agenda.shtml

Americans with Disabilities Act Notice: If you need this agenda in an alternate format, or wish to participate in a Board Meeting, please call the Board Clerk (503) 988-3277, or the City/County Information Center TDD number (503) 823-6868, for information on available services and accessibility.

DECEMBER 14, 2006 BOARD MEETINGS FASTLOOK AGENDA ITEMS OF INTEREST

Pg 3	9:30 a.m. Public Comment Opportunity
Pg 3	9:30 a.m. Resolution Declaring the North Hawthorne Bridgehead Block the Preferred Site for a New Courthouse in Portland
Pg 4	10:00 a.m. Report on Public Records and Citizen Survey Results Audits
Pg 5	10:45 a.m. Public Hearing to Consider and Act Upon a Measure 37 Claim by Cecilia Hunziker
Pg 5	11:00 a.m. Briefing on Juvenile Detention Costs and Conditions of Confinement
Pg 5	11:35 a.m. Resolution Allocating \$327,030 Contingency Funds to Fund 8 SUN Community Schools and Maintain Current Touchstone Staffing Levels through 06/30/07
December 21 & 28 Board Meetings Cancelled	

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>

Thursday, December 14, 2006 - 9:00 AM
Multnomah Building, First Floor Commissioners Conference Room 112
501 SE Hawthorne Boulevard, Portland

EXECUTIVE SESSION

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

Thursday, December 14, 2006 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

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

- C-1 Reappointment of Patrick Brothers to the Multnomah County PLANNING COMMISSION

SHERIFF'S OFFICE

- C-2 Off-Premises Sales and Limited On-Premises Sales Liquor License Renewals for BIG BEAR'S CROWN POINT MARKET, 31815 E Columbia River Highway, Troutdale
- C-3 Full On-Premises Sales Liquor License Renewal for BOTTOMS UP TAVERN, 16900 NW St Helens Road, Portland
- C-4 Off-Premises Sales Liquor License Renewal for CORBETT COUNTRY MARKET, 36801 E. Historic Columbia River Highway, Corbett
- C-5 Off-Premises Sales Liquor License Renewal for CRACKER BARREL GROCERY, 15005 NW Sauvie Island Road, Portland

- C-6 Off-Premises Sales Liquor License Renewal for FRED'S MARINA, 12800 NW Marina Way, Portland
- C-7 Full On-Premises Sales, Off-Premises Sales and Limited On-Premises Sales Liquor License Renewals for HISTORIC SPRINGDALE PUB AND EATERY, 32302 E. Crown Point Highway, Corbett
- C-8 Full On-Premises Sales Liquor License Renewal for MULTNOMAH FALLS LODGE, S/S Scenic Highway and Columbia Gorge, Bridal Veil
- C-9 Off-Premises Sales Liquor License Renewal for ORIENT COUNTRY STORE, 29822 SE Orient Drive, Gresham
- C-10 Off-Premises Sales Liquor License Renewal for PLAINVIEW GROCERY, 11800 NW Cornelius Pass Road, Portland
- C-11 Full On-Premises Sales Liquor License Renewal for PLEASANT HOME SALOON, 31637 SE Dodge Park Boulevard, Gresham
- C-12 Off-Premises Sales Liquor License Renewal for ROCKY POINTE MARINA, 23586 NW St Helens Highway, Portland
- C-13 Off-Premises Sales Liquor License Renewal for TENLY'S JACKPOT FOODMART, 28210 SE Orient Drive, Gresham
- C-14 Off-Premises Sales Liquor License Renewal for WEECE'S MARKET, 7310 SE Pleasant Home Road, Gresham
- C-15 Limited On-Premises Sales Liquor License Renewal for WILDWOOD GOLF COURSE, 21881 NW St. Helens Road, Portland

REGULAR AGENDA - 9:30 AM
PUBLIC COMMENT

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 **9:30 AM Time Certain:** RESOLUTION Declaring the North Hawthorne Bridgehead Block the Preferred Site for a New Courthouse in Portland's Government Center Area and Directing Facilities to Prepare a Combined

Project Proposal and Plan; Negotiate a Memorandum of Understanding with Equity Office Properties to Provide a Tunnel Suitable for Inmate Transport through their SW First and Main Property; Negotiate an Intergovernmental Agreement with the Portland Development Commission to Secure \$9 Million in Downtown Waterfront Renewal Area Funds for the Relocation of the Existing Hawthorne Bridge West-Bound Off-Ramp; and to Pursue Financing Alternatives for Courthouse Construction

SHERIFF'S OFFICE - 9:50 AM

- R-2 Budget Modification MCSO-05 Appropriating \$62,912 from General Fund Contingency to Provide Multnomah County Law Enforcement Deputies Crisis Intervention Training Offered by the City of Portland

AUDITOR'S OFFICE - 10:00 AM

- R-3 Public Records Audit. Presented by Auditor Suzanne Flynn. 15 MINUTES REQUESTED.
- R-4 Citizen Survey Results Audit. Presented by Auditor Suzanne Flynn. 15 MINUTES REQUESTED.

DEPARTMENT OF HEALTH - 10:30 AM

- R-5 Budget Modification HD-12 Appropriating \$386,036 for the Health Departments Participation in an Enhanced Nurse Home Visitation Project to Prevent Intimate Partner Violence
- R-6 Budget Modification HD-13 Requesting Approval of \$5,000 from the Juan Young Trust to Assist in Providing Dental Care to Patients at the Juvenile Detention Center

SCHOOL AND COMMUNITY PARTNERSHIPS - 10:35 AM

- R-7 RESOLUTION Approving Allocating Strategic Investment Program Community Housing Funds to Assist in Developing a Low Income Housing Project by Innovative Housing, Inc.

DEPARTMENT OF COMMUNITY SERVICES - 10:40 AM

- R-8 First Reading and Possible Adoption of an ORDINANCE Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code, Comprehensive Plan and Map Revisions Related to the Regulatory

Improvement Code Amendment Package 2 in Compliance with Metro's
Functional Plan and Declaring an Emergency

- R-9 Public Hearing and Consideration of an ORDER Establishing the Final Assessment Against the Individual Parcels for the NW 8th Avenue Bridge Replacement Project and Directing the Publication and Mailing of Notice to Property Owners Under ORS 223.210 (1)
- R-10 Public Hearing to Consider and Possibly Act Upon a Measure 37 Claim by Cecilia Hunziker for \$890,000 in Compensation or Relief from Regulations to Allow a Five Lot Land Division with Homes on Each Lot on Property Located at 13715 NW Germantown Road [TL 300, Sec 09, T1N, R1W, W.M.] (Case File T1-05-063)

DEPARTMENT OF COMMUNITY JUSTICE - 11:00 AM

- R-11 Budget Modification DCJ-12 Creating a Full-Time Corrections Counselor in the Transitional Services Unit of the Adult Services Division, Using Professional Services Budget
- R-12 Briefing on Juvenile Detention Costs and Conditions of Confinement. Presented by Joanne Fuller, Dave Koch and Washington and Clackamas County Representatives. 30 MINUTES REQUESTED.

NON-DEPARTMENTAL - 11:35 AM

- R-13 RESOLUTION Allocating \$327,030 of Contingency Funds to the Office of School and Community Partnerships to Fund the Eight Affected SUN Community Schools and Maintain their Current Touchstone Staffing Levels through June 30, 2007
- R-14 Budget Modification OSCP-09 Appropriating \$327,030 of County General Fund Contingency to Fund SUN Community Schools and Touchstone through June 30, 2007
- R-15 Commissioners Lisa Naito, Lonnie Roberts and Maria Rojo de Steffey Presenting Awards of Appreciation to Chair Diane Linn, Commissioner Serena Cruz Walsh and Auditor Suzanne Flynn



Diane Linn, Multnomah County Chair

Suite 600, Multnomah Building
501 SE Hawthorne Boulevard
Portland, Oregon 97214-3587
Email: mult.chair@co.multnomah.or.us

Phone: (503) 988-8308
FAX: (503) 988-3093

MEMORANDUM

TO: Commissioner Maria Rojo de Steffey
Commissioner Serena Cruz Walsh
Commissioner Lisa Naito
Commissioner Lonnie Roberts
Board Clerk Deb Bogstad

FROM: Rob Fussell, Chief of Staff

DATE: December 13, 2006

RE: Board Meeting Excused Absence

Chair Linn will be attending the opening of the City County Diversity Conference on Thursday, December 14, 2006 and will be late or miss the 9:00 a.m. Executive Session in the Boardroom that morning.

c: Chair's Office



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 12/14/06
Agenda Item #: E-1
Est. Start Time: 9:00 AM
Date Submitted: 12/06/06

BUDGET MODIFICATION: -

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

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

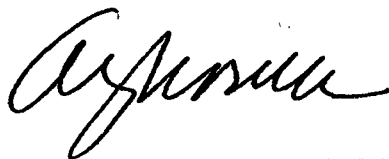
Date Requested:	<u>December 14, 2006</u>	Time Requested:	<u>15 -30 mins</u>
Department:	<u>Non-Departmental</u>	Division:	<u>County Attorney's Office</u>
Contact(s):	<u>Agnes Sowle</u>		
Phone:	<u>503 988-3138</u>	Ext.	<u>83138</u>
I/O Address:	<u>503/500</u>		
Presenter(s):	<u>Agnes Sowle and Invited Others</u>		

General Information

1. What action are you requesting from the Board?
No Final Decision will be made in the Executive Session.
2. Please provide sufficient background information for the Board and the public to understand this issue.
Only Representatives of the News Media and Designated Staff are allowed to Attend.
Representatives of the News Media and All Other Attendees are Specifically Directed Not to Disclose Information that is the Subject of the Executive Session.
3. Explain the fiscal impact (current year and ongoing).
4. Explain any legal and/or policy issues involved.
ORS 192.660(2)(e) and/or (h)
5. Explain any citizen and/or other government participation that has or will take place.

Required Signatures

**Department/
Agency Director:**



Date: 12/06/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 12/14/06
Agenda Item #: C-1
Est. Start Time: 9:30 AM
Date Submitted: 11/13/06

BUDGET MODIFICATION: -

Agenda Title: Reappointment of Patrick Brothers to the Multnomah County PLANNING COMMISSION

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

Date Requested:	12/14/2006	Time Requested:	Consent Calendar
Department:	Non-Departmental	Division:	Chair's Office
Contact(s):	Chair Diane Linn, Andy Smith		
Phone:	503/988-3308	Ext.	83308
I/O Address:	503/600		
Presenter(s):	N/A		

General Information

1. What action are you requesting from the Board?

Request Board approval of the reappointment of Patrick Brothers to the Multnomah County Planning Commission.

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

The Planning Commission acts as the land use advisory body to the Board of County Commissioners for unincorporated Multnomah County. The Commission makes recommendations to the Board of County Commissioners on the adoption, revision or repeal of the comprehensive plan and the implementing measures needed to carry out the plan. There are 9 members on the Planning Commission representing the various demographic areas of Multnomah County. No more than two members may be engaged principally in the buying, selling or developing of real estate for profit. No more than two members may be engaged in the same kind of business trade or profession. Members are appointed to 4-year terms by the County Chair with approval of the Board of County Commissioners.

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

No current year/ongoing fiscal impact.

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

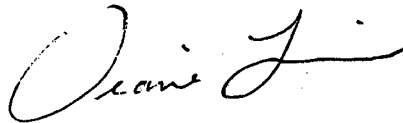
No legal and/or policy issues involved.

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

N/A

Required Signatures

**Department/
Agency Director:**



Date: 11/13/2006

Budget Analyst:

Date: _____

Department HR:

Date: _____

Countywide HR:

Date: _____



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 12/14/06
Agenda Item #: C-16
Est. Start Time: 9:30 AM
Date Submitted: 12/07/06

BUDGET MODIFICATION: -

Agenda Title: Appointment of Maegan Vidal to the Multnomah County CITIZEN INVOLVEMENT COMMITTEE

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

Date Requested:	12/14/2006	Time Requested:	Consent Calendar
Department:	Non-Departmental	Division:	Chair's Office
Contact(s):	Chair Diane Linn		
Phone:	503/988-3308	Ext.	83308
Presenter(s):	N/A		
I/O Address:	503/600		

General Information

1. What action are you requesting from the Board?

Request Board approval of the appointment of Maegan Vidal to the Multnomah County Citizen Involvement Committee.

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

The purpose of the Citizen Involvement Committee (CIC) is to inform residents of their opportunities and rights in the decision making process of all branches of County government. The CIC creates meaningful citizen involvement opportunities and integrates citizens into the decision making process. There are 15 volunteer members - 12 from specific commission districts and 3 recommended from County Boards and/or civic groups (at large). Nominees are passed forward by the Citizen Involvement Committee and appointed to 3-year terms by the County Chair with approval of the Board of County Commissioners. Citizen Involvement Committee members have a 2-term limit. Kathleen Todd is the Executive Director of the Multnomah County Office of Citizen Involvement.

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

No current year/ongoing fiscal impact.

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

No legal and/or policy issues involved.

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

N/A

Required Signatures

Department/
Agency Director:



Date: 12/07/2006

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 12/14/06
Agenda Item #: C-2
Est. Start Time: 9:30 AM
Date Submitted: 12/06/07

BUDGET MODIFICATION:

Agenda Title: Off Premises and Limited On Premises Sales Liquor License Renewal for Big Bear's Crown Point Market, 31815 E. Columbia River Highway, Troutdale, OR

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

Date Requested: December 14, 2006 Time Requested: N/A
Department: Sheriff's Office Division: Enforcement
Contact(s): Kathy Walliker
Phone: (503) 251-2520 Ext. I/O Address: 313/122
Presenter(s): Consent Calendar

General Information

1. What action are you requesting from the Board?

Board approval of liquor license application

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

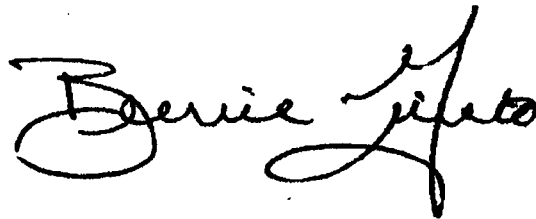
The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal. Assessment and Taxation reported that the address of 31815 E. Columbia River Hwy, Troutdale, Oregon, is in compliance with the Assessment and Taxation Office. The Land Use Planning Division reported that they have no objection to renewal of the liquor license. Nothing in the background check of owner/s raised any questions or concerns.

With the investigation completed the Multnomah County Sheriff's Office forwards a **FAVORABLE RECOMMENDATION** for the Liquor License Renewal.

3. Explain the fiscal impact (current year and ongoing).
4. Explain any legal and/or policy issues involved.
5. Explain any citizen and/or other government participation that has or will take place.

Required Signatures

**Department/
Agency Director:**



Date: 12/14/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:



MULTNOMAH COUNTY SHERIFF'S OFFICE
501 SE HAWTHORNE BLVD., SUITE 350 • PORTLAND, OR 97214

Exemplary service for a safe, livable community

BERNIE GIUSTO
SHERIFF

(503) 988-4300 PHONE
(503) 988-4500 TTY
www.sheriff-mcso.org

December 14, 2006

Board of County Commissioners
501 SE Hawthorne Boulevard, Suite 600
Portland, OR 97214-3587

Oregon Liquor Control Commission
9079 SE McLoughlin Boulevard
Portland, OR 97222-7355

Regarding: Big Bear's Crown Point Market
31815 E Columbia River Hwy
Troutdale, OR 97060

Subject: Liquor License Applicant
On and Off Premises Sales

Owner: Phillip J. DuFresne
11/28/45
1550 NE Brower Road
Corbett, OR 97060

Judy K. DuFresne
09/19/45
1550 NE Brower Road
Corbett, OR 97060

The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal. Assessment and Taxation reported that the address listed 31815 E Columbia River Hwy is in compliance with the Assessment and Taxation Office. The Land Use Planning Division has reported that they have no objection to the renewal of the liquor license. Nothing in the background check of owner/s raised any questions or concerns.

With the investigation completed, the Multnomah County Sheriff's Office forwards a **FAVORABLE RECOMMENDATION** for the Liquor License Renewal.

Sincerely,

A handwritten signature in cursive script that reads "Bernie Giusto".

Bernie Giusto
Sheriff



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 12/14/06
Agenda Item #: C-3
Est. Start Time: 9:30 AM
Date Submitted: 12/06/06

BUDGET MODIFICATION: -

Agenda Title: Full On Premises Sales Liquor License Renewal for Bottoms Up Tavern, 16900 NW St. Helens Rd., Portland, OR

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

Date Requested:	December 14, 2006	Time Requested:	N/A
Department:	Sheriff's Office	Division:	Enforcement
Contact(s):	Kathy Walliker		
Phone:	(503) 251-2520	Ext.	I/O Address: 313/122
Presenter(s):	Consent Calendar		

General Information

1. What action are you requesting from the Board?
Board approval of liquor license application
2. Please provide sufficient background information for the Board and the public to understand this issue.

The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal. Assessment and Taxation reported that the address of 16900 NW St. Helens Rd, Portland, Oregon, is in compliance with the Assessment and Taxation Office. The Land Use Planning Division reported that they have no objection to renewal of the liquor license.

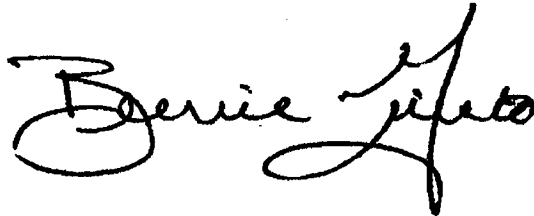
While conducting the background check of the owner/s, it was discovered that Mr. Bassam Moussa currently has a stalking order issued out of Washington County. The order was issued in 2000 with an unlimited duration, prohibiting applicant from possessing firearms and/or ammunition. This information was not disclosed on his original application with OLCC. Due to this information, the background check raises concerns.

With the investigation completed the Multnomah County Sheriff's Office forwards a **UNFAVORABLE RECOMMENDATION** for the Liquor License Renewal.

3. Explain the fiscal impact (current year and ongoing).
4. Explain any legal and/or policy issues involved.
5. Explain any citizen and/or other government participation that has or will take place.

Required Signatures

Department/
Agency Director:



Date: 12/14/2006

Budget Analyst:

Date: _____

Department HR:

Date: _____

Countywide HR:

Date: _____



MULTNOMAH COUNTY SHERIFF'S OFFICE

12240 NE GLISAN ST., • PORTLAND, OR 97230

Exemplary service for a safe, livable community

BERNIE GIUSTO
SHERIFF

503 255-3600 PHONE
503 251-2484 TTY
www.sheriff-mcso.org

December 14, 2006

Board of County Commissioners
501 SE Hawthorne Boulevard, Suite 600
Portland, OR 97214-7355

Oregon Liquor Control Commission
9079 SE McLoughlin Boulevard
Portland, OR 97222-7355

Regarding: Bottoms Up Tavern
16900 NW St. Helens Rd
Portland, OR 97231

Subject: Liquor License Application
Full On-Premises

Owner: Bassam Moussa
12/06/72
16900 NW St. Helens Rd
Portland, OR

The Multnomah County Sheriff's Office has completed its investigations for the above liquor license. Assessment and Taxation reported that the address of 16900 NW St. Helens Rd, Portland, Oregon is in compliance with the Assessment and Taxation Office. The Land Use Planning Division reported that they have no objection to the liquor license.

In conducting the background check of the owner/s, it was found that Mr. Bassam Moussa currently has a stalking order issued out of Washington County with an unlimited duration, prohibiting applicant from possessing firearms and/or ammunition. According to OLCC, this information was not disclosed on his original application. The background check on the owner raises concerns.

With the investigation completed the Multnomah County Sheriff's Office forwards a **UNFAVORABLE RECOMMENDATION** for the liquor license.

Sincerely,

A handwritten signature in cursive script that reads "Bernie Giusto".

BERNIE GIUSTO
Sheriff



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 12/14/06
Agenda Item #: C-4
Est. Start Time: 9:30 AM
Date Submitted: 12/06/06

BUDGET MODIFICATION: -

Agenda Title: Off Premises Sales Liquor License Renewal for Corbett Country Market, 36801 E. Historic Columbia River Highway, Corbett, OR 97019

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

Date Requested:	December 14, 2006	Time Requested:	N/A
Department:	Sheriff's Office	Division:	Enforcement
Contact(s):	Kathy Walliker		
Phone:	(503) 251-2520	Ext.	I/O Address: 313/122
Presenter(s):	Consent Calendar		

General Information

1. What action are you requesting from the Board?

Board approval of liquor license application

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

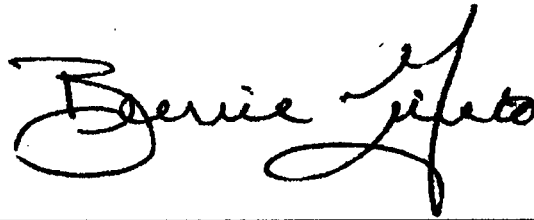
The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal. Assessment and Taxation reported that the address of 36801 East Historic Columbia River Highway, Corbett is in compliance with the Assessment and Taxation Office. The Land Use Planning Division reported that they have no objection to renewal of the liquor license. Nothing in the background check of owner/s raised any questions or concerns.

With the investigation completed the Multnomah County Sheriff's Office forwards a **FAVORABLE RECOMMENDATION** for the Liquor License Renewal.

3. Explain the fiscal impact (current year and ongoing).
4. Explain any legal and/or policy issues involved.
5. Explain any citizen and/or other government participation that has or will take place.

Required Signatures

**Department/
Agency Director:**



Date: 12/14/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:



MULTNOMAH COUNTY SHERIFF'S OFFICE
501 SE HAWTHORNE BLVD., SUITE 350 • PORTLAND, OR 97214

Exemplary service for a safe, livable community

BERNIE GIUSTO
SHERIFF

(503) 988-4300 PHONE
(503) 988-4500 TTY
www.sheriff-mcso.org

December, 14, 2006

Board of County Commissioners
501 SE Hawthorne Boulevard, Suite 600
Portland, OR 97214-3587

Oregon Liquor Control Commission
9079 SE McLoughlin Boulevard
Portland, OR 97222-7355

Regarding: Corbett Country Market
36801 E Historic Columbia River Hwy
Corbett, OR 97019

Subject: Liquor License Applicant
Off Premises Sales

Owner: Susan Larsen-Leigh
03/19/53
1805 NE Brower Road
Corbett, OR 97019

The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal. Assessment and Taxation reported that the address listed 36801 E Historical Columbia River Highway is in compliance with the Assessment and Taxation Office. The Land Use Planning Division has reported that they have no objection to the renewal of the liquor license. Nothing in the background check of owner/s raised any questions or concerns.

With the investigation completed, the Multnomah County Sheriff's Office forwards a **FAVORABLE RECOMMENDATION** for the Liquor License Renewal.

Sincerely,

A handwritten signature in cursive script that reads "Bernie Giusto".

Bernie Giusto
Sheriff



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 12/14/06
Agenda Item #: C-5
Est. Start Time: 9:30 AM
Date Submitted: 12/06/06

BUDGET MODIFICATION: -

Agenda Title: Off Premises Sales Liquor License Renewal for Cracker Barrel Grocery, 15005 NW Sauvie Island Road, Portland, OR 97231

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

Date Requested:	December 14, 2006	Time Requested:	N/A
Department:	Sheriff's Office	Division:	Enforcement
Contact(s):	Kathy Walliker		
Phone:	(503) 251-2520	Ext.	I/O Address: 313/122
Presenter(s):	Consent Calendar		

General Information

1. What action are you requesting from the Board?
Board approval of liquor license application
2. Please provide sufficient background information for the Board and the public to understand this issue.


The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal. Assessment and Taxation reported that the address 15005 NW Sauvie Island Rd, Portland, is in compliance with the Assessment and Taxation Office. The Land Use Planning Division reported that they have no objection to renewal of the liquor license. Nothing in the background check of owner/s raised any questions or concerns.

With the investigation completed the Multnomah County Sheriff's Office forwards a **FAVORABLE RECOMMENDATION** for the Liquor License Renewal.

3. Explain the fiscal impact (current year and ongoing).
4. Explain any legal and/or policy issues involved.
5. Explain any citizen and/or other government participation that has or will take place.

Required Signatures

**Department/
Agency Director:**



Date: 12/14/06

Budget Analyst:

Date: _____

Department HR:

Date: _____

Countywide HR:

Date: _____



MULTNOMAH COUNTY SHERIFF'S OFFICE
501 SE HAWTHORNE BLVD., SUITE 350 • PORTLAND, OR 97214

Exemplary service for a safe, livable community

BERNIE GIUSTO
SHERIFF

(503) 988-4300 PHONE
(503) 988-4500 TTY
www.sheriff-mcso.org

December 14, 2006

Board of County Commissioners
501 SE Hawthorne Boulevard, Suite 600
Portland, OR 97214-3587

Oregon Liquor Control Commission
9079 SE McLoughlin Boulevard
Portland, OR 97222-7355

Regarding: Cracker Barrel Grocery
15005 NW Sauvie Island Road
Portland, OR 97231

Subject: Liquor License Applicant
Off Premises Sales

Owner: Kae Yom
09/24/41
2235 NW 160th Ave
Portland, OR

Chong Yom
01/19/40
2235 NW 160th Ave
Portland, OR

The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal. Assessment and Taxation reported that the address listed 15005 NW Sauvie Island Road is in compliance with the Assessment and Taxation Office. The Land Use Planning Division has reported that they have no objection to the renewal of the liquor license. Nothing in the background check of owner/s raised any questions or concerns.

With the investigation completed, the Multnomah County Sheriff's Office forwards a FAVORABLE RECOMMENDATION for the Liquor License Renewal.

Sincerely,

A handwritten signature in cursive script that reads "Bernie Giusto".

Bernie Giusto
Sheriff



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 12/14/06
Agenda Item #: C-6
Est. Start Time: 9:30 AM
Date Submitted: 12/06/06

BUDGET MODIFICATION:

Agenda Title: Off Premises Sales Liquor License Renewal for Fred's Marina, 12800 NW Marina Way, Portland, OR 97231

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

Date Requested:	December 14, 2006	Time Requested:	N/A
Department:	Sheriff's Office	Division:	Enforcement
Contact(s):	Kathy Walliker		
Phone:	(503) 251-2520	Ext.	I/O Address: 313/122
Presenter(s):	Consent Calendar		

General Information

1. What action are you requesting from the Board?
Board approval of liquor license application
2. Please provide sufficient background information for the Board and the public to understand this issue.

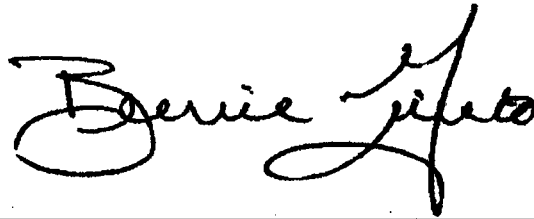
The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal. Assessment and Taxation reported that the address of 12800 NW Marine Way, Portland, Oregon, is in compliance with the Assessment and Taxation Office. The Land Use Planning Division reported that they have no objection to renewal of the liquor license. Nothing in the background check of owner/s raised any questions or concerns.

With the investigation completed the Multnomah County Sheriff's Office forwards a **FAVORABLE RECOMMENDATION** for the Liquor License Renewal.

3. Explain the fiscal impact (current year and ongoing).
4. Explain any legal and/or policy issues involved.
5. Explain any citizen and/or other government participation that has or will take place.

Required Signatures

**Department/
Agency Director:**



Date: 12/14/06

Budget Analyst:

Date: _____

Department HR:

Date: _____

Countywide HR:

Date: _____



MULTNOMAH COUNTY SHERIFF'S OFFICE
501 SE HAWTHORNE BLVD., SUITE 350 • PORTLAND, OR 97214

Exemplary service for a safe, livable community

BERNIE GIUSTO
SHERIFF

(503) 988-4300 PHONE
(503) 988-4500 TTY
www.sheriff-mcso.org

December 14, 2006

Board of County Commissioners
501 SE Hawthorne Boulevard, Suite 600
Portland, OR 97214-3587

Oregon Liquor Control Commission
9079 SE McLoughlin Boulevard
Portland, OR 97222-7355

Regarding: Fred's Marina
DBA Frevach Land Co
12800 NW Marina Way
Portland, OR 97231

Subject: Liquor License Applicant
Off Premises Sales

Owner: Cherie Sprando
05/09/50
12800 NW Marine Way
Portland, OR 97231

The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal. Assessment and Taxation reported that the address listed 12800 NW Marine Way is in compliance with the Assessment and Taxation Office. The Land Use Planning Division has reported that they have no objection to the renewal of the liquor license. Nothing in the background check of owner/s raised any questions or concerns.

With the investigation completed, the Multnomah County Sheriff's Office forwards a **FAVORABLE RECOMMENDATION** for the Liquor License Renewal.

Sincerely,

A handwritten signature in cursive script that reads "Bernie Giusto".

Bernie Giusto
Sheriff



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 12/14/06
Agenda Item #: C-7
Est. Start Time: 9:30 AM
Date Submitted: 12/06/06

BUDGET MODIFICATION:

Agenda Title: On Premises Sales Liquor License, Off Premises & Full On Premise Renewal for Historic Springdale Pub and Eatery, 32302 E. Crown Point Highway, Corbett, OR 97019

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

Date Requested: December 14, 2006 Time Requested: N/A
Department: Sheriff's Office Division: Enforcement
Contact(s): Kathy Walliker
Phone: (503) 251-2520 Ext. I/O Address: 313/122
Presenter(s): Consent Calendar

General Information

1. What action are you requesting from the Board?
Board approval of liquor license application
2. Please provide sufficient background information for the Board and the public to understand this issue.
The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal. Assessment and Taxation reported that the address of 32302 E. Crown Point Hwy, Corbett, Oregon, is in compliance with the Assessment and Taxation Office. The Land Use Planning Division reported that they have no objection to renewal of the liquor license. Nothing in the background check of owner/s raised any questions or concerns.

With the investigation completed the Multnomah County Sheriff's Office forwards a **FAVORABLE RECOMMENDATION** for the Liquor License Renewal.

3. Explain the fiscal impact (current year and ongoing).
4. Explain any legal and/or policy issues involved.
5. Explain any citizen and/or other government participation that has or will take place.

Required Signatures

**Department/
Agency Director:**



Date: 12/14/06

Budget Analyst:

Date: _____

Department HR:

Date: _____

Countywide HR:

Date: _____



MULTNOMAH COUNTY SHERIFF'S OFFICE
501 SE HAWTHORNE BLVD., SUITE 350 • PORTLAND, OR 97214

Exemplary service for a safe, livable community

BERNIE GIUSTO
SHERIFF

(503) 988-4300 PHONE
(503) 988-4500 TTY
www.sheriff-mcso.org

December 14, 2006

Board of County Commissioners
501 SE Hawthorne Boulevard, Suite 600
Portland, OR 97214-3587

Oregon Liquor Control Commission
9079 SE McLoughlin Boulevard
Portland, OR 97222-7355

Regarding: Historic Springdale Pub and Eatery
32302 E Crown Pt Hwy
Corbett, OR 97019

Subject: Liquor License Applicant
On Premises Sales & Off Premise Sales
Limited On-Premises Sales

Owner:	Jim Warren	Diane Warren	Wayne Hanson
	11/08/54	04/27/51	081741
	PO Box 199	PO Box 199	2215 NE Hood
	Corbett, OR	Corbett, OR	Gresham, OR

The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal. Assessment and Taxation reported that the address listed as 28242 E. Historic Columbia River Hwy is in compliance with the Assessment and Taxation Office. The Land Use Planning Division has reported that they have no objection to the renewal of the liquor license. Nothing in the background check of owner/s raised any questions or concerns.

With the investigation completed, the Multnomah County Sheriff's Office forwards a **FAVORABLE RECOMMENDATION** for the Liquor License Renewal.

Sincerely,

A handwritten signature in cursive script that reads "Bernie Giusto".

Bernie Giusto
Sheriff



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 12/14/06
Agenda Item #: C-8
Est. Start Time: 9:30 AM
Date Submitted: 12/06/06

BUDGET MODIFICATION: -

Agenda Title: **Full On Premises Sales Liquor License Renewal for Multnomah Falls Lodge, Scenic Highway and Columbia Gorge, Bridal Veil, OR 97010**

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

Date Requested:	<u>December 14, 2006</u>	Time Requested:	<u>N/A</u>
Department:	<u>Sheriff's Office</u>	Division:	<u>Enforcement</u>
Contact(s):	<u>Kathy Walliker</u>		
Phone:	<u>(503) 251-2520</u>	Ext.	<u>I/O Address: 313/122</u>
Presenter(s):	<u>Consent Calendar</u>		

General Information

1. What action are you requesting from the Board?

Board approval of liquor license application

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

The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal. Assessment and Taxation reported that the address of Scenic Hwy and Columbia Gorge, Bridal Veil, Oregon, is in compliance with the Assessment and Taxation Office. The Land Use Planning Division reported that they have no objection to renewal of the liquor license. Nothing in the background check of owner/s raised any questions or concerns.

With the investigation completed the Multnomah County Sheriff's Office forwards a **FAVORABLE RECOMMENDATION** for the Liquor License Renewal.

3. Explain the fiscal impact (current year and ongoing).
4. Explain any legal and/or policy issues involved.
5. Explain any citizen and/or other government participation that has or will take place.

Required Signatures

**Department/
Agency Director:**



Date: 12/14/06

Budget Analyst:

Date: _____

Department HR:

Date: _____

Countywide HR:

Date: _____



MULTNOMAH COUNTY SHERIFF'S OFFICE
501 SE HAWTHORNE BLVD., SUITE 350 • PORTLAND, OR 97214

Exemplary service for a safe, livable community

BERNIE GIUSTO
SHERIFF

(503) 988-4300 PHONE
(503) 988-4500 TTY
www.sheriff-mcso.org

December 14, 2006

Board of County Commissioners
501 SE Hawthorne Boulevard, Suite 600
Portland, OR 97214-3587

Oregon Liquor Control Commission
9079 SE McLoughlin Boulevard
Portland, OR 97222-7355

Regarding: Multnomah Falls Lodge
S/S Scenic Hwy and Columbia Gorge
Bridal Veil, OR 97010

Subject: Liquor License Applicant
Full- On Premises Sales

Owner: Richard A. Buck
08/06/50
511 S. E. 15th St
Gresham, OR

The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal. Assessment and Taxation reported that the address listed S/S Scenic Hwy and Columbia Gorge is in compliance with the Assessment and Taxation Office. The Land Use Planning Division has reported that they have no objection to the renewal of the liquor license. Nothing in the background check of owner/s raised any questions or concerns.

With the investigation completed, the Multnomah County Sheriff's Office forwards a **FAVORABLE RECOMMENDATION** for the Liquor License Renewal.

Sincerely,

A handwritten signature in cursive script that reads "Bernie Giusto".

Bernie Giusto
Sheriff



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 12/14/06
Agenda Item #: C-9
Est. Start Time: 9:30 AM
Date Submitted: 12/06/06

BUDGET MODIFICATION: -

Agenda Title: Off Premises Sales Liquor License Renewal for Orient Country Store, 29822 SE Orient Drive, Gresham, Oregon

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

Date Requested:	December 14, 2006	Time Requested:	N/A
Department:	Sheriff's Office	Division:	Enforcement
Contact(s):	Kathy Walliker		
Phone:	(503) 251-2520	Ext.	I/O Address: 313/122
Presenter(s):	Consent Calendar		

General Information

1. What action are you requesting from the Board?

Board approval of liquor license application

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

The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal. Assessment and Taxation reported that the address of 29822 SE Orient Drive, Gresham, Oregon, is in compliance with the Assessment and Taxation Office. The Land Use Planning Division reported that they have no objection to renewal of the liquor license. Nothing in the background check of owner/s raised any questions or concerns.

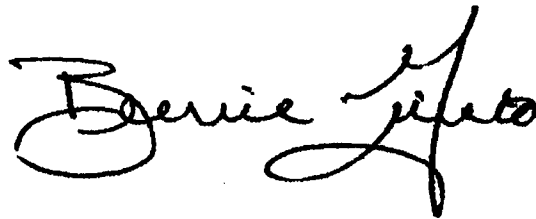
With the investigation completed the Multnomah County Sheriff's Office forwards a **FAVORABLE RECOMMENDATION** for the Liquor License Renewal.

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

4. Explain any legal and/or policy issues involved.
5. Explain any citizen and/or other government participation that has or will take place.

Required Signatures

**Department/
Agency Director:**



Date: 12/14/06

Budget Analyst:

Date: _____

Department HR:

Date: _____

Countywide HR:

Date: _____



MULTNOMAH COUNTY SHERIFF'S OFFICE

501 SE HAWTHORNE BLVD., SUITE 350 • PORTLAND, OR 97214

Exemplary service for a safe, livable community

BERNIE GIUSTO
SHERIFF

(503) 988-4300 PHONE
(503) 988-4500 TTY
www.sheriff-mcso.org

December 14, 2006

Board of County Commissioners
501 SE Hawthorne Boulevard, Suite 600
Portland, OR 97214-3587

Oregon Liquor Control Commission
9079 SE McLoughlin Boulevard
Portland, OR 97222-7355

Regarding: Orient Country Store
29822 SE Orient Drive
Gresham, OR 97080

Subject: Liquor License Applicant
Off Premises Sales

Owner: Jong Lee
02/27/57
15055 SE Millmain Dr
Portland, OR

The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal. Assessment and Taxation reported that the address listed 29822 SE Orient Drive is in compliance with the Assessment and Taxation Office. The Land Use Planning Division has reported that they have no objection to the renewal of the liquor license. Nothing in the background check of owner/s raised any questions or concerns.

With the investigation completed, the Multnomah County Sheriff's Office forwards a FAVORABLE RECOMMENDATION for the Liquor License Renewal.

Sincerely,

A handwritten signature in cursive script that reads "Bernie Giusto".

Bernie Giusto
Sheriff



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 12/14/06
Agenda Item #: C-10
Est. Start Time: 9:30 AM
Date Submitted: 12/06/06

BUDGET MODIFICATION:

Agenda Title: Off Premises Sales Liquor License Renewal for Plainview Grocery, 11800 NW Cornelius Pass Road, Portland, Oregon 97231

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

Date Requested:	December 14, 2006	Time Requested:	N/A
Department:	Sheriff's Office	Division:	Enforcement
Contact(s):	Kathy Walliker		
Phone:	(503) 251-2520	Ext.	I/O Address: 313/122
Presenter(s):	Consent Calendar		

General Information

1. What action are you requesting from the Board?

Board approval of liquor license application

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

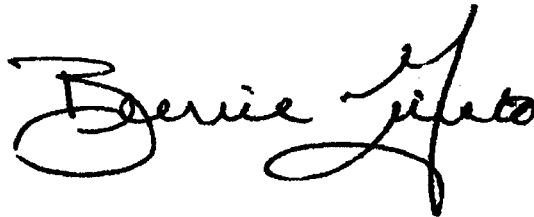
The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal. Assessment and Taxation reported that the address of 11800 NW Cornelius Pass Road, Portland, Oregon, is in compliance with the Assessment and Taxation Office. The Land Use Planning Division reported that they have no objection to renewal of the liquor license. Nothing in the background check of owner/s raised any questions or concerns.

With the investigation completed the Multnomah County Sheriff's Office forwards a **FAVORABLE RECOMMENDATION** for the Liquor License Renewal.

3. Explain the fiscal impact (current year and ongoing).
4. Explain any legal and/or policy issues involved.
5. Explain any citizen and/or other government participation that has or will take place.

Required Signatures

**Department/
Agency Director:**



Date: 12/14/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:



MULTNOMAH COUNTY SHERIFF'S OFFICE
501 SE HAWTHORNE BLVD., SUITE 350 • PORTLAND, OR 97214

Exemplary service for a safe, livable community

BERNIE GIUSTO
SHERIFF

(503) 988-4300 PHONE
(503) 988-4500 TTY
www.sheriff-mcso.org

December 14, 2006

Board of County Commissioners
501 SE Hawthorne Boulevard, Suite 600
Portland, OR 97214-3587

Oregon Liquor Control Commission
9079 SE McLoughlin Boulevard
Portland, OR 97222-7355

Regarding: Plainview Grocery
11800 NW Cornelius Pass Road
Portland, OR 97231

Subject: Liquor License Applicant
Off Premises Sales

Owner: Steven Linden
03/12/47
11796 NW Cornelius Pass Rd
Portland, OR 97231

The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal. Assessment and Taxation reported that the address listed 11800 NW Cornelius Pass Road is in compliance with the Assessment and Taxation Office. The Land Use Planning Division has reported that they have no objection to the renewal of the liquor license. Nothing in the background check of owner/s raised any questions or concerns.

With the investigation completed, the Multnomah County Sheriff's Office forwards a **FAVORABLE RECOMMENDATION** for the Liquor License Renewal.

Sincerely,

A handwritten signature in cursive script that reads "Bernie Giusto".

Bernie Giusto
Sheriff



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 12/14/06
Agenda Item #: C-11
Est. Start Time: 9:30 AM
Date Submitted: 12/06/06

BUDGET MODIFICATION: -

Agenda Title: Full On-Premises Sales Liquor License Renewal for Pleasant Home Saloon,
31637 SE Dodge Park Boulevard, Gresham, Oregon

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

Date Requested:	<u>December 14, 2006</u>	Time Requested:	<u>N/A</u>
Department:	<u>Sheriff's Office</u>	Division:	<u>Enforcement</u>
Contact(s):	<u>Kathy Walliker</u>		
Phone:	<u>(503) 251-2520</u>	Ext.	<u>I/O Address: 313/122</u>
Presenter(s):	<u>Consent Calendar</u>		

General Information

1. What action are you requesting from the Board?

Board approval of liquor license application

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

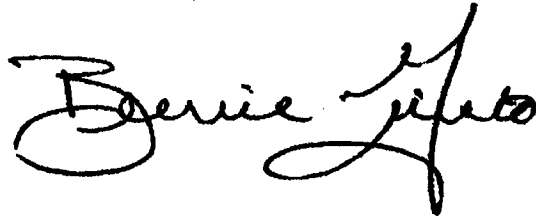
The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal. Assessment and Taxation reported that the address of 31637 SE Dodge Park Blvd., Gresham, Oregon, is in compliance with the Assessment and Taxation Office. The Land Use Planning Division reported that they have no objection to renewal of the liquor license. Nothing in the background check of owner/s raised any questions or concerns.

With the investigation completed the Multnomah County Sheriff's Office forwards a **FAVORABLE RECOMMENDATION** for the Liquor License Renewal.

3. Explain the fiscal impact (current year and ongoing).
4. Explain any legal and/or policy issues involved.
5. Explain any citizen and/or other government participation that has or will take place.

Required Signatures

**Department/
Agency Director:**



Date: 12/14/06

Budget Analyst:

Date: _____

Department HR:

Date: _____

Countywide HR:

Date: _____



MULTNOMAH COUNTY SHERIFF'S OFFICE
501 SE HAWTHORNE BLVD., SUITE 350 • PORTLAND, OR 97214

Exemplary service for a safe, livable community

BERNIE GIUSTO
SHERIFF

(503) 988-4300 PHONE
(503) 988-4500 TTY
www.sheriff-mcso.org

December 14, 2006

Board of County Commissioners
501 SE Hawthorne Boulevard, Suite 600
Portland, OR 97214-3587

Oregon Liquor Control Commission
9079 SE McLoughlin Boulevard
Portland, OR 97222-7355

Regarding: Pleasant Home Saloon
31637 SE Dodge Park Boulevard
Gresham, OR 97030

Subject: Liquor License Applicant
Full On Premises Sales

Owner: Nicholas Nasshahn
10/15/51
10625 SE 362nd
Boring, OR

Judy Stiles
06/15/39
27640 SE Wally Rd
Boring, OR

The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal. Assessment and Taxation reported that the address listed 31637 SE Dodge Park Boulevard is in compliance with the Assessment and Taxation Office. The Land Use Planning Division has reported that they have no objection to the renewal of the liquor license. Nothing in the background check of owner/s raised any questions or concerns.

With the investigation completed, the Multnomah County Sheriff's Office forwards a **FAVORABLE RECOMMENDATION** for the Liquor License Renewal.

Sincerely,

A handwritten signature in cursive script that reads "Bernie Giusto".

Bernie Giusto
Sheriff



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 12/14/06
Agenda Item #: C-12
Est. Start Time: 9:30 AM
Date Submitted: 12/06/06

BUDGET MODIFICATION: -

Agenda Title: Off Premises Sales Liquor License Renewal for Rocky Point Marina, 23586 NW St. Helens Highway, Portland, OR

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

Date Requested:	December 14, 2006	Time Requested:	N/A
Department:	Sheriff's Office	Division:	Enforcement
Contact(s):	Kathy Walliker		
Phone:	(503) 251-2520	Ext.	I/O Address: 313/122
Presenter(s):	Consent Calendar		

General Information

1. What action are you requesting from the Board?

Board approval of liquor license application

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

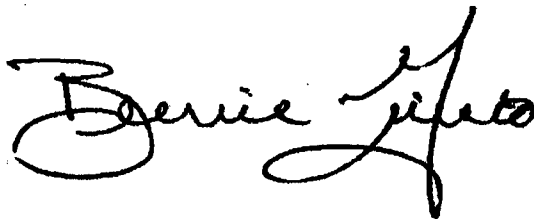
The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal. Assessment and Taxation reported that the address of 23586 NW St. Helens Rd., Portland, Oregon, is in compliance with the Assessment and Taxation Office. The Land Use Planning Division reported that the property currently has an unresolved Under Review (UR) land use violation complaint on file (UR-05-008). The complaint is currently being investigated. Until the land use violation complaint is fully investigated and resolved, the Land Use and Transportation Division can not verify the property is in compliance with land use ordinances. Nothing in the background check of owner/s raised any questions or concerns.

With the investigation completed the Multnomah County Sheriff's Office forwards a **FAVORABLE WITH CONCERNS RECOMMENDATION** for the Liquor License Renewal.

3. Explain the fiscal impact (current year and ongoing).
4. Explain any legal and/or policy issues involved.
5. Explain any citizen and/or other government participation that has or will take place.

Required Signatures

**Department/
Agency Director:**



Date: 12/14/06

Budget Analyst:

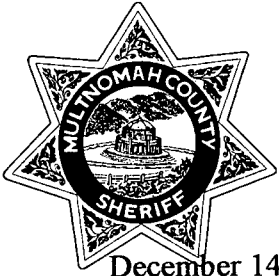
Date:

Department HR:

Date:

Countywide HR:

Date:



MULTNOMAH COUNTY SHERIFF'S OFFICE

501 SE HAWTHORNE BLVD., SUITE 350 • PORTLAND, OR 97214

Exemplary service for a safe, livable community

BERNIE GIUSTO
SHERIFF

(503) 988-4300 PHONE
(503) 988-4500 TTY
www.sheriff-mcso.org

December 14, 2006

Board of County Commissioners
501 SE Hawthorne Boulevard, Suite 600
Portland, OR 97214-3587

Oregon Liquor Control Commission
9079 SE McLoughlin Boulevard
Portland, OR 97222-7355

Regarding: Rocky Pointe Marina
23586 NW St. Helens Rd
Portland, OR 97231

Subject: Liquor License Applicant
Off Premise Sales

Owner: Jeniene Tonneson
01/30/58
211 N. E. 39th
Portland, OR

Stan Tonneson
12/27/57
211 N. E. 39th
Portland, OR

The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal. Assessment and Taxation reported that the address listed 23586 NW St Helens Hwy, Portland Oregon in compliance with the Assessment and Taxation Office. The Land Use Planning Division has reported that they have no objection to the renewal of the liquor license. Nothing in the background check of owner/s raised any questions or concerns.

With the investigation completed, the Multnomah County Sheriff's Office forwards a **FAVORABLE RECOMMENDATION** for the Liquor License Renewal.

Sincerely,

A handwritten signature in cursive script that reads "Bernie Giusto".

Bernie Giusto
Sheriff



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 12/14/06
Agenda Item #: C-13
Est. Start Time: 9:30 AM
Date Submitted: 12/06/06

BUDGET MODIFICATION: -

Agenda Title: Off Premises and Limited On-Premises Sales Liquor License Renewal for Tenely's Jackpot Foodmart, 28210 SE Orient Drive, Gresham, OR

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

Date Requested:	<u>December 14, 2006</u>	Time Requested:	<u>N/A</u>
Department:	<u>Sheriff's Office</u>	Division:	<u>Enforcement</u>
Contact(s):	<u>Kathy Walliker</u>		
Phone:	<u>(503) 251-2520</u>	Ext.	<u>I/O Address: 313/122</u>
Presenter(s):	<u>Consent Calendar</u>		

General Information

1. What action are you requesting from the Board?
Board approval of liquor license application
2. Please provide sufficient background information for the Board and the public to understand this issue.

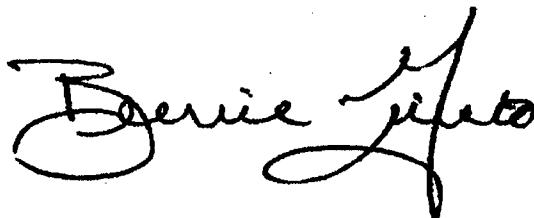
The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal. Assessment and Taxation reported that the address of 28210 SE Orient Drive, Gresham, Oregon, is in compliance with the Assessment and Taxation Office. The Land Use Planning Division reported that they have no objection to renewal of the liquor license. Nothing in the background check of owner/s raised any questions or concerns.

With the investigation completed the Multnomah County Sheriff's Office forwards a **FAVORABLE RECOMMENDATION** for the Liquor License Renewal.

3. Explain the fiscal impact (current year and ongoing).
4. Explain any legal and/or policy issues involved.
5. Explain any citizen and/or other government participation that has or will take place.

Required Signatures

**Department/
Agency Director:**



Date: 12/14/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:



MULTNOMAH COUNTY SHERIFF'S OFFICE
501 SE HAWTHORNE BLVD., SUITE 350 • PORTLAND, OR 97214

Exemplary service for a safe, livable community

BERNIE GIUSTO
SHERIFF

(503) 988-4300 PHONE
(503) 988-4500 TTY
www.sheriff-mcso.org

December 14, 2005

Board of County Commissioners
501 SE Hawthorne Boulevard, Suite 600
Portland, OR 97214-3587

Oregon Liquor Control Commission
9079 SE McLoughlin Boulevard
Portland, OR 97222-7355

Regarding: Tenleys Jackpot Foodmart
28210 SE Orient Drive
Gresham, OR 97080

Subject: Liquor License Applicant
Off Premises Sales
Limited On Premises Sales

Owner:	Ly Hien Le	Ly My Le	Ly Phuong Le
	02/04/73	05/07/59	09/15/70
	3129 SE 22 nd Ave	28032 SE Orient Dr	16422 NE Fremont

The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal. Assessment and Taxation reported that the address listed 28210 SE Orient Drive is in compliance with the Assessment and Taxation Office. The Land Use Planning Division has reported that they have no objection to the renewal of the liquor license. Nothing in the background check of owner/s raised any questions or concerns.

With the investigation completed, the Multnomah County Sheriff's Office forwards a **FAVORABLE RECOMMENDATION** for the Liquor License Renewal.

Sincerely,

A handwritten signature in cursive script that reads "Bernie Giusto".

Bernie Giusto
Sheriff



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 12/14/06
Agenda Item #: C-14
Est. Start Time: 9:30 AM
Date Submitted: 12/06/06

BUDGET MODIFICATION:

Agenda Title: Off Premises Sales Liquor License Renewal for Weece's Market, 7310 SE Pleasant Home Road, Gresham, Oregon

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

Date Requested: December 14, 2006 Time Requested: N/A
Department: Sheriff's Office Division: Enforcement
Contact(s): Kathy Walliker
Phone: (503) 251-2520 Ext. I/O Address: 313/122
Presenter(s): Consent Calendar

General Information

1. What action are you requesting from the Board?

Board approval of liquor license application

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

The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal. Assessment and Taxation reported that the address of 7310 SE Pleasant Home Road, Gresham, Oregon, is in compliance with the Assessment and Taxation Office. The Land Use Planning Division reported that they have no objection to renewal of the liquor license. Nothing in the background check of owner/s raised any questions or concerns.

With the investigation completed the Multnomah County Sheriff's Office forwards a **FAVORABLE RECOMMENDATION** for the Liquor License Renewal.

3. Explain the fiscal impact (current year and ongoing).
4. Explain any legal and/or policy issues involved.
5. Explain any citizen and/or other government participation that has or will take place.

Required Signatures

**Department/
Agency Director:**



Date: 12/14/06

Budget Analyst:

Date: _____

Department HR:

Date: _____

Countywide HR:

Date: _____



MULTNOMAH COUNTY SHERIFF'S OFFICE
501 SE HAWTHORNE BLVD., SUITE 350 • PORTLAND, OR 97214

Exemplary service for a safe, livable community

BERNIE GIUSTO
SHERIFF

(503) 988-4300 PHONE
(503) 988-4500 TTY
www.sheriff-mcso.org

December 14, 2006

Board of County Commissioners
501 SE Hawthorne Boulevard, Suite 600
Portland, OR 97214-3587

Oregon Liquor Control Commission
9079 SE McLoughlin Boulevard
Portland, OR 97222-7355

Regarding: Weece's Market
7310 SE Pleasant Home Road
Gresham, OR 97080

Subject: Liquor License Applicant
Off Premises Sales

Owner: Kim R. Young
07/29/68
6816 SE Equestrian Way
Portland, OR 97080

The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal. Assessment and Taxation reported that the address listed 7310 SE Pleasant Home Road is in compliance with the Assessment and Taxation Office. The Land Use Planning Division has reported that they have no objection to the renewal of the liquor license. Nothing in the background check of owner/s raised any questions or concerns.

With the investigation completed, the Multnomah County Sheriff's Office forwards a FAVORABLE RECOMMENDATION for the Liquor License Renewal.

Sincerely,

A handwritten signature in cursive script that reads "Bernie Giusto".

Bernie Giusto
Sheriff



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 12/14/06
Agenda Item #: C-15
Est. Start Time: 9:30 AM
Date Submitted: 12/06/06

BUDGET MODIFICATION: -

Agenda Title: Limited On-Premises Sales Liquor License Renewal for Wildwood Golf Course, 21881 NW St. Helens Rd., Portland, Oregon

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

Date Requested:	December 14, 2006	Time Requested:	N/A
Department:	Sheriff's Office	Division:	Enforcement
Contact(s):	Kathy Walliker		
Phone:	(503) 251-2520	Ext.	I/O Address: 313/122
Presenter(s):	Consent Calendar		

General Information

1. What action are you requesting from the Board?

Board approval of liquor license application

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

The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal. Assessment and Taxation reported that the address of 21881 NW St. Helens Road, Portland, Oregon, is in compliance with the Assessment and Taxation Office. The Land Use Planning Division reported that they have no objection to renewal of the liquor license. Nothing in the background check of owner/s raised any questions or concerns.

With the investigation completed the Multnomah County Sheriff's Office forwards a **FAVORABLE RECOMMENDATION** for the Liquor License Renewal.

3. Explain the fiscal impact (current year and ongoing).
4. Explain any legal and/or policy issues involved.
5. Explain any citizen and/or other government participation that has or will take place.

Required Signatures

**Department/
Agency Director:**



Date: 12/14/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:



MULTNOMAH COUNTY SHERIFF'S OFFICE
501 SE HAWTHORNE BLVD., SUITE 350 • PORTLAND, OR 97214

Exemplary service for a safe, livable community

BERNIE GIUSTO
SHERIFF

(503) 988-4300 PHONE
(503) 988-4500 TTY
www.sheriff-mcso.org

December 14, 2006

Board of County Commissioners
501 SE Hawthorne Boulevard, Suite 600
Portland, OR 97214-3587

Oregon Liquor Control Commission
9079 SE McLoughlin Boulevard
Portland, OR 97222-7355

Regarding: Wildwood Golf Course
21881 NW St. Helens Road
Portland, OR 97231

Subject: Liquor License Applicant
Limited On- Premises Sales

Owner:	William O'Meara	Paul VanDomean	Kay O'Meara
	09/06/60	07/02/59	07/26/61
	21881 NW St Helens Rd	940 NE Birchaire Ln	21881 NW St Helens Rd
	Portland, OR 97231	Hillsboro, OR 97124	Portland, OR 97231

The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal. Assessment and Taxation reported that the address listed 21881 NW St Helens Road is in compliance with the Assessment and Taxation Office. The Land Use Planning Division has reported that they have no objection to the renewal of the liquor license. Nothing in the background check of owner/s raised any questions or concerns.

With the investigation completed, the Multnomah County Sheriff's Office forwards a **FAVORABLE RECOMMENDATION** for the Liquor License Renewal.

Sincerely,

A handwritten signature in cursive script that reads "Bernie Giusto".

Bernie Giusto
Sheriff



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 12/14/06
Agenda Item #: R-1
Est. Start Time: 9:30 AM
Date Submitted: 12/05/06

BUDGET MODIFICATION: -

RESOLUTION Declaring the North Hawthorne Bridgehead Block the Preferred Site for a New Courthouse in Portland's Government Center Area and Directing Facilities to Prepare a Combined Project Proposal and Plan; Negotiate a Memorandum of Understanding with Equity Office Properties to Provide a Tunnel Suitable for Inmate Transport through their SW First and Main Property; Negotiate an Intergovernmental Agreement with the Portland Development Commission to Secure \$9 Million in Downtown Waterfront Renewal Area Funds for the Relocation of the Existing Hawthorne Bridge West-Bound Off-Ramp; and to Pursue Financing Alternatives for Courthouse Construction

Agenda Title:

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

Date Requested: December 14, 2006
Time Requested: 20 minutes
Department: Non-Departmental
Division: Commissioners Lisa Naito and Maria Rojo de Steffey
Contact(s): Terri Naito
Phone: 503 988-5217 Ext. 85217 I/O Address: 503/600
Presenter(s): Commissioner Lisa Naito; Commissioner Maria Rojo de Steffey; Judge Dale Koch; District Attorney Michael D. Schrunk; FPM Director Doug Butler

General Information

1. What action are you requesting from the Board?
Approval.
2. Please provide sufficient background information for the Board and the public to understand this issue.
The County is required by Oregon law to provide court facilities for the State's circuit courts, while the courts themselves are operated by the State Judicial Department. Multnomah County's current

Courthouse is nearly a century old, and no longer meets the needs of a modern court both in size and configuration. In addition, without major renovation, the current Courthouse may prove vulnerable in a major seismic event. Studies emphasizing these issues and others have been conducted and shelved since the 1960s. This tangible action will be the first step in moving forward, after decades of analysis, on a new courthouse.

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

No immediate fiscal impact. Negotiations may result in future fiscal impacts.

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

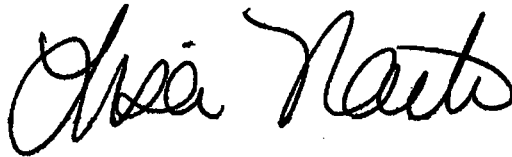
Establishes North Hawthorne Bridgehead Block as the preferred site for a new downtown Courthouse to replace existing County Courthouse.

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

This resolution is an outgrowth of the many studies involving Multnomah County's judicial community and the community at large over many decades. Specific to this resolution, discussions have taken place between the County City of Portland's Mayor and Council members, the Portland Development Commission, and representatives of Equity Office Properties.

Required Signatures

**Department/
Agency Director:**



Date: 12/05/06



Budget Analyst:

Date: _____

Department HR:

Date: _____

Countywide HR:

Date: _____

BOGSTAD Deborah L

From: SOWLE Agnes
Sent: Tuesday, December 05, 2006 4:00 PM
To: BOGSTAD Deborah L
Cc: KINOSHITA Carol
Subject: Preferred courthouse location

I approve the resolution for the agenda.

*Agnes Sowle
Multnomah County Attorney
501 SE Hawthorne Blvd., Ste. 500
Portland, OR 97214
(503)988-3138*

12/6/2006

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Declaring the North Hawthorne Bridgehead Block the Preferred Site for a New Courthouse in Portland's Government Center Area and Directing Facilities to Prepare a Combined Project Proposal and Plan; Negotiate a Memorandum of Understanding with Equity Office Properties to Provide a Tunnel Suitable for Inmate Transport through their SW First and Main Property; Negotiate an Intergovernmental Agreement with the Portland Development Commission to Secure \$9 Million in Downtown Waterfront Renewal Area Funds for the Relocation of the Existing Hawthorne Bridge West-Bound Off-Ramp; and to Pursue Financing Alternatives for Courthouse Construction

The Multnomah County Board of Commissioners Finds:

- a. Oregon Revised Statute 1.185 requires counties in which a circuit court is located to provide "suitable and sufficient courtrooms, office and jury rooms."
- b. Resolution 01-114 found that, "The existing Multnomah County Courthouse does not meet the requirements of the Fourth Judicial District, Circuit Court of the State of Oregon. The current size and configuration of the Courthouse do not meet the programmatic requirements of the Court."
- c. Resolution 06-033 resolved to "move forward with all due speed to address the needs of the Fourth Judicial District Circuit Court ... [with the] intent to acquire a site as the first step towards constructing a new facility for the Fourth Judicial District Circuit Court in, or in proximity to, downtown Portland's Government Center area by December 31, 2006."
- d. As directed in Resolution 06-033, the County's Facilities and Property Management Division (FPM) produced a Preliminary Planning Proposal for Site Acquisition that examined over twenty-five sites in and around downtown Portland for compatibility with a Courthouse facility. The FPM recommendation proposed further evaluation of the three city blocks located at the west end of the Hawthorne Bridge, resulting in more in-depth assessments of the SW First and Main Block, the North Hawthorne Bridgehead Block, and the South Hawthorne Bridgehead Block.
- e. The North Hawthorne Bridgehead Block (Block) – bounded by SW Main and Madison Streets, and SW First Avenue and Naito Parkway – appears to be the most feasible of the blocks assessed for the following reasons:
 - (1) The Block does not require acquisition, as the County currently owns the property; therefore the Board does not consider it necessary to acquire property for this project.

- (2) As the County currently owns the property, no privately-owned properties need be removed from the tax rolls.
 - (3) The Block is located within Portland's Government Center area.
 - (4) While the Block is presently bisected by the westbound off-ramp of the Hawthorne Bridge, an engineering study commissioned by Facilities demonstrates the feasibility of relocating the ramp to the property's edge, making nearly the full block available for development.
 - (5) The bridge ramp is primarily located within the Downtown Waterfront Urban Renewal Area (DTWF URA) making it a potential recipient of urban renewal funds.
 - (6) Commissioner Lisa Naito and Commissioner Maria Rojo de Steffey have had positive discussions with the Portland Development Commission regarding utilizing \$9 million in DTWF URA funds towards the relocation of the Hawthorne Bridge's west-bound off-ramp.
 - (7) The Block is located just one block away from the existing Justice Center, easing inmate transport issues.
 - (8) Representatives of Equity Office Properties, owners of the SW First and Main Block which lies between the Justice Center and the North Hawthorne Bridgehead Block, have expressed their willingness to work with the County to construct a below-street-level tunnel to transport inmates between the Justice Center and a new courthouse.
 - (9) The City of Portland's Mayor and Council have expressed their support for a new courthouse on this Block, and their willingness to continue exploring with the County all future options including siting, zoning, and financing.
- f. Many challenges lay ahead before the County can break ground on a new courthouse, especially in the area of financing. The duty for this lies appropriately with both Multnomah County and the State of Oregon, whose Judicial Branch operates the state's circuit courts. A State Courts Facilities Task Force is currently examining this issue and plans to propose several pieces of legislative action to the 2007 Oregon Legislature.

The Multnomah County Board of Commissioners Resolves:

1. The North Hawthorne Bridgehead Block is the preferred site for a new courthouse in Portland's Government Center area.

2. FPM is directed to provide a combined Project Proposal and Project Plan (Project Plan) for a new downtown courthouse on the North Hawthorne Bridgehead Block. The Project Plan will be in compliance with Administrative Procedure FAC-1 and will be presented to the Board for consideration no later than February 1, 2007. The Project Plan will include a course of action for relocating the existing Hawthorne Bridge west-bound off-ramp.
3. FPM is directed to proceed with negotiations with Equity Office Properties to provide a tunnel suitable for inmate transport from the North Hawthorne Bridgehead Block to the Justice Center and through their SW First and Main property. A Memorandum of Understanding addressing access, transactional, and legal issues will be presented to the Board for consideration no later than February 1, 2007.
4. FPM is directed to proceed with negotiations for an Intergovernmental Agreement (IGA) with the Portland Development Commission to secure \$9 million in Downtown Waterfront Urban Renewal Area funds for the partial financing of the relocation of the existing Hawthorne Bridge west-bound off-ramp.
5. The County will pursue financing alternatives for courthouse construction including, but not limited to, legislative action with the 2007 Oregon Legislature.

ADOPTED this 14th day of December, 2006.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Agnes Sowle, County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 06-203

Declaring the North Hawthorne Bridgehead Block the Preferred Site for a New Courthouse in Portland's Government Center Area and Directing Facilities to Prepare a Combined Project Proposal and Plan; Negotiate a Memorandum of Understanding with Equity Office Properties to Provide a Tunnel Suitable for Inmate Transport through their SW First and Main Property; Negotiate an Intergovernmental Agreement with the Portland Development Commission to Secure \$9 Million in Downtown Waterfront Renewal Area Funds for the Relocation of the Existing Hawthorne Bridge West-Bound Off-Ramp; and to Pursue Financing Alternatives for Courthouse Construction

The Multnomah County Board of Commissioners Finds:

- a. Oregon Revised Statute 1.185 requires counties in which a circuit court is located to provide "suitable and sufficient courtrooms, office and jury rooms."
- b. Resolution 01-114 found that, "The existing Multnomah County Courthouse does not meet the requirements of the Fourth Judicial District, Circuit Court of the State of Oregon. The current size and configuration of the Courthouse do not meet the programmatic requirements of the Court."
- c. Resolution 06-033 resolved to "move forward with all due speed to address the needs of the Fourth Judicial District Circuit Court ... [with the] intent to acquire a site as the first step towards constructing a new facility for the Fourth Judicial District Circuit Court in, or in proximity to, downtown Portland's Government Center area by December 31, 2006."
- d. As directed in Resolution 06-033, the County's Facilities and Property Management Division (FPM) produced a Preliminary Planning Proposal for Site Acquisition that examined over twenty-five sites in and around downtown Portland for compatibility with a Courthouse facility. The FPM recommendation proposed further evaluation of the three city blocks located at the west end of the Hawthorne Bridge, resulting in more in-depth assessments of the SW First and Main Block, the North Hawthorne Bridgehead Block, and the South Hawthorne Bridgehead Block.
- e. The North Hawthorne Bridgehead Block (Block) – bounded by SW Main and Madison Streets, and SW First Avenue and Naito Parkway – appears to be the most feasible of the blocks assessed for the following reasons:
 - (1) The Block does not require acquisition, as the County currently owns the property; therefore the Board does not consider it necessary to acquire property for this project.

- (2) As the County currently owns the property, no privately-owned properties need be removed from the tax rolls.
 - (3) The Block is located within Portland's Government Center area.
 - (4) While the Block is presently bisected by the westbound off-ramp of the Hawthorne Bridge, an engineering study commissioned by Facilities demonstrates the feasibility of relocating the ramp to the property's edge, making nearly the full block available for development.
 - (5) The bridge ramp is primarily located within the Downtown Waterfront Urban Renewal Area (DTWF URA) making it a potential recipient of urban renewal funds.
 - (6) Commissioner Lisa Naito and Commissioner Maria Rojo de Steffey have had positive discussions with the Portland Development Commission regarding utilizing \$9 million in DTWF URA funds towards the relocation of the Hawthorne Bridge's west-bound off-ramp.
 - (7) The Block is located just one block away from the existing Justice Center, easing inmate transport issues.
 - (8) Representatives of Equity Office Properties, owners of the SW First and Main Block which lies between the Justice Center and the North Hawthorne Bridgehead Block, have expressed their willingness to work with the County to construct a below-street-level tunnel to transport inmates between the Justice Center and a new courthouse.
 - (9) The City of Portland's Mayor and Council have expressed their support for a new courthouse on this Block, and their willingness to continue exploring with the County all future options including siting, zoning, and financing.
- f. Many challenges lay ahead before the County can break ground on a new courthouse, especially in the area of financing. The duty for this lies appropriately with both Multnomah County and the State of Oregon, whose Judicial Branch operates the state's circuit courts. A State Courts Facilities Task Force is currently examining this issue and plans to propose several pieces of legislative action to the 2007 Oregon Legislature.

The Multnomah County Board of Commissioners Resolves:

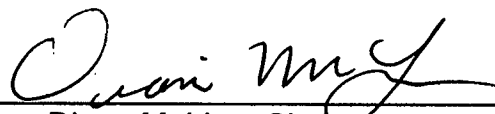
1. The North Hawthorne Bridgehead Block is the preferred site for a new courthouse in Portland's Government Center area.

2. FPM is directed to provide a combined Project Proposal and Project Plan (Project Plan) for a new downtown courthouse on the North Hawthorne Bridgehead Block. The Project Plan will be in compliance with Administrative Procedure FAC-1 and will be presented to the Board for consideration no later than February 1, 2007. The Project Plan will include a course of action for relocating the existing Hawthorne Bridge west-bound off-ramp.
3. FPM is directed to proceed with negotiations with Equity Office Properties to provide a tunnel suitable for inmate transport from the North Hawthorne Bridgehead Block to the Justice Center and through their SW First and Main property. A Memorandum of Understanding addressing access, transactional, and legal issues will be presented to the Board for consideration no later than February 1, 2007.
4. FPM is directed to proceed with negotiations for an Intergovernmental Agreement (IGA) with the Portland Development Commission to secure \$9 million in Downtown Waterfront Urban Renewal Area funds for the partial financing of the relocation of the existing Hawthorne Bridge west-bound off-ramp.
5. The County will pursue financing alternatives for courthouse construction including, but not limited to, legislative action with the 2007 Oregon Legislature.

ADOPTED this 14th day of December, 2006.




BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 

Agnes Sowle, County Attorney



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-2 DATE 12.14.06
MEAGAN SWENSON, ASST BOARD CLERK

Board Clerk Use Only

Meeting Date: 12/14/06
Agenda Item #: R-2
Est. Start Time: 9:50 AM
Date Submitted: 12/06/06

BUDGET MODIFICATION: MCSO - 05

Agenda Title: Budget Modification MCSO-05 Appropriating \$62,912 from General Fund
Contingency to Provide Multnomah County Law Enforcement Deputies Crisis
Intervention Training Offered by the City of Portland

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

Date Requested: December 14, 2006 Time Requested: 10 minutes
Department: Office of Commissioner Lisa Naito and Sheriff's Office Division: District 3/ MCSO Law Enforcement
Contact(s): Matt Lieuallen / Wanda Yantis
Phone: 503.988.5217 / 503-988-4455 Ext. 85217 I/O Address: 503/600 and 503/350
Presenter(s): Chief of Staff Christine Kirk, Training Lt Drew Brosh

General Information

1. What action are you requesting from the Board?

This is in follow up to the Board resolution – RESOLUTION 06-185 Declaring Board Policy for All Multnomah County Sheriff Deputies to Receive Crisis Intervention Training (CIT) and to Review the Costs and Processes to Achieve this Policy. Both Multnomah County and the City of Portland have indicated an interest in getting police and deputies trained in CIT. Multnomah County historically has gone to the CIT training provided by the Portland Police Bureau. This is the most cost effective and consistent manner to ensure all police receive the same training. The City of Portland is providing training classes this fiscal year. They have agreed to provide a certain number of slots to the Multnomah County Sheriff's Office in effort to further the goals set forth in the above mentioned Board Resolution. In order to send Law Enforcement Deputies to the training this fiscal year, the Board is being asked to approve contingency funding for the FY 07 CIT training which will allow 30 Deputies to be trained this fiscal year.

- 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.**

Crisis intervention training emphasizes "best practice" protocols for law enforcement officers who, during the course of their duties, come into contact with mentally ill persons. Organizations ranging from Multnomah County's Public Safety Coordinating Council to Oregon Partners in Crisis have been calling for all law enforcement officers to receive 40-hours of CIT. The current practice in many agencies is to have some CIT-trained officers on-duty and on-call should situations arise. This contingency request is a follow up to the resolution by Commissioner Naito on November 9th, 2006 which calls for all Sheriff Deputies to receive CIT as a matter of policy.

The Sheriff has reviewed the current CIT staff training, the costs to implement a full CIT regimen, and has a timeline for the training.

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

The budgetary changes would decrease contingency by \$62,912 and increase the Sheriff's Office budget by \$62,912. The cost is \$62,912 of overtime cost to fill the position while the deputy is at training. This cost was not anticipated in the MCSO adopted budget but a continued funding request will be detailed in a program offer for presentation for FY 2008.

- 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.**

This training is offered by the City of Portland.

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?**
NA
- **What budgets are increased/decreased?**
The following budgets will be affected by this action:
Decrease County-wide Contingency by \$62,912
Increase the Enforcement Division General Fund by \$62,912
Increase the Risk Fund by \$3,947
- **What do the changes accomplish?**
The budgetary changes would decrease contingency by \$62,912 and increase the Sheriff's Office budget by \$62,912.
The funding would train 30 deputies with crisis intervention training
- **Do any personnel actions result from this budget modification? Explain.**
No.
- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**
NA
- **Is the revenue one-time-only in nature? Will the function be ongoing? What plans are in place to identify a sufficient ongoing funding stream?**
This request will fund FY 2007 only. A continued funding request will be detailed in a program offer for presentation for FY 2008.
- **If a grant, what period does the grant cover?**
NA
- **If a grant, when the grant expires, what are funding plans?**
NA

Contingency Request

If the request is a Contingency Request, please answer all of the following in detail:

- **Why was the expenditure not included in the annual budget process?**
This is an expansion of existing training.
- **What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?**
Current program spending is at 100% of the budgeted amount.
- **Why are no other department/agency fund sources available?**
All agency funds are assigned to operate the programs the Board purchased.

- **Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account. What are the plans for future ongoing funding?**

This project will be included in the FY 2008 Budget program offers for the Sheriff's Office.

- **Has this request been made before? When? What was the outcome?**

No.

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

ATTACHMENT B

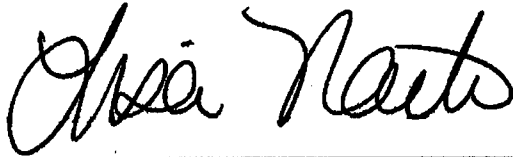
BUDGET MODIFICATION: MCSO - 05

Required Signatures

**Department/
Agency Director:**



Date: 12/05/06



Budget Analyst:



Date: 12/06/06

Department HR:

Date:

Countywide HR:

Date:

Budget Modification ID: **MCSO-05****EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 2007

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center	WBS Element						
1	19	1000			9500001000		60470		(62,912)	(62,912)		Contingency
2									0			
3	60-50	1000			601615		60110		38,890	38,890		Overtime
4	60-50	1000			601615		60130		13,411	13,411		Salary-Related
5	60-50	1000			601615		60140		3,501	3,501		Insurance
6									0			
7	60-50	1000			601690		60110		4,955	4,955		Overtime
8	60-50	1000			601690		60130		1,709	1,709		Salary-Related
9	60-50	1000			601690		60140		446	446		Insurance
10									0			
11	72-10	3500			705210		50316		(3,947)	(3,947)		Increase in Ins Rev
12	72-10	3500			705210		60330		3,947	3,947		Increase Offsetting Exp.
13									0			
14									0			
15									0			
16									0			
17									0			
18									0			
19									0			
20									0			
21									0			
22									0			
23									0			
24									0			
25									0			
26									0			
27									0			
28									0			
29									0			
										0	0	Total - Page 1
										0	0	GRAND TOTAL



Department of County Management
MULTNOMAH COUNTY OREGON

Budget Office

501 SE Hawthorne Blvd., Suite 531
Portland, Oregon 97214
(503) 988-3312 phone
(503) 988-5758 fax
(503) 988-5170 TDD

TO: Board of County Commissioners

FROM: Christian Elkin, Sr. Budget Analyst

DATE: December 6, 2006

SUBJECT: General Fund Contingency Request for \$62,912 for the overtime costs associated with the Crisis Intervention Training for 30 Multnomah County Deputies as outlined in Resolution 06-185. (Budget Modification MCSO-05).

A \$62,912 General Fund Contingency request is being proposed to fund Crisis Intervention Training for 35 Multnomah County Deputies as outlined by Resolution 06-185, adopted on November 9, 2006. The costs associated with conducting the training were not anticipated as part of the regular budgeting process for fiscal year 2007.

General Fund Contingency Policy Compliance

The Budget Office is required to inform the Board if contingency requests submitted for approval satisfy the general guidelines and policies for using the General Fund Contingency. The request is consistent with County policy because it was an unanticipated situation. In particular,

- Criteria 1 states contingency requests should be for one-time-only purposes. If this is not judged to be one-time-only transition funding, the request essentially funds ongoing programs with one-time-only emergency contingency funds. **This funding may be ongoing**
- Criteria 2 Addresses emergencies and unanticipated situations. **This expenditure was unanticipated.**
- Criteria 3 addresses items identified in Board Budget Notes. **This item was not addressed in a budget note.**

As of December 6, 2006, the "non-allocated" or "normal"¹ General Fund Contingency balance is \$153,721 (assuming both this request and the SUN school request are approved by the Board). If this request and the SUN school request is approved, the Board will have appropriated \$1,053,505 or 87% of the "normal" contingency to date.

¹ Non-allocated refers to the balance where no expenditures were anticipated during the budget process. For example, in addition to the unallocated GF Contingency, the fund also includes \$3.5m for the BIT Stabilization Reserve, \$1m for MCSO Corrections Overtime, \$1m for Corrections Health, and approximately \$1.25m earmarked for classification and compensation studies.



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 12/14/06
Agenda Item #: R-3
Est. Start Time: 10:00 AM
Date Submitted: 12/06/06

BUDGET MODIFICATION: -

Agenda Title: **Public Records: Eliminate Barriers to Citizen Access**

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

Date Requested:	<u>December 14, 2006</u>	Time Requested:	<u>15 minutes</u>
Department:	<u>Non-Departmental</u>	Division:	<u>Auditor - Suzanne Flynn</u>
Contact(s):	<u>Judy Rosenberger</u>		
Phone:	<u>503 988-3320</u>	Ext.	<u>83320</u>
I/O Address:	<u>503/601</u>		
Presenter(s):	<u>Suzanne Flynn and Craig Hunt</u>		

General Information

1. What action are you requesting from the Board?
Board Briefing
2. Please provide sufficient background information for the Board and the public to understand this issue.
An audit was completed that looked at the County's performance relative to the Oregon Public Records Law. The Auditor will report on the findings and recommendations to the Board of County Commissioners.
3. Explain the fiscal impact (current year and ongoing).
4. Explain any legal and/or policy issues involved.
5. Explain any citizen and/or other government participation that has or will take place.

Required Signatures

**Department/
Agency Director:**



Date: 12/06/06

Budget Analyst:

Date:

Department HR:

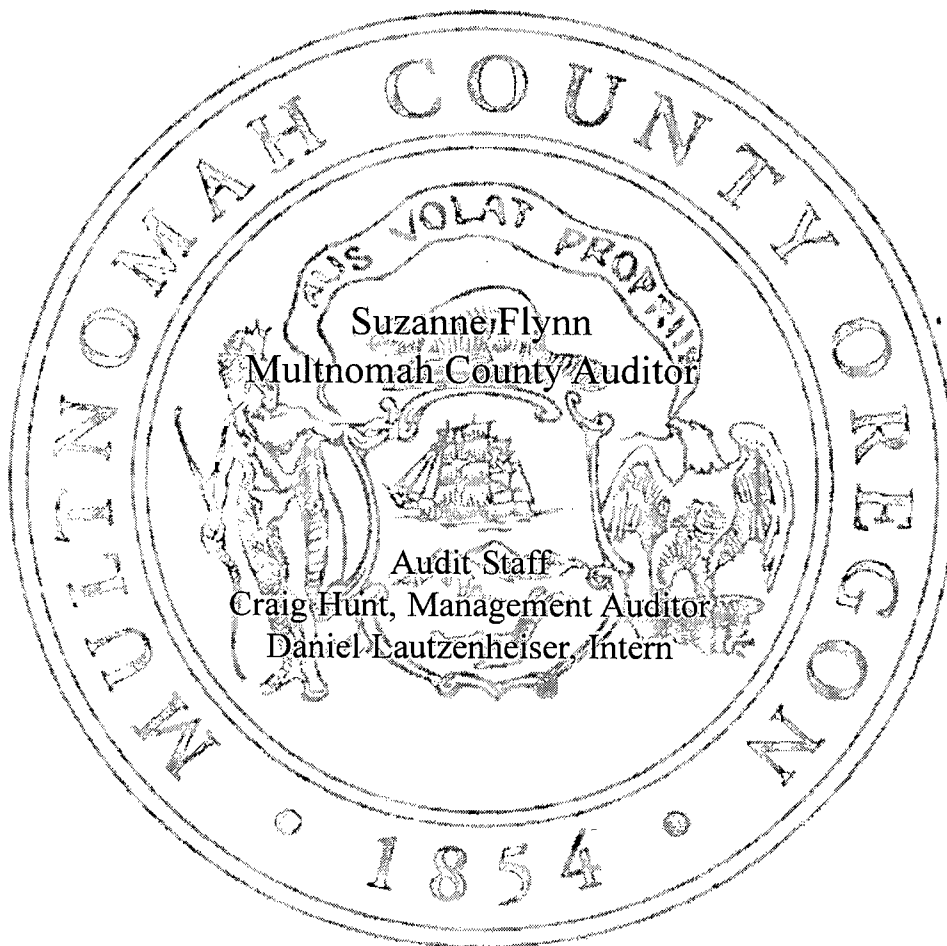
Date:

Countywide HR:

Date:

Public Records

Eliminate barriers to citizen access
December 2006





SUZANNE FLYNN, Auditor
Multnomah County

501 S.E. Hawthorne, Room 601
Portland, Oregon 97214
Telephone (503) 988-3320
Telefax 988-3019
www.multnomah.co.or.us/auditor

MEMORANDUM

Date: December 7, 2006

To: Diane Linn, Multnomah County Chair
Maria Rojo de Steffey, Commissioner, District 1
Serena Cruz Walsh, Commissioner, District 2
Lisa Naito, Commissioner, District 3
Lonnie Roberts, Commissioner, District 4

From: Suzanne Flynn, Multnomah County Auditor

Subject: Audit of Citizen Access to Public Records

The attached report covers our audit of how well the County was able to respond to public records requests. This audit was added to our FY06 Audit Schedule and was unannounced in order to achieve audit objectives.

Being prepared to respond to the general public interested in finding out about their government may seem like a simple task. However, the quality of the response can affect the public's trust and confidence in government. As part of our audit we conducted a test of how well the County was prepared. We were able to successfully complete 33 out of 49 requests – a 67% completion rate. While County employees handled the requests professionally, we doubt whether most citizens would have been as patient or as persistent as we were.

We have discussed our findings and recommendations with the Chair's Office and the County Attorney. A formal follow-up to this audit will be scheduled within 1-2 years.

We would like to acknowledge and thank the management and staff throughout the County who assisted us in completing this audit. We would also like to thank the volunteers, who so graciously agreed to participate and donated their time to the effort.

Table of Contents

Summary	1
Background	2
Responding to requests	3
Example of a public record request	4
Audit Results	5
Unable to obtain public information	5
Getting to the right place by phone was difficult	6
Use of automated messages increased difficulty	7
Lack of protocol can be a barrier	8
Best practices can guide the County	8
Training is lacking	10
Some fees do not appear to be supported	10
Recommendations	11
Scope and Methodology	12
Appendix A	14
Requests made by the County Auditor's Office	15
Responses	18
Diane Linn, County Chair	19
Agnes Sowle, County Attorney	20

Summary

Transparency, accountability, open government, the right to know, and public trust are some of the words that express the importance and underlying values associated with Oregon's Public Records law. The law is not just for the media or activists. In most cases, any person has the right to find out about the government's business. The identity, motive and need of the person are usually irrelevant.

The purpose of this audit was to determine what might happen if a person called, emailed, or walked into a County agency and requested public information. We approached this audit from a citizen's perspective. We were not trying to seek obscure records that were difficult to produce, but rather information that could give citizens insight about Multnomah County government.

Overall, the results were mixed: some agencies and departments handled our requests well and others did not. Out of 49 attempts to obtain public information, 33 were completed, a 67% completion rate.

In the 67% of our requests where we received information, many times barriers had to be overcome. These barriers may make it more likely that a person would stop seeking information or not try again in the future. We doubt that many citizens would be as patient or persistent as we were in the audit.

Although unintentional, County employees can create barriers for citizens. Most County employees were courteous and tried to be helpful to the person making the request. But we found the County lacked a formal protocol for employees to follow when responding to information requests.

Similar to our findings in a 1995 audit, locating the right place to request information by phone was another barrier. Using the government pages in the phone book, we made 42 calls to find the right location to make information requests and were successful 57% of the time. We made multiple attempts, were transferred, and navigated through automated messages, which have increased from 60 in 1995 to about 300 today.

We recommend that the County Attorney and the Board of County Commissioners approve an administrative procedure that addresses all public records and provides employees instructions on how to properly respond. The County should also establish a training program and develop a county-wide strategy and standards for telephone access. Finally, we suggest that frequently requested information be readily available proactively for citizens.

Background

Transparency, accountability, the right to know, open government, and public trust are just some of the words that express the importance and underlying values associated with Oregon's Public Records law. Oregon's Public Record's law is not just for the media or activists. Access to public information benefits all citizens and their communities. Open government is indeed a critical part of a successful democracy. Expressed by the Carter Center, "Democracy depends on a knowledgeable citizenry whose access to a range of information enables them to participate more fully in public life, help determine priorities for public spending, receive equal access to justice, and to hold their public officials accountable."

Oregon's Public Records law was enacted in 1973, during the Watergate era as distrust in government was growing. The law was important to help rebuild people's trust in government by providing open access to government documents. The law also plays an important role in a participatory system of government. Under the law, citizens are entitled to "see through" the conduct of the public's business by gaining access to its written records. The identity, motive, and need of the person requesting information is generally irrelevant.

The Oregon Public Records law applies to all government records of any kind. Oregon Revised Statutes defines public records as including "any writing that contains information relating to the conduct of the public's business..." A "writing" means handwriting, typewriting, printing, photographing and every means of recording such as videotape or microfiche. Public records include e-mail, as well as other information stored on computers.

A citizen's ability to readily access public information is a necessary prerequisite to complying with the letter and the spirit of Oregon's Public Records law. For that citizen, difficulty accessing the information represents what might be the only time he has requested information from the County, or, depending on the results, will again. When citizens cannot access records, they may feel disenfranchised from their government and may lose trust.

According to the Attorney General's Public Records and Meetings Manual, the public records law is primarily a disclosure law, rather than a confidentiality law. There is some information that is exempt from disclosure. However, exemptions from disclosure are interpreted narrowly and it is presumed that exemptions do not apply.

There are only limited circumstances where the County would be prohibited from disclosing a public record. Most exemptions are conditional and do not prohibit disclosure. Conditional exemptions require the County, on a case by case basis, to make a disclosure decision that

balances competing public interests yet favors disclosure. If the County denies a records request, it has the burden of proving why the information was not disclosed.

Responding to requests

A public employee receiving a request has a dual responsibility of protecting the public's right to know and being a custodian of any confidential personal information or other information exempt from disclosure. Information requests can be a distraction from normal work activities and can put pressure on already tight resources. The type of request made may be for political purposes or seek to embarrass or harass public officials or employees. But regardless of the purpose of the request, public employees should not be a barrier to anyone seeking access to public records.

Types of information requests that employees receive vary. Many requests are handled as a normal part a department's business. For example, a request for tax information by a citizen is a frequent request that employees at the Assessment and Taxation Division are familiar with. Likewise, requests from attorneys for animal control records are routine as well, and there is a system in place to deal with those types of requests.

There are also non-routine requests that can be simple or more complex. For example, a citizen requesting a copy of the most recent food inspection report for a particular restaurant is a simple request that can be handled quickly. A request for complaints filed against foster care agencies and how they were resolved is more complex, may take more time, may have a higher volume of records, and may require research or consultation with the County Attorney.

According to the law, the requestor may inspect the records on-site or ask for copies. In either case, the County must respond in a reasonable time. Staff availability, volume of records and complexity of the request may impact how long it takes to respond to a request. The County is not held to a requestor's timeline, but is held to a reasonable response time according to the law.

The County is allowed to charge fees for public information requests. Some departments in the County charge fees while others do not. Fees charged should be based on the actual costs of making the requested records available. Beginning in 2006, the County must provide the requestor with a written cost estimate for fees expected to be over \$25 and fill the request only upon confirmation by the requestor to continue. Departments are also allowed to waive all or a portion of fees.

The Department of Community Justice, Sheriff's Office, District Attorney's Office, and Library have all assigned a person within their department to coordinate responses to public information requests. Other departments use personnel in the Public Affairs Office to help process requests. Public record requests come from the media and the public. Some departments in the County have more media requests than from citizens and vice versa. The County has a procedure that provides employees guidance for responding to media requests.

The County Attorney's Office is often consulted directly by departments or through the Public Affairs Office to answer the legal issues surrounding public information requests. The County Attorney's Office may also process requests made to elected officials.

Example of a public
record request

A citizen of Multnomah County wants to learn about her government and make educated decisions about a potential project in her community. Not finding the information on the County's web site, she turns to the phone book. There are many listings to sort through in the phone book, but she finds one that seems to be a fit and places a call to the County. She reaches an automated message that provides her with many options. She picks the option that she feels is best and after a few rings begins asking an employee questions about where to find the records that she is seeking. The employee is very nice and tries to find the right person for her to talk with to get the information but is not sure where to forward her call. Her call is transferred, the phone rings then switches over to voice mail, so the caller leaves a phone number where she can be reached.

Not hearing back for two days, the caller again attempts to contact the County. The next day, a County employee calls back. She asks where to go in the County to get the records that she needs. The employee on the line asks her why she needs that information. She says it is for research purposes. The employee then asks if she is with the media. When she answers "no," the employee then tells her the address where she can go to pick up the information.

She drives to the location provided over the phone. The employee at the desk says that the person that she needs to talk with about her request is not there. The employee at the desk gives her the phone number to the contact person. Once home, she calls the number and she leaves a message on voice mail. The employee who calls her back that day again asks her if she is with the media and why she would have so unusual a request stating: "We just do not get many requests like this," but says that he will try to get the records that she requested. The employee offers to send the information once they get it via e-mail and she provides her e-mail address.

A week goes by. The next day when she checks her e-mail, some, but not all, of the records that she requested have been sent. She stops pursuing the remaining information and questions whether she can really have an informed voice in decisions affecting her community. Although hypothetical, this story represents actual experiences that the Auditor's Office had while seeking public records in the County.

Audit Results

Based on our efforts to obtain a variety of public records county-wide, we found the results were mixed: some agencies handled our requests well while others did not. When we began this audit, we were more concerned with whether the County complied with the public records law, and whether public records requests would be provided or denied. But we found that much of our efforts ultimately dealt with getting to the right place, and how well employees responded to and followed through with requests.

Trying to find the right place in the County by phone has been a long-standing problem that still exists today. Once in contact with the County, we found that many employees were not equipped with the protocols and training needed to properly respond to public records requests. Overall, actions and practices of the County indicate that ensuring citizen access to public information has not been a priority.

Unable to obtain public information

Out of 49 attempts to obtain public information, 33 were completed—a 67% completion rate. It must be emphasized that many information requests were handled in a professional manner by County employees. Employee demeanor is important and County employees performed well here. In most requests attempted, County employees were courteous and tried to be helpful to the person making the request. However, courteous treatment may not change the experience that citizens have obtaining their information if they are ultimately unsuccessful.

Most unsuccessful cases resulted from a lack of a response to the requestor even after repeated attempts were made. In fact, we believe the 67% completion rate would have been lower had it not been for our persistence in trying to obtain the information. Generally, we were not directly denied information. Rather, we experienced a de facto denial due to the lack of a response. For example, employees stated that they would send the information but then did not follow through. Several cases were unsuccessful because incomplete or incorrect information was provided.

In the 67% of our requests where we received information, many times there were barriers that had to be overcome. These barriers may make it more likely the citizen could stop seeking information and not try again in the future. We do not believe that many citizens would be as patient or persistent as we were.

In about 15% of our cases, employees were described as acting suspicious towards the requestor. For example, in one case an employee repeatedly asked the name of the requestor and the reason they wanted the information. The employee stated that “People just don’t call out of the blue and ask for [that information],” and asked if the requestor was

with the media. Many citizens might have been deterred by this response. We were persistent and ultimately received the requested information in this case.

Gaining access to public records in Oregon is not generally dependent on who is requesting the information or their motive. According to the Attorney General's Public Records and Meetings Manual:

"Generally, the identity, motive and need of the person requesting access to public records are irrelevant. Interested persons, news media representatives, business people seeking access for personal gain, busybodies on fishing expeditions, persons seeking to embarrass government agencies, and scientific researchers all stand on an equal footing."

Asking requestors why they want the information, what their name is, if they are with the media or other personal information is generally inappropriate. At least one of these questions was asked in 57% of our on-site visits. The manner in which these questions were asked ranged from overt suspicion of the requestor to curiosity or simply making idle conversation. Sometimes wanting to know the motive of the requestor appeared to be used as a way to understand the request better.

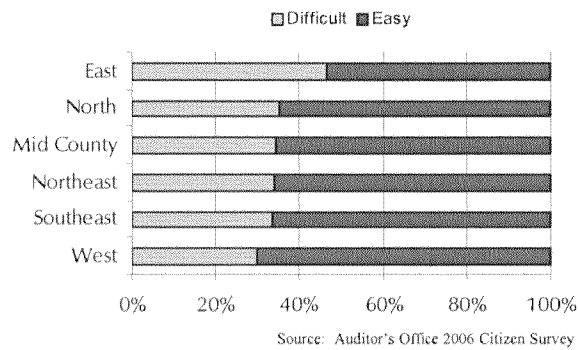
The identity of requestors and their motive may be relevant when determining whether it is in the public's interest to disclose information for certain conditional exemptions. However, given the complexity of such a request, this information should not be required of the requestor until there is a full understanding of the request and until legal advice is received.

Getting to the right place
by phone was difficult

Using the phone to contact the County is a logical first step for citizens seeking public information. We made 42 calls to County locations with the primary objective of finding the right place to request particular public information in person. Using the DEX government pages of the phone book, we were able to get to a proper location 57% of the time. This was with considerable persistence with multiple attempts, transfers, callbacks, and dealing with automated attendants. Our attempts to locate public information by phone indicate a significant barrier to citizen access.

Access to public records is affected by how much time and effort it takes the requestor to establish a productive contact. It should be simple for citizens to find their way to the right place to request the information, not time consuming or frustrating. It is an important value of the County to make it as easy as possible for citizens to reach County services. As shown in Exhibit 1 below, in 2006, an average of about 35% of respondents to the Auditor's Office Citizen Survey found it difficult to find the service in the County that they were seeking.

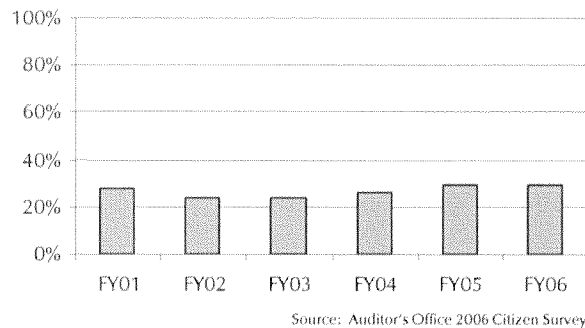
Percentage of citizens finding it difficult to locate County services



There is not a well-known, main contact phone number for Multnomah County. The County and the City of Portland joined together in 2000 to operate the City/County Information and Referral number. Although the Information and Referral number is now near the beginning of the Multnomah County listings in the phone book, there are almost 900 other County numbers in the DEX government pages to review.

According to our Citizen Survey, only 29% of County residents are aware of the Information and Referral phone number. As shown below in Exhibit 2, over the last six years this percentage has remained relatively unchanged. A lack of knowledge about the Information and Referral phone number may be due to how the County promotes it.

Percentage of County residents aware of information and referral number



Use of automated messages increased difficulty

Automated phone attendants (AAs) further increase the difficulty of contacting the County by phone. The County has grown even more dependent on AAs since we reported their problems in our 1995 audit "County Services: Help citizens find their way." According to a report by the Stratiform Group issued in December 2005, many of the same problems that we found with AAs in our 1995 audit still exist today. Problems with AAs include long messages that contain confusing menu choices, overly complex language, and some calls that go nowhere. According to the Stratiform report, policy and standards for AAs were not in place.

In 1995 there were about 60 AAs and today there are around 300. Given the increase in the number of AAs, we concluded that the magnitude of access problems have increased and it is even more difficult for citizens to find their way to the information or services that they are seeking.

In the FY07 budget session, a proposal was made to improve access to County services and raise citizen awareness of how to access Multnomah County by phone. While the scope of this proposal was beyond public records requests, its objectives were applicable to resolving phone access barriers. The proposal's objectives were to minimize dependence on automated phone menus, clarify telephone directory listings, and centralize incoming calls through an easy telephone number to a real live person. To improve access, the proposal called for a uniform county-wide strategy and standards. The proposal was not funded for FY07.

Lack of protocol
can be a barrier

The County's only procedure about public records addresses requests from the media. There is no procedure currently in place to address the "how to" instruction needed for employees to properly respond to all public record requests. While an enhanced capacity to provide accurate information to the media is an integral part of County openness and accountability, requests from others outside the media are just as important.

During our audit, the focus on media requests seemed to reflect a defensive posture rather than a commitment to open government. Due in part to the audit, the County had an increase in public record requests. There was also a recent election and a number of sensitive issues that had employees' attention. We heard of employees comparing requests or making other attempts to figure out motives or patterns. An over concern with motive can ultimately create access barriers for the public. We believe that it is much more productive to simply respond to requests and maintain an open government focus.

Best practices can
guide the County

No procedures are in place that address information requests from citizens or that inform County employees "how to" respond to their requests. Lack of protocol can create additional access barriers. For example, best practices suggest the following steps:

1. Minimize "bouncing" the requestor from one person to the next. This happened on the phone because employees did not know who could handle the request. Bouncing also occurred during site visits. In one case we contacted an employee by phone then made a site visit to the same employee to discuss the request. The employee said they would provide the information then did not contact us for four days. When we sent an e-mail inquiring about the status of our request, the employee provided a phone number to contact someone else for the information.
2. Separate simple requests that can be immediately dealt with from the complex or unusual. For example, a request for a copy of written procedures is a simple request that can be

dealt with quickly by one employee with minimal expense. A request for all e-mail correspondence between commissioners and a County program is more complex, involves more employees, and may be expensive.

3. Get the request in writing and review it with the requestor to gain a clear understanding of unusual or complex requests. A form can be used to do this, but it is the writing and communication that is important. A form should not be used to discourage or interrogate the requestor. Time, effort, and expense can be saved by fully understanding the request and narrowing broad requests if needed. Some citizens may have trouble describing what they want in terminology that an employee recognizes. It was clear in several instances that the reason we obtained incorrect or incomplete records was because the employee taking the request did not fully understand what was requested.
4. Do not ask the requestor who they are or the reason they are seeking the information. However, there are some cases where the name of the requestor is needed, such as the requestor's medical files.
5. Inform the requestor of the process. Provide an estimate of how long it will take to fill the request, and let the requestor know if there are any problems processing the request. We had information requests where we were simply unaware of what was next in the process and would have to call or e-mail to check the status of the request. In one case we were not advised what to expect and went 12 days without communication. Although we finally received the information, we did not know whether the County was going to respond.
6. Respond promptly within a reasonable timeframe. According to public records law, the County only has a reasonable time to respond to the request. Staff availability, volume of records and complexity of the request may impact how long it takes to respond to a request. The County is not held to a requestor's timeline, but is held to a reasonable response time. During our audit, it took us up to 18 days and multiple contacts to obtain relatively simple records. A total of five requests took us over 10 days to receive.
7. Inform the requestor of any reasons for nondisclosure of all or a part of the records requested. In the case of a partial denial, the requestor will be aware that additional records exist.
8. Seek advice from the County Attorney on non-routine requests. Employees are not expected to be versed on all aspects of the public records law. The County Attorney's Office will provide advice if there are any disclosure uncertainties.

Training is lacking

Although the County may face monetary risks for not complying with public records law, a loss of public trust and confidence is the greater risk. When County employees create access barriers or do not otherwise properly respond to public records requests, it may be the result of simply not knowing what the law requires them to do. Overwhelmingly, County employees that we contacted over the phone and on site visits were courteous, and made attempts to be helpful. County employees were trying to do the right thing but appeared to lack training.

Some useful information on public records is already available in the County. For example, the County Attorney's Office publishes a booklet called "Oregon Public Records Law" that is available on the County intranet. The booklet was updated in November 2006. The County Attorney's Office also provides one-on-one training to departments on an ad hoc basis and recently had a training session for executive staff. Executive Rule 300 is helpful for media requests and provides guidance to departments.

There has not been a systematic way in the County for all employees to receive training on responding to public records requests. Establishing a protocol for responding to all public information requests will help with training employees. Further training will be needed to ensure all employees and public officials understand and follow the protocol.

Some fees do not appear to be supported

The Oregon Public Records law allows governments to charge fees for public records. Multnomah County code specifies that department directors set fees. Any fees charged to the public should be based on actual costs. Departments are allowed under the law to waive all or a part of fees. A common example of fees is for photocopying public records.

Our study indicates that some departments do not charge fees, especially for quick, easy requests or where customers cannot afford it. Only six out of 49 of the public record requests that we made, charged a fee for the information requested.

The State Attorney General recommends and Multnomah County code requires establishing a fee schedule that explains the justification for the fees to the public. Further, the County should be prepared to demonstrate that their fee schedule rates are based upon an evaluation of their actual costs. Although our work with fees was not comprehensive, we question whether some departments could demonstrate that rates charged are based on actual costs.

Recommendations

To strengthen the responsiveness of the County to public records requests and to foster a culture of openness and accountability:

1. The County Attorney's Office should draft an administrative procedure that addresses all public record requests and provides County employees with instructions on how to properly respond to requests so that access barriers are eliminated.
2. The County should establish a systematic training program for all employees on how to respond to public records requests. Similar to the HIPPA training program, some of the public records training could be accomplished over the County's intranet. Public records training could also be included in new employee orientation.
3. Telephone access to the County should be improved so that citizens can easily locate the information that they are seeking. The County should:
 - a. Establish a county-wide strategy and standards for citizen access to County services by phone.
 - b. Minimize dependence on automated phone menus.
 - c. Consider centralizaing of all incoming calls through an easy telephone number or otherwise clarify telephone directory listings.
4. All departments in the County should demonstrate that their fees for public records are based on an evaluation of actual costs.
5. More frequently requested information should be readily available on the internet or otherwise to respond promptly to citizen requests.

Scope and Methodology

The objective of the audit was to determine what happens when citizens call, e-mail, or walk into County agencies and request public information. Our efforts focused on how accessible and obtainable public information in the County is to citizens.

We recruited volunteers from the community and hired an intern to make information requests throughout the County. To maintain our anonymity, we did not announce this audit until after all of the requests for information were made and ample time was given to receive responses. Requests were made from all departments in the County.

We approached this audit from citizens' perspective and requested information that they may want and could give them insight about Multnomah County government. Most of our requests were straightforward. We were not trying to seek obscure records that would be difficult to produce. A small number of requests may have been politically sensitive. We reviewed our requests with the District Attorney to ensure that the requests that we made was for information that could be disclosed.

We requested information over the phone, on-site, and through e-mail. We used the government pages of the DEX phonebook and made 42 phone calls to find the right place in the County to make an information request. As shown in Exhibit 3, we made 49 requests for public information throughout the County. Appendix A lists the information that we requested.

Requests by Department

	<u>Number</u>
Department of County Management	6
Department of Community Services	5
Sheriff's Office	5
Library	4
Health Department	9
Department of Community Justice	4
Department of County Human Services	10
Department of School and Community Partnerships	3
District Attorney's Office	3

The volunteers and intern used forms to collect information about their phone calls or onsite visits. They recorded information such as the demeanor of County employees, whether inappropriate questions were asked by employees, whether any fees were charged, the length of time to get the information, and their general impressions of the encounter.

We reviewed Oregon Revised Statutes pertaining to public records and used the Oregon Attorney General's Public Records and Meeting Manual

as a reference. We researched how other jurisdictions handle public information requests and looked at best practices.

Department directors or their designees, public information officers, the Public Affairs Office, the County Attorney, and several respondents to requests were interviewed. We reviewed existing County procedures and the "Report of Findings and Recommendations Multnomah County Network Services Assessment" by the Stratiform Group issued in December 2005.

During the audit, we identified two areas for future audit work: e-mail retention and how records could be retained and made available electronically.

This audit was conducted in accordance with generally accepted government auditing standards.

Appendix A

Requests made by
the County Auditor's
Office

- Listing of all tax foreclosed real property for Multnomah County as of current date. Want the legal description of each property and its assessed value.
- Request information on how many inmates were released during 2006 to date and what they were booked for.
- Number of meals served to seniors in their homes in 2005 and 2006 to date.
- Current listing of all take-home vehicles for each County department that includes the type of vehicle, year purchased, and employee name.
- Report showing how many weapons (showing types of weapons if possible) were found on the public coming into the Courthouse during the last year.
- Number of used Multnomah County computers given away to schools or non-profits in 2005 and to-date in 2006.
- All e-mail correspondence between the Commissioners and the Chair and the Department of Schools and Community Partnerships that has any information pertaining to SUN schools from the time period January 1, 2006 through July 1, 2006.
- Copies of any updates to the Multnomah County Corrections Deputy Association labor contract as a result of the most recent "re-opener."
- Report on how many dogs and cats were euthanized in the last three years compared to how many dogs and cats were adopted each of those years.
- Report on the election costs charged to other jurisdictions for the May 2006 elections.
- Listing of how much was paid by the County to weatherization providers (for each provider) in fiscal year 2005 for weatherization services.
- Request information on the current condition of County-owned roads (Pavement Condition Index) and money spent on County-owned roads in the last two fiscal years.
- Request project information for the Burnside Bridge work currently in process that includes total budgeted cost of the project, total expenditures incurred to date, and estimated expenditures to complete the project. Also request if the project is scheduled for completion on time.
- A listing of land use code complaint cases received over the last fiscal year in the unincorporated area of the County. Include Complaint Allegation, Location, Property Owner, and Remedy.

- Request two pieces of information: A report showing how many new library cards were issued to K-12 youth. Another report showing how many existing K-12 youth used their cards in last 12 months.
- Copy of the grievance procedures when someone in juvenile detention has been allegedly mistreated.
- Total cases of juvenile delinquency reviewed and the total cases actually prosecuted in 2005 and to date 2006.
- Listing of complaints investigated by the Sheriff's Office Internal Affairs Office in 2006. Specifically, requesting the date the investigation was filed, the date the investigation was resolved (if resolved), the type of complaint and the employee's name who is being investigated.
- Report on how many volunteer hours were worked for each of the neighborhood libraries last year.
- Report showing the technology classes offered to seniors during the last two years and the number of seniors attending these courses.
- Report on the number of homeless people who were provided emergency shelter by provider in 2005.
- Most recent deferred maintenance cost estimates for all County-owned buildings.
- Request a copy of the most recent analysis of how long it takes ambulances to respond in Portland.
- Report on number of school age children immunizations by type of immunization for most recent school year.
- Copy of the pandemic disease plan.
- A copy of the most recent food inspection report for a particular restaurant.
- Number of reported measles cases in Multnomah County to date in calendar year 2006.
- Report on the number of sexually transmitted diseases reported in Multnomah County for 2004 and 2005.
- The number of students who received birth control in the most recent school year.
- Report on the number of adults currently on probation along with a report showing the current caseloads of probation officers (do not have to identify the employee).
- Percent cases that end in acquittal versus dismissal versus conviction in last 3 years—for adult, felony cases.
- Request information on how many recog. interviews for adults were conducted in 2004 and 2005. From those interviews what percentage were placed on pre-trial supervision?

- What types of accountability programs are juveniles involved with and how much community service did they provide in 2005 and 2006 to date.
- Observed in the budget information that there was a recent Medicaid report and corrective action taken by the County. Request a copy of these reports.
- Who are the investigators for involuntary commitments and what are their caseloads?
- Listing of all complaints filed against Adult Foster Care Homes in 2005. Include the name of the provider and whether or not the claim was substantiated.
- Report on how many seniors are provided with daily living assistance in their own homes versus a nursing home. Most recent data.
- Report on how many abuse or neglect investigations/reports were completed for elderly clients in 2004, 2005 and 2006 to date.
- Request information on the average patrol response time for emergency services for the East-side and for the West-side patrol areas.
- Report on who provides domestic violence housing services in the community for Multnomah County, and how much it costs the County per year.
- Request a report showing the number of inmates attending GED courses in 2004, 2005 and 2006 to date.
- Listing of current methadone providers that the County contracts with and their locations.
- Request the most recent fiscal monitoring reports for CODA and Urban League that were performed by the County.
- Report showing how much was spent on books for each of the neighborhood libraries for the last two years.
- Report showing how many DAs are employed by Multnomah County and their salary ranges (most recent numbers).
- Copy of the most recent contract with New Avenues for Youth.
- From the Public Guardian Policies and Procedures Manual: General duties and guardianship contact requirements; process for referrals; and process for handling cash disbursements for clients.
- Report on how many returns were filed and how much tax revenue was collected over ITAX's 3 year-term (by year).

Responses



Diane M. Linn, Multnomah County Chair

501 SE Hawthorne Blvd., Suite 600
Portland, Oregon 97214
Phone: (503) 988-3308
Email: mult.chair@co.multnomah.or.us

December 5, 2006

Ms. Suzanne Flynn, Auditor
Multnomah County
501 S.E. Hawthorne Blvd., Room 601
Portland, OR 97214

Dear Ms. Flynn,

Thank you for the opportunity to comment on the Public Records Audit recently conducted by your office. I especially want to recognize Craig Hunt and Daniel Lautzenheiser of your staff for their dedication and hard work in completing this review.

As you very appropriately noted in your December 7th Memorandum, while responding to public records may seem like "a simple task", the "quality of the response can affect the public's trust and confidence in government." The interactions citizens have with government during a public records request process are indeed a very important test of the County's accountability. I wholeheartedly support recommendations in the report that call for strengthening improvements to the County's public records program including: the creation of organization-wide protocols, systematic training for key personnel, continued investment in telephone accessibility to information (and especially by leveraging existing investment in the City-County Information & Referral Line), and a specially designed webpage focused on public records.

I also want to take this opportunity to acknowledge the very committed work of our County Attorney's Office over the last two years. Despite a high volume of public record requests and the complexity of compiling a variety of documents, these requests were handled extraordinarily by Agnes Sowle and her staff.

Again, I want to thank you for highlighting the value of our work to respond to public record requests. Your report succinctly summarizes action items that can be adopted to improve the public's ability to access the work of the County and promote the public's trust in our jurisdiction.

Sincerely,

Diane M. Linn
Multnomah County Chair

c: Board of County Commissioners,
County Attorney



OFFICE OF MULTNOMAH COUNTY ATTORNEY

AGNES SOWLE
County Attorney

JOHN S. THOMAS
Deputy County Attorney

501 S.E. HAWTHORNE, SUITE 500
PORTLAND, OREGON 97214

FAX 503.988.3377
503.988.3138

MICHELLE A. BELLIA
DAVID N. BLANKFELD
SANDRA N. DUFFY
SUSAN DUNAWAY
PATRICK HENRY
KATIE A. LANE
STEPHEN L. MADKOUR
JENNY M. MORF
MATTHEW O. RYAN
KATHRYN A. SHORT
JED R. TOMKINS
JACQUELINE A. WEBER
Assistants

November 21, 2006

Suzanne Flynn, Auditor
Multnomah County
501 SE Hawthorne, Room 601
Portland, OR 97214

Dear Ms. Flynn:

The County Attorney's Office appreciates the time and effort that you and your staff have invested in a review of the County's practices in responding to public records requests. Thank you for the opportunity to comment on your findings and recommendations.

During the past 12 – 24 months, we have noticed a marked increase in the number of public records issues about which we have given advice and in the number of actual requests processed by our office. As we have contacted departments for specific records, we have encountered many of the issues you encountered in your audit. The issues you address are both insightful and actionable.

The County's 67% completion rate for your attempts to obtain public information is not consistent with the legislative policy of the Public Records Law. That policy provides that every person has a right to inspect any nonexempt public record. Multnomah County should complete *every* public records request in a reasonable time either by disclosing the records requested or by providing an explanation of why the requested records cannot be disclosed. Responses to each request should be uniform and courteous.

I fully embrace your recommendations. We have already taken some actions which are consistent with those suggestions. As mentioned in your audit, we recently updated a booklet, "Oregon Public Records Law," for County employees. I also recently did a training for the County's Executive Committee and have been encouraging directors to schedule trainings with me or one of our attorneys for their managers. We are always ready and willing to respond to public records questions.

Suzanne Flynn
November 21, 2006
Page 2

A standard protocol for responding to public records requests and training are key to improving the County's compliance with the Public Records Law. We will work with the Chair's office to develop such a protocol and to provide ongoing training opportunities.

Again, thank you and your staff for your review and recommendations.

Very truly yours,

Agnes Sowle
County Attorney

AS/lf

cc: Diane Linn
County Chair



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 12/14/06
Agenda Item #: R-4
Est. Start Time: 10:15 AM
Date Submitted: 12/06/06

BUDGET MODIFICATION: -

Agenda Title: Multnomah County Auditor: Citizen Survey 2006

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

Date Requested:	December 14, 2006	Time Requested:	15 minutes
Department:	Non-Departmental	Division:	Auditor - Suzanne Flynn
Contact(s):	Judy Rosenberger		
Phone:	503 988-3320	Ext.	83320
Presenter(s):	Suzanne Flynn		
I/O Address:	503/601		

General Information

1. What action are you requesting from the Board?
Board Briefing
2. Please provide sufficient background information for the Board and the public to understand this issue.
The Auditor's Office has conducted a Citizen Survey since FY01 that asks questions about specific County services and perceptions about the general quality of life in the County. The Auditor will highlight the types of data collected and interesting trends.
3. Explain the fiscal impact (current year and ongoing).
4. Explain any legal and/or policy issues involved.
5. Explain any citizen and/or other government participation that has or will take place.

Required Signatures

**Department/
Agency Director:**



Date: 12/6/06

Budget Analyst:

Date: _____

Department HR:

Date: _____

Countywide HR:

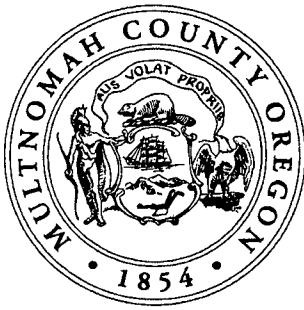
Date: _____

**Multnomah County
Citizen Survey
2006**

December 2006



Suzanne Flynn
Multnomah County Auditor



Suzanne Flynn, Auditor
Multnomah County

501 SE Hawthorne, Room 601
Portland, Oregon 97214
Telephone (503) 988-3320
Telefax 988-3019

www.multnomah.auditor.or.us

MEMORANDUM

Date: December 6, 2006

To: Diane Linn, Multnomah County Chair
Maria Rojo de Steffey, Commissioner, District 1
Serena Cruz Walsh, Commissioner, District 2
Lisa Naito, Commissioner, District 3
Lonnie Roberts, Commissioner, District 4

From: Suzanne Flynn, Multnomah County Auditor

Subject: Citizen Survey 2006

The Multnomah County Citizen's Survey was first conducted in 2001 and has been continued since then in collaboration with the Portland State University Survey Research Laboratory. Because many County services are only received by a small percentage of residents, the survey was designed to not only capture information about specific County services when possible but also more general information about the resident's perceived quality of life. It was our belief that, although not directly linked, these more general perceptions might provide data that could be used for measuring performance and planning for services.

This report represents the sixth year that data is available and trends have begun to emerge. This year, we report on all measures at a county-wide level and also include additional information at a geographical district level.

Survey data is just one way of measuring the health of the County and its citizen's satisfaction with living here. These measures, when combined with more specific program data, can begin to provide a picture not only of specific program performance but County residents' perception of that performance.

Audit Staff:
Joanna Hixson, Senior Management Auditor

Table of Contents

Trends	1
County Services	1
Quality of Life	3
Demographics	5
Scope and Methodology	6
County Services	7
Animal Services	7
Bridges	9
Elections	10
Library	11
Access to Services	16
County Leadership	19
Neighborhoods	20
West	27
North	28
Northeast	29
Southeast	30
Mid County	31
East	32
School District	33
Sense of Safety	34
Appendix	37

Animal Services

- Despite identified problems with barking dogs (22%) and loose animals (27%) in neighborhoods, only 11% of respondents reported a problem to Animal Services. However, this was up three percentage points from FY05.
- Of the 163 respondents who reported a problem to Animal Services, 50% were somewhat or very satisfied with the service they received compared to 53% in FY01.

Bridge Services

- The percent of respondents who use the County's six bridges has fluctuated between 50% to 56% over five years.
- In FY06, 74% of residents in the Southeast district reported they use a County bridge weekly while only 26% of East district residents reported they use a County bridge weekly.

Elections Division

- In FY06 and FY05 16% of respondents reported that they did not vote. Of those, 15% said they did not want to, 38% said they were not registered to vote, and 47% said they did not vote for some other reason. The East district had the highest percentage at 21% of respondents not voting, while West and Northeast had the lowest at 13%.

Library Services

- For the third time since FY01, the percent of respondents accessing the Library by computer (35%) surpassed the percent accessing the Library by telephone (26%). In all of the six districts, more respondents accessed the Library by computer than by telephone in FY06.
- The number of respondents highly satisfied with Library services declined by nine percentage points since FY01. The Library's ratings since FY01 for availability of books and materials has remained high at around 90%. The rate of respondents somewhat or very satisfied with children's programs stayed the same since FY01.

Access to County Services

- Since November 2000, the City of Portland and Multnomah County have shared one Information and Referral (I&R) telephone number. The purpose of combining I&R functions was to increase the ease of access for citizens. With one contact number, citizens do not need to know which services are City and which are County. Of the respondents that were aware of the I&R function, 36% had used it in the past year. Of those respondents, 44% were very satisfied with the information they received.
- In FY06 36% of respondents attempted to find out about a City or County service besides Animal Services or the Library, an eight percentage point increase since FY01. Of those, 35% experienced difficulty finding services.
- 51% of respondents used the Multnomah County web site in FY06, a slight increase since last year. Of those 25% were very satisfied with the web site.

Trends - County Services

Elected Leadership

- 73% of respondents were satisfied with the County's services this year, a four percentage point increase over last year. However, only 47% had confidence that the County's elected leadership managed the County well, a six percentage point decrease from last year. Southeast had the most respondents (54%) who expressed some degree of confidence with elected leadership.

Basic Needs

- 31% reported that they were aware of homeless adults in their neighborhood. For the second consecutive year, the Southeast had the highest percentage of residents (52%) who reported being aware of homeless adults in their neighborhood, four percentage points higher than last year.
- 6% of all respondents reported that they were not able to make ends meet on their income, while 21% reported that they had just enough, but no more. The highest percentages of respondents unable to make ends meet were in the East and Mid County. However, East and West districts had the highest percentages of respondents who said they always had money left over, 28% and 39% respectively.

Education

- 41% of all respondents, regardless whether or not they had a child enrolled in school, are somewhat or very dissatisfied with the education provided in the public schools. Satisfaction ranged from 34% in the North to 48% in the East.
- 23% of respondents reported they have at least one child enrolled in a public school in Multnomah County.

Neighborhoods

- In FY06, West district reported a decrease of six percentage points in graffiti while the North, Northeast, Southeast and Mid County districts reported more graffiti-related problems.
- In FY06, 91% somewhat or strongly agreed that their neighborhood was a good place to live. Even though Mid County has the lowest percentage of respondents (83%) who reported their neighborhood was a good place to live, their satisfaction increased by five percentage points over FY05. Respondents living in the West district felt strongest that their neighborhood was a good place to live (98%).
- FY06 is the second year that respondents have rated the adequacy of the County's recreational, cultural and learning opportunities. The highest satisfaction was with learning opportunities at 82%, followed by recreational at 79%, and cultural at 75%.

Sense of Safety

- Although there has been an increase in the percent of respondents who reported neighborhood problems such as substance abuse, fighting, and graffiti, ratings for feelings of safety during the day have remained high county-wide. However, feelings of safety at night did decline in half of the districts since FY05. Feelings of safety at night declined in the North (five percentage points), East (three percentage points), and Mid County (two percentage points) districts, while it increased in the West (five percentage points), Northeast (five percentage points), and Southeast (two percentage points).
- In FY06, respondents were asked for the first time to rate their satisfaction with the criminal justice system and law enforcement. Overall, 58% of all respondents reported that law enforcement does a very good or good job in controlling or preventing crime in their neighborhoods, while 50% stated the same about the criminal justice system.

Trends - Quality of Life

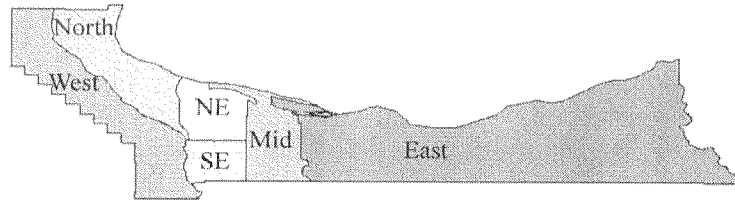
- 44% of all respondents felt that law enforcement stops people on occasion without a good reason while 12% felt it happens fairly or very often. The highest percentage of residents who reported that law enforcement stops people fairly or very often without a reason was 21% in the North district. 57% of respondents in the Northeast felt it happened on occasion.

There are several questions on the citizen survey that relate to individual or household characteristics.

- Almost 16% of respondents have lived in the County five years or less and over 35% have lived here more than 30 years. West and Southeast districts had the most respondents who lived here five years or less, while Mid-County and East had the fewest.
- The West and Northeast districts, 40% and 19% respectively, had the highest percentage of households that reported income over \$93,700. Overall, there was a 6% increase in mean household income this year, from \$62,298 in FY05 to \$66,805 in FY06. Northeast's mean income increased 19% this year, from \$59,269 in FY05 to \$70,308 in FY06.
- Most citizens (84%) continue to rate themselves as having good, very good, or excellent health. 16% reported that their health was only fair or poor in FY06, same as in FY05. Poor health was reported at a higher rate in Mid-County.
- 37% had some or a great deal of limited activity due to their physical health or functioning, an increase of 10% since FY01. 18% had some or a great deal of limited activity due to their emotional or mental health problems, a 3% increase from FY01.
- The County continues to have a high percentage of residents (85%) who had access to the Internet either from home or some other location. This has increased from 80% in FY05, and from 75% in FY01.

Scope and Methodology

Survey Geographical Districts



The purpose of the Multnomah County citizen survey is to obtain information from citizens about their satisfaction with County services and their views on how well the County is doing. While many individual survey items are not directly related to specific County services, they are designed to measure qualities that can be indirectly linked. We also hope to improve insight into how County government may contribute to citizens' overall feelings of regional and neighborhood livability.

The County's services are located throughout the county to allow easier access. Services are provided in schools, non-profit programs, senior centers, branch offices, churches, clinics, and cultural and family centers. The Library has 16 branches throughout the county and a Central Library in downtown Portland.

To analyze the survey data, we looked at citizen responses county-wide, and by geographical district. The district boundaries were adopted from boundaries used by social service departments in the County at the time the survey was initiated. They are not directly linked to the County Commissioner Districts.

In the spring of 2006, the Multnomah County Auditor's Office worked with Portland State University Survey Research Laboratory to complete the telephone survey of Multnomah County residents. Survey participants were adults from randomly selected households. A total of 20,000 telephone numbers were selected using ASDE survey sampler software. Of those numbers, 54% were directory-listed numbers, and 46% were not directory-listed. The non-listed numbers were created by randomly generating the final four digits based on the exchanges in use in Multnomah County. A minimum of five attempts, and as many as ten, were made to reach each working number in the sample. Interviewers were available to interview in Spanish as well as English.

A total of 11,501 telephone numbers were contacted. Of the 11,501 telephone numbers, 3,417 were not valid numbers for the study because they were not in Multnomah County, were group homes, non-working numbers, non-residential, cell phones, or pay phones. A total 3,938 eligible households were contacted. Of those, 1,548 completed the interview and 2,390 refused to be interviewed. This yields an interview completion or response rate of 39%.

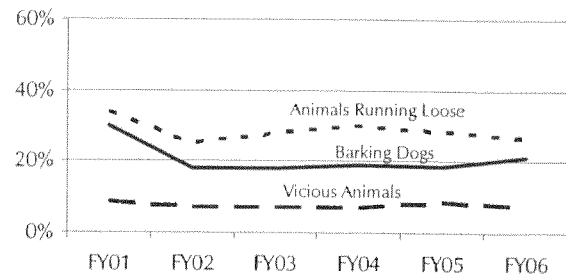
Several quality control measures were used for the telephone survey. These included:

- Making all calls from a supervised, centralized interviewing facility.
- Using a Computer-Assisted Telephone Interviewing (CATI) system.
- Conducting detailed training of interviewers and supervisors on the survey instrument.
- Monitoring selected calls made by each interviewer.
- Monitoring reports concerning interviewer performance.

The sampling error (at a 95% confidence level) for this survey is +/- 2.5%.

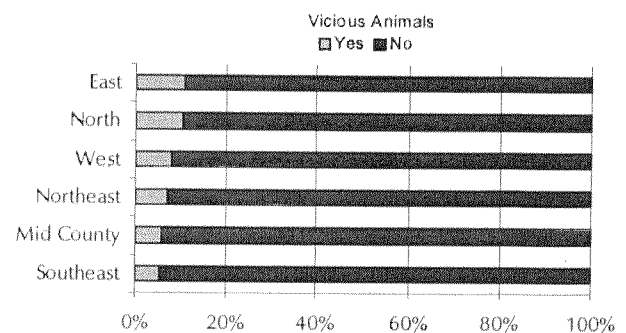
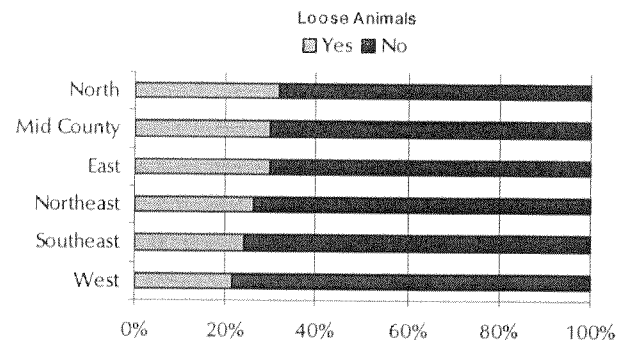
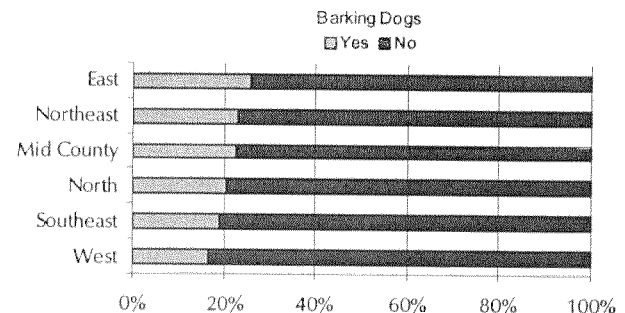
In the past year, have you had any problems in your neighborhood with barking dogs?

Problems in neighborhoods with barking dogs and animals running loose have increased slightly since FY02. The percentage of residents who reported problems with vicious animals has remained fairly constant.



In FY06, the percentage of Southeast district residents who reported problems with animals in their neighborhood was consistently lower in all categories than most other districts. The percentage of problems reported in the past six years for all three animal problems has also decreased the most in the Southeast district. Other items of note:

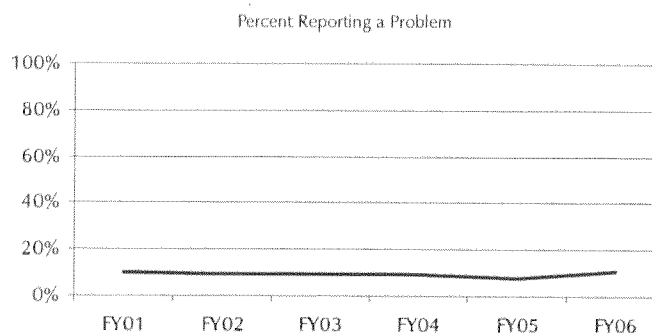
- Residents in some districts reported a higher level of problems with barking dogs compared to others. The percent of residents reporting problems with barking dogs varied from 17% in the West district to 26% in the East district.
- Reported problems with animals running loose in the neighborhood varied from 22% in the West district to 32% in the North district.
- Reported problems with vicious animals was highest (11%) in both the North and East Districts.



Animal Services

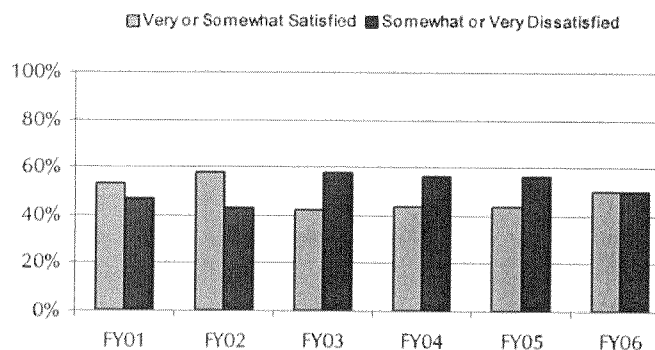
In the past year, have you reported a problem in your neighborhood to the County's Animal Services Program?

The percentage of residents who reported a problem in their neighborhood with animals to the County's Animal Services Program has remained fairly consistent at around 10%. This is lower than the percentage who responded in the survey that they have had a problem with animals.



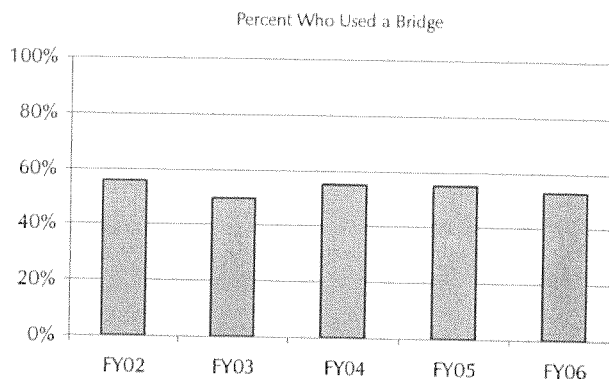
Thinking about the last time you called Multnomah County Animal Services, how satisfied were you with the service?

Since dropping between FY03 and FY05, the percentage of those very or somewhat satisfied with the service they received has returned to 50%, but it is still down from the levels of FY01 and FY02.

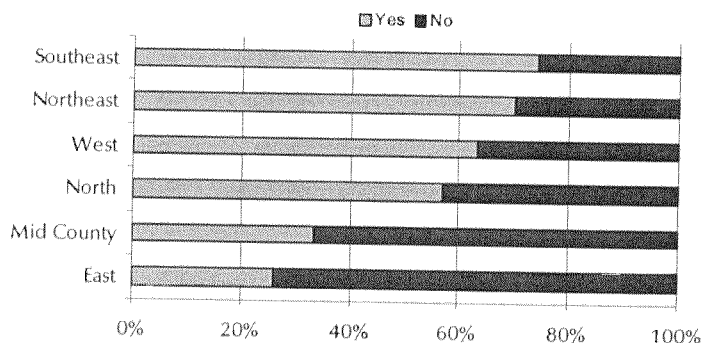


Did you use the Sellwood, Hawthorne, Morrison, Burnside, Broadway, and/or Sauvie Island bridges at least once a week?

Multnomah County is responsible for six bridges that cross the Willamette River. The percentage of residents who reported they use at least one of these bridges weekly has fluctuated from 50% to 56%.

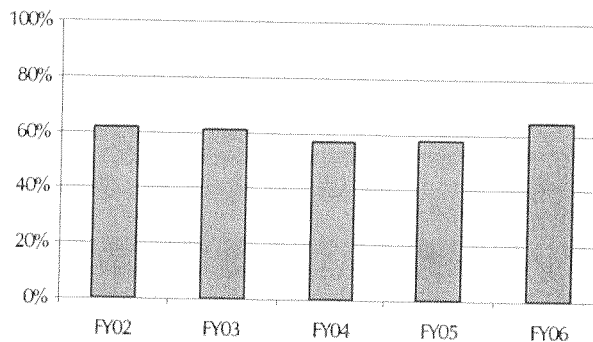


In FY06, 74% of residents in the Southeast district reported they use a County bridge weekly, while only 26% of East district residents reported they use a County bridge weekly.



In the past year have you experienced a bridge closure or delay due to a special event or construction?

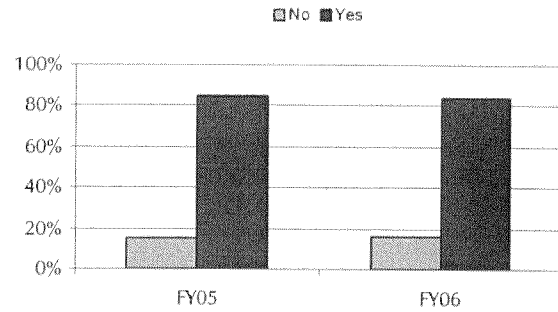
The percentage of respondents who experienced a bridge closure or delay dropped slightly in FY04 and FY05, but increased to 65% in FY06. 77% feel they were adequately notified in advance of the changes in traffic flow due to closures.



Elections

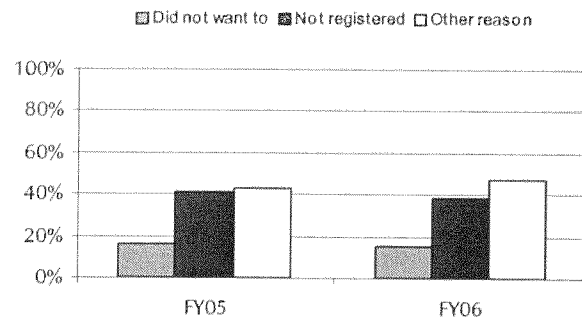
In the last year, did you vote in Multnomah County?

In both FY05 and FY06, a high percentage of respondents, 85% and 84% respectively, reported they voted.



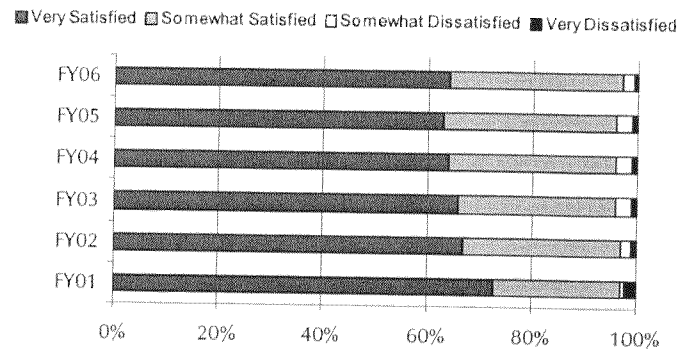
Did you not vote because...

Of those who said they did not vote, the highest percentage stated it was because of some other reason than not wanting to or not being registered.

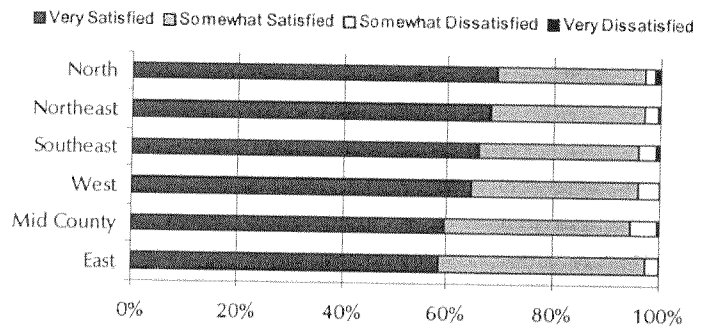


Overall, how satisfied are you with Multnomah County Libraries?

Respondent satisfaction with Multnomah County Libraries has consistently been high in the past six years. In FY06, 64% of citizens were very satisfied with the County's Libraries, down from 73% in FY01, although a slight increase from FY05.

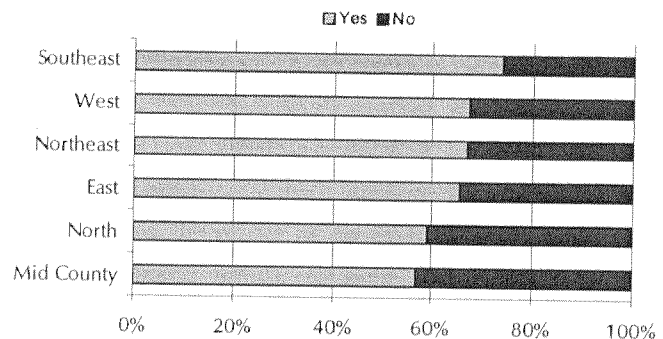


In FY06, the North, Northeast and Southeast districts had the highest percentage of respondents who were very satisfied with the Libraries overall, while the Mid County and East districts reported the lowest satisfaction.



In the past 12 months, have you visited a Multnomah County Library in person?

In FY06, 65% of respondents had visited a library in the past 12 months. Respondents in the Southeast district were the most likely to have visited the Library, while respondents in the North and Mid County districts were the least likely.

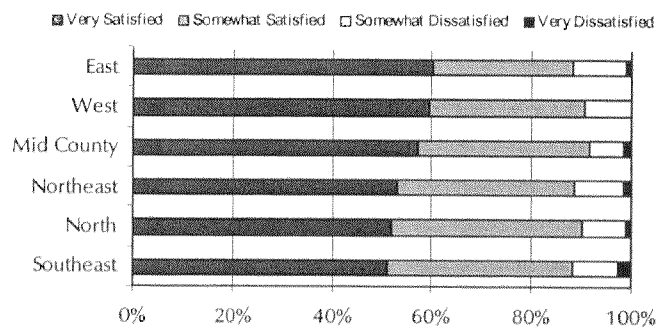


Library

In general, how satisfied are you with ...

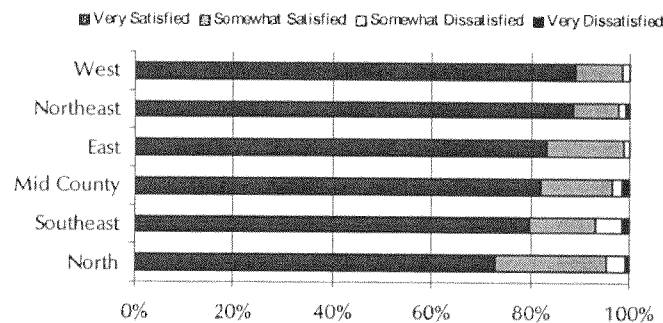
the hours the Library is open?

In FY06, 56% of all respondents were very satisfied with library hours. A larger percentage of respondents in the East district were very satisfied with library hours, compared to smaller percentages in the Northeast, North and Southeast districts.



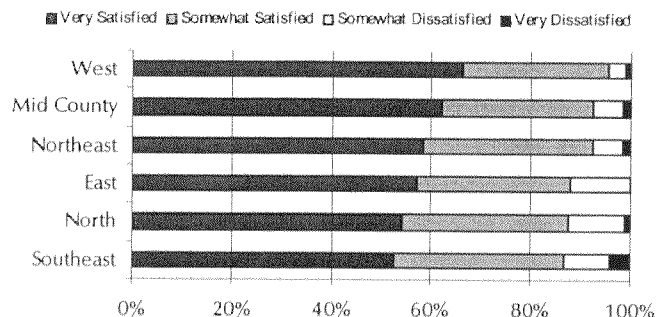
its location?

Respondents were more satisfied with Library locations than with hours open. In FY06, 83% of all respondents were very satisfied with the Library's locations. Citizens in the North district reported they were considerably less satisfied with the Library's location, while respondents in the West and Northeast were more satisfied.



the availability of books and materials?

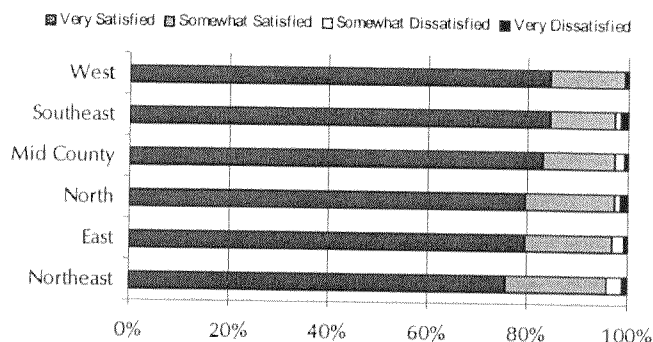
In FY06, 58% of respondents were very satisfied with the availability of books and materials. Respondents in the Southeast district were the least satisfied-- with 53% very satisfied--while in the West district, 67% were very satisfied.



In general, how satisfied are you with...

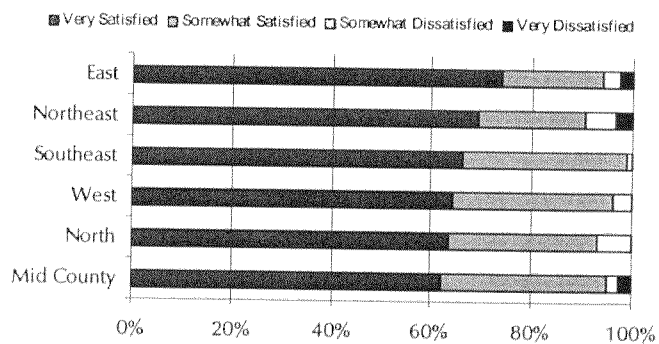
the assistance provided by Library staff?

Staff assistance received high marks. 81% of all respondents were very satisfied with the assistance they received. There was also less disparity among the districts with the percentages very satisfied ranging from 76% in the Northeast to 85% in the West.



children's programs?

67% of all respondents were very satisfied with the Library's children's programs. The percentage that were very satisfied varied among the districts. In the East district, 74% of residents were very satisfied compared to 62% of residents in the Mid County district.

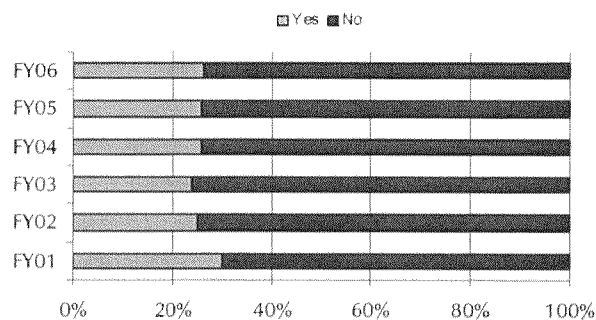


Library

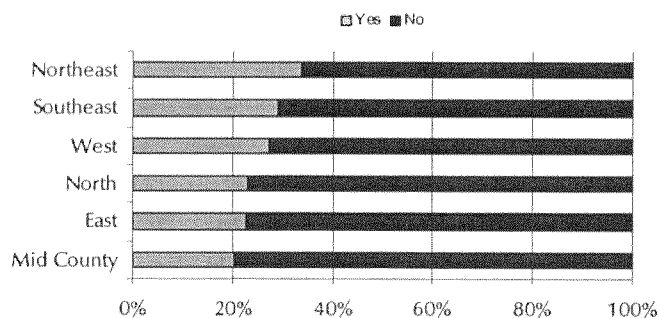
What are other ways that residents contact the Library?

In the past year, have you contacted the Library by telephone?

The percentage of respondents who contacted the Library by telephone has remained fairly constant at about 25% over the last six years.

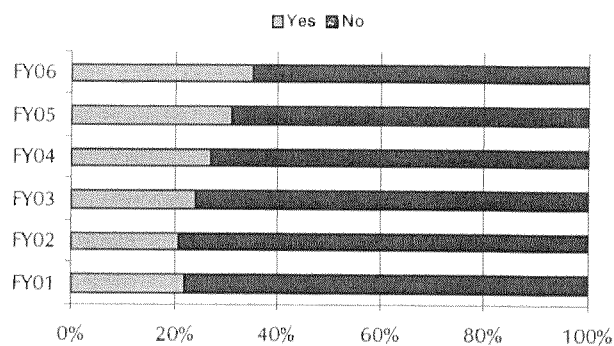


However, only about 20% of respondents in Mid County contacted the Library by telephone, while in the Northeast, 34% of respondents contacted the Library by telephone.

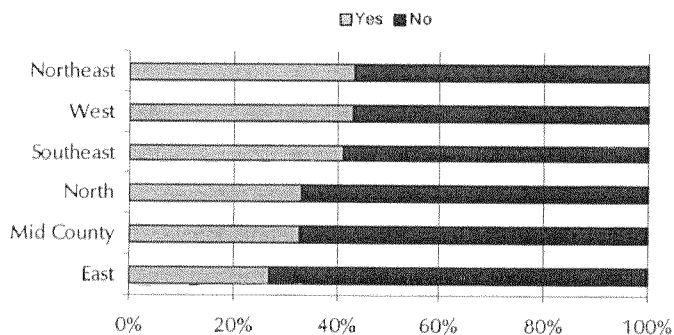


In the past year, have you contacted the Library by computer?

Respondents have increasingly contacted the Library by computer in the last six years. In FY01, 22% contacted the Library by computer, compared to 35% in FY06. The shift in service delivery method was noted in our audit issued in October 2004, *Library Systems Audit: Re-examine resources and prioritize services*.



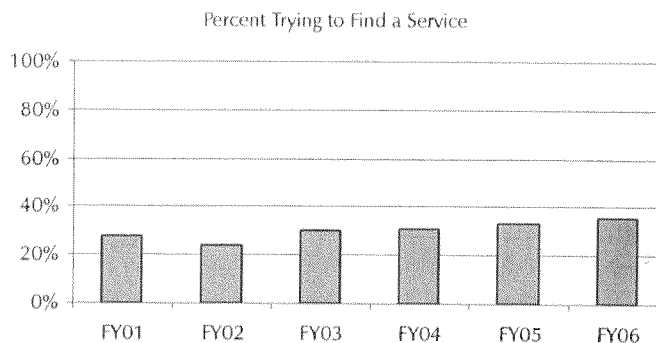
There was some disparity among the districts in whether respondents contact the Library via computer. 40% of respondents in three districts, Northeast, West, and Southeast, used a computer, compared to 27% in the East and 23% in Mid County. This also has implications for workload decisions as mentioned in our audit.



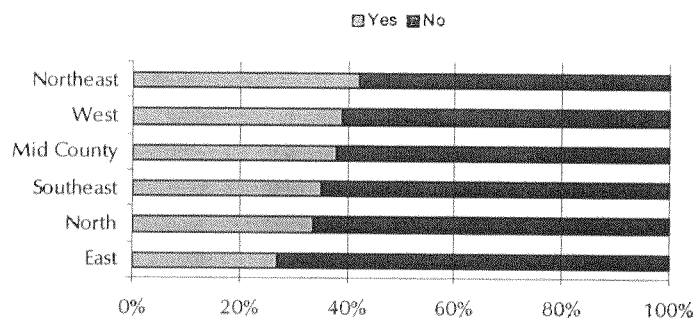
Access to Services

In the past year, have you attempted to find out about or use any City or County services besides Animal Services or the Library?

The County provides a variety of services, some for any resident who wants or needs to use the service, like the Library, bridges, or recording the transfer of property; others are for residents with specific needs, such as the elderly, children, or disabled. Since FY01, the percentage of residents who reported that they tried to find out about a City or County service increased from 28% to 36%.

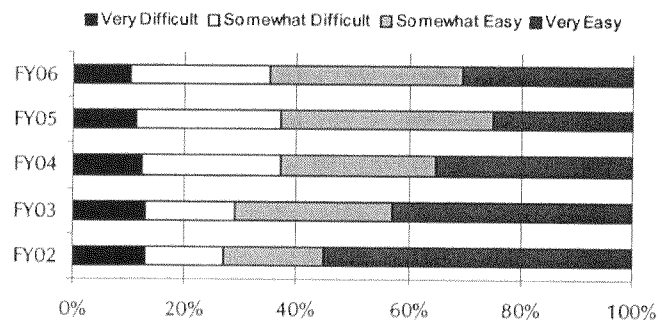


Among district residents, the percentage who reported that they sought services in FY06 ranged from 27% in the East to 42% in the Northeast.



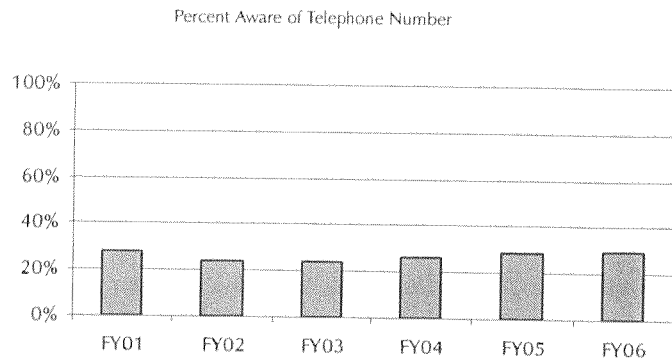
How difficult or easy was it to find the service?

In 1995, the Auditor's Office completed an audit of how easy it was for citizens to find their way to County services and concluded that there were many unintended obstacles. In the past five years, the percentage of residents who reported it is somewhat or very difficult to find a service has increased from 27% to 35%.



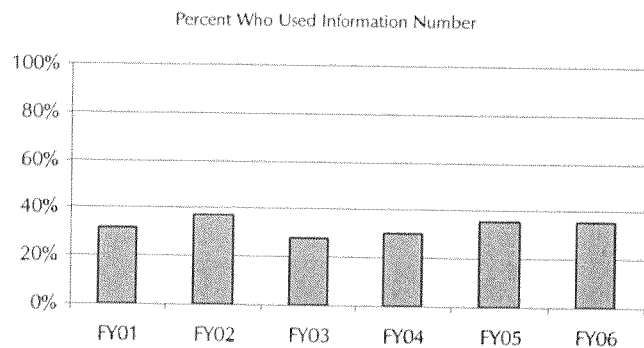
Do you know there is a City/County Information and Referral number?

The County's information line was consolidated into the City of Portland's Information and Referral System. County callers account for approximately 46% of the call volume in that system. The percentage of County residents who were aware that the City and County have an information and referral number has fluctuated from 24% to 29%.



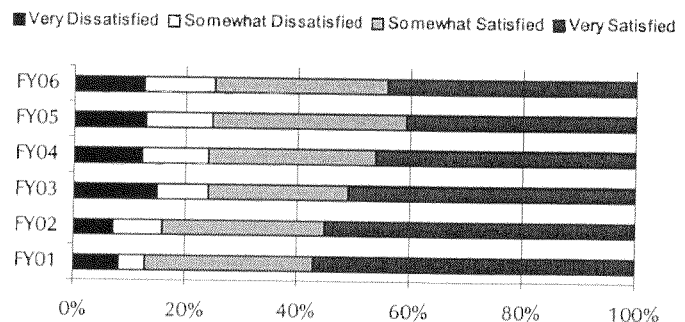
If so, have you used the City/County Information and Referral number in the last year?

The percentage of respondents who knew and have used the City/County information line varied from 28% to 36% over six years.



How satisfied were you with the information received?

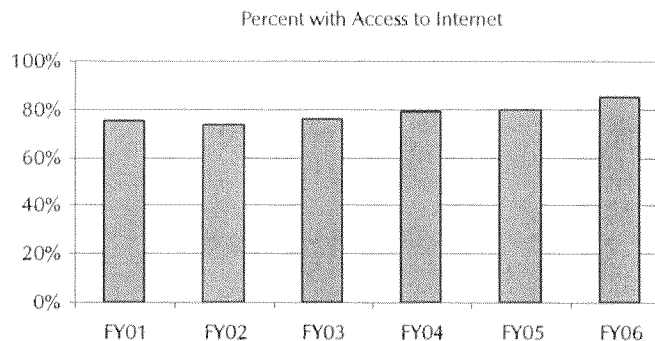
Since FY03, the level of satisfaction (very or somewhat satisfied) with the information received by those using the City/County line has been about 75%.



Access to Services

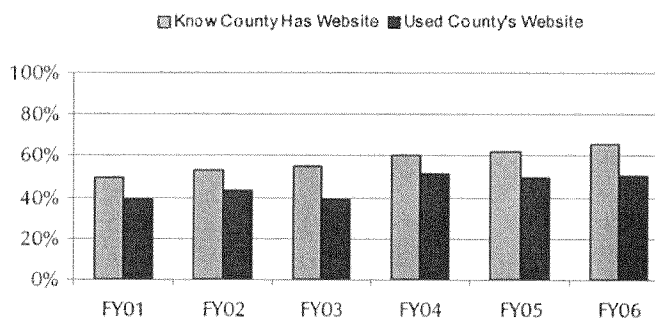
Do you have access to the Internet either from home or from another location?

A fairly high percentage of residents reported they have access to the Internet and it has been increasing since FY01. In FY06, 85% of residents reported that they could access the Internet either at home or at another location. The districts with the lowest reported access were North and Mid County, both at 79%.

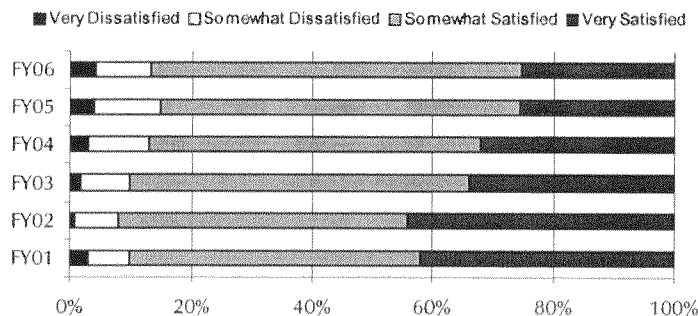


Did you know Multnomah County has a website?

The percentage of residents who knew the County has a website has increased from 50% to 65% since FY01. The percentage of residents who reported that they have used the website has also increased in the same time period from 39% to 51%.

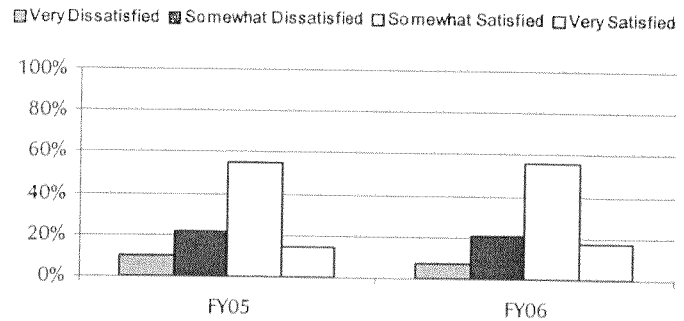


While the percentage of residents who reported they were somewhat or very satisfied with the County's website is high--86% in FY06--the percent either very or somewhat dissatisfied has increased slightly in the last six years from 10% to 13%.



Multnomah County provides services for the poor, elderly, and disabled, as well as operates jails, libraries, health clinics, animal control, elections, bridges, etc... **Rate your overall satisfaction with Multnomah County services.**

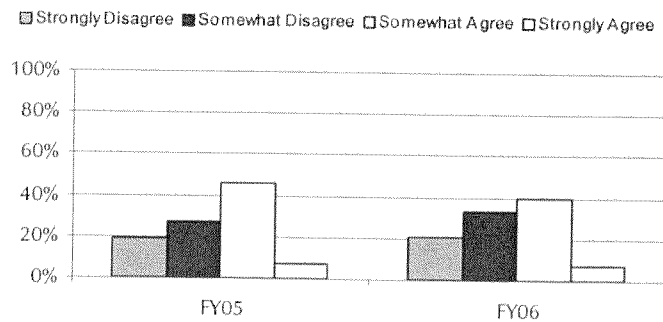
We added two questions about overall satisfaction with County services and confidence that the County is managed well to the survey in FY05. While there are not yet enough years of data to assess trends, a higher percentage of residents (73%) were somewhat or very satisfied with County services in FY06 than in FY05 (69%).



Please rate the degree to which you agree with the following statement:

I have confidence that the elected leadership of Multnomah County manages the County well.

Again, while the data are limited to two years, fewer (47%) respondents in this year's survey somewhat or strongly agreed with the statement that they had confidence in the elected leadership managing the County well. Last year the percentage was 53%.

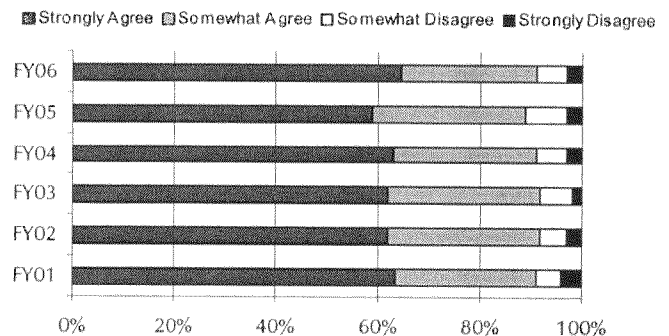


Neighborhoods

There are several questions on the Auditor's Office citizen survey that are not specifically about County programs, but measure community strengths and weaknesses. These strengths and weaknesses may be relative to a service the County provides or assess the needs and abilities of the community. A strong community and helpful neighbors might reduce the need for County services. Following this section are individual chapters on specific geographical areas in the County.

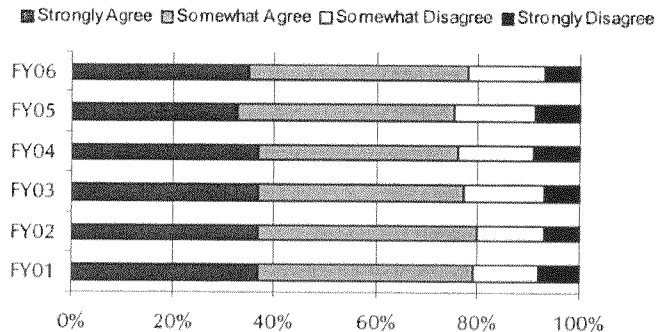
I think my neighborhood is a good place to live.

The percentage of respondents who somewhat or strongly agreed that their neighborhood was a good place to live has been around 90% for the last six years.



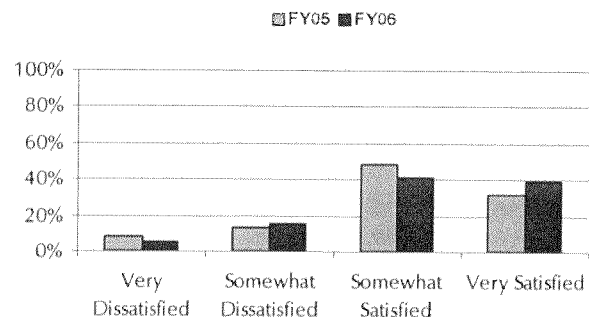
I feel there is a sense of community in my neighborhood.

Many respondents (78%) also believed that there is a sense community in their neighborhood.



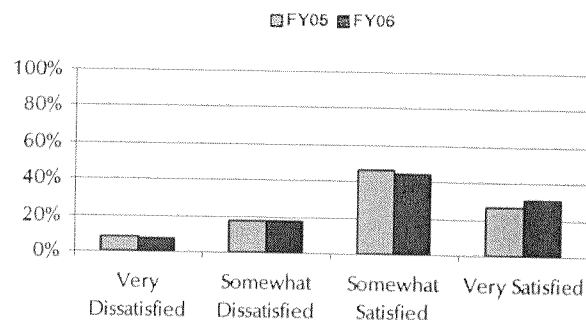
How satisfied are you with the adequacy of recreational activities in your community?

This is one of three new questions measuring satisfaction with opportunities for involvement. In both FY05 and FY06, 80% of respondents were satisfied with the adequacy of recreational activities in their communities. The responses ranged from 69% in the East district to 86% in the West district.



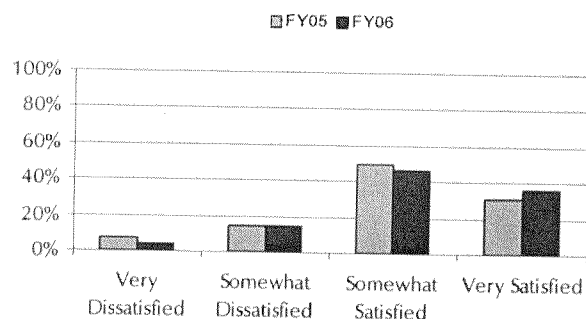
How satisfied are you with the adequacy of cultural opportunities?

Fewer respondents were satisfied (75%) with the adequacy of cultural opportunities than recreational opportunities. Residents of the East district were the least satisfied (66%) with cultural opportunities.



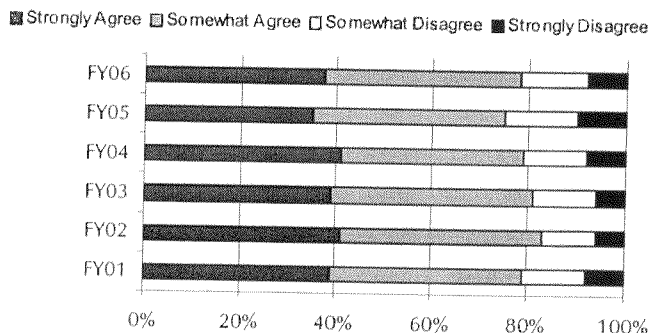
How satisfied are you with the adequacy of opportunities for learning something new?

Respondents were generally satisfied (82%) with opportunities for learning something new. The North and East districts were slightly less likely to be satisfied at 77% and 78%.



If children in my community were doing something wrong, neighbors would do something about it.

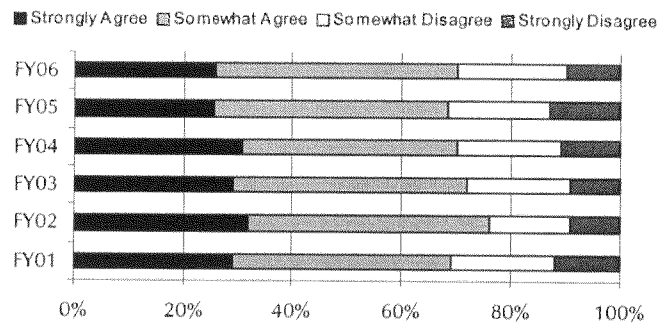
The percentage of respondents who answered this question positively, either somewhat or strongly agreed, has stayed fairly consistent in the last six years at around 80%.



Neighborhoods

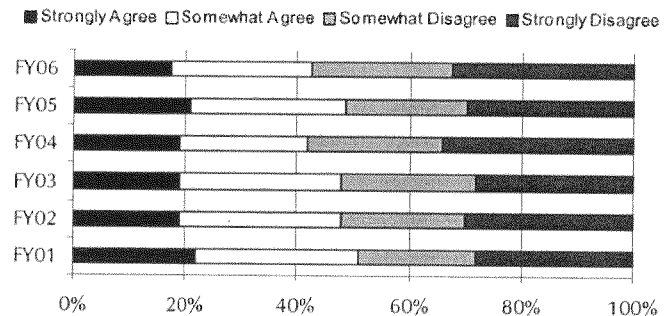
Adults in my community know the kids in their neighborhood.

Residents reporting that they somewhat or strongly agreed with the statement that adults in the community know the kids in the neighborhood dropped to 70% in FY06 from 76% in FY02.



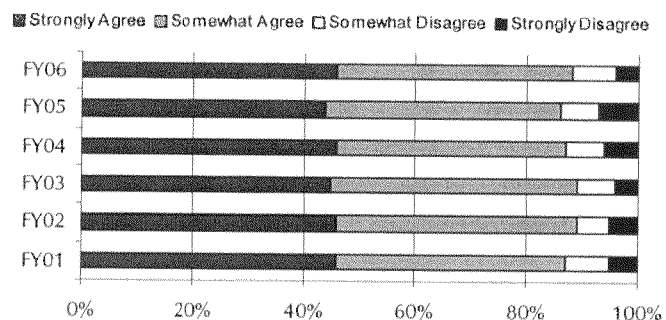
Very few of my neighbors know me.

Over the past five years, more than 50% of residents surveyed somewhat or strongly disagreed with the statement that very few of my neighbors know me.



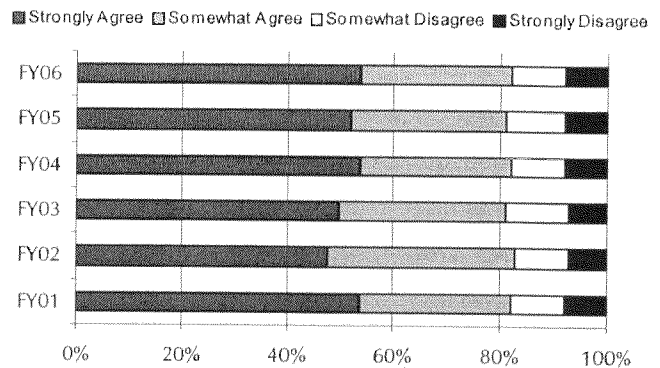
People around here are willing to help their neighbors.

The percentage of respondents who somewhat or strongly agree that neighbors are willing to help each other has ranged from 86% to 89%.



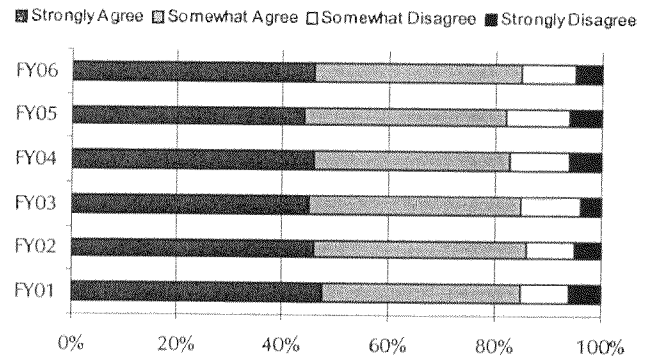
I can recognize most of the people who live on my block.

Over the past six years, around 50% of residents responded they strongly agreed that they can recognize most of the people who live on the block.



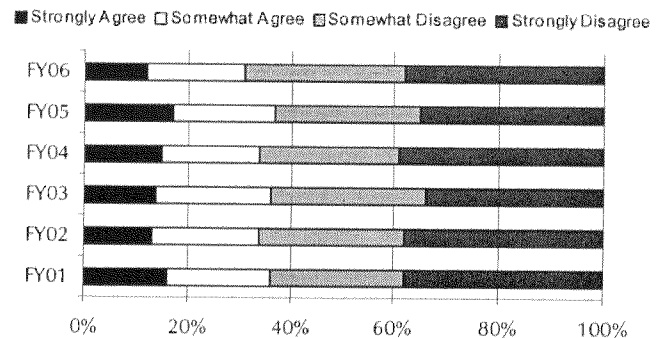
You can count on adults in this neighborhood to watch out that children are safe.

Responses to this question have remained fairly consistent in the last six years.



People move in and out of my neighborhood a lot.

31% to 37% of respondents agreed with this statement in the past six years.

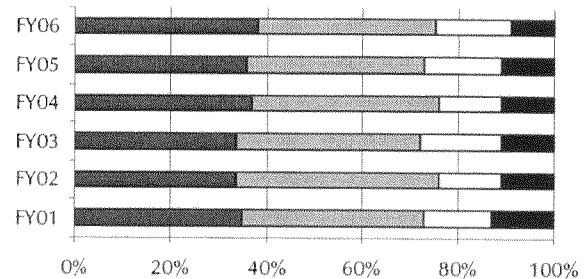


Neighborhoods

I regularly stop and talk with the people in my neighborhood.

Results over the past six years have been fairly consistent. Each year, around 75% of respondents somewhat or strongly agreed that they regularly stop and talk with neighbors.

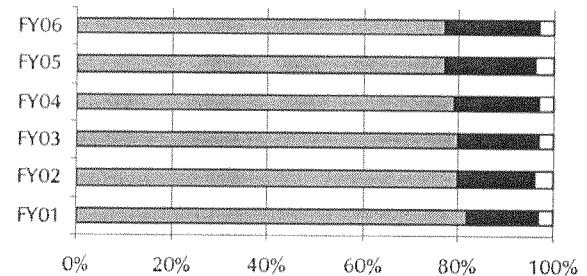
■ Strongly Agree ■ Somewhat Agree □ Somewhat Disagree ■ Strongly Disagree



In my neighborhood how much of a problem is kids who are not in school during the day.

The percentage of respondents who do not think it is a problem with kids in the neighborhood who are not in school has declined slightly from 82% in FY01 to 78% in FY06.

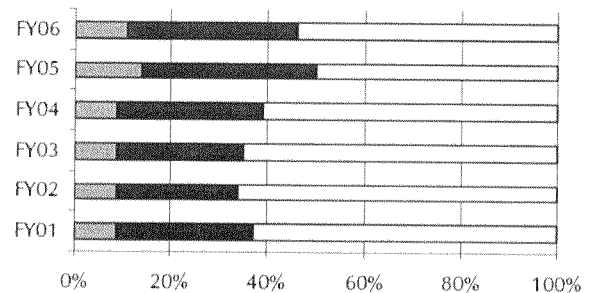
■ No Problem ■ Somewhat ■ A Big Problem



How much of a problem is alcohol or drug abuse in your neighborhood?

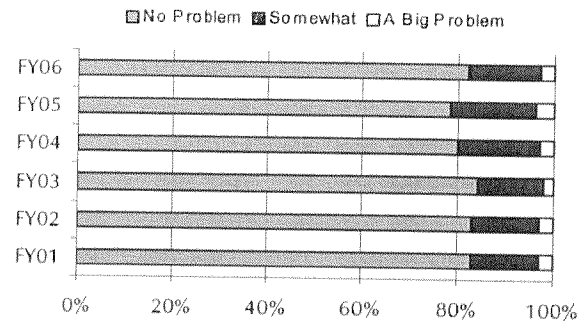
Respondents who believed that alcohol or drug abuse is a problem in their neighborhood increased in the last four years from 35% in FY03 to 46% in FY06.

■ A Big Problem ■ Somewhat ■ No Problem



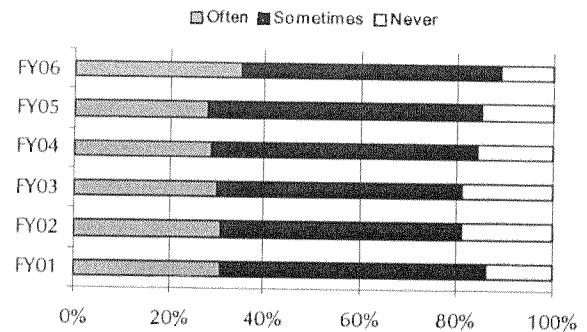
How much of a problem is neighbors fighting in your neighborhood?

Over the past six years, a fairly high percentage of respondents have not thought neighbors fighting in their neighborhood was a problem, ranging from 79% to 83%.



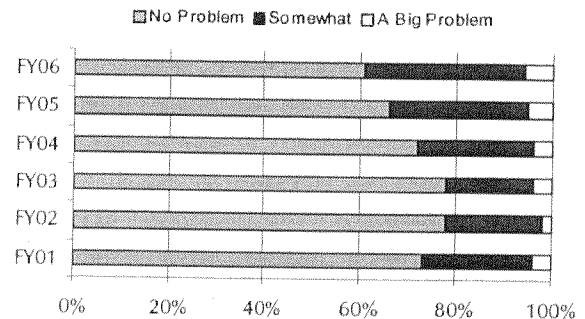
How often is this fighting within a family?

Respondents who thought there was often fighting (within a family) in their neighborhood dropped to 28% in FY05 and then increased to 35% in FY06.



How much of a problem is graffiti in your neighborhood?

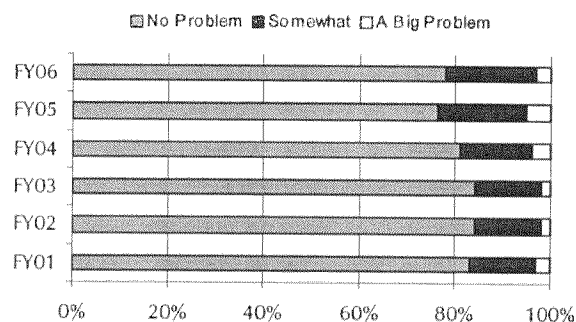
Residents who reported that graffiti was a problem in their neighborhood increased from 22% in FY02 and FY03 to 39% in FY06.



Neighborhoods

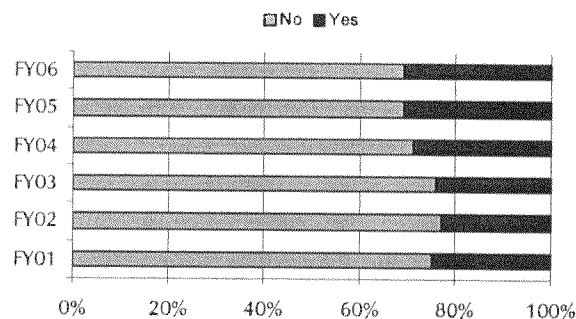
How much of a problem in your neighborhood is kids hanging around after school and on the weekends?

The percentage of county residents who responded that kids hanging around the neighborhood is somewhat of a problem or a big problem has increased from 17% in FY01 to 22% in FY06.



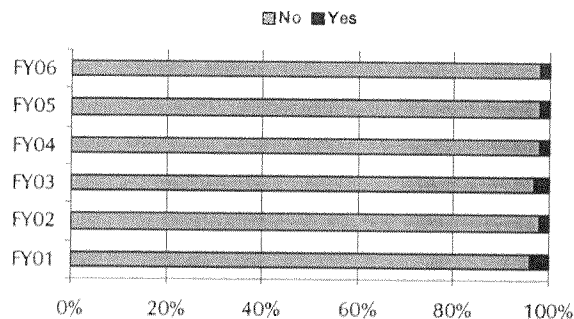
Are you aware of any homeless adults in your neighborhood?

Residents who responded they were aware of homeless adults in their neighborhood increased from 23% in FY02 to 31% in FY06. In FY06, the Southeast district had the highest percentage (52%) reporting homeless adults in their neighborhood.

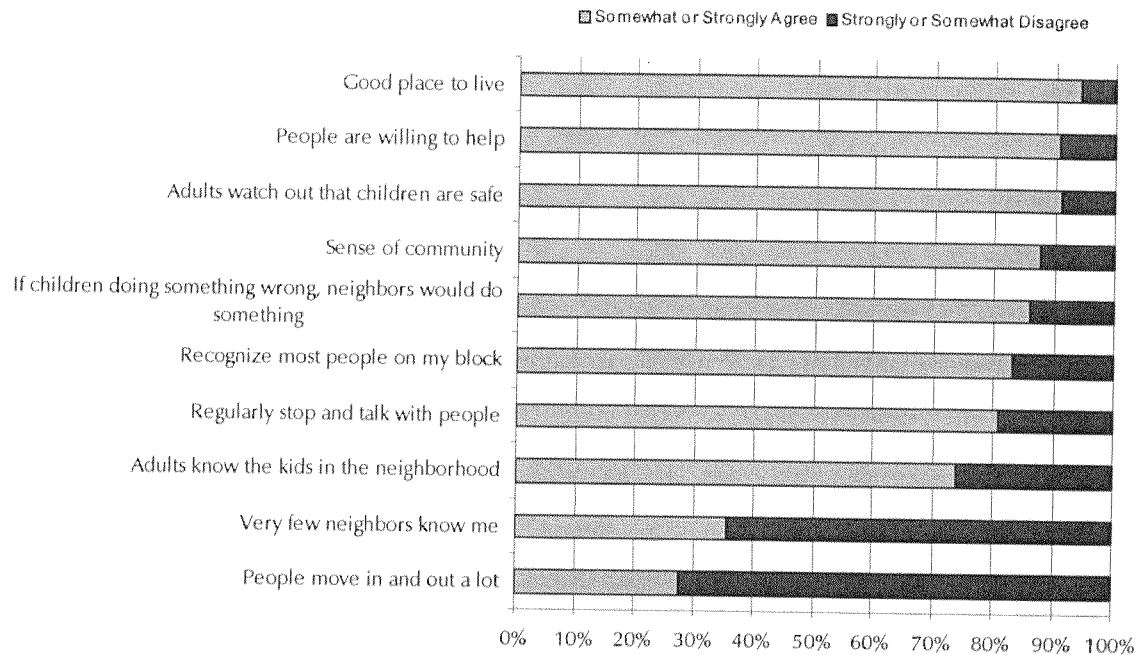


Are you aware of any homeless children in your neighborhood?

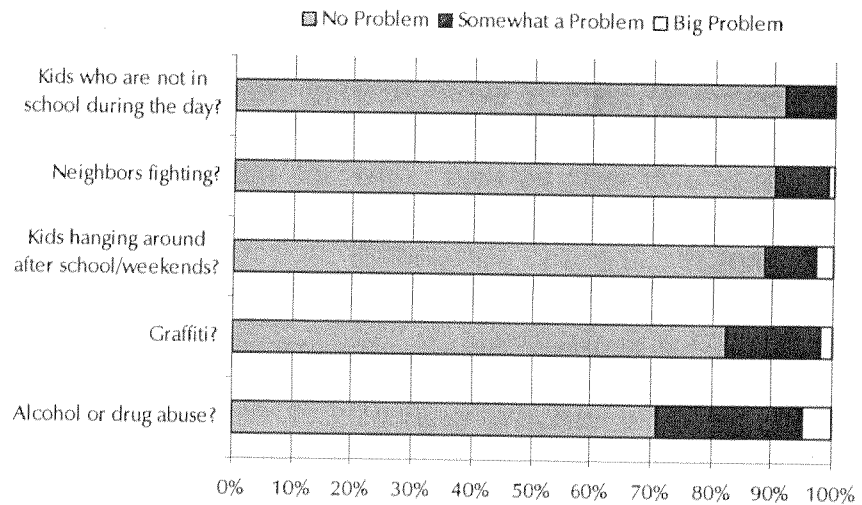
A consistently small percentage of county residents were aware of homeless children in their neighborhood. It declined slightly from 4% in FY01 to 2% in FY06.



Neighborhood Qualities

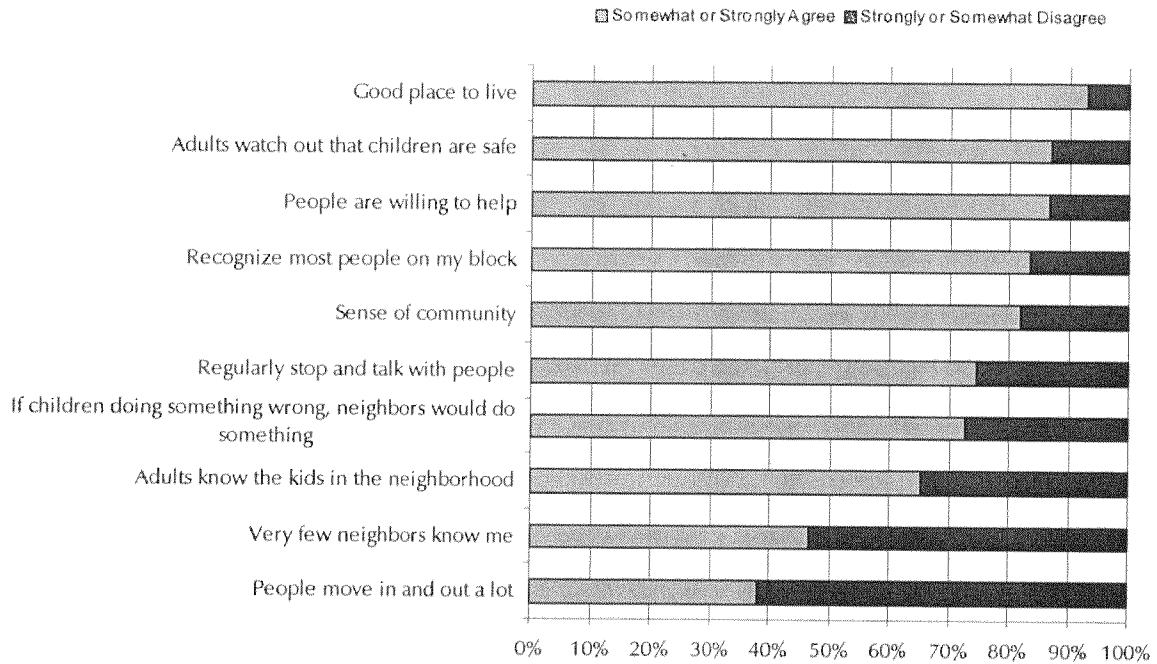


Neighborhood Problems

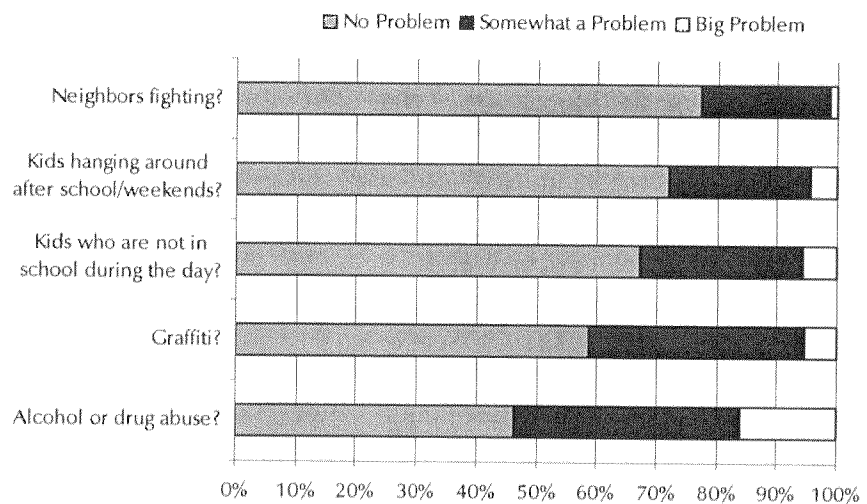


Neighborhoods North District

Neighborhood Qualities

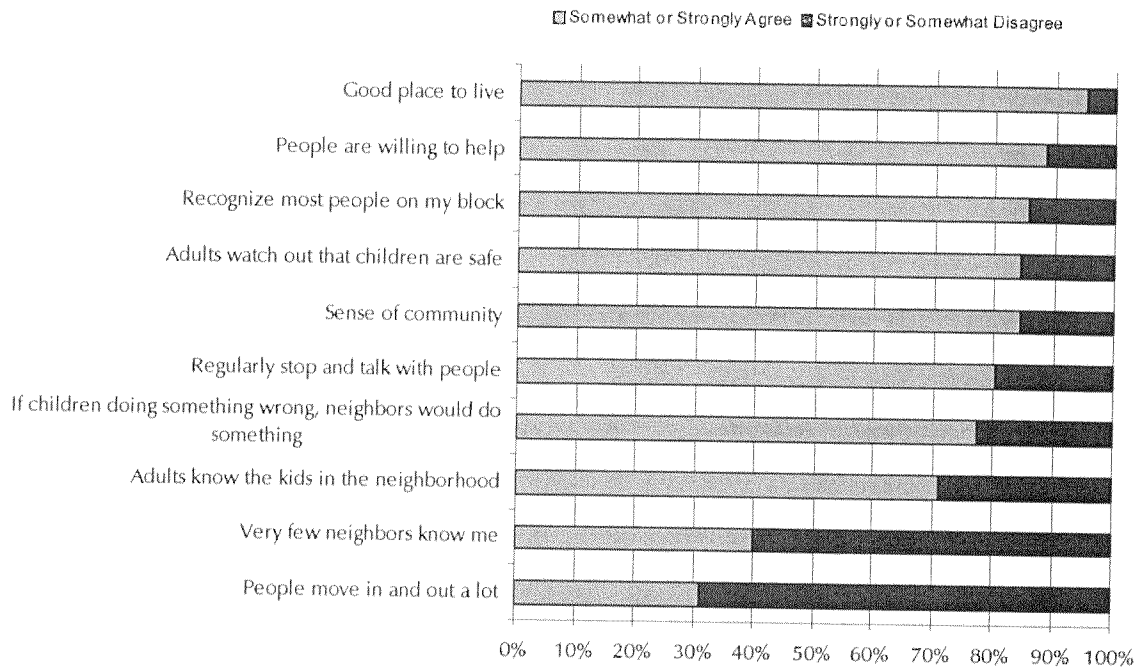


Neighborhood Problems

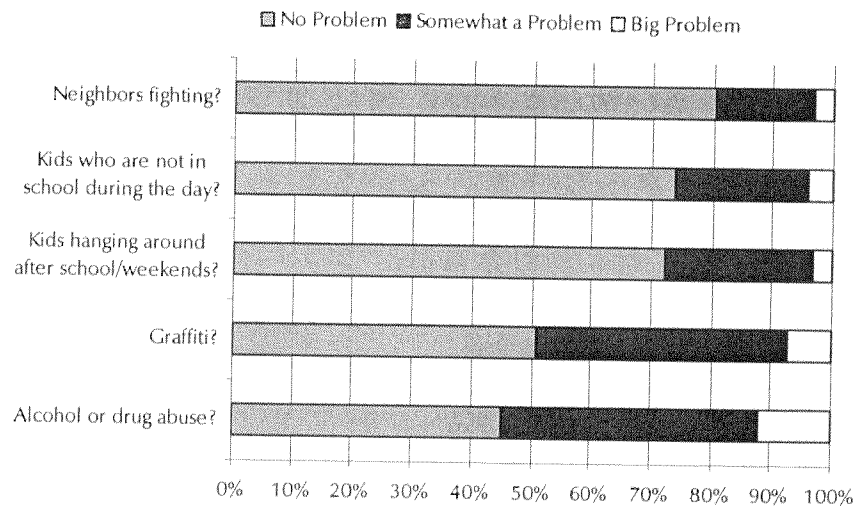


Neighborhoods Northeast District

Neighborhood Qualities

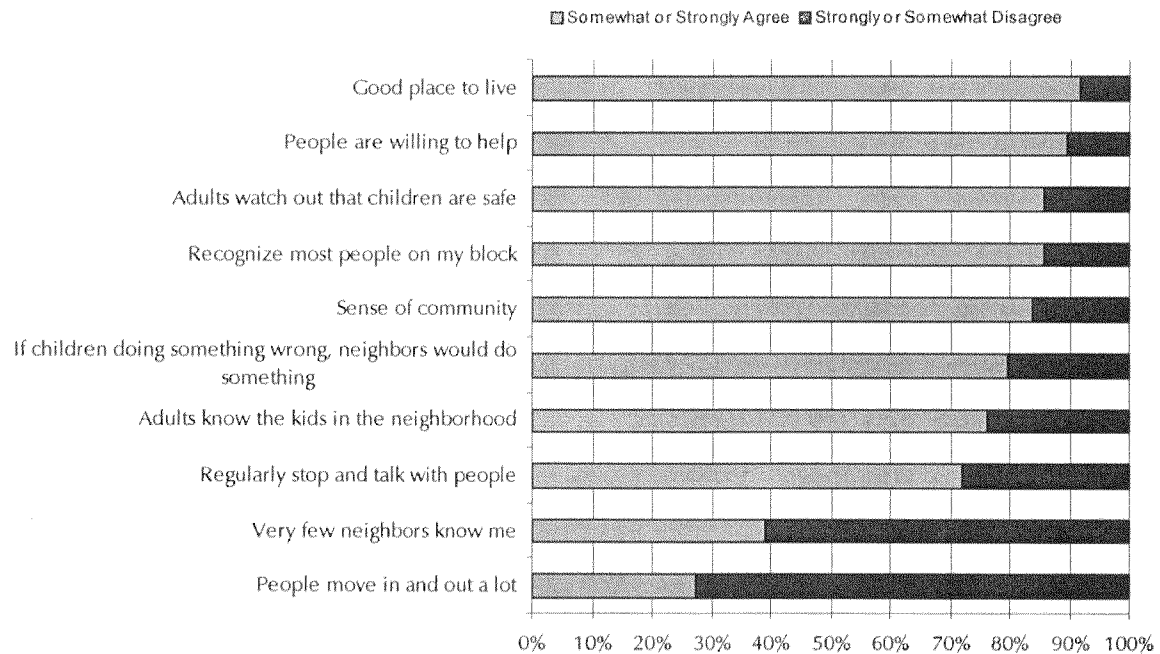


Neighborhood Problems

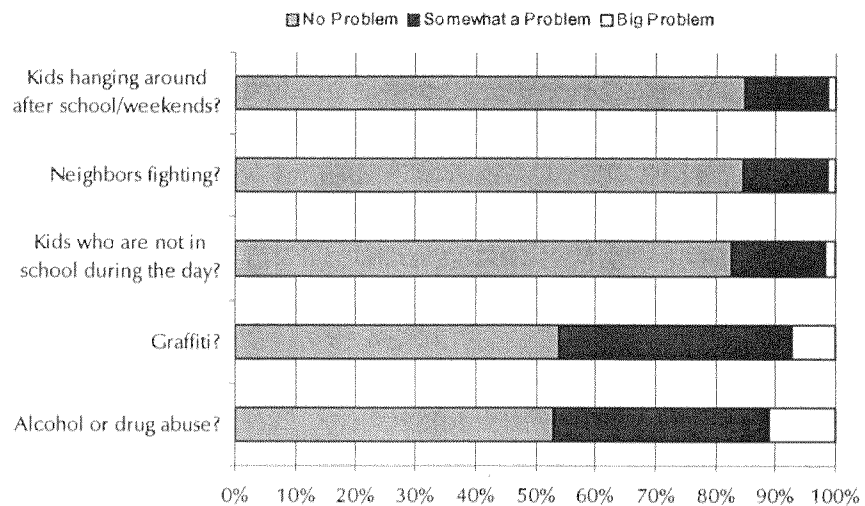


Neighborhoods Southeast District

Neighborhood Qualities

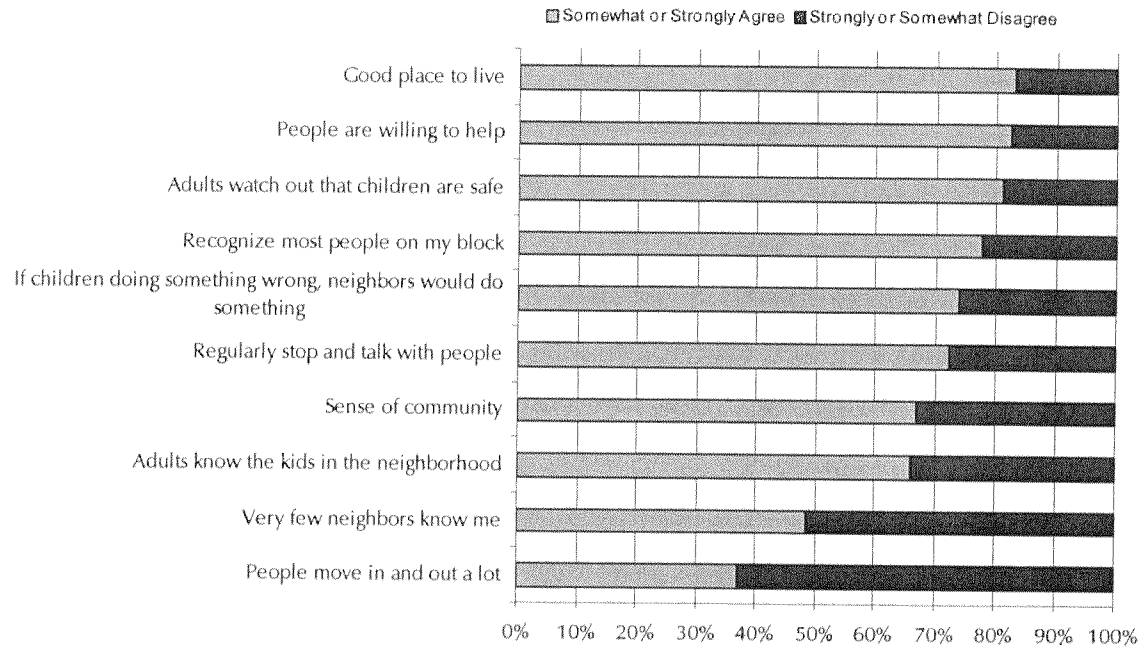


Neighborhood Problems

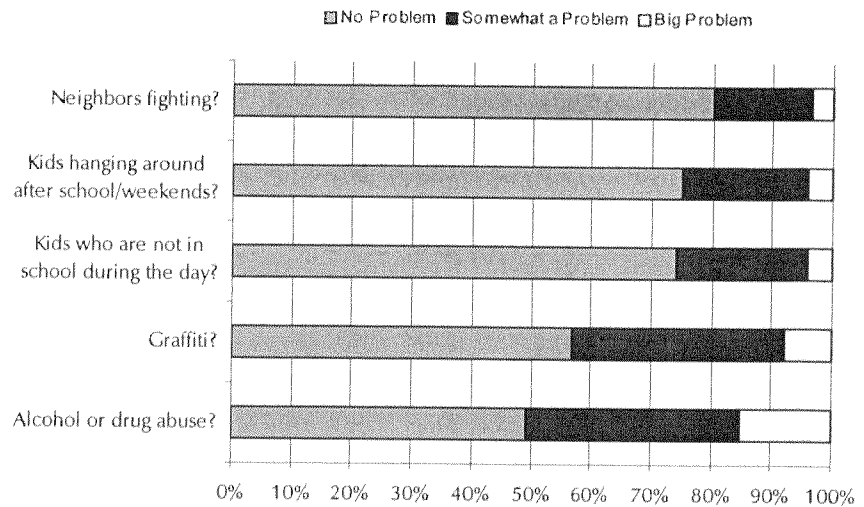


Neighborhoods Mid County District

Neighborhood Qualities

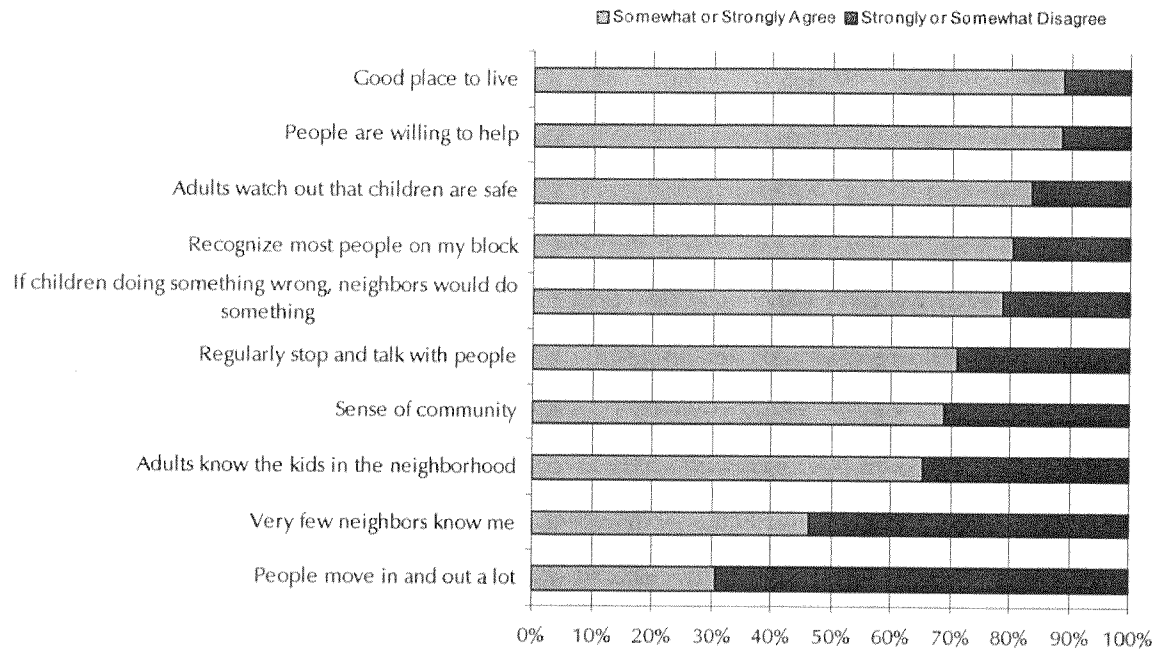


Neighborhood Problems

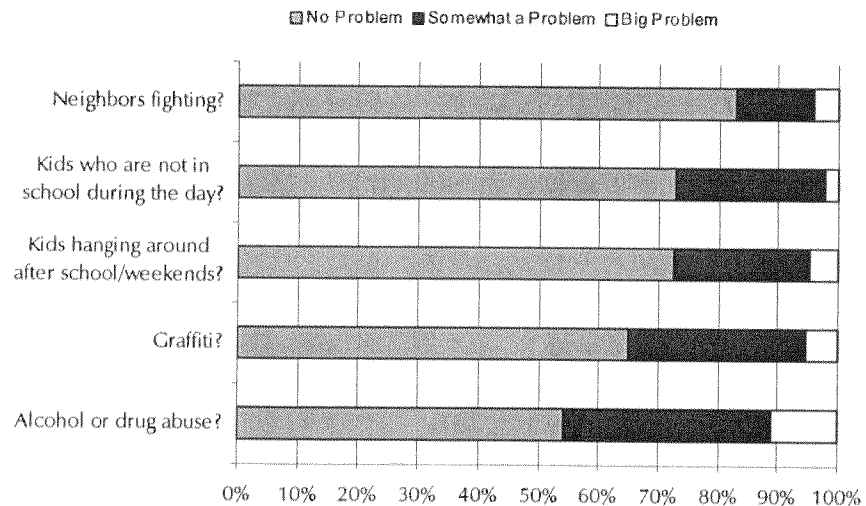


Neighborhoods East District

Neighborhood Qualities



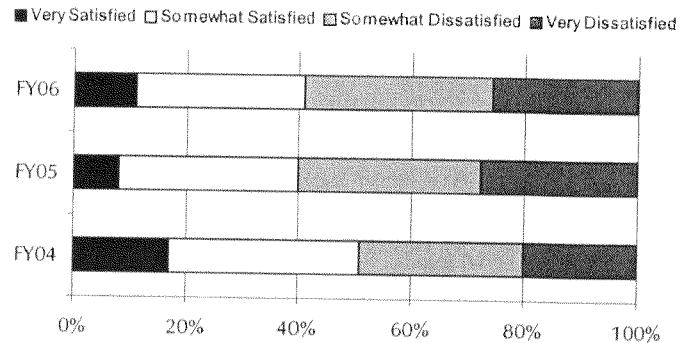
Neighborhood Problems



Thinking about local public schools in Multnomah County, how satisfied are you with the education provided?

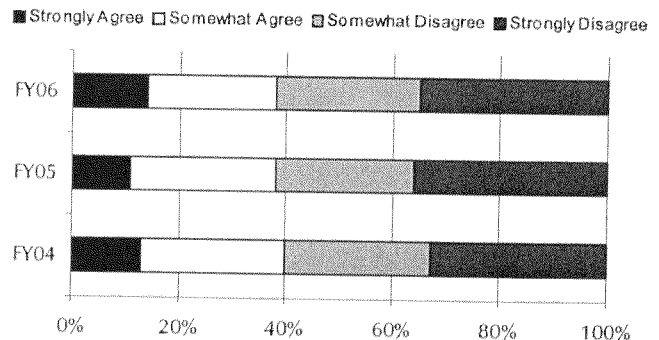
In 2003 voters passed a temporary income tax to fund the eight schools districts in the county and County programs. These questions were added to the survey about citizen satisfaction with the districts.

In each of the three years surveyed, the percentage of residents who had at least one child enrolled in a public school in the county was 23%. Satisfaction with the school districts declined from FY04 to FY06.



Would you agree or disagree that schools are spending their money wisely?

Agreement with the statement that schools were spending their money wisely declined slightly in the three year period from 40% to 38%.

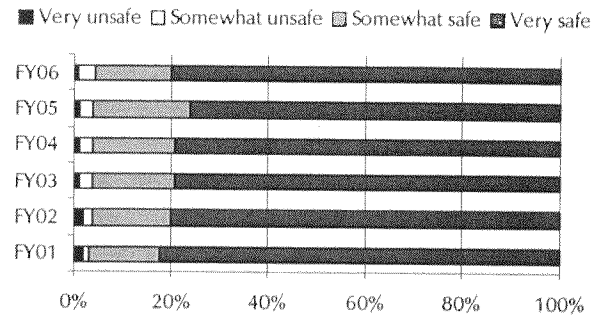


Sense of Safety

In general, how safe do you feel walking alone in your neighborhood during the day?

One of the County's budgeting priorities is that residents should feel safe at home, work, school, and at play. The County provides law enforcement services to the unincorporated county and jails, prosecution, as well as supervision of adult and juvenile offenders county-wide.

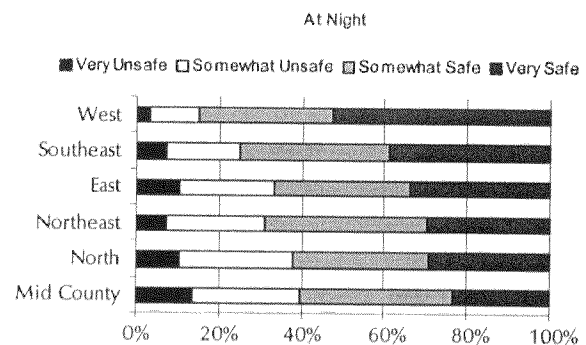
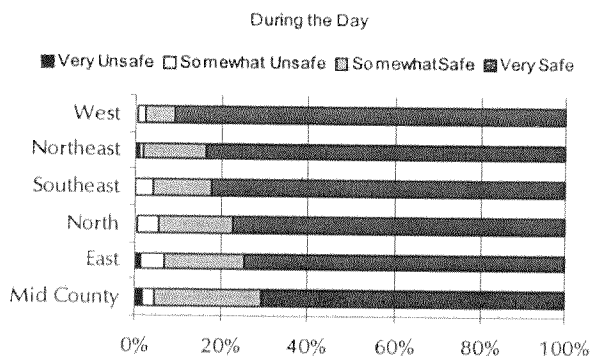
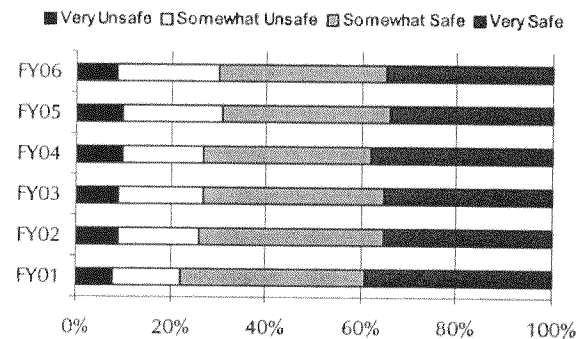
Generally, a high percentage of respondents felt very safe in their neighborhood during the day.



In general, how safe do you feel walking alone in your neighborhood at night?

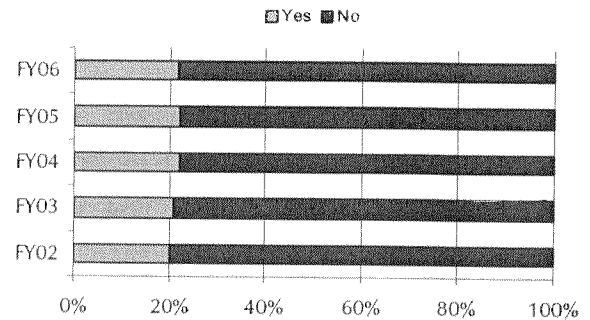
Residents reported they feel less safe in their neighborhoods at night. Since FY01, the percentage of respondents who do not feel safe has increased from 22% to 30%.

Responses about safety in the six districts in the County vary (see charts below).

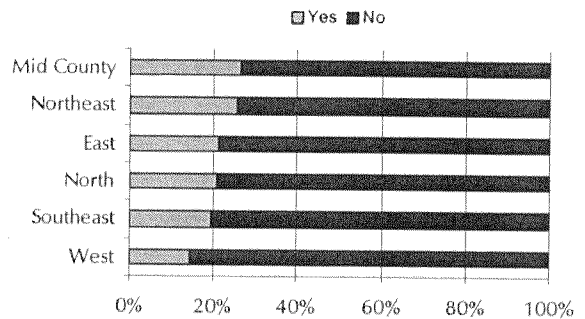


In the past year have you been a victim of a crime?

In the past five years, the percentage of residents who reported that they had been the victim of a crime ranged from 20% to 22%.

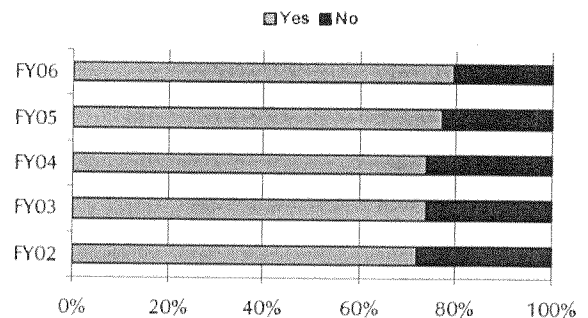


In FY06, a higher percentage of residents in the Mid County and Northeast districts reported they have been a victim of a crime.



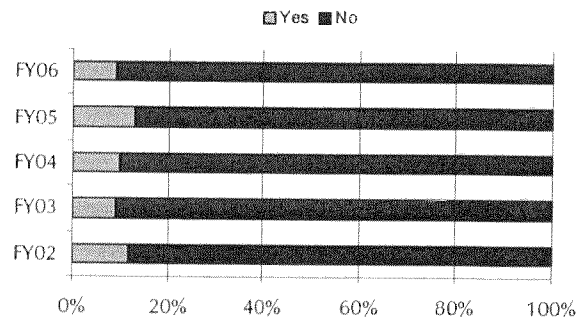
Did you report the crime?

The percentage of residents who reported crimes increased in the last five years from 72% to 80%. Residents in the North district were less likely to report that they have been a victim of a crime. The reporting rate varies from 68% of North district respondents to 84% of Mid County respondents.



Did you have contact with the District Attorney's Office?

The percentage of residents who reported they have had contact with the District Attorney's Office ranges from 9% to 13%.



Sense of Safety

How good a job does the criminal justice system in Multnomah County do in controlling and preventing crime in your neighborhood?

In 2006, three new public safety questions were added to the survey. The criminal justice system includes agencies outside the County such as the State Court system, the Oregon Department of Corrections, and the various city police agencies. Overall, 50% of respondents thought that the criminal justice system was doing a good or very good job. About 15% thought it was doing a poor or very poor job. By district, respondents who felt that the system was doing a good or very good job ranged from 43% to 67%.



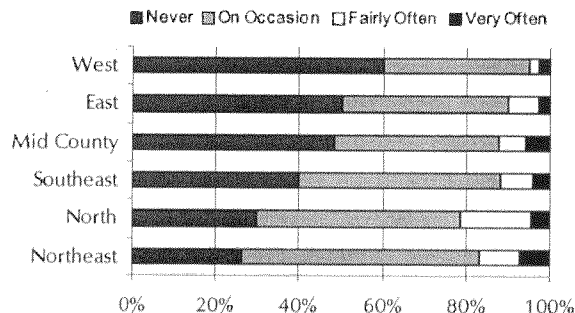
How good does law enforcement do in controlling and preventing crime in your neighborhood?

Including the County Sheriff's Office, there are eight different police agencies in Multnomah County. The Sheriff's Office patrols the unincorporated area and has contracts to patrol the cities of Maywood Park and Wood Village. In 2006, 58% of all residents responded that law enforcement was doing a good or very good job. Among the districts, respondents ranged from 48% to 70% who thought that law enforcement was doing a good job or very good job.



How often do you think law enforcement stops people on the streets of your neighborhood without a good reason?

In 2006, 13% of all respondents thought that law enforcement stopped people without good reason fairly or very often. This percentage varied among residents in the six districts. In the West district, 6% of residents thought stops were made without reason fairly or very often compared to North district, where 21% of residents had this belief.



Appendix

This page intentionally left blank

This page intentionally left blank

2006								Prior Year TOTALS				
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	2001
								2005	2004	2003	2002	

2006							Prior Year TOTALS				
							2005	2004	2003	2002	2001

2006							Prior Year TOTALS					
	West	North	NE	SE	Mid-Co	East	County Total	2005	2004	2003	2002	2001
LIBRARY -continued												
Q3D - In general, how satisfied are you with availability of books and materials?												
Very dissatisfied	1%	1%	2%	4%	1%	--	2%	1%	2%	1%	3%	2%
Somewhat dissatisfied	4%	11%	6%	9%	6%	12%	8%	7%	9%	9%	7%	7%
Somewhat satisfied	29%	33%	34%	34%	30%	31%	32%	35%	29%	37%	34%	33%
Very satisfied	67%	54%	58%	53%	62%	57%	58%	56%	60%	53%	56%	58%
							(996)	(994)	(993)	(930)	(1,175)	(926)
Q3E - In general, how satisfied are you with the assistance provided by library staff?												
Very dissatisfied	1%	1%	1%	2%	1%	1%	1%	1%	1%	-	1%	1%
Somewhat dissatisfied	--	1%	3%	1%	2%	2%	2%	2%	2%	2%	2%	1%
Somewhat satisfied	15%	18%	20%	13%	15%	18%	16%	21%	18%	21%	21%	19%
Very satisfied	85%	80%	76%	84%	83%	79%	81%	76%	79%	77%	76%	79%
							(980)	(981)	(984)	(914)	(1,150)	(917)
Q3F - In general, how satisfied are you with the children's programs?												
Very dissatisfied	--	--	3%	--	3%	3%	1%	--	1%	1%	1%	3%
Somewhat dissatisfied	4%	7%	6%	1%	3%	4%	4%	3%	3%	2%	3%	2%
Somewhat satisfied	32%	30%	21%	33%	33%	20%	28%	33%	21%	28%	27%	26%
Very satisfied	65%	64%	69%	66%	62%	74%	67%	63%	75%	69%	69%	69%
							(489)	(525)	(374)	(344)	(462)	(386)
Q3G - In the past year, have you contacted the Multnomah County library by telephone?												
No	73%	77%	66%	71%	80%	77%	74%	75%	74%	76%	75%	70%
Yes	27%	23%	34%	29%	20%	23%	26%	26%	26%	24%	25%	30%
							(1,542)	(1,597)	(1,692)	(1,588)	(1,983)	(1,502)
Q3H - In the past year, have you contacted the Multnomah County library by computer?												
No	57%	67%	56%	59%	77%	73%	65%	69%	73%	76%	79%	78%
Yes	43%	33%	44%	41%	23%	27%	35%	31%	27%	24%	21%	22%
							(1,547)	(1,598)	(1,690)	(1,591)	(1,985)	(1,504)

2006							Prior Year TOTALS						
		West	North	NE	SE	Mid-Co	East	County Total	2005	2004	2003	2002	2001
LIBRARY - continued													
Q3I -	Overall, how satisfied are you with Multnomah County libraries?												
	Very dissatisfied	1%	--	--	1%	1%	--	1%	1%	1%	1%	1%	2%
	Somewhat dissatisfied	2%	1%	3%	3%	5%	2%	2%	3%	3%	3%	2%	1%
	Somewhat satisfied	28%	37%	29%	30%	36%	36%	33%	33%	32%	30%	30%	24%
	Very satisfied	69%	61%	68%	66%	61%	54%	64%	63%	64%	66%	67%	73%
								(1,382)	(1,429)	(1,448)	(1,269)	(1,607)	(1,203)
VOTING													
Q4A -	In the last year, did you vote in Multnomah County?												
	No	13%	17%	13%	15%	17%	21%	16%	15%				
	Yes	88%	84%	87%	86%	83%	79%	84%	85%				
								(1,535)	(1,598)				
Q4B -	Did you not vote because:												
	You did not want to	3%	10%	26%	11%	17%	17%	15%	16%				
	Your are not registered to vote in Multnomah County	50%	34%	20%	35%	43%	42%	38%	41%				
	Some other reason	47%	56%	54%	54%	41%	42%	47%	43%				
								(240)	(236)				

2006								Prior Year TOTALS				
								2005	2004	2003	2002	2001

2006							Prior Year TOTALS					
	West	North	NE	SE	Mid-Co	East	County Total	2005	2004	2003	2002	2001
COUNTY SERVICES												
Q6A - In the past year, have you attempted to find out about or use any city or county service besides animal services or the library?												
No	61%	66%	58%	65%	62%	73%	64%	67%	69%	70%	76%	72%
Yes	39%	34%	42%	35%	38%	27%	36%	33%	31%	30%	24%	28%
							(1,534)	(1,578)	(1,651)	(1,565)	(1,924)	(1,485)
Q6B - How difficult or easy was it to find the service?												
Very difficult	8%	11%	9%	9%	13%	12%	10%	11%	12%	13%	13%	
Somewhat difficult	22%	25%	25%	25%	22%	35%	25%	26%	25%	16%	14%	
Somewhat easy	31%	45%	42%	30%	34%	28%	34%	38%	28%	28%	19%	
Very easy	39%	20%	24%	36%	31%	26%	30%	25%	35%	43%	54%	
							(546)	(518)	(511)	(454)	(456)	
Q6C - Did you know there is a City/County Telephone Information and Referral number?												
No	74%	70%	67%	72%	68%	74%	71%	71%	74%	76%	76%	72%
Yes	26%	30%	34%	28%	32%	26%	29%	29%	26%	24%	24%	28%
							(1,542)	(1,594)	(1,688)	(1,590)	(1,978)	(1,500)
Q6D - Have you used the City/County Information and Referral number in the past year?												
No	66%	55%	59%	65%	65%	70%	64%	64%	70%	72%	63%	68%
Yes	34%	45%	41%	35%	35%	30%	36%	36%	30%	28%	37%	32%
							(449)	(463)	(426)	(384)	(471)	(415)

2006								Prior Year TOTALS				
	West	North	NE	SE	Mid-Co	East	County Total	2005	2004	2003	2002	2001
COUNTY SERVICES -continued												
Q6E - How satisfied were you with the information received?												
Very dissatisfied	13%	6%	11%	17%	11%	15%	12%	13%	12%	15%	7%	8%
Somewhat dissatisfied	4%	15%	17%	13%	14%	10%	13%	12%	12%	9%	9%	5%
Somewhat satisfied	17%	29%	37%	29%	32%	35%	31%	35%	30%	25%	29%	30%
Very satisfied	65%	50%	34%	42%	43%	40%	44%	41%	46%	51%	55%	57%
							(159)	(168)	(129)	(107)	(170)	(131)
Q7 - Do you have access to the Internet either from home or from another location?												
No	9%	22%	12%	13%	21%	15%	15%	20%	21%	24%	26%	25%
Yes	91%	79%	88%	87%	79%	85%	85%	80%	79%	76%	74%	75%
							(1,548)	(1,599)	(1,692)	(1,593)	(1,988)	(1,504)
Q7A - Did you know Multnomah County has a web page?												
No	33%	35%	28%	32%	38%	42%	35%	38%	40%	45%	47%	50%
Yes	67%	65%	72%	69%	62%	58%	65%	62%	60%	55%	53%	50%
							(1,316)	(1,279)	(1,340)	(1,215)	(1,470)	(1,131)
Q7B - Have you ever used the Multnomah County web page?												
No	45%	44%	45%	46%	55%	58%	49%	50%	49%	61%	57%	61%
Yes	55%	56%	55%	54%	45%	42%	51%	50%	51%	39%	43%	39%
							(854)	(785)	(804)	(661)	(777)	(560)
Q7C - How satisfied were you with the web page?												
Very dissatisfied	4%	6%	4%	3%	9%	2%	4%	4%	3%	2%	1%	3%
Somewhat dissatisfied	6%	8%	14%	9%	6%	12%	9%	11%	10%	8%	7%	7%
Somewhat satisfied	65%	58%	58%	58%	69%	60%	61%	60%	55%	56%	48%	48%
Very satisfied	26%	28%	24%	30%	16%	27%	25%	26%	32%	34%	44%	42%
							(418)	(384)	(395)	(247)	(305)	(201)

2006								Prior Year TOTALS				
	West	North	NE	SE	Mid-Co	East	County Total	2005	2004	2003	2002	2001
COUNTY SERVICES - continued												
Q8A - In the past year, have you been a victim of a crime?												
No	85%	79%	74%	81%	73%	79%	78%	78%	78%	79%	80%	
Yes	15%	21%	26%	20%	27%	21%	22%	22%	22%	21%	20%	
							(1,548)	(1,598)	(1,693)	(1,592)	(1,989)	
Q8B - Did you report the crime?												
No	18%	32%	22%	24%	16%	19%	21%	23%	26%	26%	28%	
Yes	82%	68%	78%	76%	84%	82%	80%	77%	74%	74%	72%	
							(337)	(353)	(378)	(333)	(405)	
Q9A - Did you have contact with the District Attorney's Office?												
No	95%	91%	93%	96%	88%	85%	91%	87%	90%	91%	88%	
Yes	5%	9%	7%	4%	12%	15%	9%	13%	10%	9%	12%	
							(337)	(352)	(390)	(331)	(403)	
Q9B - Did they inform you of services that may help you?												
No							42%	49%	33%	28%	36%	
Yes		Numbers	too	small			58%	51%	67%	72%	64%	
							(31)	(45)	(40)	(29)	(47)	
Q9C - Did you receive help from a DA-appointed victim's advocate?												
No	100%	91%	99%	98%	96%	93%	96%	95%	85%	85%	52%	
Yes	--	9%	2%	2%	4%	7%	4%	5%	15%	15%	48%	
							(334)	(351)	(27)	(20)	(29)	
Q9D - Overall, how satisfied were you with this service?												
Very dissatisfied							13%	6%	-	-	7%	
Somewhat dissatisfied		Numbers	too	small			21%	6%	-	-	7%	
Somewhat satisfied							26%	33%	-	67%	22%	
Very satisfied							40%	56%	100%	33%	64%	
							(13)	(18)	(4)	(3)	(14)	

2006							Prior Year TOTALS					
	West	North	NE	SE	Mid-Co	East	County Total	2005	2004	2003	2002	2001
COUNTY SERVICES - continued												
Q10A - Do you use any of these bridges at least once a week: Sellwood, Hawthorne, Morrison, Burnside, Broadway, and/or Sauvie Island?												
No	37%	43%	30%	26%	66%	74%	47%	45%	45%	50%	44%	
Yes	63%	57%	70%	74%	34%	26%	53% (1,545)	60% (256)	55% (1,693)	50% (1,591)	56% (1,983)	
Q10B - In the past year, have you experienced a bridge closure or delay due to a special event or construction?												
No	36%	35%	26%	38%	35%	52%	35%	42%	43%	39%	38%	
Yes	64%	66%	74%	62%	65%	48%	65% (815)	58% (878)	57% (921)	61% (786)	62% (1,093)	
Q10C - Do you feel you were adequately notified in advance of the changes in traffic flow due to the event or construction?												
No	19%	16%	25%	24%	25%	25%	23%	23%	27%	24%	23%	
Yes	81%	84%	75%	76%	75%	75%	77% (522)	77% (503)	73% (512)	76% (474)	77% (671)	

	2006						Prior Year TOTALS					
	West	North	NE	SE	Mid-Co	East	County Total	2005	2004	2003	2002	2001
NEIGHBORHOOD												
Q11A – I think my neighborhood is a good place for me to live.												
Strongly disagree	--	2%	1%	2%	5%	3%	3%	3%	3%	2%	3%	4%
Somewhat disagree	2%	5%	4%	6%	12%	8%	6%	8%	6%	6%	5%	5%
Somewhat agree	15%	34%	27%	18%	37%	32%	27%	30%	28%	30%	30%	28%
Strongly agree	83%	59%	68%	73%	46%	57%	65%	59%	63%	62%	62%	64%
							(1,491)	(1,544)	(1,662)	(1,579)	(1,967)	(1,492)
Q11B - I feel there is a sense of community in my neighborhood.												
Strongly disagree	3%	6%	3%	4%	13%	9%	7%	9%	9%	7%	7%	8%
Somewhat disagree	10%	12%	13%	13%	20%	22%	15%	16%	15%	16%	13%	13%
Somewhat agree	44%	49%	45%	41%	40%	43%	43%	43%	39%	40%	43%	42%
Strongly agree	44%	33%	40%	43%	27%	26%	35%	33%	37%	37%	37%	37%
							(1,506)	(1,570)	(1,653)	(1,556)	(1,925)	(1,458)
Q11C - If children in my community were doing something wrong, neighbors would do something about it.												
Strongly disagree	3%	9%	5%	8%	12%	10%	8%	10%	8%	6%	6%	8%
Somewhat disagree	11%	18%	18%	13%	14%	12%	14%	15%	13%	13%	11%	13%
Somewhat agree	38%	37%	43%	40%	40%	44%	41%	40%	38%	42%	42%	40%
Strongly agree	48%	36%	34%	40%	34%	35%	38%	35%	41%	39%	41%	39%
							(1,452)	(1,499)	(1,542)	(1,449)	(1,817)	(1,339)
Q11D - Adults in my community know the kids in their neighborhood.												
Strongly disagree	8%	10%	9%	9%	13%	13%	10%	13%	11%	9%	9%	12%
Somewhat disagree	18%	25%	20%	15%	22%	22%	20%	19%	19%	19%	15%	19%
Somewhat agree	46%	44%	43%	45%	44%	42%	44%	43%	39%	43%	44%	40%
Strongly agree	28%	22%	28%	32%	22%	24%	26%	26%	31%	29%	32%	29%
							(1,412)	(1,456)	(1,517)	(1,410)	(1,772)	(1,330)

2006								Prior Year TOTALS				
	West	North	NE	SE	Mid-Co	East	County Total	2005	2004	2003	2002	2001
NEIGHBORHOOD - continued												
Q12A - Very few of my neighbors know me.												
Strongly disagree	37%	31%	37%	33%	28%	28%	32%	30%	34%	28%	30%	28%
Somewhat disagree	28%	22%	23%	28%	23%	26%	25%	22%	24%	24%	22%	21%
Somewhat agree	21%	29%	27%	22%	29%	26%	25%	28%	23%	29%	29%	29%
Strongly agree	15%	17%	13%	17%	20%	20%	17%	21%	19%	19%	19%	22%
							(1,515)	(1,552)	(1,664)	(1,572)	(1,972)	(1,496)
Q12B - People around here are willing to help their neighbors.												
Strongly disagree	2%	4%	4%	3%	5%	7%	4%	7%	6%	4%	5%	5%
Somewhat disagree	7%	9%	7%	7%	12%	5%	8%	7%	7%	7%	6%	8%
Somewhat agree	38%	44%	42%	40%	41%	46%	42%	42%	41%	44%	43%	41%
Strongly agree	53%	43%	46%	49%	42%	43%	46%	44%	46%	45%	46%	46%
							(1,507)	(1,565)	(1,641)	(1,518)	(1,910)	(1,451)
Q12C - I can recognize most of the people who live on my block.												
Strongly disagree	6%	5%	5%	8%	10%	9%	8%	8%	8%	7%	7%	8%
Somewhat disagree	11%	12%	10%	7%	12%	11%	10%	11%	10%	12%	10%	10%
Somewhat agree	30%	29%	25%	28%	27%	30%	28%	29%	28%	31%	35%	28%
Strongly agree	54%	55%	60%	57%	50%	50%	54%	52%	54%	50%	48%	54%
							(1,538)	(1,587)	(1,674)	(1,582)	(1,971)	(1,491)
Q12D - You can count on adults in this neighborhood to watch out that children are safe.												
Strongly disagree	3%	6%	3%	3%	10%	6%	5%	6%	6%	4%	5%	6%
Somewhat disagree	6%	7%	12%	11%	9%	11%	10%	12%	11%	11%	9%	9%
Somewhat agree	36%	46%	37%	41%	43%	36%	39%	38%	37%	40%	40%	37%
Strongly agree	55%	41%	47%	45%	38%	47%	46%	44%	46%	45%	46%	48%
							(1,436)	(1,491)	(1,535)	(1,423)	(1,836)	(1,371)
Q12E - People move in and out of my neighborhood a lot.												
Strongly disagree	45%	29%	34%	34%	37%	42%	38%	35%	39%	34%	38%	38%
Somewhat disagree	28%	33%	34%	39%	26%	28%	31%	28%	27%	30%	28%	26%
Somewhat agree	16%	27%	21%	18%	19%	18%	19%	20%	19%	22%	21%	20%
Strongly agree	12%	11%	11%	9%	18%	13%	12%	17%	15%	14%	13%	16%
							(1,513)	(1,561)	(1,637)	(1,553)	(1,913)	(1,452)

2006							Prior Year TOTALS					
	West	North	NE	SE	Mid-County	East	County Total	2005	2004	2003	2002	2001
NEIGHBORHOOD - continued												
Q12F - I regularly stop and talk with the people in my neighborhood.												
Strongly disagree	8%	10%	5%	9%	11%	13%	9%	11%	11%	11%	11%	13%
Somewhat disagree	11%	15%	15%	19%	16%	16%	16%	16%	13%	17%	13%	14%
Somewhat agree	37%	40%	36%	36%	38%	37%	37%	37%	39%	38%	42%	38%
Strongly agree	44%	35%	44%	37%	35%	34%	38%	36%	37%	34%	34%	35%
							(1,529)	(1,592)	(1,672)	(1,579)	(1,966)	(1,494)
Q13A - In your neighborhood how much of a problem is kids who are not in school during the day?												
No problem at all	92%	67%	74%	83%	74%	73%	78%	77%	78%	80%	80%	82%
Somewhat of a problem	8%	27%	22%	16%	22%	25%	20%	19%	19%	16%	16%	15%
A big problem	--	6%	4%	2%	4%	2%	3%	4%	3%	4%	4%	3%
							(1,442)	(1,481)	(1,567)	(1,453)	(1,810)	(1,293)
Q13B - How much of a problem is alcohol or drug abuse in your neighborhood?												
No problem at all	71%	46%	45%	53%	49%	54%	54%	50%	61%	65%	66%	63%
Somewhat of a problem	24%	38%	43%	36%	36%	35%	35%	36%	30%	26%	25%	28%
A big problem	5%	16%	12%	11%	15%	11%	11%	14%	9%	9%	9%	9%
							(1,451)	(1,501)	(1,573)	(1,466)	(1,809)	(1,289)
Q13C - How much of a problem is neighbors fighting in your neighborhood?												
No problem at all	90%	77%	81%	85%	80%	83%	83%	79%	80%	84%	83%	83%
Somewhat of a problem	9%	22%	17%	14%	16%	13%	15%	18%	17%	14%	14%	14%
A big problem	1%	1%	3%	1%	4%	4%	3%	4%	3%	2%	3%	3%
							(1,518)	(1,582)	(1,661)	(1,559)	(1,932)	(1,454)
Q13C1 -How often is this fighting within a family?												
Never	27%	13%	11%	16%	7%	3%	11%	15%	16%	19%	19%	14%
Sometimes	46%	65%	46%	61%	43%	66%	54%	57%	55%	51%	50%	55%
Often	27%	22%	44%	24%	50%	32%	35%	28%	29%	30%	31%	31%
							(233)	(301)	(290)	(223)	(298)	(197)

2006							Prior Year TOTALS					
	West	North	NE	SE	Mid-Co	East	County Total	2005	2004	2003	2002	2001
NEIGHBORHOOD - continued												
Q13D - How much of a problem is graffiti in your neighborhood?												
No problem at all	82%	59%	51%	54%	57%	65%	61%	66%	72%	78%	78%	73%
Somewhat of a problem	16%	36%	42%	39%	35%	29%	33%	29%	24%	18%	20%	23%
A big problem	2%	6%	7%	7%	8%	6%	6%	5%	4%	4%	2%	4%
							(1,541)	(1,595)	(1,686)	(1,585)	(1,968)	(1,486)
Q13E - How much of a problem in your neighborhood are kids hanging around after school and on weekends?												
No problem at all	89%	72%	72%	85%	75%	73%	78%	77%	81%	84%	84%	83%
Somewhat of a problem	9%	24%	25%	14%	21%	23%	19%	19%	15%	14%	14%	14%
A big problem	3%	5%	3%	1%	4%	5%	3%	5%	4%	2%	2%	3%
							(1,525)	(1,586)	(1,671)	(1,547)	(1,932)	(1,455)
Q14A - Are you aware of any homeless adults in your neighborhood?												
No	75%	61%	58%	48%	78%	90%	69%	69%	71%	76%	77%	75%
Yes	26%	39%	42%	52%	22%	10%	31%	31%	29%	24%	23%	25%
							(1,537)	(1,597)	(1,688)	(1,591)	(1,955)	(1,497)
Q14B - Are you aware of any homeless children in your neighborhood?												
No	97%	98%	99%	98%	98%	97%	98%	98%	98%	97%	98%	96%
Yes	3%	2%	1%	2%	2%	3%	2%	2%	2%	3%	2%	4%
							(1,540)	(1,591)	(1,684)	(1,583)	(1,957)	(1,495)
Q15A - In general, how safe do you feel walking alone in your neighborhood during the day?												
Very unsafe	--	--	1%	--	2%	1%	1%	1%	1%	1%	2%	2%
Somewhat unsafe	2%	5%	1%	4%	3%	6%	3%	3%	3%	3%	2%	1%
Somewhat safe	7%	17%	14%	14%	25%	19%	16%	20%	17%	17%	16%	15%
Very safe	91%	78%	84%	82%	71%	75%	80%	76%	79%	79%	80%	82%
							(1,544)	(1,596)	(1,687)	(1,580)	(1,972)	(1,499)
Q15B - In general, how safe do you feel walking alone in your neighborhood at night?												
Very unsafe	3%	11%	7%	7%	14%	11%	9%	10%	10%	9%	9%	8%
Somewhat unsafe	12%	27%	24%	18%	26%	23%	21%	21%	17%	18%	17%	14%
Somewhat safe	33%	33%	39%	36%	37%	33%	35%	35%	35%	38%	39%	39%
Very safe	52%	29%	30%	39%	23%	34%	35%	34%	38%	35%	35%	39%
							(1,532)	(1,583)	(1,650)	(1,534)	(1,893)	(1,431)

2006							Prior Year TOTALS					
	West	North	NE	SE	Mid-Co	East	County Total	2005	2004	2003	2002	2001
NEIGHBORHOOD - continued												
Q16A – How satisfied are you with the adequacy for recreational activities in your community?												
Very dissatisfied	3%	5%	5%	2%	14%	10%	5%	8%				
Somewhat dissatisfied	12%	11%	15%	13%	17%	21%	15%	13%				
Somewhat satisfied	32%	49%	43%	42%	48%	36%	41%	48%				
Very satisfied	54%	35%	37%	43%	29%	33%	39%	32%				
							(1,473)	(1,514)				
Q16B - How satisfied were you with the adequacy of cultural opportunities?												
Very dissatisfied	2%	5%	5%	6%	10%	10%	7%	8%				
Somewhat dissatisfied	12%	21%	17%	19%	19%	24%	18%	18%				
Somewhat satisfied	38%	50%	49%	41%	46%	43%	44%	46%				
Very dissatisfied	48%	24%	29%	35%	25%	23%	31%	27%				
							(1,413)	(1,460)				
Q16C How satisfied were you with the adequacy of opportunities of learning something new?												
Very dissatisfied	4%	4%	2%	3%	7%	4%	4%	7%				
Somewhat dissatisfied	7%	19%	16%	14%	14%	18%	14%	14%				
Somewhat satisfied	40%	51%	44%	45%	51%	46%	46%	49%				
Very satisfied	49%	26%	38%	38%	29%	32%	36%	31%				
							(1,392)	(1,440)				

2006							Prior Year TOTALS					
	West	North	NE	SE	Mid- Co	East	County Total	2005	2004	2003	2002	2001
Q17A - How good a job does the criminal justice system in Multnomah County do in controlling and preventing crime in your neighborhood?												
Very good job	27%	10%	12%	10%	10%	15%	14%					
Good job	40%	39%	31%	42%	34%	35%	36%					
Fair job	29%	33%	43%	36%	33%	35%	35%					
Poor job	1%	12%	9%	10%	15%	11%	10%					
Very poor job	4%	6%	4%	2%	9%	4%	5%					
							(1,479)					
Q17B - How good a job does law enforcement do in controlling and preventing crime in your neighborhood?												
Very good job	25%	17%	12%	11%	16%	20%	17%					
Good job	45%	42%	36%	47%	37%	42%	41%					
Fair job	25%	30%	39%	33%	29%	30%	31%					
Poor job	3%	8%	11%	8%	10%	7%	8%					
Very poor job	3%	3%	2%	1%	7%	2%	3%					
							(1,502)					
Q17C - How often do you think law enforcement stops people on the streets of your neighborhood without good reason?												
Never	60%	30%	26%	40%	48%	50%	42%					
On occasion	35%	49%	57%	48%	39%	40%	46%					
Fairly often	3%	17%	10%	8%	6%	7%	8%					
Very often	3%	4%	7%	4%	6%	3%	5%					
							(1,377)					

2006							Prior Year TOTALS					
	West	North	NE	SE	Mid- Co	East	County Total	2005	2004	2003	2002	2001
OTHER												
Q18 - In what year were you born?												
Q19 - Gender?												
Male	42%	42%	44%	41%	44%	34%	41%	42%	41%	41%	40%	40%
Female	58%	58%	56%	59%	56%	66%	59%	59%	59%	59%	60%	60%
							(1,548)	(1,599)	(1,692)	(1,594)	(1,989)	(1,508)
Q20 - How would you describe your current marital status?												
Single	15%	16%	23%	20%	12%	12%	16%	20%	18%	17%	23%	24%
Married	58%	57%	51%	49%	59%	61%	56%	49%	53%	53%	48%	50%
Living with a partner	6%	6%	8%	10%	6%	5%	7%	7%	7%	7%	7%	4%
Separated	2%	1%	1%	1%	1%	1%	1%	2%	2%	2%	2%	2%
Divorced	11%	13%	10%	11%	13%	11%	12%	14%	12%	12%	12%	12%
Widowed	8%	8%	7%	10%	10%	10%	9%	8%	8%	9%	8%	8%
							(1,538)	(1,588)	(1,686)	(1,586)	(1,964)	(1,492)
Q21 - Would you describe yourself as any of the following: Spanish, Hispanic, or Latin?												
No	98%	92%	95%	96%	92%	90%	94%	92%	93%	94%	95%	97%
Yes	2%	8%	5%	4%	8%	10%	6%	8%	7%	6%	5%	3%
							(1,534)	(1,594)	(1,685)	(1,973)	(1,973)	(1,502)
Q22 - How would you describe your race?												
White	92%	85%	78%	91%	87%	85%	86%	83%	83%	87%	84%	86%
American Indian or Alaska Native	--	1%	--	1%	3%	1%	1%	1%	2%	2%	1%	1%
Asian or Pacific Islander	2%	2%	2%	1%	2%	3%	2%	3%	2%	2%	3%	3%
Black or African - American	1%	4%	12%	--	2%	2%	3%	4%	4%	3%	4%	4%
Multi-racial	3%	4%	5%	5%	4%	3%	4%	5%	3%	2%	2%	2%
Other	1%	4%	2%	2%	3%	7%	3%	5%	6%	4%	6%	4%
							(1,506)	(1,557)	(1,673)	(1,577)	(1,951)	(1,482)

2006							Prior Year TOTALS					
							2005	2004	2003	2002	2001	
							2005	2004	2003	2002	2001	
OTHER	West	North	NE	SE	Mid-Co	East	County Total					
Q23 - What is the highest grade or level of school you have completed?												
Less than 8 years	--	1%	--	--	2%	1%	1%	2%	2%	2%	2%	1%
Some high school, without a diploma	1%	6%	3%	4%	6%	6%	5%	4%	6%	5%	6%	6%
High school diploma or GED	9%	22%	13%	13%	24%	21%	17%	18%	20%	20%	18%	19%
Associate Degree	6%	7%	5%	4%	10%	11%	7%	7%	7%	8%	8%	6%
Some college, but no degree	16%	23%	20%	26%	32%	29%	25%	28%	27%	27%	31%	30%
Bachelor's degree	29%	24%	29%	33%	12%	16%	23%	21%	20%	21%	18%	20%
Some graduate study, but no degree	5%	5%	8%	4%	2%	4%	5%	3%	4%	3%	4%	3%
Graduate or professional degree	34%	12%	21%	17%	11%	11%	18%	15%	14%	14%	13%	15%
							(1,543)	(1,596)	(1,686)	(1,590)	(1,972)	(1,495)
Q24 - About how many hours a week on average, if any, do you work?												
Q25 - In general, would you say your health is:												
Excellent	35%	21%	30%	25%	16%	19%	24%	24%	29%	26%	31%	29%
Very good	33%	35%	36%	41%	39%	38%	37%	33%	32%	37%	32%	36%
Good	22%	26%	19%	24%	25%	22%	23%	27%	21%	21%	22%	23%
Fair	8%	14%	12%	8%	15%	19%	12%	12%	13%	11%	11%	9%
Poor	2%	4%	3%	4%	6%	1%	3%	4%	5%	5%	4%	3%
							(1,540)	(1,596)	(1,689)	(1,586)	(1,976)	(1,499)
Q26 - On a typical day, to what extent does your physical health or functioning limit your activities?:												
Not at all	71%	59%	66%	69%	53%	60%	63%	65%	65%	65%	69%	73%
Some	23%	31%	27%	26%	35%	33%	30%	27%	26%	27%	24%	21%
A great deal	6%	10%	8%	5%	12%	7%	8%	7%	9%	8%	7%	6%
							(1,548)	(1,593)	(1,686)	(1,586)	(1,962)	(1,490)

		2006						Prior Year TOTALS					
		West	North	NE	SE	Mid-Co	East	County Total	2005	2004	2003	2002	2001
OTHER													
Q27	On a typical day, to what extent do emotional or mental health problems limit your activities?												
	Not at all	84%	82%	80%	79%	83%	82%	82%	80%	84%	84%	84%	85%
	Some	14%	17%	17%	19%	15%	17%	16%	17%	14%	14%	14%	13%
	A great deal	2%	2%	3%	2%	2%	1%	2%	3%	2%	2%	2%	2%
								(1,536)	(1,587)	(1,681)	(1,583)	(1,958)	(1,492)
Q28 -	How many children and adults, including yourself, are living in your household right now?												
Q29 -	Of the people in your household, how many are children aged 18 or younger?												
Q30 -	Do you live in:												
	Single family home	78%	89%	80%	79%	78%	77%	79%	74%	76%	76%	77%	77%
	A 2,3-,or 4-plex	2%	2%	7%	9%	4%	5%	5%	6%	6%	6%	7%	6%
	A larger apartment or condominium complex	19%	8%	13%	10%	14%	16%	14%	18%	15%	15%	13%	15%
	Other	1%	1%	--	2%	3%	3%	2%	3%	3%	3%	3%	2%
								(1,545)	(1,596)	(1,689)	(1,589)	(1,978)	(1,500)
Q31 -	Do you rent or own?												
	Rent	18%	16%	23%	28%	25%	22%	23%	30%	27%	29%	31%	30%
	Own	82%	84%	77%	72%	75%	78%	77%	70%	73%	71%	69%	70%
								(1,541)	(1,590)	(1,681)	(1,583)	(1,967)	(1,495)

2006							Prior Year TOTALS						
		West	North	NE	SE	Mid-Co	East	County Total	2005	2004	2003	2002	2001
OTHER													
Q32 -	What language do you usually speak at home?												
	English	97%	93%	99%	98%	93%	91%	95%	92%	93%	92%	94%	96%
	Spanish	1%	4%	--	1%	5%	6%	3%	5%	5%	4%	3%	1%
	Other	2%	3%	1%	2%	3%	3%	2%	3%	2%	4%	3%	3%
								(1,544)	(1,597)	(1,689)	(1,589)	(1,984)	(1,499)
Q33 -	Which of the following statements best describes your ability to get along on your household income?												
	You can't make ends meet	3%	6%	6%	5%	8%	8%	6%	7%	7%	7%	6%	7%
	You have just enough, no more	16%	22%	18%	21%	26%	21%	21%	24%	26%	23%	23%	21%
	You have enough, with a little extra sometimes	43%	49%	51%	46%	43%	43%	46%	42%	43%	46%	48%	45%
	You always have money left over	39%	24%	26%	27%	23%	28%	28%	26%	24%	24%	23%	27%
								(1,518)	(1,574)	(1,654)	(1,565)	(1,920)	(1,456)
Q34 -	Adding together the income of all people in your household, could you please tell us approximately what your total household income was last year, from all sources, before taxes? (MEAN)												
								\$66,805 (1,189)	\$62,298 (1,259)	\$59,348 (1,282)	\$58,595 (1,134)	\$55,079 (1,304)	\$58,124 (1,089)



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # 05 DATE 12-14-06
MEAGAN SWENSON, ASST BOARD CLERK

Board Clerk Use Only

Meeting Date: 12/14/06
Agenda Item #: R-5
Est. Start Time: 10:30 AM
Date Submitted: 11/20/06

BUDGET MODIFICATION: HD - 12.

**Budget Modification HD-12 Appropriating \$386,036 for the Health
Departments Participation in an Enhanced Nurse Home Visitation Project
Agenda Title: to Prevent Intimate Partner Violence**

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

Date Requested:	<u>December 14, 2006</u>	Time Requested:	<u>5 minutes</u>
Department:	<u>Health Dept.</u>	Division:	<u>ICS</u>
Contact(s):	<u>Angela Burdine, Budget Manager</u>		
Phone:	<u>503 988-3663</u>	Ext.	<u>26457</u>
	I/O Address:		<u>167/210</u>
Presenter(s):	<u>Jan Wallinder, Program Manager</u>		

General Information

1. What action are you requesting from the Board?

Approval and appropriation of \$386,036 in funding for the Health Departments participation in An Enhanced Nurse Home Visitation Project to Prevent Intimate Partner Violence.

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

This project is part of a Centers for Disease Control & Prevention funded research project at Portland State on domestic violence prevention in nurse home visiting services. The project will add staff to the Nurse Family Partnership (NFP) program to test use of enhanced nursing assessments, interventions and prevention curriculum to prevent domestic violence within the NFP model. Community Health Nurses will provide comprehensive prenatal, postpartum and child health assessments using the best practices NFP model. Specific training in the NFP model and the enhanced domestic violence intervention component will be provided. This is a collaboration with Portland State University, Centers for Disease Control and Prevention and Multnomah County Health Department (MCHD). Funding to MCHD is for services. The research project and grant are

managed by faculty at Portland State University

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

Increase the Health Departments Fed/State budget by \$386,036 and 3.0 FTE in FY07

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

This is a research project and will be reviewed and approved by the Institutional Review Boards for Multnomah County Health Department and Centers for Disease Control & Prevention (CDC).

Clients will need to consent for participation in the research project.

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

Staff at CDC Division of Violence Prevention and faculty at Portland State University and Johns Hopkins University have been involved in developing the research protocol.

ATTACHMENT A

Budget Modification

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

- What revenue is being changed and why?
The Health Departments Fed/State revenue will increase by \$386,036 as a result of a contract between Portland State University and Multnomah County Health Department. (\$306,333 10 month of Contract Revenue with Portland State University, \$18,316 from Targeted Case Management, and \$61,387 from Maternity Case Management)
- What budgets are increased/decreased?
Health Departments , Community Health Services, Early Childhood Services program will increase by \$386,036
- What do the changes accomplish?
Participation in a research project in partnership with the Centers for Disease Control and Prevention to learn what interventions are effective in preventing intimate partner violence. Learnings from the research project will be used by David Olds and the National Nurse Family Partnership Office to incorporate into the NFP curriculum. The project adds additional NFP nurses to serve more first time pregnant women in Multnomah County.
- Do any personnel actions result from this budget modification? Explain.
Hire and Recruit
0.5 Office Assistant 2 (.375 in FY07)
3.0 Community Health Nurse (2.25 in FY07)
0.5 Program Supervisor (.375 in FY07)
- How will the county indirect, central finance and human resources and departmental overhead costs be covered?
Indirect will be covered by new revenue
- Is the revenue one-time-only in nature?
Four Year Contract
- If a grant, what period does the grant cover?
revenue contract 8/31/06 - 8/31/07 but will be renewed for 4 yrs
- If a grant, when the grant expires, what are funding plans?
Research project will be completed.

<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 - 12

Required Signatures

Department/
Agency Director:



Date: 11/16/06

Budget Analyst:



Date: 11/20/06

Department HR:



Date: 11/16/06

Countywide HR:

Date:

Budget Modification ID: **HD-07-12****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	40-30	32222	30			4CA84-1	50195		(306,333)	(306,333)		10 month grant proration
2	40-30	26190	30			4CA84-00-26190	50236		(18,316)	(18,316)		Targeted Case Mgmt.
3	40-30	32068	30			4CA84-00-32068	50236		(61,387)	(61,387)		Maternity Case Mgmt
4	40-30	32222	30			4CA84-1	60000		147,147	147,147		
5	40-30	32222	30			4CA84-1	60120		1,535	1,535		Bilingual Premium - CHN (1560 hrs)
6	40-30	32222	30			4CA84-1	60130		43,282	43,282		
7	40-30	32222	30			4CA84-1	60140		34,779	34,779		
8	40-30	32222	30			4CA84-1	60150		5,944	5,944		
9	40-30	32222	30			4CA84-1	60170		9,923	9,923		
10	40-30	32222	30			4CA84-1	60180		794	794		
11	40-30	32222	30			4CA84-1	60240		8,796	8,796		
12	40-30	32222	30			4CA84-1	60246		1,587	1,587		
13	40-30	32222	30			4CA84-1	60250		119	119		
14	40-30	32222	30			4CA84-1	60260		4,722	4,722		
15	40-30	32222	30			4CA84-1	60270		5,135	5,135		
16	40-30	32222	30			4CA84-1	60350		6,421	6,421		
17	40-30	32222	30			4CA84-1	60355		14,382	14,382		
18	40-30	32222	30			4CA84-1	60370		2,547	2,547		
19	40-30	32222	30			4CA84-1	60430		18,539	18,539		
20	40-30	32222	30			4CA84-1	60440		397	397		
21	40-30	32222	30			4CA84-1	60460		286	286		
22	40-30	26190	30			4CA84-00-26190	60000		8,798	8,798		
23	40-30	26190	30			4CA84-00-26190	60120		92	92		
24	40-30	26190	30			4CA84-00-26190	60130		2,588	2,588		Central Indirect
25	40-30	26190	30			4CA84-00-26190	60140		2,079	2,079		
26	40-30	26190	30			4CA84-00-26190	60150		355	355		
27	40-30	26190	30			4CA84-00-26190	60170		593	593		Dept. Indirect
28	40-30	26190	30			4CA84-00-26190	60180		47	47		
29	40-30	26190	30			4CA84-00-26190	60240		526	526		
										(64,624)	0	Total - Page 1
										0	0	GRAND TOTAL

Budget Modification ID: **HD-07-12****EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 2007

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center	WBS Element						
30	40-30	26190	30			4CA84-00-26190	60246		95	95		
31	40-30	26190	30			4CA84-00-26190	60250		7	7		
32	40-30	26190	30			4CA84-00-26190	60260		282	282		
33	40-30	26190	30			4CA84-00-26190	60270		307	307		
34	40-30	26190	30			4CA84-00-26190	60350		384	384		
35	40-30	26190	30			4CA84-00-26190	60355		860	860		
36	40-30	26190	30			4CA84-00-26190	60370		152	152		
37	40-30	26190	30			4CA84-00-26190	60430		1,108	1,108		
38	40-30	26190	30			4CA84-00-26190	60440		24	24		
39	40-30	26190	30			4CA84-00-26190	60460		17	17		
40	40-30	32068	30			4CA84-00-32068	60000		29,487	29,487		
41	40-30	32068	30			4CA84-00-32068	60120		308	308		
42	40-30	32068	30			4CA84-00-32068	60130		8,673	8,673		
43	40-30	32068	30			4CA84-00-32068	60140		6,969	6,969		
44	40-30	32068	30			4CA84-00-32068	60150		1,191	1,191		
45	40-30	32068	30			4CA84-00-32068	60170		1,989	1,989		
46	40-30	32068	30			4CA84-00-32068	60180		159	159		
47	40-30	32068	30			4CA84-00-32068	60240		1,763	1,763		
48	40-30	32068	30			4CA84-00-32068	60246		318	318		
49	40-30	32068	30			4CA84-00-32068	60250		24	24		
50	40-30	32068	30			4CA84-00-32068	60260		946	946		
51	40-30	32068	30			4CA84-00-32068	60270		1,029	1,029		
52	40-30	32068	30			4CA84-00-32068	60350		1,287	1,287		
53	40-30	32068	30			4CA84-00-32068	60355		2,882	2,882		
54	40-30	32068	30			4CA84-00-32068	60370		510	510		
55	40-30	32068	30			4CA84-00-32068	60430		3,715	3,715		
56	40-30	32068	30			4CA84-00-32068	60440		80	80		
57	40-30	32068	30			4CA84-00-32068	60460		57	57		
58									0			
										64,624	0	Total - Page 2
										0	0	GRAND TOTAL

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

32.09%

29.08%

Fringe

6.50%

Insurance1

\$5,650

\$10,443

Insurance2

ANNUALIZED

Fund	Job #	HR Org	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
1505	9361	67896	Program Supervisor	712857	0.50	73143.00	21,270	15,197	109,610
1505	6315	67896	Community Health Nurse	712858	1.00	64394.00	18,726	14,629	97,748
1505	6315	67896	Community Health Nurse	712859	1.00	64394.00	18,726	14,629	97,748
1505	6315	67896	Community Health Nurse	712860	1.00	64394.00	18,726	14,629	97,748
1505	6001	64900	Office Assistant 2	712861	0.50	17487.00	5,085	6,787	29,359
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
			TOTAL ANNUALIZED CHANGES		4.00	283,812	82,533	65,870	432,214

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

Fund	Job #	HR Org	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
1505	9361	67896	Program Supervisor	712857	0.375	27,429	7,976	5,699	41,104
1505	6315	67896	Community Health Nurse	712858	0.750	48,296	14,044	10,971	73,311
1505	6315	67896	Community Health Nurse	712859	0.750	48,296	14,044	10,971	73,311
1505	6315	67896	Community Health Nurse	712860	0.750	48,296	14,044	10,971	73,311
1505	6001	64900	Office Assistant 2	712861	0.375	13,115	3,814	5,090	22,019
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
			TOTAL CURRENT FY CHANGES		3.00	185,430	53,923	43,703	283,057



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-6 DATE 12-14-06
MEAGAN SWENSON, ASST BOARD CLERK

Board Clerk Use Only

Meeting Date: 12/14/06
Agenda Item #: R-6
Est. Start Time: 10:32 AM
Date Submitted: 11/20/06

BUDGET MODIFICATION: HD - 13

Budget Modification HD-13 Requesting Approval of \$5,000 from the Juan Young Trust to Assist in Providing Dental Care to Patients at the Juvenile
Agenda Title: Detention Center

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

Date Requested:	<u>December 14, 2006</u>	Time Requested:	<u>5 minutes</u>
Department:	<u>Health Dept.</u>	Division:	<u>ICS</u>
Contact(s):	<u>Angela Burdine, Budget Manager</u>		
Phone:	<u>503 988-3663</u>	Ext.	<u>26457</u>
	I/O Address:		<u>167/210</u>
Presenter(s):	<u>Gayle Burrow, Corrections Health Program Administrator</u>		

General Information

1. What action are you requesting from the Board?

Approval of request for appropriation of \$5,000 from the Juan Young Trust to assist in providing Dental Care to patients at the Juvenile Detention Center.

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

Youth in our community do not have ready access to dental care. If they enter detention at the Juvenile Detention Center, dental emergencies sometimes occur. At this time, we only have the capability of performing dental evaluations at the Juvenile Facility. If further care is needed, we refer the youth out to the community for care. This grant provides full service dental care once a month for youth in the facility. This fully equipped dental van from NW medical teams provides a means for this care to occur. Athena Bettger and Tom Waltz submitted the grant to Juan Young Trust and were awarded \$5000.00 for these services. These funds will pay for the driver of the van as well as supplies. Corrections Health will provide the Dentist and Dental Assistant to provide care. The van is scheduled one day a month at the facility to provide dental care to 4-6 youth with

multiple dental needs per day.

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

This bud mod will increase the Health Departments budget by \$5000 in FY07

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

N/A

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

N/A

ATTACHMENT A

Budget Modification

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

- What revenue is being changed and why?
The Health Departments Fed/State revenue budget will increase by \$5000 as a result of this grant award.
- What budgets are increased/decreased?
Health Departments Corrections Health budget will be increased by \$5000
- What do the changes accomplish?
Provide needed dental care to youth at the Juvenile Detention Center
- 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 grant only pays for the Van. Indirect will be covered by General Fund
- Is the revenue one-time-only in nature?
One time only
- If a grant, what period does the grant cover?
July 2006 - July 2007
- If a grant, when the grant expires, what are funding plans?
Service will be discontinued unless other funds are received.

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

ATTACHMENT B

BUDGET MODIFICATION: HD - 13

Required Signatures

Department/
Agency Director:



Date: 11/16/06

Budget Analyst:



Date: 11/20/06

Department HR:

Date:

Countywide HR:

Date:

Budget Modification ID: **HD-07-13****EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 2007

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center	WBS Element						
1	40-50	49000	30			4CA69-7	50210		(5,000)	(5,000)		Juan Young Trust-Dental Van Rental
2									0			
3	40-50	49000	30			4CA69-7	60210		5,000	5,000		Van Rental
4	40-50	49000	30			4CA69-7	60350		123	123		Central Indirect
5	40-50	49000	30			4CA69-7	60355		276	276		Dept Indirect
6	40-90	1000	30		409001		60000		(399)	(399)		Salary Savings
7									0			
8	19	1000	0020		9.5E+09		50310		(123)	(123)		Indirect reimbursement revenue in General Fund
9	19	1000	0020		9.5E+09		60470		123	123		CGF Contingency expenditure
10									0			
11	40-90	1000	30		409050		50370		(276)	(276)		Indirect Dept reimbursement revenue in General Fund
12	40-90	1000	30		409001		60000		276	276		Off setting Dept expenditure in General Fund
13									0			
14									0			
15									0			
16									0			
17									0			
18									0			
19									0			
20									0			
21									0			
22									0			
23									0			
24									0			
25									0			
									0	0		Total - Page 1
									0	0		GRAND TOTAL



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 12/14/06
Agenda Item #: R-7
Est. Start Time: 10:35 AM
Date Submitted: 12/05/06

BUDGET MODIFICATION: -

RESOLUTION Approving Allocating Strategic Investment Program
Agenda Community Housing Funds to Assist in Developing a Low Income Housing
Title: Project by Innovative Housing, Inc.

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

Date Requested:	December 14, 2006	Time Requested:	10 minutes
Department:	DSCP	Division:	DSCP
Contact(s):	HC Tupper		
Phone:	503/988-3114	Ext.	83114
		I/O Address:	167/200
Presenter(s):	HC Tupper		

General Information

1. What action are you requesting from the Board?

We are requesting that the Board adopt the attached resolution approving the re-allocation of SIP Community Housing Funds in the amount of \$80,000.00 to Innovative Housing, Inc, for a proposed low-income housing project at the Clifford Apartments at 527 SE Morrison Street.

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

In February of 2006, the Board approved funding of seven proposals for low income housing, benefiting chronically homeless people, utilizing SIP Community Housing Funds. Among those proposals funded was a project by Innovative Housing, Inc. to acquire and renovate an Econo Lodge motel building at 405 NE Columbia Boulevard in Portland. The SIP funds were earmarked specifically to provide permanent supportive housing for chronically homeless individuals. The project was also designed to provide services to other high need tenants, ex-offenders and people in alcohol and drug recovery, that are provided services through County funded programs. Innovative Housing, Inc. was not able to complete acquisition of the property, as the majority owner sold the

building to his partners.

Innovative Housing, Inc. has submitted a new proposal to acquire a lease /purchase option for the Clifford Apartments, at 527 SE Morrison Street in inner Southeast Portland, and provide an equivalent housing and support service package to the previously SIP funded project at the Econo Lodge. The Clifford Apartments are an 84 unit building, with a mix of single room occupancy units, studios and one-bedroom apartments. The target populations are very low income and homeless individuals with significant and often multiple barriers to housing. There are enough units in the Clifford to retain many of the current low-income residents while also accommodating the permanent supportive housing units. In addition to access to job training and case management services, a 24-hour staffed front desk and community room space will be provided.

Innovative Housing Incorporated proposes to relocate some of the residents from their Musolf Manor building in downtown Portland to the Clifford Apartments. This will allow them to access relocation monies from the Portland Development Commission to help defray the cost of acquiring a purchase option for the Clifford Apartments. Due to a restrictive mortgage secured against the building that does not allow prepayment, Innovative Housing has chosen an acquisition strategy that includes a purchase option and master lease agreement until the onerous mortgage expires in 2010. The purchase option gives Innovative Housing, Inc. the right to purchase the building and the master lease gives them operating control of the building to create the desired housing and services opportunities.

The purchase option payment is due in February of 2007. The County's SIP community Housing funds will go towards the cost of securing the purchase option. The proposal from Innovative Housing, Inc. for acquisition and development of the Clifford is attached with this memo for more complete information concerning both the financial and service plans for the building. Should the Board approve the attached resolution staff will prepare a grant agreement for the disbursement of the SIP funds that secures the performance of Innovative Housing, Inc. to provide permanent supportive housing at the site for a period of 60 years.

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

Innovative Housing, Inc. is requesting that the \$80,000.00 previously awarded for the Econo Lodge project is reallocated to the Clifford Apartments project. There is no net change to the awarded amounts from the SIP Community Housing Fund. The SIP Community Housing Fund is sufficiently capitalized to make this grant this fiscal year. Innovative Housing, Inc. needs the SIP Community Housing Funds to make its Option payment to secure the Clifford Apartments building by early February of 2007.

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

The Innovative Housing, Inc. Clifford Apartment's proposal conforms to the principles and the highest priorities stated in the countywide Consolidated Plan of Multnomah County, the City of Portland and the City of Gresham (Housing and Community Development Commission 2006 - 2011). As the provider of social services to people with disabilities and special needs in our community, housing chronically homeless people, people with mental health issues and ex-offenders is a central focus for Multnomah County efforts to blend housing and support services. At least 15 of the units in the Clifford will be reserved for chronically homeless people with little or no income. All the units in the Clifford Apartments will be rented at affordable rates for 60 years.

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

Service partnerships are a key element in the development of successful supportive housing projects. Initial discussions for delivering services at the Clifford Apartments have taken place with the City of Portland BHCD for its "Key not a Card" program and other rent subsidy programs. Multnomah

County's Department of Community Justice will provide ex-offender case management and other program services. The Multnomah County Department of Mental Health and Addiction Services is slated to provide support services for formerly homeless residents with drug, alcohol and mental health problems. The SE Works, through the US Dept. of Labor reintegration grant will provide employment and job readiness services.

The Portland Development Commission will also provide financial support for the project.

Required Signatures

**Department/
Agency Director:**

 J. T. Pae

Date: 11/26/06

Budget Analyst:

Date: _____

Department HR:

Date: _____

Countywide HR:

Date: _____



INNOVATIVE HOUSING, INC.

December 4, 2006

Dear Chair Linn and Commissioners:

I am writing with good news. Innovative Housing, Inc. (IHI) has found a replacement site for The Lodge Project. We are proposing to use The Clifford Apartments, located at 527 SE Morrison as the site for our housing program previously entitled "The Lodge." The Clifford has 84 efficiency apartments, a lobby with community space, four commercial storefronts and a full basement that has unutilized space for future program growth.

As you may remember, The Lodge was designed to provide permanent supportive housing for ex-offenders, chronically homeless individuals, and people in recovery. A diverse group of service providers collaborated and pooled their resources for The Lodge, creating a comprehensive service package that included on-site case management, resident service supports, and employment training and placement services. Unfortunately, IHI lost site control of the motel located at the corner of Northeast Martin Luther King Jr. and Columbia Boulevards (a former Econo-Lodge - hence the project's name) that we thought would house this project. The Seller decided to accept a buy-out offer from his partners instead of selling to IHI. The Commission's strong support for the housing program and service package offered at The Lodge resulted in IHI being allowed to retain the \$80,000 Strategic Investment Partnership grant that was awarded for The Lodge until IHI identified another appropriate site.

We believe The Clifford is that site. We have conditional site control in the form of an Option and Purchase and Sale Agreement. This agreement gives IHI the right to buy the building, contingent on our approval of due diligence and the negotiation of a master lease agreement with the seller that will give IHI operating control of the building through 2010 when we can exercise our purchase option. In order to secure unconditional site control, IHI must make a \$400,000 option payment on February 1, 2007.

IHI is requesting the Commission's approval of The Clifford as the new site for the housing and service program previously entitled The Lodge and its authorization to use our \$80,000 SIP grant toward our February 2007 option payment. Attached is a comprehensive description of The Lodge project, The Clifford Apartments, a project timeline, and interim use and funding plans. Innovative Housing would like to thank the Commission for its continued support and leadership in the area of permanent supportive housing. We look forward to implementing The Lodge's housing and service program at The Clifford.

Sincerely,

Sarah J. Stevenson
Executive Director

[illegible]



The Clifford

527 SE Morrison
Portland, OR

Building Exterior
&
Lobby



The Lodge at The Clifford, 527 SE Morrison

Innovative Housing, Inc.

November, 2006

1. Project Description

Innovative Housing is proposing a new low-barrier, permanent supportive housing project for chronically homeless singles, ex-offenders, and individuals receiving residential alcohol and drug recovery services from Multnomah County. The proposed site is The Clifford, an 84-unit apartment building located at 527 SE Morrison. This location is very favorable for the proposed populations due to its excellent transit access, close proximity to employment, and its distance from single-family neighborhoods and schools. Additionally, there are services such as grocery stores, recreation and health care just a short bus ride away. The facility itself is a good fit for the proposed mix of residents. It is in fairly good condition, with an interior remodel completed in 1999. Currently there are 29 single room occupancy (SRO) units, 49 studio apartments, and 6 one bedroom apartments. IHI is evaluating the cost of combining some of the smaller SRO rooms into studio apartments with bathrooms and kitchenettes, bringing the total number of units to 70 plus a manager's apartment. Units will range in size from about 275 to 425 square feet.

The service package for this new housing project was originally designed to support affordable units at an Econo-Lodge motel, a project that we entitled "The Lodge." Unfortunately, IHI lost site control of the original property and has been searching for a replacement site for the last several months. We plan to overlay the original service package designed for The Lodge onto a comparable number of units at The Clifford.

As with The Lodge, service partnerships will be a key element to the success of residents at The Clifford. Initial program discussions have taken place with SE Works for employment services through their Department of Labor reintegration grant, the City of Portland for Key Not a Card and other rent subsidy programs, the Multnomah County Department of Community Justice for ex-offender case management and services, Multnomah County for mental health, addictions, and other support services for formerly homeless residents, and the Multnomah County Department of Mental Health and Addiction Services for alcohol and drug rehabilitation programs. Please see attached letters of support. The letter from SE Works was originally written for The Lodge but the services will be offered at The Clifford. Letters of support from the Department of Community Justice, the Department of Human Services and Mental Health and Addiction Services have been updated to address the Clifford.

Target Population

The target populations for this project are very low-income and homeless individuals with significant barriers to housing. We propose a unit mix of approximately 15 chronically homeless, 15 ex-offenders, and 15 individuals exiting residential treatment programs funded by Multnomah County. Depending on funding availability, there may be some change in that mix. Additional units will be available to other hard-to-house populations that do not fit these three categories. There are enough units at The Clifford to retain a good number of the current low

income residents while also accommodating reprogrammed Permanent Supportive Housing (PSH) units.

There is a shortage of low-barrier housing affordable to singles at or below 30% of AMI in Portland. Our proformas assume rents at 30%, 43% and 46% of area median income, but we intend to seek rent subsidies to bring at least one third of the unit rents down to levels affordable to homeless singles (ie: McKinney SHP or Shelter Plus Care vouchers, or Key Not a Card vouchers) and have been pre-qualified through the Multnomah County Department of Community Justice RFQ, "Transitional Housing with Case Management Services for Ex Offenders" in Spring of 2006. We will also continue to explore potential funding for individuals exiting Multnomah County residential treatment programs and engaging in County outpatient services rather than staying in expensive treatment programs and occupying valuable recovery beds. The cost of housing at The Clifford will be less than \$20/day, which represents a significant savings over the daily cost of residential treatment.

The target population for this project faces many barriers to housing in addition to lack of income. We are proposing to relax traditional screening criteria to enable hard-to-house individuals to access stable housing and supportive services at this site. Screening criteria will be crafted to address the following goals:

- house people with criminal histories;
- house people with bad rental histories and bad credit;
- house people who are chronically homeless and have a mental illness or substance abuse disability;
- house people who may not be chronically homeless but are indigent and receiving substance abuse recovery services from Multnomah County; and
- encourage residents to work toward job readiness.

In addition to stable housing, this project will provide access to the tools that residents need for success, including job training, case management, 24-hour desk and community room space for service activities. We are also budgeting for additional resident service coordination to assist with life skills training (ie: access to community services, household budgeting, health and nutrition).

Resident Services

IHI is working hard not only to provide safe, decent, affordable housing to low and very low-income residents, but also to help them maintain their housing stability and improve their quality of life. Our Resident Services Program works with local service providers like SE Works to connect residents with valuable case management and other services. One important aspect of our program is conducting a needs assessment for residents to make sure they are accessing all the services to which they are entitled – this includes utility assistance, food stamps, SSI/SSD, and health care through the Oregon Health Plan.

Through partnerships and direct services, we help residents connect with community resources, provide resource referrals, support community building activities, and facilitate on-site workshops and classes on topics that include internet search skills (in on-site computer labs), nutrition and cooking, and financial literacy. Some of our workshops and resource referrals

focus on improving job skills, finding employment, and resume writing, all of which will help residents increase their incomes and hopefully move out of poverty. We have worked with local banks to offer financial education workshops, which include basic banking and household budgeting, and we are working on partnerships to secure credit counseling services for residents. IHI's Resident Services Coordinator is also developing a program to help low-income residents avoid the trap of payday lending and/or get themselves out of high interest-rate debt.

IHI's Resident Services Program will provide resource referrals and service coordination for basic needs and life skills trainings. SE Works will provide employment services. Multnomah County will provide mental health treatment and addictions services and we hope to secure targeted services for ex-offenders through the Department of Community Justice. The goal of these services will be to help residents maintain housing stability, improve their quality of life, and become financially independent.

Supportive Services

As stated above, IHI will partner with service providers to ensure that critical supportive services such as recovery services, mental health treatment, and case management are available to residents. We have met with SE Works, the Multnomah County Department of Community Justice, and the Multnomah County Department of Human Services to begin developing service partnerships. Case management and rent subsidy may be available for ex-offenders through the Department of Community Justice and rent subsidy and recovery services may be available through the Department of Mental Health and Addition Services (see attached letters of support from the Multnomah County Departments of Community Justice, Human Services and Mental Health and Addiction Services).

One of the main goals for residents at The Clifford will be job readiness and progression toward employment. A partnership with SE Works would enable residents coming out of prison to access case management and employment services through their Department of Labor reintegration grant (see attached letter of support from SE Works). These services include an employment-centered program that incorporates mentoring, job training and other comprehensive transitional services. There is also potential for other economic development activities, including on-site training programs and partnerships with local employers (there are many opportunities for commercial and industrial employment nearby in the Central Eastside Industrial District). Additionally, the full basement in the building has much underutilized space, which, if remodeled, has the potential to be used for job training or other related activities.

Community Space

The Clifford currently has a community room and adjacent main floor lobby. The planned project budget includes funds to reconfigure and improve this space, creating more usable community space. The community space will be flexible and will include community gathering space, a 24-hour desk, a computer lab, and private meeting rooms for residents to meet with case managers and to hold group meetings. The 24-hour desk is an especially important component to this project, as individuals leaving prison under early release programs and/or those on restricted parole will need to sign in and out as a condition of their release. The community space will also provide space for tenant services, workshops, classes, and other resident activities. As mentioned above, the basement of the building provides additional use

opportunities. A laundry room and individual storage units already exist in the space, and the possibility of adding a community kitchen, a fitness room and other community space is being explored.

Affordability

IHI's goal is to develop the project with no conventional loans so that the property is not burdened by debt service. This is the only way that the project's operating budget can support features like a 24-hour desk and maintain very low rents. The project needs a substantial public subsidy to support the combination of affordable rents, intense supportive services, and enhanced property management for our target population. The following are project features that support ongoing affordability:

- Real property tax exemption – the site will be eligible for real property tax exemption under the City's non-profit owned low-income housing program.
- Rent subsidies through various programs including federal McKinney funding (SHP, Shelter+Care), the City of Portland's Continuum of Care and programs like Key Not a Card, and other subsidy programs for ex-offenders and chronically homeless individuals.
- Service matches under various funding programs that require a match in order to leverage rent subsidy or vice versa (ie: McKinney Supportive Housing Program rental subsidy requires a service match, SE Works DOL grant requires a City funding match).

Operating expenses increase consistently – increases in fixed costs have been anticipated in our proformas but we also hope to curb such increases by focusing the remodeling needed on high-quality, durable materials and finishes. IHI has experienced higher increases in fixed operating expenses than rent levels at all of our affordable properties over the years. We have addressed this by implementing cost saving measures (sharing staff resources amongst properties, installing energy and water saving fixtures and appliances, bundling properties to secure optimal insurance rates, etc.) and with aggressive asset management (refinancing mortgages, paying down high-rate second mortgages, pursuing property tax reductions, optimizing commercial incomes, etc.). We also engage in proactive preventive maintenance to avoid costly repairs down the road. These measures, and IHI's experience managing properties over the last 15-20 years, allow IHI to maintain cash flow at our properties while keeping rents as low as possible (and well below the limits set by our funding agreements).

2. The Clifford: Interim Building Use Plan

IHI intends to use The Clifford Apartments as a relocation site for residents of Musolf Manor, a project in Old Town that IHI will be renovating, from August 2007 through August 2008. Then, in August of 2008, IHI will have 40-45 units available at The Clifford to implement the housing and services program described above. This gives IHI unconditional site control while still allowing us sufficient lead time to assemble the services, rent subsidies, and capital funding to renovate and reprogram these units as permanent supportive housing.

The Purchase Structure

There have been several attempts in the recent years to purchase The Clifford by both non-profit and for-profit entities. These attempts have failed, mainly due to a highly restrictive \$2 Million mortgage on the property that does not allow prepayment until 2010 and does not allow secondary financing on the property. With a sales price of more than \$3 Million, this left a substantial gap for any purchaser to make up in the form of cash or other funds not secured by the property.

Purchase Option and Master Lease

IHI has overcome this problem by securing a Purchase Option and a Master Lease of the building until October 2010 when the problem mortgage term ends. The Purchase Option gives IHI the incontrovertible right to purchase the property at the end of the mortgage term, while the Master Lease gives us operating control of the building in the meantime. This arrangement requires a \$400,000 option payment on February 1, 2007. IHI has requested a \$300,000 advance from our Musolf Manor relocation budget. IHI will contribute \$20,000 of its own cash to the deal and we would like to use the \$80,000 Multnomah County SIP Grant for this purpose. This \$400,000 option payment will be applied toward our purchase price at closing in 2010.

Using The Clifford for both Musolf Manor relocation and as our new site for The Lodge housing/service package enables IHI to access two funding sources that would not otherwise be available in combination. The Clifford presents a unique opportunity because it is appropriate and usable for both of these purposes and the timing of doing so is almost perfect. Musolf Manor relocation will be complete in August 2008, which gives IHI just the right amount of time to assemble the capital funding and service partnerships necessary to support permanent supportive housing for ex-offenders, chronically homeless individuals, and very low-income people exiting residential recovery programs. A timeline is attached that illustrates our proposed uses of the building.

3. The Clifford: What Rehab is Needed?

Initial walk-throughs of The Clifford indicate that the building is ready to occupy, with some minor improvements. In fact, the building is now occupied and almost full, which is why the Master Lease is needed to control and empty some units through attrition on turnover in preparation for both the Musolf Manor temporary relocation and the future Lodge project residents.

IHI is currently exploring how much future rehab the building needs. A building inspection, specialty trade evaluations (such as plumbing, electrical, heating, environmental), and structural deconstructive testing are being pursued to answer questions about the type and extent of rehab that will be required in 2010 when IHI purchases the building. Some seismic and other major rehab was done in 1999 after the building was damaged by a fire.

IHI's goals for investigation of the property are threefold: 1) Ensure the building is safe and sanitary throughout the Master Lease period without major rehab; 2) Ensure that the scope of

rehab necessary in 2010 is affordable and reasonable; and 3) Determine that any improvements made in 2010 can be completed while the building is occupied.

2. Multnomah County Funding Request

IHI is requesting the reallocation of \$80,000 from the previously approved Econo Lodge site to The Clifford Apartments site. Specifically, the funds will go toward:

- \$80,000 Option payment for site control until October of 2010

The total Option Payment due in February, 2007 is \$400,000. PDC will be providing \$300,000 of this amount, with \$80,000 from Multnomah County and the balance of \$20,000 coming from IHI.

We are in regular contact with the seller, are currently performing due diligence on the building and have put dozens of staff hours into meetings with service providers, funding research, and program design. Without funds to secure site control, however, we are at risk of losing this opportunity. IHI has an accepted offer on this site, but we need the resources to tie it up during a lengthy period while we complete our due diligence and secure capital funds to complete acquisition and rehab. Any option payments would be applied to the final purchase price if we proceed with acquisition.

The Lodge at The Clifford project is compelling and needed. It will also take time, persistence and creativity to fund. By the time we purchase the property in 2010, the property will have been owned for ten years by the current owner and will be eligible for tax credit financing, so we are considering 4% Low Income Housing Tax Credits and bond financing. Other capital funding options being considered include Historic Tax Credits, New Market Tax Credits (the building has commercial space on the main floor), PDC Tax Increment Financing (TIF), and a debt service interest rate reduction through Oregon Affordable Housing Tax Credits (OAHTC's). Other State CFC sources are available, but they are limited compared to the capital funding needed. One of the main challenges for permanent supportive housing that targets renters at or below 30% AMI is that it needs to have very low debt service. Our operating budget must satisfy the competing requirements of very low rents and intense property management (ie: a 24-hour desk). Thus, it cannot support high debt service and requires a large public subsidy. At the same time, the per unit cost is not unreasonable – our preliminary sources and uses proformas (attached) show that we will be able to acquire and rehab 84 units at a cost of less than \$70,000 per unit. Given recent construction and land costs in Portland, this is a relatively low price for permanent supportive housing.

This type of project and population is the top priority for both City and State funders. This is one reason the Multnomah County Grant is critical to the project. Showing early County support of this type of housing and the targeted populations that it serves will make the project more competitive in funding applications. We are conducting foundation research at this time and may apply to private foundations to supplement public funds for this project.

Another reason Multnomah County funding is integral to this plan is because it will be available early, when we need it to tie up the site. Assembling necessary funds, securing service commitments, and completing our due diligence could take quite a long time (up to two years). This site would work very well for the proposed resident mix. Because the success of the housing is dependent on the resident mix, rent subsidies and supportive service partnerships, time is required to coordinate and put a solid program together for supportive housing. Thus, we need the Multnomah County SIP funds approved for this site, which would enable IHI to make the option payment, secure critical site control and proceed with the project.

3. Financial Narrative (Pro Forma Attached)

Resources to be Used in the Project

IHI was pre-qualified for the Department of Community Justice's RFQ for Transitional Housing with Case Management Services for Ex Offenders in the Spring of 2006. This funding source will likely provide rent subsidies and service dollars for units occupied by moderate to high-risk ex offenders reintegrating in to the community. Between now and June 2008, we will continue to put together funding for additional support services including employment services.

During the same time period and up until acquisition in 2010, IHI will continue to research the capital needs of the building, and prepare for an occupied rehab to coincide with acquisition. Funding sources being considered for acquisition include 4% Tax Credits/Bond financing, Historic Tax Credits, State Oregon Affordable Housing Tax Credits, PDC TIF, deferred developer fee, and possibly private foundation funding.

The City of Portland, the Portland Development Commission, and the State of Oregon Housing and Community Services have prioritized permanent supportive housing for those at or below 30% AMI for the last two years. This is consistent with the City of Portland and Multnomah County's goal of ending chronic homelessness. Due to the target population we plan to serve, we feel that this will be a very competitive project with funders. It is also fortuitous that IHI began planning this housing and service program in 2006, when we were able to apply and become pre-qualified as a housing provider under the Multnomah County RFQ for Transitional Housing with Case Management Services for Ex Offenders – given our ex-offender targets, being pre-qualified as a vendor is very advantageous.

4. Development Team and Financial Partners

IHI will lead the project team as developer and owner. IHI has extensive experience in the development and operation of similar projects over the years (see Sponsor Description section). On occasion, IHI has extended its development capacity by working with a development and/or project management consultants – that is also an option for this project if it is determined that IHI needs additional assistance.

Other team members will include a project Architect, Contractor, Attorney, Accountant, Construction Lender and our funders (including Multnomah County, PDC, State/OHCS, possible private foundations). The Architect, Contractor, and Investors will be selected through RFQ/RFP processes.

Although we have not yet assembled our team for this project, we are currently working with many predevelopment lenders, permanent funders, and investors on other projects and have good working relationships with many potential partners for this site. Other projects currently under development also give us opportunities to work with architects, contractors, attorneys, accountants, consultants, and service partners so IHI will be well positioned when it comes time to assemble a team for this site.

Other projects that IHI currently has under development:

- Bridgeview Apartments in St. Johns: Acquisition and rehab of 14 units, 12 of which will house chronically homeless singles. Construction is complete and the building is 70% leased. IHI is the developer and owner.
- Musolf Manor: Acquisition (expiring tax credits) and rehab of 96 studio apartment units for very low-income singles with various supportive service needs. This is a seismic retrofit and rehab project. IHI has owned this property since 1991. The Housing Development Center (HDC) is serving as development consultant. Construction is anticipated to start August, 2007, and the project is fully funded
- 82nd Avenue Place: New construction of 58 units of family housing on two acres of vacant land. Twenty of the units will be set aside for very low income families who are formerly homeless and/or have substance abuse recovery needs. IHI is the developer, and will hire development consultants and/or project management support if needed. Construction is anticipated to begin August, 2007. IHI has assembled the majority of the funding for this project, including PDC HOME money and Low Income Housing Tax Credits. We will hear the results of the final smaller grant requests in the next few months.

5. Sponsor Description

Innovative Housing, Inc. (IHI) was founded in 1984 to provide high-quality affordable housing to low and moderate income households. IHI has been developing and operating multifamily housing since 1991, when it acquired and rehabilitated the Foster Apartments in Old Town. Rededicated as Lyndon Musolf Manor in honor of IHI's founding board president, this building now houses 96 very low-income seniors and singles with disabilities. Seventy-seven of the studio units have project-based rental assistance and the average resident income level in 2004 was 15% of area median income. There is a high occurrence of mental illness and substance addiction and many residents have experienced homelessness in the past.

Since the acquisition/rehab of Musolf Manor in 1991, IHI has developed and now operates an additional 603 rental units in the Portland metropolitan region, for a total of 699 units. IHI supplements its housing with a Resident Services Program that is designed to help residents maintain their housing stability, improve their quality of life, and break the cycle of poverty. We do this by connecting residents to existing community resources and service providers, sponsoring community building activities, and coordinating site-based programs. Programming includes parenting classes, nutrition/cooking workshops, financial education, dental hygiene clinics, and babysitting classes. IHI provides computers and high-speed internet access, family activities, and access to an emergency fund that provides tenants with a financial safety net for immediate crises. IHI's Resident Services Program also includes eviction prevention, youth programming, summer meals, and a Financial Fitness and Asset Building Program that focuses on increasing our residents' financial skills, earning potential, and asset building capacity.

IHI has years of experience housing people with special needs, disabilities, and barriers to housing. In addition to Musolf Manor, IHI has developed and operated three-bedroom units for homeless families, two and three-bedroom units for women and children escaping domestic violence, and studio apartments for people living with HIV/AIDS. IHI has forged service partnerships with many providers, including Human Solutions, HopeSprings, Portland Impact, Cascadia Behavioral Healthcare, and Cascade AIDS Project (CAP).

Between 1991 and 1994 IHI developed five rental properties in the Portland metropolitan area using 9% tax credits (Musolf Manor, Village Square, Hewitt Townhomes, Morrison Park Apartments, and Kinnaman Townhomes). In 1998 IHI turned to homeownership and, over the next four years, developed three mixed-income condominium projects with a total of 93 for-sale units (Arbor Vista Condominiums, Cornerstone Condominiums, and Center Rowhouses). IHI completed all three of these projects using conventional financing and little or no public subsidy. By mixing income levels IHI was able to cross-subsidize these projects to provide moderate-income and first time homebuyers affordable homeownership opportunities and offer creative financial assistance in the form of shared appreciation mortgages. Between 2000 and 2002 IHI partnered with for-profit developers to complete two 4% tax credit projects (Springtree Apartments and Garden Park Apartments) and a large 9% tax credit project (Center Commons).

In 2004 IHI refocused its efforts on special needs housing – IHI strengthened existing partnerships with local service providers and reprogrammed several units in its portfolio to house

homeless people with various disabilities and service needs. In 2005 IHI began to focus its development program on permanent supportive housing and secured site control of a 14-unit building in North Portland to develop housing for chronically homeless adults. IHI has subsequently been awarded acquisition and rehabilitation funding by PDC and been selected by the City of Portland to receive rent subsidy and service funding for chronically homeless adults through the McKinney Supportive Housing Program. This project is nearly complete and lease-up will begin in November 2006. In 2005 IHI also received predevelopment loan funds from Oregon Housing and Community Services (OHCS) to acquire 82nd and Broadway, a 2-acre site on the MAX light rail line that it will develop into new family housing, with 15-20 units set aside as permanent supportive housing for very low-income and high resource-using formerly homeless families with recovery needs. IHI has been awarded HOME funds by PDC and Housing Trust Fund, Low Income Housing Weatherization Funds, and 9% Low Income Housing Tax Credits by OHCS, which nearly completes our capital funding needs. Construction to build 58 new units at this site will begin in August 2007.

In addition to development and renovation expertise, IHI has 20 years of housing management experience. IHI has been operating and maintaining properties ranging in size from duplexes to 96-unit multifamily buildings since 1984. IHI began with a portfolio of single-family homes and duplexes in Northeast Portland and three group homes. Between 1984 and 1991 IHI shifted its focus to multifamily housing and began developing with federal low-income housing tax credits. IHI has 15 years of experience as the managing general partner and tax matters partner of five limited partnerships that own multifamily properties ranging in size from 40 to 96 units. In that role, IHI is responsible for hiring and supervising professional property managers, overall asset management, tax credit and other funder compliance and reporting, maintaining books and records for each property and partnership, hiring and working with auditors, and filing all partnership tax returns (local, state, and federal).

This asset management work comprises the bulk of IHI's day-to-day operations and generates management fees that support IHI's operating budget. Unlike many other nonprofit developers, IHI is not dependent on external operating support, grant funding, or developer fees. This self-sustaining business model is at the core of IHI's operating philosophy and results in a level of financial independence and stability that has kept IHI in business for over 20 years. A self-supporting housing portfolio also enables IHI to respond to housing needs in "innovative" ways without fear of losing critical funding – whether it be affordable homeownership opportunities, tenant services, or special needs housing, IHI is well-positioned to proactively address unmet housing needs throughout the Portland region.

IHI Staff

IHI has a staff of six, headed by its Executive Director who oversees all development and asset management activities. In addition to a Housing Developer, Resident Services Coordinator, Financial Fitness and Asset-Building Program Manager, Youth Program Coordinator and Program Assistant, IHI benefits from an active Board of Directors with a wealth of experience in the development and operation of multifamily housing and commercial real estate.

IHI Staff

Sarah Stevenson, Executive Director – Sarah Stevenson joined Innovative Housing as its Executive Director in December, 2002. She was formerly an attorney at Lawyers Alliance for New York, where she represented nonprofit developers of low-income and special needs housing. Sarah has over 10 years of experience in community and economic development, including three years as a program coordinator at Jobs for Homeless People in Washington, DC where she coordinated job training and transitional housing programs for homeless men and women. She has also worked with nonprofits in Los Angeles, California and New York City and clerked for a federal district court judge. Sarah was born and raised in North Portland, obtained her undergraduate degree from Stanford University, and received her J.D. from the New York University School of Law.

Julie Garver, Housing Developer – Julie Garver has over 10 years of real estate development management experience with focus areas in acquisition, construction management, rehabilitation of aging buildings, Green Building and community development. She has managed projects ranging in cost from \$50,000 to \$5 Million, and has experience in all phases of project development, from preliminary determination of need through lease up. Special skills include feasibility studies, grant writing, design consultation, budgeting and historic preservation experience. Julie has a BS in Community Development from Portland State University's School of Urban Planning. She has worked on a variety of project types such as commercial buildings, single-family dwellings, apartments, historic buildings and public facilities.

Angie Harbin, Financial Fitness and Asset Building Program Manager – Angie Harbin began working with IHI in the summer of 2005, serving free lunches and coordinating activities for children at two of IHI's family sites. She was hired as IHI's Resident Services Coordinator at the end of the summer and has been working closely with residents at five of IHI's properties ever since. She has recently developed IHI's new Financial Fitness and Asset Building Program and accepted a position as IHI's Program Manager for this new project. Angie came to IHI with a strong background in public service, hunger issues, and youth activities. She has previously worked with Oregon Rural Action, the Alliance for Social Change, and organized preschool arts, activities, and story times for young children in Halfway, OR, Atlanta, TX, and Martinsburg, WV. She has a BS in Anthropology and Sociology, with an emphasis in Social Welfare, and has worked as a professional photographer.

Minda Stiles, Program Assistant – Minda Stiles joined IHI in April 2006 as its first program assistant. Minda assists with office administration, resident services, and development projects. She comes with years of varied work experience, and has traveled extensively. Minda previously worked as a copyeditor for scientific trade journals and educational textbooks and was the lead

customer service representative and first outside technical consultant for an herbal medicine manufacturer. Most recently, Minda completed a year with AmeriCorps volunteering in the employment center of a progressive Los Angeles homeless shelter. There, she managed the computer center, conducted workshops for job seekers, and specialized in meeting the needs of homeless veterans and ex-offenders. She has a BA from Willamette University, where she majored in Environmental Science.

Ariana Dixon, Resident Services Coordinator – Ariana is the Resident Services Coordinator for Musolf Manor and Bridgeview Apartments. Ariana joined IHI after spending two years in SE Asia, where she taught English to kindergarten students in Thailand, and helped to open an orphanage in Cambodia. She has a BA in Communication from Santa Clara University, with a strong emphasis in Sociology. While in school, Ariana volunteered at a transitional housing shelter, a shelter for mentally disabled people, and a community center for elderly Asian immigrants in the San Jose area.

Jennifer Shore, Youth Program Coordinator – Jennifer Shore began work as IHI's youth Program Coordinator in September 2006. She brings a diverse background in community development, youth programming, and art. She has a B.A. in Cultural and Historical Studies and a strong interest in documentary photography and social advocacy. Jen formerly served as an AmeriCorps Promise Fellow in West Virginia working for the Governor's Cabinet on Children and Families. In addition to her work as an AmeriCorps member, she is working with IHI as a volunteer on a photo documentary and oral history project at Musolf Manor.

IHI Board of Directors

IHI's Board of Directors takes an active leadership role in IHI programs and projects. Board meetings are held once a month, and committees meet to discuss special tasks. Several of the board members have many years of tenure on the IHI Board, which provides continuity and a strong sense of service to the organization.

Ted Watson, Board President – Ted Watson is the principal of Watson Commercial Appraisal and has over 25 years of experience in the field of commercial real estate appraisal.

Jan Yocom, Treasurer/Secretary – Jan Yocom was a founding board member of IHI and a former board member and chair of the Housing Authority of Portland.

Mike Whitmarsh – Mike Whitmarsh is a real estate broker and investor with over 40 years of experience in investment real estate. He has been teaching courses on investment real estate at Portland Community College for 20 years and served on IHI's board for over 10 years. IHI recently renamed one of its downtown properties, Morrison Park, the Whitmarsh Building in honor of Mike's many years of service to the organization.

Larry Byers – Larry Byers is a principal of Byers & Hurlburt, P.C. Prior to becoming a CPA, Larry earned his MBA and was a real estate broker and active real estate salesman. He is also an owner and operator of several apartment complexes and runs his own property management company.

Scott McKeown – Scott McKeown is one of two founding partners of McKeown and Brindle, P.C., a seventeen attorney Oregon law firm with offices in Portland and Beaverton. He has maintained an active general real estate law practice since his admission to the Oregon State Bar. Scott also has an MBA and, from 1971-1985, was a successful Portland area real estate salesman, sales manager and broker.

Joseph Hughes – Joe Hughes is the owner of Joseph Hughes Construction, rated one of Oregon's fastest growing private companies from 1997-2003. Joe brings over 25 years of construction experience and expertise to IHI's board.

Darcy Vincent – Darcy Vincent is President and CEO for College Housing Northwest. She has eleven years of diverse experience in multifamily, commercial, and mixed-use property management. Prior to joining College Housing Northwest, Ms. Vincent worked for Homestead Capital, Princeton Property Management, Columbia Housing Corporation, and Pacific Union Property Services.

Attachments:

- Map of area
- Photos of the property
- Budgets
- Support letter from SE Works
- Support letter from Dept. of Community Justice and Mental Health and Addiction Services
- Support letter from Dept. of County Human Services

[illegible]

The Lodge at The Clifford

Date: 12/4/2006

Operating Budget--PRELIMINARY--24 Hour Desk

Income:

	<u>IHI est.</u>	
Scheduled rent:	\$ 227,100	<u>10 studios @ \$350/month:</u>
Monthly rent amount:		<u>30 studios @ \$495/mo., mgr. unit \$575)</u>
Less 6% vacancy:	\$ (13,626)	
Late fee:	\$ -	
<u>Laundry income:</u>	<u>\$ 4,100</u>	
Total income	\$ 217,574	

Expenses:

Repairs:	\$ 9,000	
Maintenance:	\$ 18,000	
Replacement Reserve:	\$ 12,300	(\$300/unit/year)
Advertising:	\$ 2,000	
Property Management:	\$ 12,000	
Resident Manager:***	\$ 3,570	
Manager***	\$ 19,500	
24 Hour desk staff***	\$ 23,000	
Tenant Services	\$ 8,000	
Asset Management Fee	\$ 12,300	
Legal/Accounting:	\$ 5,000	
Owners liability insurance:	\$ 9,000	
Property insurance:	\$ 10,000	(\$5 per \$1000)
Property Tax:	\$ -	
Electricity:	\$ 18,000	
Water & Sewer	\$ 12,000	
Garbage:	\$ 3,500	
Administration:	\$ 2,000	
Phone:	\$ 2,300	
Unit turnover:	\$ 12,000	
Total Expenses:	\$ 193,470	Exp./unit \$ 4,719
Net Operating income:	\$ 24,104	

***All expenses, including staff, have been prorated for 41 units (out of the total 84) at the Clifford

Predev Loan for due diligence in 2006 (from Enterprise/PDC)

	<u>Required</u>
Appraisal (limited use)	4300
Phase One	4,000
Survey (boundary)	4000
Deconstructive testing (structural)	10000
Structural Engineer	3000
Architectural	5000
Sewer scope	350
Oil tank decommission	Seller
Building Inspection	1500
Heating system evaluation	250
Electrical system evaluation	250
Plumbing evaluation	250
Fire alarm and fire sprinkler eval	850
Lead and asbestos evaluation	1000
Sidewalk vault evaluation	250
Total	35000

Additional predev loan for future due diligence closer to 2010 acquisition:

Historic Tax Credit consulting
Architectural
Appraisal (full)
Survey (full ALTA)
Other items to be determined

***Probable funding sources for 2010 purchase/rehab could include 4% Tax Credits,
Historic Tax Credits, TIF--specific amounts yet to be determined

**MULTNOMAH COUNTY OREGON****DEPARTMENT OF COUNTY HUMAN SERVICES**

Rex Surface, Interim Director
421 SW Oak St., Suite 620
Portland, Oregon 97204
(503) 988-3691
FAX: (503) 988-3379

BOARD OF COUNTY COMMISSIONERS

Diane Linn	Chair of the Board
Maria Rojo de Steffey	District 1 Commissioner
Serena Cruz	District 2 Commissioner
Lisa Naito	District 3 Commissioner
Lonnie Roberts	District 4 Commissioner

December 4, 2006

Sarah J. Stevenson
Executive Director
Innovative Housing, Inc.
1214 SW Washington Street
Portland, OR 97205

Re: The Lodge at The Clifford:

Dear Ms. Stevenson:


I am pleased to hear that Innovative Housing, Inc. has found a replacement location for The Lodge program, which will house formerly homeless singles, ex-offenders and people coming out of substance abuse recovery programs. It is a challenge to find good locations for housing for these populations and The Clifford, located at SE 6th and Morrison, provides excellent access to transportation as well as job opportunities in the immediate Central Eastside district.

The Lodge project is important to the Department of County Human Services because it addresses many of the issues that sometimes make Permanent Supportive Housing difficult to achieve:

- 1) It will house formerly homeless singles;
- 2) It will provide housing with "low barriers" for people who have difficulty passing background checks at other affordable housing projects;
- 3) It provides small, efficient units that are affordable; and
- 4) Many service providers are coming together to provide supportive services and employment services that are critical to the success of residents with special needs and high barriers to housing and employment.

The Lodge at The Clifford provides an excellent opportunity to address the goals of the ten year plan to end homelessness, as well as Permanent Supportive Housing Goals. You have my ongoing support for your project.

Sincerely,


Seth A. Lyon, LCSW
Supported Housing Development Coordinator
Department of County Human Services
Multnomah County



6927 SE Foster Rd., Portland, OR 97206 • www.seworks.org • 503-772-2300 • FAX 503-774-8489 • TTY 503-772-2332

December 1, 2006

Sarah Stevenson, Executive Director
Innovative Housing, Inc.
1214 SW Washington Street
Portland, OR 97205

RE: Lodge at the Clifford

Dear Sarah:


Established in 1997, SE Works, Inc. provides employment, training, and supportive services to assist low-income adults and youth in achieving their educational and employment goals. In addition, we also offer human resource and recruitment services to area businesses. *Our mission is to strengthen the economic health and well being of our diverse southeast community by increasing access to employment, educational, and supportive services.* Shortly after we opened, we received the designation as the One Stop Career Center for southeast Portland from our regional workforce investment.

Innovative Housing's proposed project at the site of the Clifford Hotel would provide a valuable partnership opportunity for IHI and SE Works. SE Works is moving into year two of our Department of Labor Grant Prisoner Re-Entry Grant serving 200 ex-offenders returning to Multnomah County. The initiative is an employment-centered program that incorporates mentoring, job training, and other comprehensive transitional services such as housing.

Your plan to house very low-income people, including formerly homeless singles and ex-offenders, fits well with the goals of our DOL grant. A partnership between Innovative Housing and SE Works will create an opportunity to coordinate employment services and valuable low-barrier, affordable housing, the combination of which will greatly increase the success rate of individuals exiting correctional facilities and reintegrating into our communities. Stable housing is a critical element to the success of many of our participants and we support your efforts to develop new units that are accessible and available to individuals with criminal backgrounds.

We support your funding application and look forward to working with you to deliver employment skills training and placement opportunities to future residents of the Lodge at the Clifford Project.

Sincerely,


Heidi Soderberg
Executive Director





Department of Community Justice

MULTNOMAH COUNTY OREGON

Administrative Services

501 SE Hawthorne Blvd., Suite 250
Portland, Oregon 97214
(503) 988-3701 phone
(503) 988-3990 fax

November 28, 2006

Sarah Stevenson
Executive Director
Innovative Housing, Inc.
1214 SW Washington St.
Portland, OR 97205

RE: The Lodge at the Clifford : Housing and Supportive Services

Dear Ms. Stevenson,

The Department of Community Justice continues to be very interested and supportive of your goal to house very low-income people including formerly homeless singles, ex-offenders and people in recovery would provide needed housing for members of our community who are receiving services from the Department of Community Justice and Mental Health and Addiction Services. This combination of populations in a permanent supportive housing model is a positive framework for successful outcomes. I understand the current site being considered is at The Lodge at The Clifford. This appears to be a suitable site for these services.

Each year, the Department of Community Justice provides supervision and services for over 9,000 adult offenders under parole and probation in the community. Many of the offenders we manage lack safe and healthy housing. Homelessness and a lack of supportive housing have important public safety consequences. Until an offender stabilizes his or her housing, that offender is unlikely to succeed in the community, comply with the terms of his or her supervision and avoid re-offending. Yet, finding appropriate housing is a challenge many offenders face after they are released back into the community, particularly those with alcohol and drug abuse problems and mental health needs.

Our Department has made it a priority to assist offenders who are placed under our supervision to find stable, affordable and safe housing. Our Transitional Services Unit reintegrates high and medium risk offenders into the community through pre-release planning, case management and other support services, including referrals to emergency, transitional, supervised drug-free and permanent housing. The County funds over \$20 million dollars of treatment and supportive services to drug addicted adults. Unfortunately, the lack of affordable housing in our community is sometimes a barrier to people completing treatment or having a successful transition from residential treatment to the community.

Your plan to house very low-income people including formerly homeless singles and ex-offenders fits well with the goals of City and County's Plan to End Homelessness. A partnership between Innovative Housing and Multnomah County will create an opportunity to coordinate employment services and valuable low-barrier, affordable housing, the combination of which will greatly increase the success rate of individuals exiting treatment and institutions when reintegrating into our communities. Stable housing is a critical element to the success of many of our clients and we support your efforts to develop new units that are accessible and available to individuals with criminal backgrounds.

We support your funding application and look forward to working with you in the future.

Sincerely,

Kathleen Treb, Assistant Director
Multnomah County

cc: Joanne Fuller
Ray Hudson
Liv Jenssen



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
501 SE HAWTHORNE, SUITE 600
PORTLAND, OREGON 97214
(503) 988-3308

DIANE M. LINN • CHAIR
MARIA ROJO DE STEFFEY • DISTRICT 1
SERENA CRUZ • DISTRICT 2
LISA NAITO • DISTRICT 3
LONNIE ROBERTS • DISTRICT 4

August 11, 2006

Sarah Stevenson
Executive Director
Innovative Housing Inc.
1214 SW Washington St.
Portland, OR 97205

Re: The Lodge

Dear Sarah,

On February 24 of 2006 you received an award letter for \$80,000 from the SIP Community Housing Fund to support a purchase option and predevelopment activities for the "The Lodge," an affordable housing project to be located at the Econo Lodge at NE MLK and Columbia. Unfortunately, the property was sold to another party, and you are now seeking another site on which to locate your permanent supportive housing program.

This letter will supercede the February 24th letter and the subsequent Grant Agreement. The County herein agrees to hold the \$80,000 'in reserve' so that when you have a new appropriate site for the program the \$80,000 can be disbursed for that new project. Disbursal of the funds will depend on a new County review of the site, the proposed PSH program, and likelihood of success in obtaining necessary development funds. A new Grant Agreement will need to be executed.

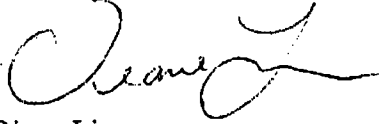
Our commitment to holding the funds in reserve is time limited. We agree that, if you do not have a site identified and submit The Lodge project to PDC's presumed Spring 07 RFP for affordable housing funds, our SIP commitment will expire and the funds will be freed for another permanent supportive housing project.

As you know, the Housing Director's position has been eliminated at the County. The SIP Community Housing Fund will hereafter be administered by H.C. Tupper at the Department of School and Community Partnerships. Please work with H.C. from here forward.

Page 2

We share your disappointment that The Lodge project will not go forward at the proposed site, since it was perfect for our partnership. Best of luck in finding a new site.

Sincerely,

A handwritten signature in black ink, appearing to read "Diane Linn", with a stylized flourish at the end.

Diane Linn
Chair
Multnomah County

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Approving Allocating Strategic Investment Program Community Housing Funds to Assist in Developing a Low Income Housing Project by Innovative Housing, Inc.

The Multnomah County Board of Commissioners Finds:

- a. By Resolution 06-024, Innovative Housing, Inc. received a commitment of \$80,000.00 from Multnomah County to develop housing at a site at 405 NE Columbia Boulevard in Portland.
- b. The purpose of the project was intended to provide permanent supportive housing for chronically homeless people, ex-offenders and people in alcohol and drug recovery.
- c. Innovative Housing, Inc. was unable to complete the acquisition of the property at 405 NE Columbia Boulevard.
- d. Innovative Housing, Inc. has located and secured an option for a new site for operating a housing program serving the same high-need populations at 527 SE Morrison Street, the Clifford Apartments.
- e. Innovative Housing, Inc. requests that the County allow the allocation of \$80,000.00 in SIP Community Housing Funds to the Clifford Apartment project.

The Multnomah County Board of Commissioners Resolves:

1. That the allocation of \$80,000.00 in SIP Community Housing Funds is hereby approved, subject to the conditions described in the Grant Agreement.
2. The Chair is authorized to execute all documentation required to complete said Grant Agreement.

ADOPTED this 14th day of December, 2006.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
John S. Thomas, Deputy County Attorney

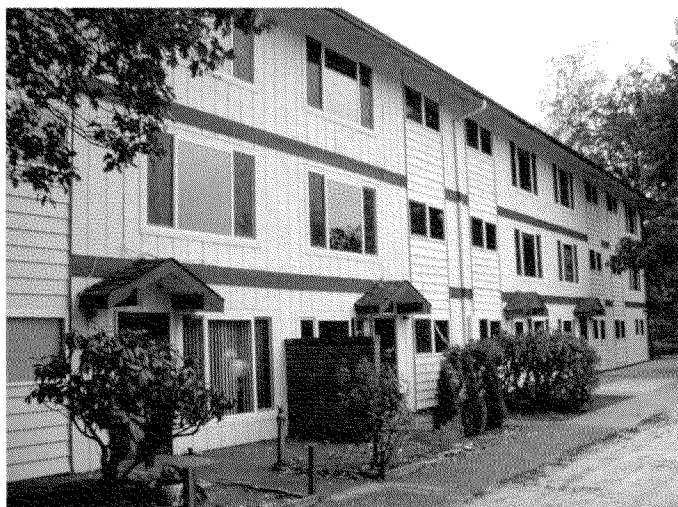


Bridgeview Apartments—14 Units

Built: 1971

Remodeled: 2006 for Permanent Supportive Housing

Innovative Housing, Inc.



BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 06-204

Approving Allocating Strategic Investment Program Community Housing Funds to Assist in Developing a Low Income Housing Project by Innovative Housing, Inc.

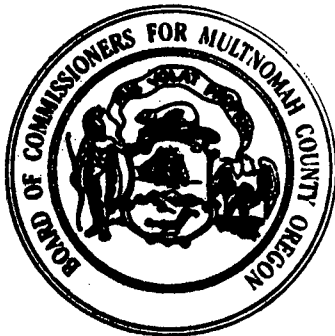
The Multnomah County Board of Commissioners Finds:

- a. By Resolution 06-024, Innovative Housing, Inc. received a commitment of \$80,000.00 from Multnomah County to develop housing at a site at 405 NE Columbia Boulevard in Portland.
- b. The purpose of the project was intended to provide permanent supportive housing for chronically homeless people, ex-offenders and people in alcohol and drug recovery.
- c. Innovative Housing, Inc. was unable to complete the acquisition of the property at 405 NE Columbia Boulevard.
- d. Innovative Housing, Inc. has located and secured an option for a new site for operating a housing program serving the same high-need populations at 527 SE Morrison Street, the Clifford Apartments.
- e. Innovative Housing, Inc. requests that the County allow the allocation of \$80,000.00 in SIP Community Housing Funds to the Clifford Apartment project.

The Multnomah County Board of Commissioners Resolves:

1. That the allocation of \$80,000.00 in SIP Community Housing Funds is hereby approved, subject to the conditions described in the Grant Agreement.
2. The Chair is authorized to execute all documentation required to complete said Grant Agreement.

ADOPTED this 14th day of December, 2006.

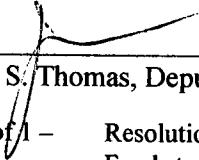


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
John S. Thomas, Deputy County Attorney



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 12/14/06
Agenda Item #: R-8
Est. Start Time: 10:40 AM
Date Submitted: 12/04/06

BUDGET MODIFICATION: -

First Reading and Possible Adoption of an ORDINANCE Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code, Comprehensive Plan and Map Revisions Related to the Regulatory Improvement Code Amendment Package 2 in Compliance with Metro's
Agenda Title: Functional Plan and Declaring an Emergency

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

Date Requested:	<u>December 14, 2006</u>	Time Requested:	<u>5 minutes</u>
Department:	<u>Community Services</u>	Program:	<u>Land Use & Transportation</u>
Contact(s):	<u>Karen Schilling</u>		
Phone:	<u>503-988-3043</u>	Ext.	<u>29635</u>
		I/O Address:	<u>455/116</u>
Presenter(s):	<u>Karen Schilling</u>		

General Information

1. What action are you requesting from the Board?

Adopt the ordinance as recommended by the Portland Planning Commission and Portland City Council.

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

On October 11, 2001 the Board adopted Ordinance 967 (effective date January 1, 2002) adopting, in summary, the Portland Comprehensive Plan and zoning ordinance. The County and the City of Portland have been engaged in agreements enabling the City of Portland to provide planning services to achieve compliance with the Metro Functional Plan for those areas outside the City limits, but within the urban growth boundary and urban service boundary of Portland. Since the adoption of Ordinance 967 and subsequently Ordinance 997, the attached ordinances have been passed by the Portland City Council and therefore the County must adopt them pursuant to our

intergovernmental agreement to keep the code up to date. Multnomah County and the City of Portland entered into an Intergovernmental Agreement (IGA) to transfer land use planning responsibilities on January 1, 2002. The IGA lays out a process requiring the County to ensure that any amendments to the City's comprehensive plan, zoning code and other regulations adopted by the City Council will be considered by the County Board of Commissioners at the earliest possible meeting. It also states "The County Board of Commissioners shall enact all comprehensive plan and code amendments so that they take effect on the same date specified by the City's enacting ordinance" (unless adopted by emergency). The City will have taken action on all of the above items by the hearing date of this ordinance. If the County does not adopt these amendments, the IGA will be void and the County will be required to resume responsibility for planning and zoning administration within the affected areas.

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

NA

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

State law requires a notice be placed in a newspaper of general circulation 10 days prior (12/4/06) to the BCC hearing. We request adoption of this ordinance by emergency to closely align with the City of Portland effective date (12/22/06) as stated in the IGA. The County Attorney's office was involved in the drafting of the original IGA and has been involved in coordinating our compliance effort through adoption of these code amendments.

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

The City included the County affected property owners in their noticing for these code revisions when required pursuant to the IGA and directed them to the City legislative process.

Required Signatures

**Department/
Agency Director:**



Date: 12/01/06

Budget Analyst:

Date: _____

Department HR:

Date: _____

Countywide HR:

Date: _____

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code, Comprehensive Plan and Map Revisions Related to the Regulatory Improvement Code Amendment Package 2 in Compliance with Metro's Functional Plan and Declaring an Emergency

The Multnomah County Board of Commissioners Finds:

- a. The Board of County Commissioners (Board) adopted Resolution A in 1983 which directed the County services towards rural services rather than urban.
- b. In 1996, Metro adopted the Functional Plan for the region, mandating that jurisdictions comply with the goals and policies adopted by the Metro Council.
- c. In 1998, the County and the City of Portland (City) amended the Urban Planning Area Agreement to include an agreement that the City would provide planning services to achieve compliance with the Functional Plan for those areas outside the City limits, but within the Urban Growth Boundary and Portland's Urban Services Boundary.
- d. It is impracticable to have the County Planning Commission conduct hearings and make recommendations on land use legislative actions pursuant to MCC 37.0710, within unincorporated areas inside the Urban Growth Boundary for which the City provides urban planning and permitting services. The Board intends to exempt these areas from the requirements of MCC 37.0710, and will instead consider the recommendations of the Portland Planning Commission and City Council when legislative matters for these areas are brought before the Board for action as required by intergovernmental agreement (County Contract #4600002792) (IGA).
- e. On September 28, 2006, the Board amended County land use codes, plans and maps to adopt the City's land use codes, plans and map amendments in compliance with Metro's Functional Plan by Ordinance 1078.
- f. Since the adoption of Ordinance 1083, the City's Planning Commission recommended land use code, plan and map amendments to the City Council through duly noticed public hearings.
- g. The City notified affected County property owners as required by the IGA.

- h. The City Council adopted the land use code, plan and map amendments set out in Section 1 below and attached as Exhibits 1 and 2. The IGA requires that the County adopt these amendments for the City planning and zoning administration within the affected areas.

Multnomah County Ordains as follows:

Section 1. The County Comprehensive Framework Plan, community plans, rural area plans, sectional zoning maps and land use code chapters are amended to include the City land use code, plan and map amendments, attached as Exhibits 1 and 2, effective on the same date as the respective Portland ordinance:

Exhibit No.	Description	Effective / Hearing Date
1	Ordinance amending Titles 33 to improve Land Use regulations through the Regulatory Improvement code Amendment Package 2. (PDX Ord. #180619)	12/22/06
2	Exhibit A – Regulatory Improvement Code Amendment Package 2.	10/26/06

Section 2. In accordance with ORS 215.427(3), the changes resulting from Section 1 of this ordinance shall not apply to any decision on an application that is submitted before the applicable effective date of this ordinance and that is made complete prior to the applicable effective date of this ordinance or within 180 days of the initial submission of the application.

Section 3. In accordance with ORS 92.040(2), for any subdivisions for which the initial application is submitted before the applicable effective date of this ordinance, the subdivision application and any subsequent application for construction shall be governed by the County's land use regulations in effect as of the date the subdivision application is first submitted.

Section 4. Any future amendments to the legislative matters listed in Section 1 above, are exempt from the requirements of MCC 37.0710. The Board acknowledges, authorizes and agrees that the Portland Planning Commission will act instead of the Multnomah Planning Commission in the subject unincorporated areas using the City's own procedures, to include notice to and participation by County citizens. The Board will consider the recommendations of the Portland Planning Commission when legislative matters for County unincorporated areas are before the Board for action.

FIRST READING AND ADOPTION: December 14, 2006

Diane M. Linn, Chair

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By Sandra N. Duffy, Assistant County Attorney

EXHIBIT LIST FOR ORDINANCE

1. Ordinance amending Titles 33 to improve Land Use regulations through the Regulatory Improvement code Amendment Package 2. (PDX Ord. #180619)
2. Exhibit A – Regulatory Improvement Code Amendment Package 2.

Prior to adoption, this information is available electronically or for viewing at the Multnomah County Board of Commissioners and Agenda website (www.co.multnomah.or.us/cc/WeeklyAgendaPacket/). To obtain the adopted ordinance and exhibits electronically, please contact the Board Clerk at 503-988-3277. These documents may also be purchased on CD-Rom from the Land Use and Transportation Program. Contact the Planning Program at 503-988-3043 for further information.

ORDINANCE No. 18 0619

Improve land use regulations through the Regulatory Improvement Code Amendment Package 2
(Ordinance; amend Title 33)

The City of Portland Ordains:

Section 1. The Council finds:

General Findings

1. This project is part of the Regulatory Improvement Workplan, an ongoing program to improve City building and land use regulations and procedures. Each package of amendments is referred to as a Regulatory Improvement Code Amendment Package (RICAP), followed by a number.
2. More information on the Regulatory Improvement Workplan is in Appendix A of Exhibit A, *Regulatory Improvement Code Amendment Package 2 (RICAP 2): Recommended Draft Report*, dated October 26, 2006.
3. During the Fall of 2005, Planning and BDS staff worked with the Regulatory Improvement Stakeholder Advisory Team (RISAT) to propose the second Regulatory Improvement Code Amendment Package (RICAP 2) workplan. The RISAT includes participants from city bureaus and the community and advises staff. They also communicate information about each RISAT to those they represent and invite comment.
4. On December 13, 2005, the Planning Commission held a hearing to discuss and take testimony on the RICAP 2 workplan. The workplan consisted of 32 issues proposed for further research in order to find potential solutions. The Planning Commission voted to approve the workplan as presented by Planning staff.
5. During the spring of 2006, Planning staff worked with BDS and members of the RISAT to address the 32 issues in the workplan. In addition, two items, a clarification for the South Waterfront Urban Design Framework and a clarification to property line adjustment regulations, were added to the workplan, resulting in 34 items to be addressed.
6. After preliminary work on the 34 issues, staff proposed deferring several items to future RICAPs to allow time for further research. Staff also felt that several other items did not warrant a code amendment. The resulting amendments to Title 33, Planning and Zoning, address 19 of the 34 issues identified in the workplan.
7. On July 21, 2006, notice of the proposed RICAP 2 code amendments was mailed to the Department of Land Conservation and Development in compliance with the post-acknowledgement review process required by ORS 197.610.
8. On October 10, 2006, the Planning Commission held a hearing on the *Regulatory Improvement Workplan: Regulatory Improvement Code Amendment Package 2 (RICAP 2), Proposed Draft Report*. Staff presented the proposal and public testimony was received. The Commission voted to

recommend that City Council adopt the staff recommendation with the exception that they directed staff to continue to research the issue on Zoning Map Amendments.

9. On November 15, 2006, City Council held a hearing on the *Regulatory Improvement Workplan: Regulatory Improvement Code Amendment Package 2 (RICAP 2), Recommended Draft Report*. Staff presented the proposal and public testimony was received.
10. On November 22, 2006, Council voted to adopt the *Regulatory Improvement Workplan: Regulatory Improvement Code Amendment Package 2 (RICAP 2), Recommended Draft Report* and amend the Zoning Code as shown in the report.

Findings on Statewide Planning Goals

11. State planning statutes require cities to adopt and amend comprehensive plans and land use regulations in compliance with state land use goals. Only the state goals addressed below apply.
12. **Goal 1, Citizen Involvement**, requires the provision of opportunities for citizens to be involved in all phases of the planning process. The preparation of these amendments has provided numerous opportunities for public involvement:
 - During 2005 and 2006, staff from Planning and BDS met monthly with the RISAT to review the selections proposed for the Regulatory Improvement Code Amendment Package 2 (RICAP 2) workplan and the proposed amendments to the Zoning Code.
 - On November 10, 2005, notice was sent to all neighborhood associations and coalitions, and business associations in the City of Portland, as well as other interested persons to notify them of the Planning Commission hearing for the RICAP 2 workplan.
 - On November 21, 2005, the *Regulatory Improvement Code Amendment Package 2 – Proposed Workplan* was published. The report was available to City bureaus and the public and mailed to all those requesting a copy. An electronic copy was posted to the Bureau's website.
 - On December 13, 2005, the Planning Commission held a public hearing on the RICAP 2 Proposed Workplan and heard testimony from citizens on the proposed issues. The Planning Commission voted to adopt the workplan, directing staff to work on code amendments on the 32 issues listed in the workplan.
 - On August 11, 2006, notice was sent to all neighborhood associations and coalitions and business associations in the City of Portland, as well as other interested persons to notify them of the Planning Commission hearing for the proposed code changes for RICAP 2.
 - On August 9, 2006 the *Regulatory Improvement Code Amendment Package 2 Proposed Draft Report* was published. The report, explained the proposed amendments to the Zoning Code. The report was available to City bureaus and the public and mailed to all those requesting a copy. An electronic copy was posted to the Bureau's website.
 - On October 10, 2006, the Planning Commission held a public hearing to discuss and take testimony on the report. At the close of the hearing, the Planning Commission recommended that Council adopt staff's proposal with the exception that they directed staff to continue to research the issue on Zoning Map Amendments.
 - On November 15, 2006, the City Council held a public hearing to discuss and take testimony on the recommendations from the Planning Commission.

13. **Goal 2, Land Use Planning**, requires the development of a process and policy framework that acts as a basis for all land use decisions and assures that decisions and actions are based on an understanding of the facts relevant to the decision. The amendments support this goal because development of the recommendations followed established city procedures for legislative actions, while also improving the clarity and comprehensibility of the City's codes.
14. **Goal 5, Open Space, Scenic and Historic Areas, and Natural Resources**, requires the conservation of open space and the protection of natural and scenic resources. Clarifying soil disturbance expectations when nuisance and prohibited plants are removed from environmental overlay zones, and correcting a reference in the approval criteria for the removal of a historic designation, support this goal because they provide clarification to existing regulations pertaining to natural resources and historic areas, without changing policy or intent.
15. **Goal 9, Economic Development**, requires provision of adequate opportunities for a variety of economic activities vital to public health, welfare, and prosperity.

All of the amendments support Goal 9 because they update and improve City land use regulations and procedures that hinder desirable development. Improving land use regulations to make them clear and easily implemented has positive effects on economic development.

The following amendments are directly supportive of Goal 9:

- Amendments to Mixed Commercial (CM) Zone. These amendments allow greater flexibility for existing businesses to expand and to convert to other uses.
- Minimum setbacks in Commercial Zones. This amendment reduces the minimum setbacks in commercial zones to allow greater flexibility for the siting of buildings, especially along Transit Streets.
- Trade School Use Classification. Clarifying that certain Trade Schools are in the Industrial Service use category allows these uses to locate in industrial areas, giving them more appropriate options for locations where there will not be conflicts with neighboring businesses.

16. **Goal 12, Transportation**, requires provision of a safe, convenient, and economic transportation system. The amendments are consistent with this goal, because they do not change the policy or intent of any of the existing regulations pertaining to transportation.

The following amendments are directly supportive of Goal 12:

- Maximum Transit Street Setbacks for Institutions. This amendment directly supports Goal 12 by allowing the setbacks to be modified through the conditional use process instead of through an adjustment. The conditional use review contains a more comprehensive review of transportation impacts than the adjustment review.
- Minimum setbacks in Commercial Zones. This amendment reduces the minimum setbacks in commercial zones to allow buildings to be placed closer to the street, especially along Transit Streets, encouraging greater transit use.
- Garage entrance setbacks in Commercial Zones. This amendment establishes garage setbacks for houses and duplexes in the commercial zones to ensure that vehicles parked in front of a garage do not block the public sidewalk in the neighborhood. Clear sidewalks are advantageous to pedestrians, and so support walking and transit use.

The Oregon Transportation Planning Rule (TPR) was adopted in 1991 and amended in 1996 and 2005 to implement State Goal 12. The TPR requires certain findings if the proposed regulation will significantly affect an existing or planned transportation facility.

This proposal will not have a significant effect on existing or planned transportation facilities because the amendments do not result in increases in jobs, housing units or density. For the most part, they clarify existing regulations.

Findings on Metro Urban Growth Management Functional Plan

17. The following elements of the Metro Urban Growth Management Functional Plan are relevant and applicable to the RICAP 2 amendments.
18. **Title 1, Requirements for Housing and Employment Accommodation**, requires that each jurisdiction contribute its fair share to increasing the development capacity of land within the Urban Growth Boundary. This requirement is to be generally implemented through citywide analysis based on calculated capacities from land use designations. The amendments are consistent with this title because they do not significantly alter the development capacity of the city. As detailed above in addressing compliance with Statewide Goal 9 (Economic Development), several of the amendments in RICAP 2 foster economic growth within the City, in compliance with this Title.
19. **Title 4, Industrial and Other Employment Areas**, limits retail and office development in Employment and Industrial areas to those that are most likely to serve the needs of the area and not draw customers from a larger market area. One amendment specifically complies with this Title by clarifying that trade schools where industrial vehicles and equipment are operated are classified as Industrial Service uses, thereby allowing the training facilities to locate in proximity to industrial employers.

Findings on Portland's Comprehensive Plan Goals

20. The City's Comprehensive Plan was adopted by the Portland City Council on October 16, 1980, and was acknowledged as being in conformance with the statewide planning goals by the Land Conservation and Development Commission on May 1, 1981. On May 26, 1995, the LCDC completed its review of the City's final local periodic review order and periodic review work program, and reaffirmed the plan's compliance with statewide planning goals.
21. The following goals, policies, and objectives of the Portland Comprehensive Plan are relevant and applicable to RICAP 2.
22. **Goal 1, Metropolitan Coordination**, calls for the Comprehensive Plan to be coordinated with federal and state law and to support regional goals, objectives and plans. The amendments are consistent with this goal because they do not change policy or intent of existing regulations relating to metropolitan coordination and regional goals.
23. **Policy 1.4, Intergovernmental Coordination**, requires continuous participation in intergovernmental affairs with public agencies to coordinate metropolitan planning and project development and maximize the efficient use of public funds. The amendments support this policy because a number of other government agencies were notified of this proposal and given the

opportunity to comment. These agencies include Metro, Multnomah County Planning, and the Oregon Department of Land Conservation and Development.

24. **Goal 2, Urban Development**, calls for maintaining Portland's role as the major regional employment and population center by expanding opportunities for housing and jobs, while retaining the character of established residential neighborhoods and business centers.

The amendments support this goal because they are aimed at updating and improving the City's land use regulations and procedures that hinder desirable development. By improving regulations, the City will better facilitate the development of housing and employment uses. The following amendments specifically support Goal 2 and its relevant policies by facilitating urban development and employment at levels that support transit:

- Amendments to Mixed Commercial (CM) Zone. These amendments allow greater flexibility for existing businesses to expand and to convert to other uses.
- Minimum setbacks in Commercial Zones. This amendment reduces the minimum setbacks in commercial zones to allow buildings to be placed closer to the street, especially along Transit Streets, encouraging greater transit use.
- Trade School Use Classification. This amendment clarifies that trade schools where industrial vehicles and equipment are operated are classified as Industrial Service uses, thereby allowing the training facilities to locate in proximity to industrial employers.

25. **Goal 3, Neighborhoods**, calls for the preservation and reinforcement of the stability and diversity of the city's neighborhoods while allowing for increased density. The amendments are consistent with this goal because they do not change the policy or intent of existing regulations relating to the stability and diversity of neighborhoods.

Specifically the following amendments support Goal 3:

- Garage entrance setbacks in Commercial Zones. This amendment establishes garage setbacks for houses and duplexes in the commercial zones to ensure that vehicles parked in front of a garage do not block the public sidewalk in the neighborhood.
- Maximum Transit Street Setbacks for Institutions. This amendment allows setbacks from Transit Streets to be modified through a conditional use review instead of through an adjustment. It will increase the compatibility of new institutional structures or campuses with single-dwelling neighborhoods. Increasing building compatibility and pedestrian circulation make a neighborhood more attractive and livable, and thus more stable.

26. **Goal 5, Economic Development**, calls for the promotion of a strong and diverse economy that provides a full range of employment and economic choices for individuals and families in all parts of the city. All of the amendments are consistent with Goal 5 because they update and improve City land use regulations and procedures that hinder desirable development. Improving land use regulations to make them clear and easily implemented has positive effects on economic development.

Specifically, the following amendments support Goal 5:

- Amendments to Mixed Commercial (CM) Zone. These amendments allow greater flexibility for existing businesses to expand and to convert to other uses, encouraging the growth of small

community-based businesses. They also will help existing businesses remain and expand in Portland.

- **Minimum setbacks in Commercial Zones.** This amendment reduces the minimum setbacks in commercial zones to allow greater flexibility for the siting of buildings, especially along Transit Streets.
- **Trade School Use Classification.** Clarifying that certain Trade Schools are in the Industrial Service use category allows these uses to locate in industrial areas, giving them more appropriate options for locations where there will not be conflicts with neighboring businesses.

27. **Goal 6, Transportation,** calls for developing a balanced, equitable, and efficient transportation system that provides a range of transportation choices; reinforces the livability of neighborhoods; supports a strong and diverse economy; reduces air, noise, and water pollution; and lessens reliance on the automobile while maintaining accessibility. The amendments are consistent with this goal because they do not change the policy or intent of existing regulations relating to transportation.

The following amendments are directly supportive of Goal 6. See also findings for Statewide Planning Goal 12, Transportation.

- **Maximum Transit Street Setbacks for Institutions.** This amendment directly supports Goal 6 by allowing the setbacks to be modified through the conditional use process instead of through an adjustment. The conditional use review contains a more comprehensive review of transportation impacts than the adjustment review.
 - **Minimum setbacks in Commercial Zones.** This amendment reduces the minimum setbacks in commercial zones to allow buildings to be placed closer to the street, especially along Transit Streets, encouraging greater transit use.
 - **Garage entrance setbacks in Commercial Zones.** This amendment establishes garage setbacks for houses and duplexes in the commercial zones to ensure that vehicles parked in front of a garage do not block the public sidewalk in the neighborhood. Clear sidewalks are advantageous to pedestrians, and so support walking and transit use.
28. **Goal 8, Environment,** calls for the maintenance and improvement of the quality of Portland's air, water, and land resources, as well as the protection of neighborhoods and business centers from noise pollution. One amendment, addressing environmental overlay exemptions, supports this goal by providing clarification to existing regulations pertaining to natural resources and erosion, without changing policy or intent.
29. **Goal 9, Citizen Involvement,** calls for improved methods and ongoing opportunities for citizen involvement in the land use decision-making process, and the implementation, review, and amendment of the Comprehensive Plan. This project followed the process and requirements specified in Chapter 33.740, Legislative Procedure. The amendments support this goal for the reasons found in the findings for Statewide Planning Goal 1, Citizen Involvement.
30. **Goal 10, Plan Review and Administration,** includes several policies and objectives. Policy 10.9, Land Use Approval Criteria and Decisions, directs that approval criteria of specific land use reviews reflect the findings that must be made to approve the request. Policy 10.10, Amendments to the Zoning and Subdivision Regulations, directs that amendments to the zoning and subdivision regulations should be clear, concise, and applicable to the broad range of development situations faced by a growing, urban city.

All of the amendments are supportive of Policy 10.10 because they clarify and streamline many of

the regulations in the Zoning Code. They also respond to identified current and anticipated problems, including barriers to desirable development, and will help ensure that Portland remains competitive with other jurisdictions as a location in which to live, invest, and do business.

Several amendments specifically support Policy 10.9 by clarifying and addressing the approval criteria for one type of Historic Review and for Conditional Use Reviews for Institutional uses.

31. **Goal 12, Urban Design**, calls for enhancing Portland as a livable city, attractive in its setting and dynamic in its urban character by preserving its history and building a substantial legacy of quality private developments and public improvements for future generations. Policy 12.3 calls for enhancing the City's identity through protection of Portland's significant historic resources. The amendment addressing historic designation removal review supports this policy by providing clarification to existing regulations pertaining to historic resources, without changing policy or intent.

NOW, THEREFORE, the Council directs:

- a. Adopt Exhibit A, *Regulatory Improvement Code Amendment Package 2 (RICAP 2): Recommended Draft*, dated October 26, 2006;
- b. Amend Title 33, Planning and Zoning as shown in Exhibit A, *Regulatory Improvement Code Amendment Package 2 (RICAP 2): Recommended Draft*, dated October 26, 2006; and
- c. Adopt the commentary and discussion in Exhibit A, *Regulatory Improvement Code Amendment Package 2 (RICAP 2): Recommended Draft*, dated October 26 2006, as legislative intent and further findings.

Passed by the Council: NOV 22 2006

GARY BLACKMER

Auditor of the City of Portland

By



Prepared by:

Mayor Tom Potter
Phil Nameny, Bureau of Planning
October 17, 2006

Deputy

Regulatory Improvement Workplan

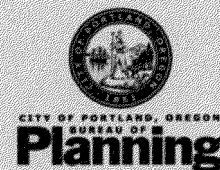


Regulatory Improvement Code Amendment Package 2

(RICAP 2)

Recommended Draft Report

October 26, 2006



BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1086

Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code, Comprehensive Plan and Map Revisions Related to the Regulatory Improvement Code Amendment Package 2 in Compliance with Metro's Functional Plan and Declaring an Emergency

The Multnomah County Board of Commissioners Finds:

- a. The Board of County Commissioners (Board) adopted Resolution A in 1983 which directed the County services towards rural services rather than urban.
- b. In 1996, Metro adopted the Functional Plan for the region, mandating that jurisdictions comply with the goals and policies adopted by the Metro Council.
- c. In 1998, the County and the City of Portland (City) amended the Urban Planning Area Agreement to include an agreement that the City would provide planning services to achieve compliance with the Functional Plan for those areas outside the City limits, but within the Urban Growth Boundary and Portland's Urban Services Boundary.
- d. It is impracticable to have the County Planning Commission conduct hearings and make recommendations on land use legislative actions pursuant to MCC 37.0710, within unincorporated areas inside the Urban Growth Boundary for which the City provides urban planning and permitting services. The Board intends to exempt these areas from the requirements of MCC 37.0710, and will instead consider the recommendations of the Portland Planning Commission and City Council when legislative matters for these areas are brought before the Board for action as required by intergovernmental agreement (County Contract #4600002792) (IGA).
- e. On September 28, 2006, the Board amended County land use codes, plans and maps to adopt the City's land use codes, plans and map amendments in compliance with Metro's Functional Plan by Ordinance 1078.
- f. Since the adoption of Ordinance 1083, the City's Planning Commission recommended land use code, plan and map amendments to the City Council through duly noticed public hearings.
- g. The City notified affected County property owners as required by the IGA.

- h. The City Council adopted the land use code, plan and map amendments set out in Section 1 below and attached as Exhibits 1 and 2. The IGA requires that the County adopt these amendments for the City planning and zoning administration within the affected areas.

Multnomah County Ordains as follows:

Section 1. The County Comprehensive Framework Plan, community plans, rural area plans, sectional zoning maps and land use code chapters are amended to include the City land use code, plan and map amendments, attached as Exhibits 1 and 2, effective on the same date as the respective Portland ordinance:

Exhibit No.	Description	Effective / Hearing Date
1	Ordinance amending Titles 33 to improve Land Use regulations through the Regulatory Improvement code Amendment Package 2. (PDX Ord. #180619)	12/22/06
2	Exhibit A – Regulatory Improvement Code Amendment Package 2.	10/26/06

Section 2. In accordance with ORS 215.427(3), the changes resulting from Section 1 of this ordinance shall not apply to any decision on an application that is submitted before the applicable effective date of this ordinance and that is made complete prior to the applicable effective date of this ordinance or within 180 days of the initial submission of the application.

Section 3. In accordance with ORS 92.040(2), for any subdivisions for which the initial application is submitted before the applicable effective date of this ordinance, the subdivision application and any subsequent application for construction shall be governed by the County's land use regulations in effect as of the date the subdivision application is first submitted.

Section 4. Any future amendments to the legislative matters listed in Section 1 above, are exempt from the requirements of MCC 37.0710. The Board acknowledges, authorizes and agrees that the Portland Planning Commission will act instead of the Multnomah Planning Commission in the subject unincorporated areas using the City's own procedures, to include notice to and participation by County citizens. The Board will consider the recommendations of the Portland Planning Commission when legislative matters for County unincorporated areas are before the Board for action.

Section 5. An emergency is declared in that it is necessary for the health, safety and general welfare of the people of Multnomah County for this ordinance to take effect concurrent with the City code, plan and map amendments. Under section 5.50 of the Charter of Multnomah County, this ordinance will take effect in accordance with Section 1.

FIRST READING AND ADOPTION: December 14, 2006



BOARD OF COUNTY COMMISSIONERS,
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Sandra N. Duffy, Assistant County Attorney

EXHIBIT LIST FOR ORDINANCE

1. Ordinance amending Titles 33 to improve Land Use regulations through the Regulatory Improvement code Amendment Package 2. (**PDX Ord. #180619**)
2. Exhibit A – Regulatory Improvement Code Amendment Package 2.

Prior to adoption, this information is available electronically or for viewing at the Multnomah County Board of Commissioners and Agenda website (www.co.multnomah.or.us/cc/WeeklyAgendaPacket/). To obtain the adopted ordinance and exhibits electronically, please contact the Board Clerk at 503-988-3277. These documents may also be purchased on CD-Rom from the Land Use and Transportation Program. Contact the Planning Program at 503-988-3043 for further information.



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 12/14/06
Agenda Item #: R-9
Est. Start Time: 10:42 AM
Date Submitted: 12/06/06

BUDGET MODIFICATION: -

Public Hearing and Consideration of an ORDER Establishing the Final Assessment Against the Individual Parcels for the NW 8th Avenue Bridge Replacement Project and Directing the Publication and Mailing of Notice to Property Owners Under ORS 223.210 (1)

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

Date Requested:	December 14, 2006	Time Requested:	10 minutes
Department:	Non-Departmental	Division:	Chair's Office
Contact(s):	Robert Maestre		
Phone:	503-988-5001	Ext.	85001
		I/O Address:	455/2/224
Presenter(s):	Robert Maestre		

General Information

1. What action are you requesting from the Board?

Conduct a hearing to consider objections to the proposed assesement for the construction of the NW 8th Ave Bridge and set the final assessment amount for each property.

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

In 2004 the County received a petition to construct a bridge over McCarthy Creek from property owners abutting NW 8th Ave, a rural area of NW Multnomah County. The project was completed in the fall of 2005. The County engineer has filed an engineer's report with a background statement and a final determination of the cost of the project which was \$92,555.40. The final assessment is to be split equally among the six petitioners in the amount of \$15,425.90. On November 30th 2006 the Board of Commissioners adopted Order 06-192 setting the date for a hearing to consider objections to the final assessment. The bridge held up well during the extensive rains of the 2005-2006 winter.

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

The property owners will pay for the cost of the project. They may pay their individual assessment in one payment or over a ten year period. The payments from the property owners will cover the costs of the project, the interest on paying the assessment over time if they so choose and the County's costs to administer the payments.

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

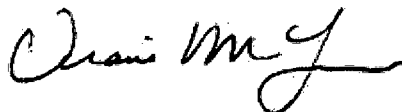
The project was conducted under ORS 371.605 through 371.660. Notice of this hearing was mailed on 12-1-06 as provided under Order 06-192. The maintenance of the bridge will be the responsibility of the property owners.

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

There has been extensive contact and personal communication with the petitioners throughout the project. In addition to all the formal notices that were sent to the petitioners since the project's beginning, at least 3 meetings have been held on site with the petitioners to explain the project, the costs, the petitioners' obligations and the likely payment options. Many additional conversations and coordination meetings were held with the petitioners before bidding the construction and during the planning and construction of the bridge.

Required Signatures

**Department/
Agency Director:**



Date: 12/06/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

BOGSTAD Deborah L

From: RYAN Matthew O
Sent: Wednesday, December 06, 2006 11:09 AM
To: BOGSTAD Deborah L
Cc: KINOSHITA Carol; MAESTRE Robert A; HINDS Patrick J
Subject: FW: NW 8th Ave Final Order
Importance: High

Deb,

Attached is the Final Order for December 14, 2006 BCC Agenda for the NW 8th Ave Improvement Project, which I have reviewed and approved for submission to the BCC. Robert Maestre or someone from LUTP will be submitting the APR under separate email if he has not done so already. Thanks

Matthew O. Ryan
Assistant County Attorney
Multnomah County, Oregon
Tel: 503-988-3138; Fax: 503-988-3377
matthew.o.ryan@co.multnomah.or.us

CONFIDENTIALITY: This email transmission may contain confidential and priveleged information. The information contained herein is intended for the addressee only. If you are not the addressee, please do not review, disclose, copy or distribute this transmission. If you have received this transmission in error, please contact the sender immediately.

-----Original Message-----

From: KINOSHITA Carol
Sent: Wednesday, December 06, 2006 10:58 AM
To: RYAN Matthew O
Subject: FW: NW 8th Ave Final Order
Importance: High

12/6/2006

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. _____

Order Establishing the Final Assessment Against the Individual Parcels for the NW 8th Avenue Bridge Replacement Project and Directing the Publication and Mailing of Notice to Property Owners Under ORS 223.210 (1)

The Multnomah County Board of Commissioners Finds:

- a. On November 30, 2006, as allowed under ORS 371.645 the County adopted Order No. 06-192 setting the date of December 14, 2006 as the time for hearing of any objections to the proposed final assessments against the individual parcels for the NW 8th Avenue Bridge Replacement Project.
- b. By previous Board actions to date, this Board has accepted the improvement, and the total cost compiled by the County Engineer is \$92,555.40; and has been advised by the County Engineer and accepts that the individual assessment shall be in the amount of \$15,425.90 against each benefited property.
- c. The benefited properties are more particularly described in the attached Exhibit A, identified as "Parcels I-VI".
- d. The County to date has not received any written or oral objections to the proposed individual assessment amount.

The Multnomah County Board of Commissioners Orders:

1. The List of Parcels Nos. I-VI, contained in the attached Exhibit A, describing ownership of the properties and stating the assessment of **\$15,425.90** against each individual parcel is certified as required under ORS 371.650 (1).
2. As provided under ORS 371.655 (1), the final assessment against each individual parcel in the amount of **\$15,425.90**; is due and payable **30 days** from the date of this Order at the Multnomah County Finance Division Office located at: 501 SE Hawthorne Blvd, Suite No 531; Portland, Oregon, 97214. If not so paid, the assessment amount will be delinquent and will bear interest at the rate of **5.75 %** per annum. This Order, including Exhibits A, is to be recorded in the Multnomah County Deed Records.
3. The final assessment amount and any incurred interest shall be a lien with the priority as provided under ORS 371.650(2), against each affected parcel listed in Exhibit A from the date of the recording of Multnomah County Board Order No 05-111 imposing the assessment in this matter.
4. Notwithstanding Paragraph No 2, the individual parcel owners may apply for an installment payment of the assessment as provided in ORS 223.210; subject to interest on said installment payment at the rate of **5.75 %** per annum on all unpaid assessments together with actual administration costs as determined by the County's Finance Division.
5. The County's Transportation Division is directed to coordinate with the County's Finance Division to prepare an installment payment application and contract to be made available to the parcel owners in compliance with ORS Chapter 223.

6. Any duly executed installment application and contract as authorized under this Order shall be recorded in the Multnomah County Deed Records, and shall run with the land and bind all future owners and successors in interest.
7. The County's Transportation Division is directed to publish and provide the notice of final assessment in the manner required under ORS 223.210.

ADOPTED this 14th day of December 2006.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Matthew O. Ryan, Assistant County Attorney

EXHIBIT A

PARCEL I: OWNER: RIDEOUT, Shiloh & Kate C	Assessment: \$15,425.90
Legal Description: Lot 6, 7, 8, 9 & 10, Block 6, Folkenberg; Multnomah County, Oregon.	
Tax ID #: R164667	
Map Tax Lot #: 2NIW30BC-01000	
PARCEL II: OWNER: DENZELL, Stewart C & Kristine K	Assessment: \$15,425.90
Legal Description: Lot 1, 2 and 3, (including part in vacated street) Block 11, Folkenberg; Multnomah County, Oregon.	
Tax ID #: R164683	
Map Tax Lot #: 2NIW30BB-00800	
PARCEL III: OWNER: HOLM, Kimberly A & VILLARREAL, Catarino F Jr	Assessment: \$15,425.90
Lot #1: Legal Description: Lots 13 and 14 (including part in vacated street) Block 10, Folkenberg; Multnomah County, Oregon.	
Tax ID #: R164681	
Map Tax Lot #: 2NIW30BB-01100	
Lot #2: Legal Description: Lots 15 and 16 (including part in vacated street) Block 10, Folkenberg; Multnomah County, Oregon	
Tax ID #: R164682	
Map Tax Lot #: 2NIW30BB-01200	
PARCEL IV: OWNER: LAWRENCE, Elinor M	Assessment: \$15,425.90
Legal Description: Lot 1 (including part in vacated street); Block 6 Folkenberg; Lots 2 and 3; Block 6; Folkenberg, Multnomah County, Oregon	
Tax ID #: R164664	
Map Tax Lot #: 2NIW30BC-00600	
PARCEL V: OWNER: SCHULTZ, Dennis W & DOLL, Marian	Assessment: \$15,425.90
Legal Description: Lots 1-16, Block 8, Folkenberg; Multnomah County, Oregon.	
Tax ID #: R164672	
Map Tax Lot #: 2NIW30BC-00100	
PARCEL VI: OWNER: CRITCHLOW, Lloyd R	Assessment: \$15,425.90
Lot # 1: Legal Description: Lots 4, 5, 6 and 7, all in Block 9, FOLKENBERG, in the County of Multnomah and State of Oregon, TOGETHER WITH that portion of vacated 7th Avenue which inured to Lots 4 and 5 by Vacation Order No. 1276 entered June 27, 1932. EXCEPTING THEREFROM that portion of Lots 6 and 7 deeded to Multnomah County August 5, 1993 in Deed recorded in Book 2734, page 3045 and that portion of Lots 5 and 6 and vacated 7th Avenue deeded to Multnomah County August 5, 1993 in Deed recorded in Book 2734, page 3050.	
Tax ID #: R164675; R164673	
Map Tax Lot #:2N1W30BB-01300; 2N1W30BB-01700	
Lot # 2: Legal Description: Lots 1 to 10, inclusive, Block 7, FOLKENBERG, in the County of Multnomah and State of Oregon, TOGETHER WITH the South half of vacated 7th Avenue and the North half of vacated 6th Avenue which inured to said block by Vacation Order No. 1276, entered June 27, 1932; EXCEPTING THEREFROM the South half of vacated 7th Avenue which inured to Lots 8, 9 and 10, Block 7, FOLKENBERG. EXCEPTING THEREFROM that portion of Lots 5 and 6 and vacated 7th Avenue deeded to Multnomah County in Deed recorded August 5, 1993 in Book 2734, page 3050 and that portion of Lots 1 and 10 and vacated 6th Avenue deeded to Multnomah County August 5, 1993 in Book 2734, page 3040.	
Tax ID #: R164670	
Map Tax Lot #:2NIW30BC-00200	

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. 06-205

Order Establishing the Final Assessment Against the Individual Parcels for the NW 8th Avenue Bridge Replacement Project and Directing the Publication and Mailing of Notice to Property Owners Under ORS 223.210 (1)

The Multnomah County Board of Commissioners Finds:

- a. On November 30, 2006, as allowed under ORS 371.645 the County adopted Order No. 06-192 setting the date of December 14, 2006 as the time for hearing of any objections to the proposed final assessments against the individual parcels for the NW 8th Avenue Bridge Replacement Project.
- b. By previous Board actions to date, this Board has accepted the improvement, and the total cost compiled by the County Engineer is \$92,555.40; and has been advised by the County Engineer and accepts that the individual assessment shall be in the amount of \$15,425.90 against each benefited property.
- c. The benefited properties are more particularly described in the attached Exhibit A, identified as "Parcels I-VI".
- d. The County to date has not received any written or oral objections to the proposed individual assessment amount.

The Multnomah County Board of Commissioners Orders:

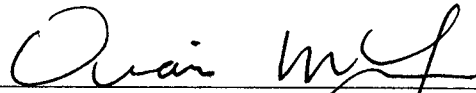
1. The List of Parcels Nos. I-VI, contained in the attached Exhibit A, describing ownership of the properties and stating the assessment of **\$15,425.90** against each individual parcel is certified as required under ORS 371.650 (1).
2. As provided under ORS 371.655 (1), the final assessment against each individual parcel in the amount of **\$15,425.90**; is due and payable **30 days** from the date of this Order at the Multnomah County Finance Division Office located at: 501 SE Hawthorne Blvd, Suite No 531; Portland, Oregon, 97214. If not so paid, the assessment amount will be delinquent and will bear interest at the rate of **5.75 %** per annum. This Order, including Exhibits A, is to be recorded in the Multnomah County Deed Records.
3. The final assessment amount and any incurred interest shall be a lien with the priority as provided under ORS 371.650(2), against each affected parcel listed in Exhibit A from the date of the recording of Multnomah County Board Order No 05-111 imposing the assessment in this matter.
4. Notwithstanding Paragraph No 2, the individual parcel owners may apply for an installment payment of the assessment as provided in ORS 223.210; subject to interest on said installment payment at the rate of **5.75 %** per annum on all unpaid assessments together with actual administration costs as determined by the County's Finance Division.
5. The County's Transportation Division is directed to coordinate with the County's Finance Division to prepare an installment payment application and contract to be made available to the parcel owners in compliance with ORS Chapter 223.

6. Any duly executed installment application and contract as authorized under this Order shall be recorded in the Multnomah County Deed Records, and shall run with the land and bind all future owners and successors in interest.
7. The County's Transportation Division is directed to publish and provide the notice of final assessment in the manner required under ORS 223.210.

ADOPTED this 14th day of December 2006.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

EXHIBIT A

PARCEL I: OWNER: RIDEOUT, Shiloh & Kate C		Assessment: \$15,425.90
Legal Description: Lot 6, 7, 8, 9 & 10, Block 6, Folkenberg; Multnomah County, Oregon.		
Tax ID #: R164667		
Map Tax Lot #: 2NIW30BC-01000		
PARCEL II: OWNER: DENZELL, Stewart C & Kristine K		Assessment: \$15,425.90
Legal Description: Lot 1, 2 and 3, (including part in vacated street) Block 11, Folkenberg; Multnomah County, Oregon.		
Tax ID #: R164683		
Map Tax Lot #: 2NIW30BB-00800		
PARCEL III: OWNER: HOLM, Kimberly A & VILLARREAL, Catarino F Jr		Assessment: \$15,425.90
Lot #1: Legal Description: Lots 13 and 14 (including part in vacated street) Block 10, Folkenberg; Multnomah County, Oregon.		
Tax ID #: R164681		
Map Tax Lot #: 2NIW30BB-01100		
Lot #2: Legal Description: Lots 15 and 16 (including part in vacated street) Block 10, Folkenberg; Multnomah County, Oregon		
Tax ID #: R164682		
Map Tax Lot #: 2NIW30BB-01200		
PARCEL IV: OWNER: LAWRENCE, Elinor M		Assessment: \$15,425.90
Legal Description: Lot 1 (including part in vacated street); Block 6 Folkenberg; Lots 2 and 3; Block 6; Folkenberg, Multnomah County, Oregon		
Tax ID #: R164664		
Map Tax Lot #: 2NIW30BC-00600		
PARCEL V: OWNER: SCHULTZ, Dennis W & DOLL, Marian		Assessment: \$15,425.90
Legal Description: Lots 1-16, Block 8, Folkenberg; Multnomah County, Oregon.		
Tax ID #: R164672		
Map Tax Lot #: 2NIW30BC-00100		
PARCEL VI: OWNER: CRITCHLOW, Lloyd R		Assessment: \$15,425.90
Lot # 1: Legal Description: Lots 4, 5, 6 and 7, all in Block 9, FOLKENBERG, in the County of Multnomah and State of Oregon, TOGETHER WITH that portion of vacated 7th Avenue which inured to Lots 4 and 5 by Vacation Order No. 1276 entered June 27, 1932. EXCEPTING THEREFROM that portion of Lots 6 and 7 deeded to Multnomah County August 5, 1993 in Deed recorded in Book 2734, page 3045 and that portion of Lots 5 and 6 and vacated 7th Avenue deeded to Multnomah County August 5, 1993 in Deed recorded in Book 2734, page 3050.		
Tax ID #: R164675; R164673		
Map Tax Lot #:2N1W30BB-01300; 2N1W30BB-01700		
Lot # 2: Legal Description: Lots 1 to 10, inclusive, Block 7, FOLKENBERG, in the County of Multnomah and State of Oregon, TOGETHER WITH the South half of vacated 7th Avenue and the North half of vacated 6th Avenue which inured to said block by Vacation Order No. 1276, entered June 27, 1932; EXCEPTING THEREFROM the South half of vacated 7th Avenue which inured to Lots 8, 9 and 10, Block 7, FOLKENBERG. EXCEPTING THEREFROM that portion of Lots 5 and 6 and vacated 7th Avenue deeded to Multnomah County in Deed recorded August 5, 1993 in Book 2734, page 3050 and that portion of Lots 1 and 10 and vacated 6th Avenue deeded to Multnomah County August 5, 1993 in Book 2734, page 3040.		
Tax ID #: R164670		
Map Tax Lot #:2NIW30BC-00200		



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 12/14/06
Agenda Item #: R-10
Est. Start Time: 10:45 AM
Date Submitted: 11/20/06

BUDGET MODIFICATION: -

Public Hearing to Consider and Possibly Act Upon a Measure 37 Claim by Cecelia Hunziker for \$890,000 in Compensation or Relief from Regulations to Allow a Five Lot Land Division with Homes on Each Lot on Property Located at
Agenda **13715 NW Germantown Road [TL 300, Sec 09, T1N, R1W, W.M.] (Case File**
Title: **T1-05-063)**

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

Date Requested: December 14, 2006 Time Requested: 30 minutes
Department: Community Services Division: Land Use and Transportation
Contact(s): Don Kienholz, Derrick Tokos
Phone: 503-988-3043 Ext. 29270 I/O Address: 455/116
Presenter(s): Don Kienholz, Sandy Duffy

General Information

1. What action are you requesting from the Board?

Action requested is to provide a public hearing and render a decision on this Measure 37 claim by Cecelia Hunziker for property at 13715 NW Germantown Road. Land Use Planning has outlined an approach to deciding this claim in a staff report dated November 20, 2006.

This Agenda Placement Request contains summary information related to the claim. A staff report related to the claim is attached which provides more detailed information. The staff report contains the analysis conducted by land use planning staff. An exhibit to the staff report contains a legal analysis related to land divisions and Measure 37 which was prepared by Sandy Duffy, Assistant County Attorney. A second exhibit confirms our rationale for when the claimant acquired a right to use the property.

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

The claimant has submitted a Measure 37 request to divide one property into a 5 lot subdivision, or have the county pay \$890,000 in compensation. The claimant asserts she has held an ownership in the subject property since 1989 at a time when zoning regulations would have allowed a 5 lot subdivision.

According to Multnomah County's assessment and deed records, the subject property is owned by Cecelia Hunziker, who purchased the property on contract in 1989. The contract was fulfilled and transferred to Cecelia Hunziker via Warranty Deed in 2002. However, both the contract established in 1989 and the 2002 Warranty Deed gave special Life Estates to the previous owners (Wesley and Fern Wiseman) that granted them exclusive use of the property until their deaths. The last Life Estate expired in February of 2005, at which time Cecelia Hunziker then acquired the right to use the property. Because of this, Multnomah County assigns the end of the last Life Estate on February 28, 2005 as the date the claimant acquired a present right to use the property.

In addition, Multnomah County's understanding of the law as reflected in its Measure 37 ordinance is that division of a property is not a 'use' of land subject to the provisions of Measure 37 and that development rights gained through a waiver are personal to the claimant and will result in no reduction in value if transferred to a purchaser of a subdivided parcel. Because a subsequent owner would acquire the property subject to all laws in effect when the subsequent owner purchased the property, the subsequent owner would not acquire a "buildable lot". This legal issue is analyzed in detail within a memo prepared by the Assistant County Attorney, Sandra Duffy which has been attached to the staff report. For the reasons outlined in this legal memorandum, Staff finds this request is invalid.

For a claim to be valid, the land use regulations challenged must restrict the claimant's use of private real property in a manner that reduces 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 and memorandum from the County Attorney's Office dated November 14, 2006, this requirement has not been met. The reasons for this are as follows:

- (a) The claimants have failed to establish that they acquired a right to use the property prior to the date the challenged regulations were enforced and;
- (b) Subdividing property is not a "use" subject to the provisions of Measure 37 and that, in any event, development rights gained through a waiver are personal to the claimant and cannot be transferred to a purchaser of a subdivided parcel. Since the rights are not transferable there has been no reduction in the fair market value of the property.

Consequently, the Board of Commissioners must deny this claim.

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

The claimants assert a reduction in value of \$890,000; however, this dollar figure is not specifically supported by an appraisal prepared in accordance with the County ordinance. An appraisal was submitted on May 19, 2006 but it only supported the claim there has been a reduction in value and did not assign a dollar amount to that reduction. Staff does not believe any compensation is due because the claim is invalid.

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

Policy and legal issues are outlined in a staff report from Land Use Planning dated November 20, 2006. 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 was mailed to all property owners within 750 feet of the subject property. Deliberation and any action on this item will be done following a public hearing at which interested citizens will have an opportunity to testify and provide written comment in accordance with the Board of Commissioners rules of procedure for the hearing.

Required Signatures

**Department/
Agency Director:**



Date: 11/20/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:



**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

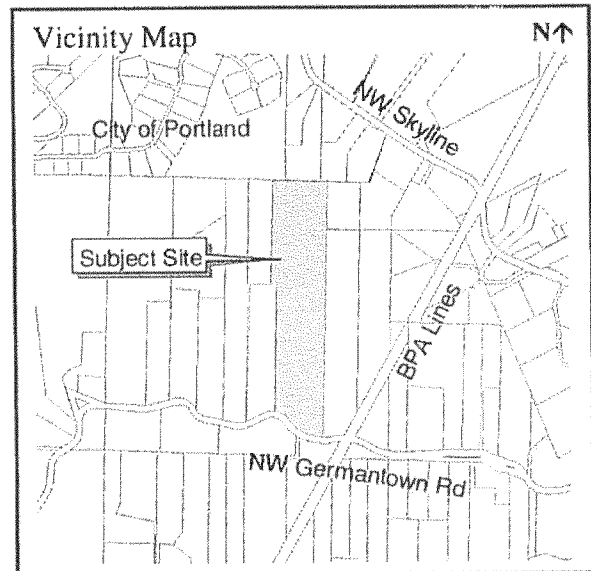
Hearing Date, Time, & Place:

December 14, 2006 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: T1-05-063

Claimants: Cecelia Hunziker
4840 Penns Valley Road
Spring Mills, PA 16875

Location: 13715 NW Germantown Road
TL 300, Sec 09, T1N, R1W, W.M.
Tax Account # R961090210



Claim: A claim for \$890,000 in compensation or relief from land use regulations to allow the land to be divided into 5 parcels of five acres each with dwellings on each lot.

Zoning: Rural Residential (RR), Significant Environmental Concern overlay for wildlife habitat (SEC-h), Hillside Development overlay, and OAR Chapter 660, Division 004 requiring 20-acre minimum lot size if within 1-mile of the Urban Growth Boundary.

Site Size: 25.13 acres

Approach to Deciding the Claim:

For a claim to be valid, the land use regulations challenged must restrict the claimant's use of private real property in a manner that reduces 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 this report and memorandums from the County Attorney's Office dated June 8, 2006 and November 14, 2006, this requirement has not been met because (a) land use regulations in effect when the owner acquired a right to use the property did not allow a further division of the property, (b) dividing property in itself is not a "use" subject to the provisions of Measure 37, and (c) in any event, development rights gained through a waiver are personal to the claimants and cannot be transferred to a purchaser of a subdivided parcel. Since the rights are not transferable there has been no reduction in the fair market value of the property.

Staff Analysis

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

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 the measure.

On October 11, 2005, the claimant submitted a completed Measure 37 Claim Form (Exhibit 1), a \$1,500 deposit, a list of regulations which the claimant asserts reduce their property value, a narrative (Exhibit 2), a copy of the 1989 contract of sale (Exhibit 3) a copy of the November 7, 2002 Warranty Deed which transferred ownership of the property to the claimant (Exhibit 4). On May 19, 2006, the claimants submitted a title report prepared by Fidelity National Title Company of Oregon (Exhibit 5). Also on May 19, 2006, the claimant submitted the required appraisal of the property (Exhibit 6). The claim is considered to be complete consistent with the county's requirements outlined under MCC 27.520.

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

No. The Claimant obtained a warranty deed for the property on November 7, 2002 (Exhibit 4) but did not obtain a right to use the property until February 28, 2005 when the exclusive Life Estate of the previous owners expired.

County assessment records show that the claimant is the current owner of the subject property. A land sale contract from 1989 was submitting showing that the current owner had entered into an agreement to purchase the property. A warranty deed dated November 7, 2002 was submitted showing a transfer of ownership to the current owner, Cecelia Hunziker. Normally, a vendee's interest in a land sale contract would be sufficient to establish a interest or ownership for a Measure 37 claim. However, the 1989 contract, as well as the warranty deed from 2002, have terms that prohibited the current owner from using the property by way of a Life Estate for Wesley and Fern Wiseman. In essence, the previous owners had exclusive use of the property until their deaths, which occurred in 2005. The current owner, Cecelia Hunziker, only had a future right to use the property until after that time. Consistent with the State's Measure 37 decision (Exhibit 7) and the County Attorney's opinion (Exhibit 8), Cecelia Hunziker did not obtain a right to use the property until the Life Estate expired on February 28, 2005. However, in the State's Measure 37 decision, it indicated that Cecelia Hunziker obtained fee interest to the property on November 7, 2002, which gave the claimant a right to use and possess the property. It is not clear why the State used the November 7, 2002 date, because the life estate was still in effect until the death of the second life estate in 2005.

On February 28, 2005, the zoning of the lot was Rural Residential (RR). A copy of the RR regulations in effect at the time are included as Exhibit 9. Oregon Administrative Rule 660-004-0040 prohibits the creation of lots and parcels smaller than 20-acres within 1-mile of the Urban Growth Boundary. This rule was effective on October 4, 2000, prior to the claimant having a right to use the property. Because the OAR was not codified, the County was obligated to implement the rule directly after its adoption in 2000. The County adopted the rule and amended its code on May 16, 2002.

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

No. The claimant has failed to establish that the challenged regulations have restricted her use of the property.

Rural Residential regulations in existence when the claimant acquired the property prohibit further division of the subject property, meaning relief from challenged regulations would not allow the development that is sought.

A land division in the RR zone within one mile of the UGB would have required the subject property to be at least 40 acres. Even if land divisions were allowed, Multnomah County's interpretation of the law as reflected in its Measure 37 ordinance is that dividing property in itself is not a 'use' of land subject to the provisions of Measure 37. Development rights gained through a waiver are personal to the claimant and will result in no restriction in use if transferred to a third party. No restriction in use would occur for the third party because they would be subject to the same Rural Residential regulations which have prohibited the partition of parcels under 40-acres in size since 2000.

This legal issue is analyzed in detail within a memo prepared by the Assistant County Attorney, Sandra Duffy, dated June 8, 2006. For the reasons outlined in this legal memorandum, staff finds this claim seeking the right to partition the property to be invalid.

The claimant also identified regulations pertaining to the Significant Environmental Concern overlay, land division regulations, and LAND USE definitions as part of her claim. However, those issues are moot since the claimant obtained the property after the RR regulations prohibited lots smaller than 20-acres, which was the primary regulation in her claim.

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

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

An appraisal submitted by the claimant (Exhibit 6) was performed by a licensed Oregon Certified General Appraiser. The appraisal did not give a specific reduction in the dollar amount of the value of the property based on the regulations; rather, it stated that the restrictions the claimant claimed were on the property did in fact reduce the value of the property. A specific dollar amount would need to be determined later if the County were to pay the claim.

Using the narrative materials and appraisal data submitted by the claimant to substantiate the claim, staff determined that the claimant was requesting between \$491,700 and \$890,000 in compensation. However, a reduction in value has not occurred because a right to use the property was not acquired in 1989 as claimed. Rather the right to use the property was acquired in 2005, after the 2000 adoption of OAR 660-04-0040. As such, regulations restricting the use of the property were already in effect. Additionally, development rights cannot be transferred.

As stated earlier, the claimant identified several other regulations other than the minimum lot size that reduced the fair market value of their property. Again, they are moot since the property was acquired after the primary regulation of their claim was adopted.

Public Comment

After a claim for compensation is declared complete pursuant to MCC 27.520(B), the Director shall mail notice of the claim to the claimant, other owners of record of the property, and all owners of property within 750 feet of the subject property. Additional mail notice shall be sent to any public entities with land use regulatory authority over the property and other organizations or persons as the Director may designate (MCC 27.530(A)).

Pursuant to the provisions of MCC 27.530, a 14-day Opportunity to Comment packet was mailed on October 27, 2006. No comments were submitted. Notice was also provided to claimant and adjacent owners advising them of the scheduled hearing date.

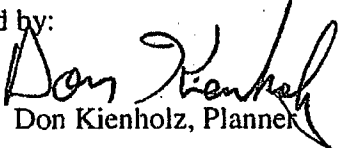
Conclusion

In conclusion, the claimant has failed to establish that regulations enacted after she obtained a right to use the property have prevented her (or others) from dividing the property so that they can develop homes on the new parcels. Consequently, there is no restriction of her use of the land or reduction in its value.

Additionally, dividing property is not a "use" subject to the provisions of Measure 37 and, in any event, development rights gained through a waiver are personal to the claimants and cannot be transferred to a purchaser. The County's RR zoning regulations and State Administrative Rules in effect when the owners acquired a right to use the property did not allow for land divisions for properties less than 20 acres in size.

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

Issued by:

By:  Don Kienholz, Planner

For: Karen Schilling- Planning Director
November 20, 2006

Exhibits

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

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
1	1	Measure 37 Claim Form	October 11, 2005

2	1	List of Regulations Claimant Asserts Reduces Property Value	October 11, 2005
3	2	1989 Contract of Sale	October 11, 2005
4	7	November 7, 2002 Warranty Deed	October 11, 2005
5	4	Title Report Prepared by Fidelity National Title Company of Oregon	October 11, 2005
6	5	Measure 37 Appraisal Prepared By Cushman & Wakefield	May 19, 2006
7	8	State of Oregon's Measure 37 Claim Decision	August 24, 2006
8	2	Multnomah County Attorney Opinion	November 14, 2006
9	5	Rural Residential Regulations In place at the Time Claimant Obtained Right to Use Property	November 20, 2006

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: Don Kienholz
Multnomah County Planner

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

Date: November 14, 2006

Re: Cecilia Hunziker, Ballot Measure 37 Claim

I have reviewed your staff report for legal sufficiency under Multnomah County Code 27.500 *et. seq.*

This application seeks a subdivision of property creating 5 parcels. My memorandum dated June 8, 2006, sets out a legal opinion stating that subdividing property is not a "use" of land. Further, since the Measure 37 rights are not transferable, there has been no reduction in the fair market value of the property.

Additionally, this application raises a unique question of who is an "owner" for purposes of a Measure 37 claim. ORS 197.352 provides for payment of compensation or relief from specific laws for "owners" as that term is defined in ORS 197.352(11)(C). That provision defines "owner" as "the present owner of the property, or any interest therein."

The claimant asserts an acquisition date of December 31, 1989, when Wesley Horace Wiseman and Fern Cecelia Wiseman entered into a land sale contract with the claimant. Normally, a vendee's interest in a land sale contract would be a sufficient basis for a claim. However, in this case, under the land sale contract,

Wesley Horace Wiseman and Fern Cecilia Wiseman retained life estate interests in the subject property with the exclusive right to use the property during the duration of their life estates. As a result, although the claimant acquired a right to use the subject property in the future through the land sale contract, that right did not include a present right to use the property since it was subject to Wesley Horace and Fern Cecilia Wiseman's life estates. On November 7, 2002, claimant obtained a warranty deed for the fee title to the property, but did not obtain a right to use the property until February 28, 2005, when the exclusive Life Estates of the previous owners expired, as reflected by a September 14, 2005, title search report.

You have adequately addressed each required criteria and have substantial evidence to support your conclusions that the claimant did not acquire the property before the laws in question were adopted; that claimant failed to establish that the challenged regulations restricted her use of the property; and, that the claimant failed to establish that the regulations reduced the fair market value of the properties.

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

Re: All Measure 37 Land Divisions Are Facially Invalid

Date: June 8, 2006

INTRODUCTION:

A substantial portion of the Measure 37 claims being submitted to Multnomah County are for partitions or subdivisions. MCC 27.530(O) authorizes the Planning Director to determine whether a claim is invalid on its face and to recommend to the Board of County Commissioners that the claim be denied. The question this memorandum addresses is whether claims for land divisions are invalid on their face. This memorandum is intended as guidance for the Planning Director and the land use planners who are reviewing Measure 37 claims.

Set out below is the County's legal analysis addressing whether partitioning and/or subdividing land is a "use" of land which is subject to the provisions of Measure 37 and whether development rights gained through a waiver are personal to the claimant or transferable to a purchaser of a subdivided parcel. If the development rights are not transferable, there has been no "... reduc[tion in] the fair market value of the property," which is required for a valid Measure 37 claim.

DISCUSSION:

A. County land division regulations do not restrict the owner's "use" of the property.

The meaning of the term "use" in the Measure is a critical factor in determining the validity of claims, as well as the governing bodies' authority to pay compensation or to waive¹ regulations. Section (1) of the Measure requires compensation from the County if it enforces an ordinance that "restricts the *use* of private real property."

As an alternative to paying compensation, the Measure, in Section(8) authorizes the governing body to: "...modify, remove or not to [sic] apply the land use regulation or land use regulations to allow the owner to *use* the property for a *use* permitted at the time the owner acquired the property."

If the county land division regulations (MCC 33.7700 – 33.8035) are a *use* restriction, the Board may pay compensation or waive the regulations which would allow Measure 37 claimants to partition or subdivide their parcels.

(1) Land division ordinances as land use regulations in Measure 37.

The proponents of the Measure give import to the fact that the Measure defines "land use regulation" in subsection (11)(B) as including "land division ordinances." First, land division ordinances do not specify how a property is to be *used*. Land division ordinances set out the requirements for and procedures to partition or subdivide parcels of land.

Second, on February 24, 2005, the Attorney General's Office issued a Measure 37 letter-opinion to Lane Shetterly, Director of DLCD. That letter-opinion makes it very clear that a

¹ Waiver is a term used in this memorandum in lieu of the Measure 37 language which authorizes the governing body to "modify, remove or not to [sic] apply the land use regulation..."

waiver is valid only if a *series* of conditions are met², including: “The law [county code] restricts the use of private real property or any interest therein,” and “The law [county code] has the effect of reducing the fair market value of the claimant’s property or any interest therein.” Inclusion of a type of regulation within the definition of “land use regulation” does not necessarily mean that it is a “use” regulation which restricts the use and diminishes the value of property, giving rise to a Measure 37 claim.

Finally, the two sections of the Measure (the definitions and the requirement that a restriction in use diminish the value), must be read in context and effect must be given to both, if possible. The general definition provision will not take precedence over the substantive provision requiring a restriction in *use* and a diminution in value to prove a valid claim under the Measure.³

(2) Interpreting the word “use.”

When construing a statute, the court’s task is to determine the intent of the legislature. The best indication of legislative intent is the text of the statute. Only if the court finds the text is ambiguous will the court analyze the legislative history of the statute. *PGE v. Bureau of Labor and Industries*, 317 Or 606, 859 P2d 1143 (1993); ORS 174.010. The same analysis applies whether the statute was enacted by the legislature or through the initiative process. *Stranahan v. Fred Meyer, Inc.*, 331 Or 61; 11 P3d 228 (2000).

The term “use” is undefined in the Measure which means it is to be interpreted in its common, everyday meaning. The common meaning of “use,” in the context of land use

² The same holds true for a determination to pay compensation. There must be a valid Measure 37 claim which meets the same series of conditions.

³ ORS 174.020(2) “When a general and particular provision are inconsistent the latter is paramount to the former so that a particular intent controls a general intent that is inconsistent with the particular intent.”

regulations, includes such uses as: rural residential use, commercial use, farmland use, forestland use, industrial use, community service use.⁴ Those broad categories of uses are subdivided into more specific uses in the zoning code. For example, rural residential allowed uses include: raising and harvesting of crops, raising livestock and honeybees, and family day care.⁵ All of these uses can take place on a parcel of land without subdividing the parcel.

The common dictionary definition of the word "use" is:

"The act of using or the state of being used." Webster's New Universal Unabridged Dictionary, Second Edition, (Dorset and Baber 1989).

The legal definition of the word "use" is:

"The application or employment of something; esp., a long-continued possession and employment of a thing for the purpose for which it is adapted, as distinguished from a possession and employment that is merely temporary or occasional <the neighbors complained to the city about the owner's use of the building as a dance club>." Black's Law Dictionary, Seventh Edition, West Group, St. Paul Minn., (1999).

Both of these definitions contemplate active employment of the land for a specific purpose. The acts to subdivide land (applying for a land use permit, obtaining a title report, obtaining a survey, recording a plat) do not involve the employment of land. Subdividing is preparation for a use of the land, but is not, itself, a use.

Other than *MacPherson*⁶, there are no cases to date interpreting the language of Measure 37, however, the Court of Appeals, in *Parks v. Tillamook County*, 11 Or App 177 (1972),

⁴ This is a representative sample of some of the uses contained in MCC Chapter 33; there are many others but none of them include partitions or subdivisions.

⁵ These are examples from MCC Chapter 33.

⁶ *MacPherson v. Department of Administrative Services*, 340 Or 117, 130 P3d 308 (2006) found Measure 37 to be constitutional.

recognized that platted but undeveloped land is not regarded as a “use” in zoning law.⁷ It follows that the process of subdividing land would not be a “use” of land either.

(3) The Attorney General concludes Measure 37 rights are not transferable.

The Attorney General’s letter-opinion to the Director of DLCD also reviews the voter’s pamphlet statements for voter intent on transferability of Measure 37 relief. Some of that discussion may be relevant as legislative history of voter’s intent on whether the Measure was intended to allow subdivision of qualified parcels. It states:

The arguments in favor include 40 submissions ...slightly more than half of the arguments discuss the perceived adverse effects of land use laws in the abstract... slightly fewer than half are statements about how land use laws are preventing a specific owner from putting his or her property to some particular current use. All of those specific concerns could be remedied either by a decision that is personal to that owner or one that ran with the land, with the possible exception of several owners who expressed dissatisfaction with not being able to subdivide their property and give parcels to descendants, sell them to third parties, or both. Allowing an owner to subdivide property by not applying a prohibition would do him no good, of course, unless the subdivision remained lawful after its transfer to one or more new owners. Existing laws generally allow new owners to perpetuate non-conforming uses that were lawful when instituted, but it is not certain whether all would apply to a decision under Measure 37. See, e.g., ORS 215.130. [non-conforming use statute – footnote omitted] None of the arguments in favor addresses whether subsequent purchasers would acquire the rights, or step into the shoes, of owners covered by the measure. Likewise, no argument directly mentions the effect of laws on property’s resale value, although one argument states that they restrict the use of home equity to fund owners’ retirements. The latter implies an adverse effect on resale value, which might be recognized by discerning voters as a problem that would only be remedied if the exemptions ran with the land. On the other hand, an argument in favor of the measure by the chief petitioners expressly states that if an owner entitled to Measure 37 compensation conveys her property, that will establish a new “date of acquisition” for purposes of determining what laws may give rise to a claim. This is a clear statement that the chief petitioners expected that the relief available under the measure depends on when the current owner acquired the property – that the relief is personal to the current owner. If the current owner is eligible for relief, but sells the

⁷ At 196.

property, then only laws adopted after the new owner acquired the property create a right to relief. (Emphasis added.)

The opinion, in a footnote to this quoted section, which related to the non-conforming use statute (ORS 215.130), questions whether Measure 37 implementing ordinances, adopted by local governments, can confer non-conforming use status upon transferred properties. The footnote states:

"This statute [ORS 215.130] allows the continuation of uses that have been made unlawful by a subsequent change in the law. But if a decision to grant non-monetary relief under Measure 37 is personal to the owner, uses covered by an [sic] decision would be made unlawful not by a change in the law but by a change in ownership, which does not come under ORS 215.130. Therefore, voters whose decision to support the measure was motivated by the arguments about subdivision restrictions presumably expected either that a decision to grant non-monetary relief would run with the land or that existing law would not require that a subdivision be undone upon the property's sale. Additional legislation may be needed to implement that intent." (Page 6.) (Emphasis added.)

This footnote implies that the voter's pamphlet "legislative history" probably includes an intent to perpetuate a legal use of the property upon transfer, but it does not fit into the nonconforming use statute because the trigger is sale, not change in land use laws. This footnote seems to suggest that the nonconforming use statute (ORS 215.130) could be amended by the legislature to add the sale of Measure 37 properties as creating a nonconforming use.

In light of the Attorney General's letter-opinion, the *Parks* case, common land use parlance, the dictionary definitions of "use," and the failure of the Measure to specifically authorize partitions or subdivisions in zones where those actions are prohibited, this Court should interpret Measure 37 to exclude a subdivision or partition of land as a "use" of land.

B. A “diminished value” relies on an erroneous assumption of transferability.

Even assuming an owner’s evidence of value is legally sufficient to support a finding in his/her favor, it is erroneously predicated on an assumption that the owner can sell his/her properties with Measure 37 historical rights to use the property intact.

If Measure 37 rights do not transfer with the sale of a property, the property has only the value it will have in the hands of the purchaser with *current* applicable regulations.

(1) Regulatory Relief is Personal to the Present Owner

Regulatory relief under ORS 197.352 is personal to the present owner of the property. When the County finds that a claimant meets the standards for relief under ORS 197.352, the County may, in lieu of compensation, waive land use regulations “to allow *the owner* to use the property for a use permitted at the time *the owner* acquired the property.” ORS 197.352 (8) (emphasis added). The statute then defines “owner” as the “present owner of the property.” ORS 197.352 (11)(C). Therefore, the regulatory relief authorized by the statute as an alternative to compensation is personal to the present owner.

This conclusion is consistent with the advice the Oregon Attorney General (“AG”) has given to State agencies. In a letter dated February 24, 2005, to the Director of the Department of Land Conservation and Development, the AG writes that a decision “to ‘not apply’ a law would necessarily be personal to the owner submitting the claim.” The letter cites to and relies on arguments made by the proponents of the statute that were presented in the Voters Pamphlet:

“[A]n argument in favor of the measure by the chief petitioners expressly states that if an owner entitled to Measure 37 compensation conveys her property, that will establish a new ‘date of acquisition’ for purposes of determining what laws may give rise to a claim. This is a clear statement

that the chief petitioners expected that the relief available under the measure depends on when the current owner acquired the property – that the relief is personal to the current owner. If the current owner is eligible for relief, but sells the property, then only laws adopted after the new owner acquired the property create a right for relief.”

Any rights obtained by and owner pursuant to a state waiver or a county waiver are personal to the owner with Measure 37 rights and may not be transferred to subsequent owners. Because a subsequent owner would acquire the property subject to all laws in effect on the date the subsequent owner acquired it, the subsequent owner would not acquire a “buildable lot.”

Property owners who are making Measure 37 claims to Multnomah County are claiming that they are entitled to compensation in some identified amount based on an assertion that they can divide the property into some specific number of “buildable lots.” The core of this claim is the assertion that, absent zoning regulations enacted after date of owner acquisition, the claimant could divide the property into some specified number of “buildable lots.” However, as noted above, any rights obtained pursuant to a claim filed under ORS 197.352 are personal to the claimant and do not transfer with the property. Accordingly, a purchaser of a lot from a Measure 37 owner will acquire the property subject to all laws currently in effect and current laws do not allow new dwellings on the lots in contravention of the current regulations.⁸

Because the lots cannot be sold as residential building sites, they have no real market value for residential use and regulations that prohibit their creation do not reduce the property’s value.

(2) Plaintiff cannot divide land because land division is not a “use”.

⁸ State and local laws allow new dwellings in commercial forest zones only under very limited circumstances – none of which would apply to the subdivision lots created pursuant to this claim. See e.g. ORS 215.705, 215.720, 215.730, 215.740 and 215.750; Multnomah County Code (“MCC”) 33.2220, 33.2225, 33.2230, 33.2235 and 33.2240.

See Section A(3) above. (The Attorney General concludes Measure 37 rights are not transferable.)

If Measure 37 rights do not run with the land, then Plaintiff's property has no enhanced value in the eyes of a potential purchaser and no diminution in value attributable to current regulations.

CONCLUSION:

Partitioning and subdividing land is not a "use" of land which is subject to the provisions of Measure 37. Development rights gained through a waiver are personal to the claimant and are not transferable to a purchaser of a subdivided parcel. Because the development rights are not transferable, there has been no reduction in the fair market value of the property, which is required for a valid Measure 37 claim. A potential purchaser will only pay the fair market value of the property with land use restrictions in place because those restrictions will apply to the purchaser.

Script for December 14, 2006 Cecilia Hunziker Measure 37 Hearing

INTRODUCTION:

Chair: This is the time set for public hearing on the claim of **Cecilia Hunziker** under Ballot Measure 37. I am Diane Linn, Chair of the Multnomah County Board of Commissioners. Also in attendance are Commissioners _____ [name each Commissioner].

All information relevant to the claim may be submitted and will be considered in this hearing. 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.

or if the Chair has disclosures to make

I have the following disclosures to make: _____

Chair: [Invite the other Commissioners to make any necessary disclosures.) Commissioner Rojo de Steffey? Commissioner Naito? Commissioner Cruz? 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.

Script for December 14, 2006 Cecilia Hunziker Measure 37 Hearing

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

I do [do not] have a financial interest in the outcome of this matter. [Invite other commissioners to make any necessary disclosures.] Rojo de Steffey? Naito? Cruz? 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 claim?

I do [do not] live within the geographical area. Rojo de Steffey? Naito? Cruz? Roberts?

[Any commissioner who lives within the relevant geographical area must recuse himself/herself. MCC 7.540]

CONDUCT OF THE HEARING:

Chair: 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 claimant 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: [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]



JOHN C. PINKSTAFF
503.778.2186
pinkstaffj@lanepowell.com

December 12, 2006

**VIA FACSIMILE
VIA ELECTRONIC MAIL**

Multnomah County Board of Commissioners
c/o Derrick Tokos
Land Use & Transportation Planning Program
1600 SE 190th Ave
Portland, OR 97233

Re: County Claim Number: T1-05-063
Name of Claimant: Cecelia L. Hunziker
Staff Analysis Comments
Our File No. 708042.0004

Dear Commissioners:

As you are aware, this firm represents the Claimant with regard to the above referenced Claim. We are in receipt of your Staff Analysis of Measure 37 Claim for the hearing before the Board of Commissioners scheduled for December 14, 2006 (the "Analysis"). Please accept this letter as comments to the Analysis directed to Sections 2, 3 and 4 and the memoranda referenced therein.

1. Ownership

In Section 2 of the Analysis, staff correctly states that Cecilia Hunziker is an owner for purposes of ORS 197.352 (the "Statute"). However, the Analysis incorrectly describes the date of acquisition of her ownership interest as February 28, 2005, the date that the life estate for Wesley and Fern Wiseman expired, notwithstanding the fact that Claimant became an "owner" for purposes of the Statute on December 31, 1989, pursuant to a contract of sale for the property under which the Claimant became the owner of a vendee's interest subject to the life estate of the Wisemans.

Section 2 of the Analysis asserts the date when the "owner acquired the property" is the date that the owner acquired the right to use the property. However, that is an interpretation of the Statute which is contrary to the text and context of the Statute and long established principles of real property law.

Claimant became an "owner" for purposes of the Statute on December 31, 1989 pursuant to a contract of sale for the property. A "Memorandum of Contract" for the described agreement was recorded in Book 2269, Pages 2725 and 2726 of Multnomah County records on January 19, 1990.

The text of the Statute (at ORS 197.352(11)(C)) defines an owner as "the present owner of the property, or any interest therein." It is undisputed from the record that Cecilia Hunziker became the owner of a vendee's interest in the subject real property at the date of the contract for which the above-described memorandum was recorded. A vendee's interest in a contract for sale of real property has been recognized as a true interest in the property by the State and by every city, county and Metro. This is evidenced by the rules or ordinances adopted by all such entities granting contract vendees the power and right to make land use and other applications relating to the real property. The interest of a contract vendee in real property is also uniformly recognized by the title laws and title insurers of this state who uniformly issue policies of title insurance insuring the interests of contract vendees. It is black letter law that in a contract for the sale of real property, whereas the seller will retain title of record, the vendee becomes the holder of an "equitable interest" in the property that is enforceable in law and at equity, is insurable for title purposes and is recognized by every governmental entity in the state. It must also be noted that the Claimant agreed to and paid all property taxes for the property from and after the date of the contract, as provided in that document.

There are a potentially infinite number of estates in any parcel of real property (the "bundle of sticks" analogy). Here, two estates, the life estate of the Wisemans and the remainder estate of Hunziker, existed concurrently from December 31, 1989. In fact the interest of Hunziker was substantially greater than that of the Wisemans since their interest was finite (limited to their lives) while the Claimant's interest in the property could continue into the indefinite future.

In Section 2, staff acknowledges that the land sale contract from 1989 shows that Claimant had entered into an agreement to purchase the property but goes on to state that, "Normally a vendee's interest in a land sale contract would be sufficient to establish a [sic] interest or ownership for a Measure 37 claim. However, the 1989 contract, as well as the warranty deed from 2002, have terms that prohibited the current owner from using the property by way of a Life Estate for Wesley Horace and Fern Wiseman . . . [and] . . . the previous owners had exclusive use of the property until their deaths," which left Claimant without a present right to use the property. Therefore, staff concludes that the Claimant "did not obtain a [present] right to use the property until 2005 when the exclusive Life Estate of the previous owners expired."

This is a very tortured argument that fails to take into consideration the context of the Statute, which, in fact, is a compensation statute based upon eminent domain principles. Contrary to the staff's argument described above, the Statute at ORS 197.352(2) states:

“Just compensation shall be equal to the reduction in the fair market value of the affected property interest resulting from enactment or enforcement of the land use regulation as of the date the owner makes written demand for compensation under this section.”

At the time Claimant acquired her interest in the property, on December 31, 1989, it was relatively free of restrictions (the regulation prohibiting division of the property into lots smaller than 20 acres having not been adopted until 2000). The absence of restrictions on use which are the subject of the claim on file would have substantially enhanced the market value of the property both in 1989 and at the present time. An increase in the value of the property would have accrued in some measure to the benefit of Cecelia Hunziker, as any purchaser of the property for development would have required acquisition of the entire fee ownership, including the equitable interest and remainder interests of the Claimant. Her interest in the property could have been sold or otherwise assigned at any time after December 31, 1989. If the property had been condemned by any governmental entity having authority any time after December 31, 1989, Ms. Hunziker would have been entitled to monetary compensation for her interest. Furthermore, in the event the Wisemans attempted actions on the property that would diminish the value of her estate, she could have filed a legal action for waste to protect her interests. See PRINCIPLES OF OREGON REAL ESTATE LAW, Chapter 1, Section 1.6, Oregon CLE 2003 Revision, and REAL ESTATE DISPUTES, Chapter 10, Oregon CLE 1993).

Oregon Courts interpret state statutes in accordance with the method described in *PGE v. Bureau of Labor and Industries*, 317 Or. 606, 610-612, 859 P.2d 1143 (1993)¹ Under the text in context of the Statute, the Claimant had an “interest” in the property. Under the plain language of the Statute, “interest therein” is not limited to a present possessory interest in property. There is no support in the text or context for the staff’s interpretation that an “interest” in property is restricted to a present use of the property. *PGE* at 610-612, and ORS 174.010². Under the clear and unequivocal law of this state, the Claimant became an owner of an interest in the property, as provided in the Statute, on December 31, 1989.

¹ First, examine the text in context to determine whether the disputed statutory phrasing is ambiguous. If the statute is unambiguous, that is the end of the inquiry. Second, if the statute is ambiguous, examine the legislative history. If the legislative history resolves the ambiguity, then that is the end of the inquiry. Third if the ambiguity persists, then resort to substantive canons of construction. *PGE*, 317 Or. at 610-612.

² “In construction of a statute, the office of the judge is simply to ascertain and declare what is, in terms or in substance, contained therein, not to insert what has been omitted or to omit what has been inserted; and where there are several provisions or particulars such construction is, if possible, to be adopted as will give effect to all”. ORS 174.010.

2. Regulations have restricted use of property.

Section 3 of the Analysis asserts that: (a) being allowed to divide property (in this case smaller than 20 acres within one mile of the UGB under a regulation adopted in 2000) is not a "use" of land and therefore is not subject to Measure 37; (b) development rights under Measure 37 are personal to the Claimant, not transferable and, therefore will result in no restrictions in use if transferred to a third party insofar as the property would be subject to the same regulations which prohibited land divisions under 40 acres in size since 2000; and (c) regulations pertaining to Significant Environmental Concern overlay, land divisions, and definitions are moot since the County finds that the property was acquired in 2005 after such regulations were adopted.

Regarding (a) above, the staff is incorrect that a land division smaller than the minimum lot size (MLS) for land within the UGB is not subject to Measure 37. Presumably, in claiming that a land division regulation is not a regulation that restricts the use of property, the Staff Analysis is relying upon ORS 197.352(1) which requires just compensation be paid if a "land regulation" is adopted or enforced that "restricts the use of private real property or any interest therein." However, such an interpretation is clearly contrary to the text and context of the Statute, which defines "land use regulation" to include "local government . . . land division ordinances." ORS 197.352(11)(B)(iii). Under the County staff's interpretation, a land division ordinance would be a land use regulation but it could never be subject to Measure 37 because it would not restrict use. Such a reading would render the definition of land use regulations as including land division meaningless, and therefore would fail to give effect to all provisions in the Statute where it is possible to do so by reading ORS 197.352(1) and ORS 197.352(11)(B)(iii) together so as to give meaning to them both. See, ORS 174.010. Moreover, the land division ordinance applies the MLS for the zone (which was a 5 acre MLS for the Rural Residential zone until 2000 when it became a 20 acre MLS for land within one mile of the UGB). The MLS controls the density or the number of dwellings per acre allowed in the zone. It is difficult to conceive of a land division ordinance being applied without consideration of the MLS and the number of dwellings which will be permitted. To claim that the land division ordinance does apply restrictions on the size of parcels (MLS), and that a restriction on the size of parcels is not a restriction on the number of dwellings (use of land), is absurd.

Regarding (b), the argument that development rights under Measure 37 are personal to the Claimant and not transferable and therefore results in no restrictions in use if transferred to a third party, must fail for several reasons.

First, a waiver of regulations under Measure 37 must be transferable; that is, a waiver must "run with the land" in order to comport with the purpose of the Statute which requires the governing body to "compensate" property owners for reduction in the "fair market value" of their property

due to regulations adopted after they acquired the property, either by payment of just compensation or waiver of those regulations.

The Statute provides for just compensation to be paid equal to the reduction in the fair market value of the property resulting from the regulation. ORS 197.352(2). Fair market value is what a willing buyer would pay a willing seller. If the governing body has the option of waiver of regulations "in lieu of just compensation" as a statutory substitute for just compensation under ORS 197.352(8), then that waiver must be worth the equivalent of just compensation, which means that waiver must be something that can be transferred from a willing seller to a willing buyer. But if the waiver of regulations is not transferable to a subsequent buyer (like a personal license) then it would have little or no fair market value, and as such, would not be equivalent to the amount of just compensation which would otherwise be required to be paid for the reduction in the fair market value due to the regulations. An appraisal takes into account the restrictions on development of the property. A nontransferable waiver, which would, in effect, not remove the restrictions on development of the property for the buyer, would therefore be of no value between a willing seller and a willing buyer. In section 4, County staff acknowledges as much when it argues that there is no reduction in fair market value because, among other reasons, "development rights cannot be transferred." Such an interpretation effectively defeats the underlying purpose of the Statute, which is to "compensate" property owners, either through payment of just compensation or waiver of regulations.

The purpose of the Statute can only be given meaningful effect if there is symmetry between just compensation and waiver of regulations. But if waiver does not run with the land then waiver does not restore the Claimant to the position the Claimant was in before the regulations were enacted or applied, when Claimant could have transferred the property to a buyer without the property being subject to the yet to be adopted or enacted regulations. The staff's interpretation of the Statute that the waiver is personal to the present owner would render the Statute a fiction--that is, a hollow promise, which is utterly useless and provides no meaningful relief to the property owner. Instead, the Statute must be read to give effect to its purpose and all of its parts, if possible.

Second, the language relied upon by staff's interpretation does not support an interpretation that waiver is personal to the present owner. It is recognized that the staff's narrow reading of the Statute relies upon language in the waiver section, ORS 197.352(8), which states that in lieu of just compensation the governing body may modify, remove or not apply the land use regulations "to allow the owner to use the property for a use permitted at the time the owner acquired the property." Staff claims this makes waiver nontransferable because it only mentions uses permitted at the time the owner acquired the property. However, that is an unusually strained reading of the Statute. There is nothing inherently restrictive about the quoted language; it simply means the owner who makes the claim is entitled to waiver of regulations to allow use of

the property for uses permitted at the time that owner acquired the property. It says nothing about subsequent transfers, and does not say that the waiver is not transferable, or that once the present owner obtains waiver of the regulations, that the waiver cannot be used by a purchaser of the property, or that a subsequent owner must make a new claim. For example, in a typical land use entitlement application, the owner applies for entitlements and once those entitlements are obtained, the owner can transfer the property with those entitlements to a willing buyer, i.e., the entitlements run with the land. An examination of typical state land use statutes reveals that although one must be an owner to apply for a permit, the permit approvals granted to "owners" are transferable. The development rights under such approvals clearly run with the land although such statutes do not expressly state that they do. For examples of statutes which contain similar language and grants rights which are transferable, *see*: ORS 215.416 (1) and ORS 337.175(1) ("an owner of land may apply . . . for a permit"); and ORS 215.427(3) and ORS 227.178(3)(b) ("approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted"). Although nothing in ORS 214.402 to 215.438 expressly states that an approval runs with the land, in practice it is well accepted that unless the permit says it is personal to the applicant, the entitlements are considered to be transferable.

Third, for the sake of argument, even if a waiver under the Statute without exercise of development rights were personal to the Claimant, if the development rights are exercised by the Claimant by substantial construction of dwellings (with or without a land division), then development of the property would become a non-conforming use (or a vested right), which then could be transferred and allowed to continue under ORS 215.130³. Therefore, a waiver under the Statute effectively establishes the regulatory approval criteria ("freezes the goalposts") as of the date of acquisition by the present owner and the lawful establishment of a non-conforming use. At the time of establishment by the present owner with a waiver under the Statute, the nonconforming use of the building, structure or land is lawful, and is allowed to continue after a change in ownership. Under ORS 215.130, a change in ownership does not cause the regulations which are waived to "spring back" to render the lawful establishment of the use of the land unlawful and prohibit continuation of the non-conforming use by the new owner. Thus, staff is wrong when staff asserts that no restriction in use would occur for the third party because they would be subject to the same regulations which prohibited land divisions smaller than 20 acres since 2000.

Regarding (c), the argument that the property was acquired in 2005 after such regulations were adopted, the staff again bases its conclusions on the erroneous assumption that the Claimant first acquired an interest in the property in 2005. As demonstrated above, that assumption is not

³ ORS 215.130(5) provides in part: "The lawful use of any building, structure or land at the time of the enactment or amendment of any zoning ordinance or regulation may be continued . . . A change in ownership or occupancy shall be permitted."

accurate and is contradicted by myriad State, county and city statutes, ordinances and regulations, as well as title law and the common law of real property. Since December 31, 1989 Cecelia Hunziker has been the owner of a vendee's interest in the subject real property, which is an interest within the definitions of the Statute.

3. Regulations have reduced the fair market value of the property

Section 4 of the Analysis acknowledges that Claimant submitted appraisal data to substantiate her claim of a reduction in value due to regulations. But the Analysis erroneously asserts that a reduction in value has not occurred because a right to use the property was not acquired until 2005, after the adoption of the regulations, and that development rights cannot be transferred.

Staff again bases its conclusions on the erroneous assumption that the Claimant first acquired an interest in the property in 2005. As demonstrated above, that assumption is not accurate and is contradicted by myriad State, county and city statutes, ordinances and regulations, as well as title law and the common law of real property. Since December 31, 1989 Cecelia Hunziker has been the owner of a vendee's interest in the subject real property, which is an interest within the definitions of the Statute.

The discussion within this section of the Analysis refers to the various restrictions on use of the subject property that existed at the time of filing of the Claimant's claim. These restrictions were adopted after Claimant acquired an interest in the property in 1989, and reduced the fair market value of the property.

Conclusions

The conclusions of the Analysis are incorrectly based on the assumption that the Claimant acquired her interest in the property in 2005. As demonstrated above, she acquired an equitable, legally cognizable interest in the property on December 31, 1989.

As noted above, it is black letter law that the vendee under a contract for the sale of real property has an equitable interest in that real property that is recognized by all title companies, government entities and courts in the state of Oregon. It is undisputed that Ms. Hunziker acquired that interest on December 31, 1989. The various restrictions described in the claim of Ms. Hunziker were adopted after that date and, accordingly, Ms. Hunziker is entitled to relief under the Statute.

The Analysis incorrectly asserts that the holder of a remainder interest after a life estate does not have a compensable interest in real property. We have demonstrated both that, the Claimant obtained an interest in the real property in 1989, and that her interest could have been sold,

assigned or otherwise conveyed by her. We have further demonstrated that she had an interest since 1989 that would have been compensable in a condemnation proceeding, the type of proceeding (i.e., compensation for property taken by government) upon which the Statute is premised.

In addition, the conclusions of the Analysis are almost entirely based upon incorrect interpretations and applications of the Statute. The Analysis incorrectly asserts that a land division ordinance is not subject to a Measure 37 claim, contrary to the text and context of the Statute for the reasons stated above. Moreover, the Analysis incorrectly asserts that a waiver under the Statute is personal to the Claimant and is non-transferable, which is an interpretation unsupported by the text and context of the Statute for the reasons explained above.

As the entire Analysis is based on the erroneous concepts discussed, we respectfully request that staff withdraw the Analysis and replace it with one that more closely follows the black letter law of real property and estates in land.

Very truly yours,

LANE POWELL PC



John C. Pinkstaff

JCP:jcp

cc: Ms. Cecelia Hunziker
Mr. Al Nordgren

708042.0004/603795.1

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. _____

Order Denying Ballot Measure 37 Request of Cecelia Hunziker Relating to Real Property Located at 13715 NW Germantown Road, Multnomah County, Oregon

The Multnomah County Board of Commissioners Finds:

- a. **Party:** Cecelia Hunziker is a Ballot Measure 37 claimant who filed a demand for compensation to Multnomah County on October 11, 2005.
- b. **Subject Real Property:** This claim relates to real property commonly known as 13715 NW Germantown Road, Multnomah County, Oregon more specifically described as:

TL 300, Sec 09, T1N, R1W, W.M.
Tax Account # R961090210

- c. **Adequacy of Demand for Compensation:**
On October 11, 2005, the claimant submitted a completed Measure 37 Claim Form, a \$1,500 deposit, a list of regulations which the claimant asserts reduce their property value, a narrative, a copy of the 1989 contract of sale a copy of the November 7, 2002 Warranty Deed which transferred ownership of the property to the claimant. On May 19, 2006, the claimants submitted a title report prepared by Fidelity National Title Company of Oregon. Also on May 19, 2006, the claimant submitted the required appraisal of the property. The claim is considered to be complete consistent with the county's requirements outlined under MCC 27.520.

The Board finds that the materials submitted by the claimant constitute a complete "written demand for compensation" within the meaning of the measure.

- d. **Relevant Dates of Property Ownership:**
County assessment records show that the claimant is the current owner of the subject property. A land sale contract was submitted showing that the current owner had entered into an agreement to purchase the property in 1989. A warranty deed dated November 7, 2002 was submitted showing a transfer of ownership to the current owner, Cecelia Hunziker. Normally, a vendee's interest in a land sale contract would be sufficient to establish an interest or ownership for a Measure 37 claim. However, the 1989 contract, as well as the warranty deed from 2002, have terms that prohibited the current owner from possessing or using the property because a Life Estate was reserved for Wesley and Fern Wiseman. In essence, the previous owners had exclusive use of the property until their deaths, which occurred in 2005. The current owner, Cecelia Hunziker, did not obtain a right to possess and use the property until the Life Estate expired on February 28, 2005. However, in the State's Measure 37 decision, it indicated that Cecelia Hunziker obtained fee interest to the property on November 7, 2002, which gave the claimant a right to use and possess the property. It is not clear why the State used the November 7, 2002 date, because the life estate was still in effect until the death of the second life estate in 2005.

On February 28, 2005, the zoning of the lot was Rural Residential (RR). Oregon Administrative Rule 660-004-0040 prohibits the creation of lots and parcels smaller than 20-acres within 1-mile of the Urban Growth Boundary. This rule was effective on October 4, 2000, prior to the claimant having a right to possess and use the property. Because the OAR was not codified, the County

was obligated to implement the rule directly after its adoption in 2000. The County adopted the rule and amended its code on May 16, 2002.

That Board finds that the Claimant obtained a warranty deed for the property on November 7, 2002, but did not obtain a right to use the property until February 28, 2005 when the exclusive Life Estate of the previous owners expired.

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

Rural Residential regulations in existence when the claimant acquired the property prohibit further division of the subject property, meaning relief from challenged regulations would not allow the development that is sought.

A land division in the RR zone within one mile of the UGB would have required the subject property to be at least 40 acres. Even if land divisions were allowed, Multnomah County's interpretation of the law as reflected in its Measure 37 ordinance is that dividing property in itself is not a 'use' of land subject to the provisions of Measure 37. Development rights gained through a waiver are personal to the claimant and will result in no restriction in use if transferred to a third party. No restriction in use would occur for the third party because they would be subject to the same Rural Residential regulations which have prohibited the partition of parcels under 40-acres in size since 2000.

This legal issue is analyzed in detail within a memo prepared by the Assistant County Attorney, Sandra Duffy, dated June 8, 2006. For the reasons outlined in this legal memorandum, staff finds this claim seeking the right to partition the property to be invalid.

The claimant also identified regulations pertaining to the Significant Environmental Concern overlay, land division regulations, and land use definitions as part of her claim. However, those issues are moot since the claimant obtained the property after the RR regulations prohibited lots smaller than 20-acres, which was the primary regulation in her claim.

The Board finds that the Claimant obtained a warranty deed for the property on November 7, 2002 but did not obtain a right to possess and use the property until February 28, 2005 when the exclusive Life Estate of the previous owners expired.

f. County Codes have not reduced the value of the property.

An appraisal submitted by the claimant was performed by a licensed Oregon Certified General Appraiser. The appraisal did not give a specific reduction in the dollar amount of the value of the property based on the regulations; rather, it stated that the restrictions the claimant claimed were on the property did in fact reduce the value of the property. A specific dollar amount would need to be determined later if the County was to pay the claim.

Using the narrative materials and appraisal data submitted by the claimant to substantiate the claim, staff determined that the claimant was requesting between \$491,700 and \$890,000 in compensation. However, a reduction in value has not occurred because a right to use the property was not acquired in 1989 as claimed. Rather, the right to possess and use the property was acquired in 2005, after the 2000 adoption of OAR 660-04-0040. As such, regulations restricting the use of the property were already in effect. Additionally, development rights cannot be transferred.

As stated earlier, the claimant identified several other regulations other than the minimum lot size that reduced the fair market value of their property. Again, they are moot since the property was acquired after the primary regulation of their claim was adopted.

The Board finds that the claimant has failed to establish that the challenged regulations have reduced the fair market value of the property.

g. Public Notice

Public notice of this hearing has been mailed to all property owners within 750 feet of the subject property, including the claimant. A public hearing was held on December 14, 2006. Deliberation and action on this item was taken after interested citizens had an opportunity to testify and provide written comment in accordance with the Board of Commissioners rules of procedure for the hearing.

h. Validity of Claim for Compensation: The Board finds that:

- (1) Claimant made a demand for compensation under the requirements set forth in Ballot Measure 37 by submitting a completed Measure 37 Claim Form, a \$1,500 deposit, a list of regulations which the claimant asserts reduces her property value, a narrative, a copy of the 1989 contract of sale, a copy of the November 7, 2002, Warranty Deed, a title report and the required appraisal.
- (2) The claimant failed to provide evidence to prove that she acquired the property before the adoption of regulations challenged in the claim;
- (3) The claimant has failed to establish that the challenged regulations have restricted her use of the property; and
- (4) The claimant has failed to establish that the challenged regulations have reduced the fair market value of the property.

The Multnomah County Board of Commissioners Orders:

Claimant's request is denied.

ADOPTED this 14th day of December, 2006.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Sandra Duffy, Assistant County Attorney

**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: 12/14/06

SUBJECT: Measure 37 Hearing
T1-05-063

AGENDA NUMBER OR TOPIC: T1-05-063

FOR: _____ AGAINST: ☒ THE ABOVE AGENDA ITEM

NAME: Burton Lazar

ADDRESS: 14025 NW Germantown Rd

CITY/STATE/ZIP: Portland, OR 97231

PHONE: _____ DAYS: (503) 286-8187

EVES: same

EMAIL: _____

FAX: _____

SPECIFIC ISSUE: Measure 37 Appeal - oppose change in zoning

WRITTEN TESTIMONY: _____

IF YOU WISH TO ADDRESS THE BOARD:

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

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. 06-208

Order Denying Ballot Measure 37 Request of Cecelia Hunziker Relating to Real Property Located at 13715 NW Germantown Road, Multnomah County, Oregon

The Multnomah County Board of Commissioners Finds:

- a. **Party:** Cecelia Hunziker is a Ballot Measure 37 claimant who filed a demand for compensation to Multnomah County on October 11, 2005.
- b. **Subject Real Property:** This claim relates to real property commonly known as 13715 NW Germantown Road, Multnomah County, Oregon more specifically described as:

TL 300, Sec 09, T1N, R1W, W.M.
Tax Account # R961090210

- c. **Adequacy of Demand for Compensation:**
On October 11, 2005, the claimant submitted a completed Measure 37 Claim Form, a \$1,500 deposit, a list of regulations which the claimant asserts reduce their property value, a narrative, a copy of the 1989 contract of sale a copy of the November 7, 2002 Warranty Deed which transferred ownership of the property to the claimant. On May 19, 2006, the claimants submitted a title report prepared by Fidelity National Title Company of Oregon. Also on May 19, 2006, the claimant submitted the required appraisal of the property. The claim is considered to be complete consistent with the county's requirements outlined under MCC 27.520.

The Board finds that the materials submitted by the claimant constitute a complete "written demand for compensation" within the meaning of the measure.

- d. **Relevant Dates of Property Ownership:**
County assessment records show that the claimant is the current owner of the subject property. A land sale contract was submitted showing that the current owner had entered into an agreement to purchase the property in 1989. A warranty deed dated November 7, 2002 was submitted showing a transfer of ownership to the current owner, Cecelia Hunziker. Normally, a vendee's interest in a land sale contract would be sufficient to establish an interest or ownership for a Measure 37 claim. However, the 1989 contract, as well as the warranty deed from 2002, have terms that prohibited the current owner from possessing or using the property because a Life Estate was reserved for Wesley and Fern Wiseman. In essence, the previous owners had exclusive use of the property until their deaths, which occurred in 2005. The current owner, Cecelia Hunziker, did not obtain a right to possess and use the property until the Life Estate expired on February 28, 2005. However, in the State's Measure 37 decision, it indicated that Cecelia Hunziker obtained fee interest to the property on November 7, 2002, which gave the claimant a right to use and possess the property. It is not clear why the State used the November 7, 2002 date, because the life estate was still in effect until the death of the second life estate in 2005.

On February 28, 2005, the zoning of the lot was Rural Residential (RR). Oregon Administrative Rule 660-004-0040 prohibits the creation of lots and parcels smaller than 20-acres within 1-mile of the Urban Growth Boundary. This rule was effective on October 4, 2000, prior to the claimant having a right to possess and use the property. Because the OAR was not codified, the County

was obligated to implement the rule directly after its adoption in 2000. The County adopted the rule and amended its code on May 16, 2002.

That Board finds that the Claimant obtained a warranty deed for the property on November 7, 2002, but did not obtain a right to use the property until February 28, 2005 when the exclusive Life Estate of the previous owners expired.

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

Rural Residential regulations in existence when the claimant acquired the property prohibit further division of the subject property, meaning relief from challenged regulations would not allow the development that is sought.

A land division in the RR zone within one mile of the UGB would have required the subject property to be at least 40 acres. Even if land divisions were allowed, Multnomah County's interpretation of the law as reflected in its Measure 37 ordinance is that dividing property in itself is not a 'use' of land subject to the provisions of Measure 37. Development rights gained through a waiver are personal to the claimant and will result in no restriction in use if transferred to a third party. No restriction in use would occur for the third party because they would be subject to the same Rural Residential regulations which have prohibited the partition of parcels under 40-acres in size since 2000.

This legal issue is analyzed in detail within a memo prepared by the Assistant County Attorney, Sandra Duffy, dated June 8, 2006. For the reasons outlined in this legal memorandum, staff finds this claim seeking the right to partition the property to be invalid.

The claimant also identified regulations pertaining to the Significant Environmental Concern overlay, land division regulations, and land use definitions as part of her claim. However, those issues are moot since the claimant obtained the property after the RR regulations prohibited lots smaller than 20-acres, which was the primary regulation in her claim.

The Board finds that the Claimant obtained a warranty deed for the property on November 7, 2002 but did not obtain a right to possess and use the property until February 28, 2005 when the exclusive Life Estate of the previous owners expired.

f. County Codes have not reduced the value of the property.

An appraisal submitted by the claimant was performed by a licensed Oregon Certified General Appraiser. The appraisal did not give a specific reduction in the dollar amount of the value of the property based on the regulations; rather, it stated that the restrictions the claimant claimed were on the property did in fact reduce the value of the property. A specific dollar amount would need to be determined later if the County was to pay the claim.

Using the narrative materials and appraisal data submitted by the claimant to substantiate the claim, staff determined that the claimant was requesting between \$491,700 and \$890,000 in compensation. However, a reduction in value has not occurred because a right to use the property was not acquired in 1989 as claimed. Rather, the right to possess and use the property was acquired in 2005, after the 2000 adoption of OAR 660-04-0040. As such, regulations restricting the use of the property were already in effect. Additionally, development rights cannot be transferred.

As stated earlier, the claimant identified several other regulations other than the minimum lot size that reduced the fair market value of their property. Again, they are moot since the property was acquired after the primary regulation of their claim was adopted.

The Board finds that the claimant has failed to establish that the challenged regulations have reduced the fair market value of the property.

g. Public Notice

Public notice of this hearing has been mailed to all property owners within 750 feet of the subject property, including the claimant. A public hearing was held on December 14, 2006. Deliberation and action on this item was taken after interested citizens had an opportunity to testify and provide written comment in accordance with the Board of Commissioners rules of procedure for the hearing.

h. Validity of Claim for Compensation: The Board finds that:

- (1) Claimant made a demand for compensation under the requirements set forth in Ballot Measure 37 by submitting a completed Measure 37 Claim Form, a \$1,500 deposit, a list of regulations which the claimant asserts reduces her property value, a narrative, a copy of the 1989 contract of sale, a copy of the November 7, 2002, Warranty Deed, a title report and the required appraisal.
- (2) The claimant failed to provide evidence to prove that she acquired the property before the adoption of regulations challenged in the claim;
- (3) The claimant has failed to establish that the challenged regulations have restricted her use of the property; and
- (4) The claimant has failed to establish that the challenged regulations have reduced the fair market value of the property.

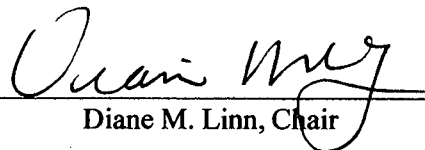
The Multnomah County Board of Commissioners Orders:

Claimant's request is denied.

ADOPTED this 14th day of December, 2006.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Sandra Duffy, Assistant County Attorney



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-11 DATE 12-14-06
MEAGAN SWENSON, ASST BOARD CLERK

Board Clerk Use Only

Meeting Date: 12/14/06
Agenda Item #: R-11
Est. Start Time: 11:00 AM
Date Submitted: 11/20/06

BUDGET MODIFICATION: DCJ - 12

Agenda Title: **Budget Modification DCJ-12 Creating a Full-Time Corrections Counselor in the Transitional Services Unit of the Adult Services Division, Using Professional Services Budget**

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

Date Requested:	<u>December 14, 2006</u>	Time Requested:	<u>5 minutes</u>
Department:	<u>Dept. of Community Justice</u>	Division:	<u>Adult Services Division</u>
Contact(s):	<u>Shaun Coldwell</u>		
Phone:	<u>503-988-3961</u>	Ext.	<u>83961</u>
Presenter(s):	<u>Liv Jenssen</u>		
I/O Address:	<u>503/250</u>		

General Information

1. What action are you requesting from the Board?

The Department of Community Justice (DCJ) requests approval of a budget modification to create a full-time Corrections Counselor in the Transitional Services Unit of the Adult Services Division, using Professional Services budget.

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

Transitional Services Unit (TSU) provides short and long term housing to high risk and high need offenders, who are newly released from prison, homeless or whose housing poses public safety concerns. TSU works in close collaboration with community-based non-profit housing agencies to house offenders. At the residences, offenders are monitored by case managers and they receive support services aimed at changing criminal behavior, such as drug abuse relapse prevention and group counseling to alter criminal thinking.

In FY07, one of the non-profit housing agencies (Everett Hotel) had a fire and TSU has been successful in obtaining housing for offenders with other non-profit agencies (housing providers) at a reduced daily rate without losing transitional beds in the program, as well as accessing rent assistance dollars for moving clients directly into permanent housing. However, these agencies (providers) and rent assistance dollars do not have staff for case management of DCJ offenders. This budget modification will create a Corrections Counselor position to provide case management, leverage available rent assistance/leasing dollars and provide leadership to housing review; which is the process where difficult cases are reviewed and plans are developed to assist the offender to transition into permanent housing.

In maintaining our commitment to the 10-year plan to end homelessness this position provides pre and post release planning for high risk, high need offenders at great risk of homelessness and recidivism by placing the offender directly into housing upon release from prison and/or jail. In addition, the position will assist us in following up with offenders at six, twelve and eighteen months after they have been placed in permanent housing which is a 10-year community standard for measuring housing outcomes.

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

There is no fiscal impact for fiscal year 2007.

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?

Insurance increases \$7,424

- What budgets are increased/decreased?

Insurance increases \$7,424 as a result of .583 FTE increase for FY07.

- What do the changes accomplish?

The changes respond to workload issues by reducing Professional Services and adding a Corrections Counselor to the Transitional Services Unit. This action results in a zero change in expense in the Adult Services Division and TSU is operating within its adopted budget.

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

Yes, one new position is created for the remainder of the year, a full-time Corrections Counselor. The new result is a .583 FTE increase in personnel.

- 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: DCJ - 12

Required Signatures

Department/
Agency Director:

 Sharon Conrad for Joanne Fuller

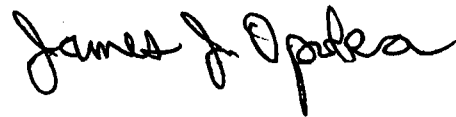
Date: 11/07/06

Budget Analyst:



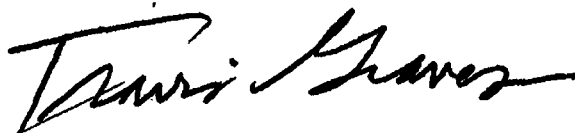
Date: 11/07/06

Department HR:



Date: 11/08/06

Countywide HR:



Date: 11/21/06

Budget Modification ID: **DCJ-12****EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 2007

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center	WBS Element						
1	50-10	1000	50		505920		60000	337,090	363,675	26,585		Incr Perm 1 FTE Corr Cnslr
2	50-10	1000	50		505920		60130	109,937	118,468	8,531		Incr Sal-Rel 1 FTE Corr Cnsl
3	50-10	1000	50		505920		60140	80,189	87,613	7,424		Incr Ins 1 FTE Corr Cnslr
4	50-10	1000	50		505920		60170	1,299,764	1,257,224	(42,540)		Decr Prof Svc-Everett Hotel
5									0		0	Transitional Services Unit
6	72-10	3500	20		705210		50316		(7,424)	(7,424)		Incr Insurance Revenue
7	72-10	3500	20		705210		60330		7,424	7,424		Incr offsetting expenditure
8									0		0	
9									0			
10									0			
11									0			
12									0			
13									0			
14									0			
15									0			
16									0			
17									0			
18									0			
19									0			
20									0			
21									0			
22									0			
23									0			
24									0			
25									0			
26									0			
27									0			
28									0			
29									0			
										0	0	Total - Page 1
										0	0	GRAND TOTAL

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
50-10	6268	64527	Corrections Counselor	712850	1.00	45,574	14,625	12,728	72,927
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
			TOTAL ANNUALIZED CHANGES		1.00	45,574	14,625	12,728	72,927

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
50-10	6268	64527	Corrections Counselor	712850	0.58	26,585	8,531	7,424	42,540
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
			TOTAL CURRENT FY CHANGES		0.58	26,585	8,531	7,424	42,540

MULTNOMAH COUNTY - POSITION DESCRIPTION

SECTION 1 - POSITION INFORMATION

Today's Date: November 14, 2006

Department Name: DCJ

Division Name: Adult Services Division / Transition Services Unit

Current Job Class Title: **Corrections Counselor**

Class Code #: **6268** Position #:

Working title:
(if different than class title)

Is this (please check the appropriate box) your –
☐ regular assignment ☐ out of class work assignment

Incumbent's Name: Vacant

Phone Number: ext.

Supervisor Name/Title: Liv Jenssen

Phone Number: (503) 988-4054

SECTION 2 - PROGRAM INFORMATION: Describe briefly, the vision, mission, or purpose of the Program where this position is assigned.

Transitional Services promotes community safety by providing support and resources to assist offenders with their reintegration into the community from jail, prison and treatment. Transition Services provides pre-release planning, case management and supervised drug-free housing for offenders currently on supervision. The unit facilitates the placement of offenders in emergency, transitional and permanent housing.

PURPOSE OF POSITION: Briefly summarize the purpose of this position and how it supports the Program.

To perform social casework and counseling services for adult parole/probation clients. Motivate clients to follow appropriate course; facilitate group-counseling sessions. Distinguish the influences of psychological, physiological and behavioral dysfunctions of clients. Work effectively with people from all socio/economic backgrounds that may be hostile and/or abusive.

The Correction's Counselors maintain linkages with the prisons, jail, treatment and benefit programs, neighborhood groups, and other stakeholders. CC's work to develop transition plans and maintain a more consistent, streamlined approach of offering supportive services including housing, job placement, relapse prevention, cognitive change and connection with communities for the highest risk offenders. Staff in this unit will work closely with other Department Units, Field Probation and Parole Units, Centralized Intake and the Day Reporting Center to meet our goal of successful reintegration. Must be able to work independently as well as in a close, team-oriented environment; possess excellent verbal and written communication skills.

SECTION 3 - DESCRIPTION OF JOB DUTIES -- Most jobs generally consist of four to six major functions that relate directly to the purpose of the position. List these major functions, along with key tasks performed. Functions will be sets of tasks that generally take 10% or more of the job. List the major functions with the corresponding percentage of time, in **descending** order of time required.

% of Time **ESSENTIAL JOB FUNCTIONS**

15%	FUNCTION 1: Identify individual needs of clients using motivational interviewing, plan, develop and implement appropriate individual pre-release, release and treatment plans, and develop time frames as required for goal achievement by clients, recording all information in client files. Meet with potential clients at subsidy desk, prison, or jail prior to release.
15%	FUNCTION 2: Counsel clients in areas of personal finances, employment, marital situation, education, and other social factors in both individual and group settings; facilitate self-improvement and housing groups for clients.

15%	<p>FUNCTION 3: Identify client's individual needs by referral for medical and/or psychological evaluations, implements appropriate individual treatment plans and develops time frames for goal achievement by clients.</p>
25%	<p>FUNCTION 4: Coordinate services, initial release plan and resources (housing and support services) for offenders released from state custody, Local Control, treatment programs, and clients referred from field offices. Provide Intake services at the Subsidy Desk for TSU. Conduct pre-release planning for clients in state and local custody. Facilitate Breakfast Club/Daily Solutions and Family and Friends orientations. Monitor and coordinate capacity and utilization of TSU contract beds. Provide information and referral, as it relates to emergency services for corrections clients. Participate in planning and implementation for housing and other emergency service needs. Provide information on available resources in Multnomah County for parole/probation clients, to field staff and staff in local and state correctional institutions. Assist in developing special needs resources for parole/probation clients not available through county contracts. Maintain cooperative relationships with service providers serving corrections clients. Coordinate housing review with service providers.</p>
20%	<p>FUNCTION 5: Operate computer terminal to input or retrieve data on clients and determine client status</p>
10%	<p>FUNCTION 6: Coordinate outcome measures with service providers per monitoring guidelines as outlined in the "10-year Plan To End Homelessness". Coordinate checking account and Invoice account for TSU with OA to coordinate transportation needs/budget (Tri-Met) for all field offices and TSU. Attend mandatory training/meetings and serve on committees as assigned. Interact professionally with local law enforcement.</p>
100%	

SECTION 4 - GUIDELINES

List the Laws, Rules, Policies, and Procedures that provide the boundaries within which this position operates. Address if the position must closely follow set procedures, or if interpretation and the ability to act/decide on a course of action is allowed or required.

SECTION 5 - WORK CONTACTS

Describe with whom (outside of coworkers) this position routinely interacts in order to complete work assignments.

Who/Position(s) contacted	How	Purpose	How Often?
Clients	Phone/In Person/Mail	Office Visits, case planning, referrals	Daily
Prisons	Phone/In Person/E-mail	Coordinate services, initial release plan and resources	Daily
Community Service and Providers	Phone/In Person/E-mail/Mail	Coordinate services, and resources	Daily

SECTION 6 - DECISION MAKING

Provide examples of decisions made by this position and their impact.

Housing and special needs services for clients, responsible for coordinating housing review (expediting long term housing placement). Has decision-making ability to terminate their emergency/transitional housing based on offender behavior and compliance.

SECTION 7 - BUDGET AUTHORITY

Can this position regularly commit department operating monies and funds?

☐ Yes

☒ No

If "YES", how much money in general, and for what purpose(s)?

SECTION 8 - REVIEW OF WORK

Describe who or what position reviews and/or directs the work of this position.

List name and job title: Liv Jenssen, Community Justice Manager

How often are work assignments reviewed and for what purposes (accuracy, meeting goals, policy content, analysis, etc.)?
On daily/weekly basis and as needed. Also reviewed during annual performance evaluation.

SECTION 9 - SUPERVISORY DUTIES

List the positions and number of current incumbents this position supervises.

JOB CLASS NAME	JOB CODE	# OF POSITIONS PER CLASSIFICATION
----------------	----------	-----------------------------------

N/A

For positions supervised, please clarify the level of responsibility for the following decisions. Check the appropriate boxes.

Function	RESPONSIBILITY LEVEL			
	Take the Action, then Inform Supervisor	Effectively Recommend	Provide input	N/A
Hire/Promote/Transfer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discharge/Suspend	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employee Discipline	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pay Increase Approval	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Overtime / Leave Approval	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Written Performance Appraisal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SECTION 10 - WORKING CONDITIONS - This position requires:

Condition	Relative Frequency			
	Infrequently < 10%	Seldom 10% - 25%	Moderately 25% - 50%	Always >50%
Work overtime	XX	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Work different shifts	<input type="checkbox"/>	<input type="checkbox"/>	XX	<input type="checkbox"/>
Work on weekends	<input type="checkbox"/>	<input type="checkbox"/>	XX	<input type="checkbox"/>
Frequent daytime travel	XX	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SECTION 11 - PHYSICAL FACTORS - Check the box that best describes the overall amount of physical effort required to perform this job.

XXStandard - Normally seated, standing or walking at will; requires ability to do some bending and light carrying.

☐ **Restricted / Not Mobile** - Confined to immediate work area; can only leave station during assigned breaks.

☐ **Exertive** - Extensive walking, recurring bending, crouching, stooping, stretching, reaching or similar activities; recurring lifting of light or moderately heavy items.

☐ **Strenuous** - Considerable and rapid physical exertion or demands on the body such as frequent climbing of tall ladders, continuous lifting of heavy objects, crouching or crawling in restricted areas; exertion requires highly intense muscular action leading to substantial muscular exhaustion.

Please identify each appropriate **physical activity** required in the performance of this job and indicate the relative code (see below) for each activity. Enter "N/A" in column I if you are not required to perform the respective activity.

Activity Levels	Relative Frequency			
	Infrequently < 10%	Seldom 10% - 25%	Moderately 25% - 50%	Always >50%
Lift/Carry - Heavy - 45 lbs. & over	XX	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lift/Carry - Moderate - 15 - 45 lbs.	XX	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lift/Carry - Light - 15 lbs. & less	<input type="checkbox"/>	XX	<input type="checkbox"/>	<input type="checkbox"/>
Pull / Push	XX	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reach / Work Overhead	XX	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Good manual dexterity, use fingers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	XX
Use of both hands	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	XX
Walking	<input type="checkbox"/>	<input type="checkbox"/>	XX	<input type="checkbox"/>
Able to stand while performing work	<input type="checkbox"/>	XX	<input type="checkbox"/>	<input type="checkbox"/>
Able to sit when performing work duties	<input type="checkbox"/>	<input type="checkbox"/>	XX	<input type="checkbox"/>
Crawl/Crouch	XX	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Able to run in order to perform work	XX	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Able to kneel in order to perform work	XX	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Repeated bending	XX	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Able to climb in order to perform work	XX	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Operate motorized equipment	XX	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discharge firearms	N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Good eye/hand coordination	<input type="checkbox"/>	<input type="checkbox"/>	XX	<input type="checkbox"/>
Ability to speak effectively	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	XX
Effective listener in order to perform work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	XX
Repetitive motions	<input type="checkbox"/>	<input type="checkbox"/>	XX	<input type="checkbox"/>
Hearing requirements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	XX

Activity Levels (cont.)	Relative Frequency			
	Infrequently < 10%	Seldom 10% - 25%	Moderately 25% - 50%	Always >50%
Specific visual requirements:				
- Near vision, 20 inches or less	<input type="checkbox"/>	<input type="checkbox"/>	XX	<input type="checkbox"/>
- Mid-range, more than 20 inches/less than 20 ft	<input type="checkbox"/>	<input type="checkbox"/>	XX	<input type="checkbox"/>
- Distance, 20 feet or more	XX	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Color, ability to identify and distinguish colors	<input type="checkbox"/>	XX	<input type="checkbox"/>	<input type="checkbox"/>
- Depth Perception	<input type="checkbox"/>	XX	<input type="checkbox"/>	<input type="checkbox"/>
Other Special Factors:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SECTION 12 – EDUCATION/TRAINING/EXPERIENCE Describe the number of years and type of previous experience, education or training necessary to meet the minimum requirements of this position (not your personal level of education or experience, but what's typically required for this level of job/work).

Education requirements:

Bachelor's degree with major course work in psychology, sociology, criminal justice, social work, or a related field; Master's degree is preferred. Bilingual skills are highly desirable.

General years of professional work experience to satisfactorily perform key functions of this job:

Minimum of two (2) years of counseling and case management experience; familiarity with motivational interviewing and stages of change research; specific experience with the criminal justice system is preferred.

List any required and approved KSA's (knowledge, skills and abilities) for this position:

N/A

Include any additional information that would add to the understanding of this position's duties and focus of work:

Understanding of the guiding principles of the Housing First model, which is a plan that is instrumental in the 10 year plan to end homelessness.

List additional training, certification, licensure, etc., and why such training, certification, etc. is needed:

Description	Desired	Required	By what agency or by whom
N/A	<input type="checkbox"/>	<input type="checkbox"/>	

SECTION 13 - ORGANIZATION CHART Attach an Organization Chart that shows where this position is housed. A hand drawn sketch is fine but must indicate the position's supervisor and alignment/relationship to co-workers or other functional groups.

SECTION 14 – SUPERVISOR INPUT Is there any section or sections which you think require clarification? If yes, please cite the section, content area, etc. and include your comments that better describe the factor(s).

SIGNATURES — Signatures below indicate that the information contained is an accurate description of assigned duties and requirements have been reviewed AND APPROVED AS SUBMITTED by all parties.

Employee (required)	Date
Supervisor (required)	Date
Division/Department Head	Date
Department HR Manager/Analyst (required)	Date



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 12/14/06
Agenda Item #: R-12
Est. Start Time: 11:05 AM
Date Submitted: 12/05/06

BUDGET MODIFICATION:

Agenda Title: Briefing on Juvenile Detention Costs and Conditions of Confinement
(Requested)

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

Date Requested: December 14, 2006 Time Requested: 30 minutes
Department: Dept. of Community Justice Division: JSD
Contact(s): Robb Freda-Cowie
Phone: 503 988-5820 Ext. 85820 I/O Address: 503/250
Presenter(s): Joanne Fuller, Dave Koch and Washington and Clackamas County Representatives

General Information

1. What action are you requesting from the Board?

This is an informational briefing requested by Commissioner Roberts.

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

Recently, the District Attorney's office released its report "Independent Review of Policies and Procedures of Correctional Facilities Operated by the Multnomah County Sheriff's Office." Among other issues, this report called attention to bed day costs at the Donald E. Long Home (DELH), the county's juvenile detention facility (Program Offers 50023A and 50023B). The review also questioned whether contracts with Washington and Clackamas counties to purchase juvenile detention beds are sufficient to capture our costs.

This briefing will review the different methodologies used by the District Attorney's office and the Department of Community Justice (consistent with the county Auditor's Office) to calculate juvenile detention costs, provide an opportunity for representatives of the Washington and Clackamas county juvenile justice departments to address the important role DELH plays as a regional detention center and update the Board on the findings of a recent conditions of confinement review of the DELH

facility.

Juvenile detention protects the public by holding in secure custody youth who pose a public safety risk or who may flee to avoid court proceedings. Detention is also used as a sanction to hold probation youth accountable for violations of their supervision conditions. In addition, detention holds youth who are facing Measure 11 charges and are awaiting trial in adult court.

For the last twelve years, Multnomah County has been committed to a policy of juvenile detention reform that has decreased our need for detention beds, while maintaining public safety. This policy has also helped Multnomah County decrease the over-representation of minority youth in detention. It has also resulted in better public safety decision-making about which youth we should hold in detention and which youth should be diverted into less costly detention alternatives. Since the county embarked on its reform effort in 1995:

- Average daily population of youth in detention has dropped by 66%.
- Juvenile criminal referrals have declined 38%.
- Disproportionate minority confinement has been dramatically reduced.

However, these reforms have resulted in the Department of Community Justice using only 80 beds of the 191 available in DELH (32 beds are used for youth treatment).

While this context of detention reform results in higher average bed day costs, it has actually minimized the total county general fund investment in juvenile detention. In this briefing, Department of Community Justice staff will discuss how:

- Multnomah County has higher bed day costs than other jurisdictions (in part) because of broader policy decisions that have reduced juvenile crime and minimized the total investment of county general funds in detention beds.
- Contracts with Clackamas and Washington help hold down juvenile crime region-wide and offset general fund costs for Multnomah County.
- DELH bed day costs are driven by high fixed expenses (including debt service and DCJ administration and support) that are spread over a small number of beds – which maximizes the costs each bed bears and increases the costs of Multnomah County's detention facility compared to facilities in other counties.
- DCJ has reduced operational costs at DELH by cutting detention staff to levels below what is prescribed by national standards and taking other steps to maximize efficiency.

In addition, we will update the Board about a recent evaluation of the conditions of confinement of youth at DELH. Since construction of a new Juvenile Justice Complex in 1995, Multnomah County has continually sought to improve conditions for youth held in secure custody. We started with our partnership with the Annie E. Casey Foundation Juvenile Detention Reform Initiative (JDAI), which continues today. By applying national standards, best practices and a genuine desire to compassionately serve youth, this facility and its personnel has evolved into a nationally recognized Juvenile Detention Alternatives Initiative site.

This year, the Department of Community Justice developed its own "Conditions of Confinement Assessment Team", in accordance with newly established Juvenile Detention Alternatives Initiative (JDAI) protocols. This team is comprised of representatives from stakeholder agencies, e.g. the judiciary, District Attorney's office, defense bar, county mental health and Corrections Health; system partners, e.g. community-based organizations, Clackamas, Marion and Washington County Juvenile Departments, and Oregon Youth Authority; as well as DCJ staff. All persons who agreed to serve on an evaluation team attended a pre-assessment training provided by Sue Burrell of the

Youth Law Center and John Rhoads from the Casey Foundation. This forum allowed participating inspectors to become familiar with the philosophy and procedural layout of the self-inspection instrument.

The most recent juvenile detention facility “self-inspection” took place in June 2006. Identified within the assessment instrument is a list of professional standards – developed by nationally recognized experts in detention operation/reform – which reflect progressive detention values. The self-inspection instrument is organized into eight categories containing approximately 350 standards. Over-arching categories include: 1) Classification Systems, 2) Access Issues, 3) Health Care, 4) Programming, 5) Environmental Issues, 6) Training and Supervision, 7) Restraints, Isolation, Due Process & Grievances, and 8) Safety. Accompanying each standard are three sections for evaluator input.

The conditions of confinement review includes review of policies, interviews with custody personnel and detained youth. After compiling information, the inspection teams discuss whether or not the facility is in compliance with each standard. The evaluation report revealed many areas of detention operations that meet or exceed national standards. The report also identified approximately 25 conditions that could be improved through minimal to moderate alterations. A detailed work plan has been developed by Tim Nacoste, DCJ Custody Services Manager to address issues identified in the self-inspection report. As of November 20, 2006, over half of the 25 “areas for improvement” have been satisfactorily addressed, bringing the Department into compliance with these standards. We anticipate that we will have completed the recommended adjustments to facility operations by March 2007, and we plan to complete a follow-up self-inspection of the entire detention facility in June 2007.

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

By any measure, juvenile detention is expensive. At 80 beds, it costs \$9.6 million to operate the DELH facility. This briefing will provide the Board an opportunity to examine the fixed and variable cost factors that drive detention costs and review the history of our contracting relationships with Washington and Clackamas counties.

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

This briefing will provide an opportunity for the Board to consider two significant policy issues:

- 1) How the operation of juvenile detention meets the county’s broader public safety goals.
- 2) How Multnomah County's commitment to detention reform minimizes the total investment of county general funds in detention beds by operating DELH at less than full capacity, but produces artificially inflated bed day costs (because high fixed facility costs, such as debt service, are spread over a small number of beds).

In addition, this briefing will provide an opportunity for the Board to review contracting requirements with Washington and Clackamas counties, including Washington County's financial contribution to the construction of the juvenile justice complex and its ownership of a portion of DELH's detention beds.

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

N/A.

Required Signatures

Department/
Agency Director:



Date: December 4,
2006

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

Juvenile Detention Briefing: Costs and Conditions of Confinement

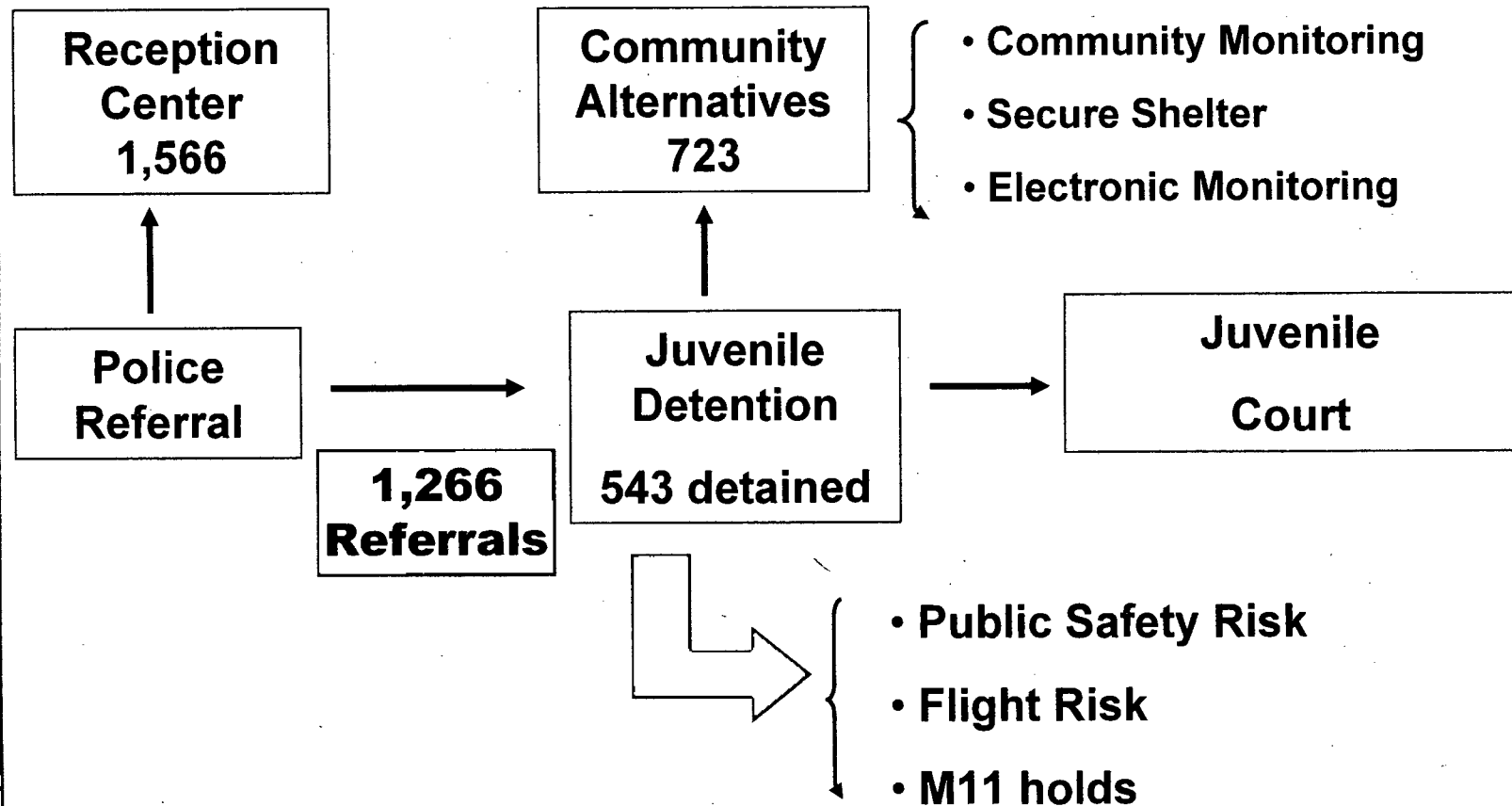
December 14, 2006

Joanne Fuller, MSW

David Koch



Juvenile Detention in the Juvenile Justice System



Donald E. Long Home: A Regional Juvenile Justice Facility

- Donald E. Long Home opens in 1995
- 191-bed facility
- 28 beds rented to Washington and Clackamas counties
- Washington County owns 26 beds

Detention Reform: Detention Use is Effective and Efficient



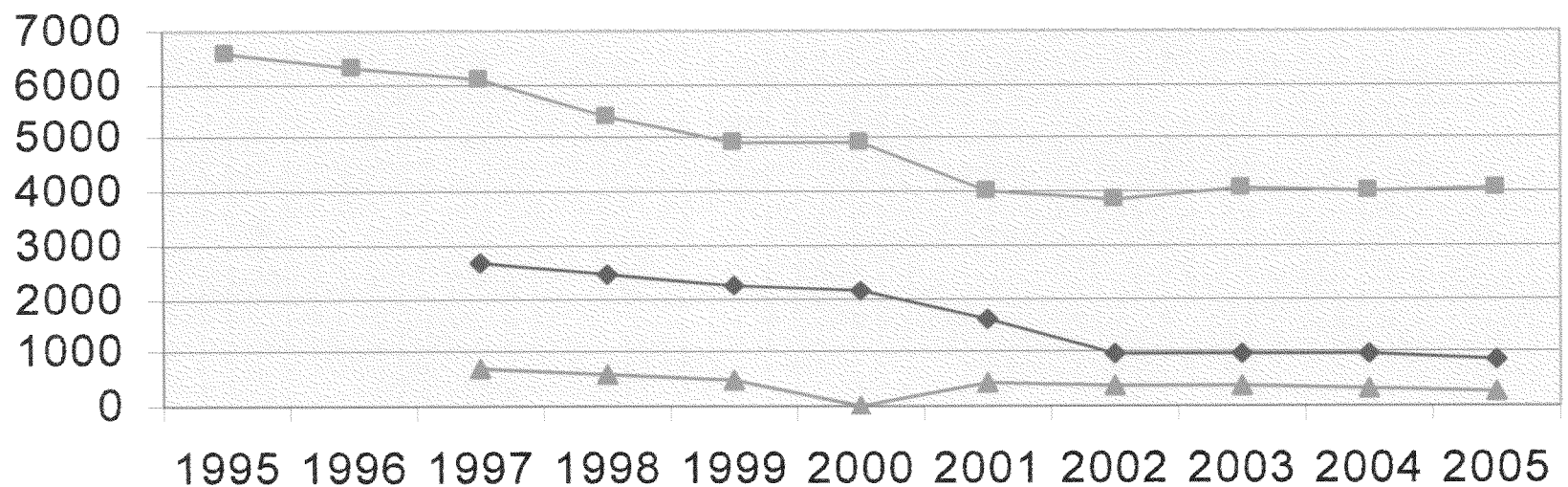
- Right Kids in the Right Place

Results (1995-2005):

- ADP in detention cut 66%
- Juvenile criminal referrals down 38%
- Minority over-representation reduced
- Improved conditions of confinement
- Annual cost avoidance: \$3M-\$5M

Reductions in Juvenile Referrals and Detention Admissions (1995-2005)

Criminal Referrals, Detention Intake & Detention Admissions



—◆— Detention Intake —■— Criminal Referrals —▲— Detention Admissions

What Factors Drive Detention Bed Day Costs?

$$\frac{\begin{array}{c} \uparrow \text{ Fixed Costs} \\ \text{---} \\ \downarrow \text{ Operational Beds} \end{array}}{=} \uparrow \text{ Bed Day Costs}$$

Calculation Factors Yield Different Bed Day Rates

DA Review

- Divide cost by average daily population (ADP) – 64 beds.
- Apply debt service to 64 beds.

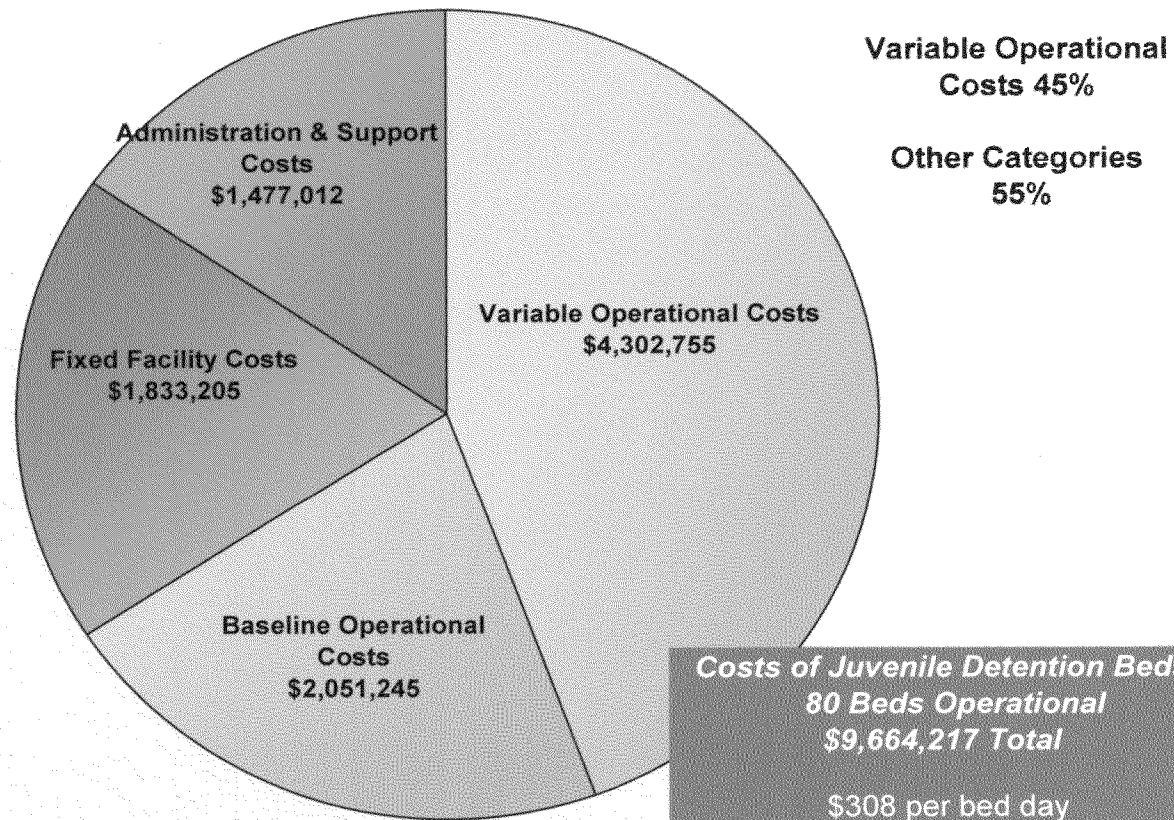
Result: \$401 per day

DCJ

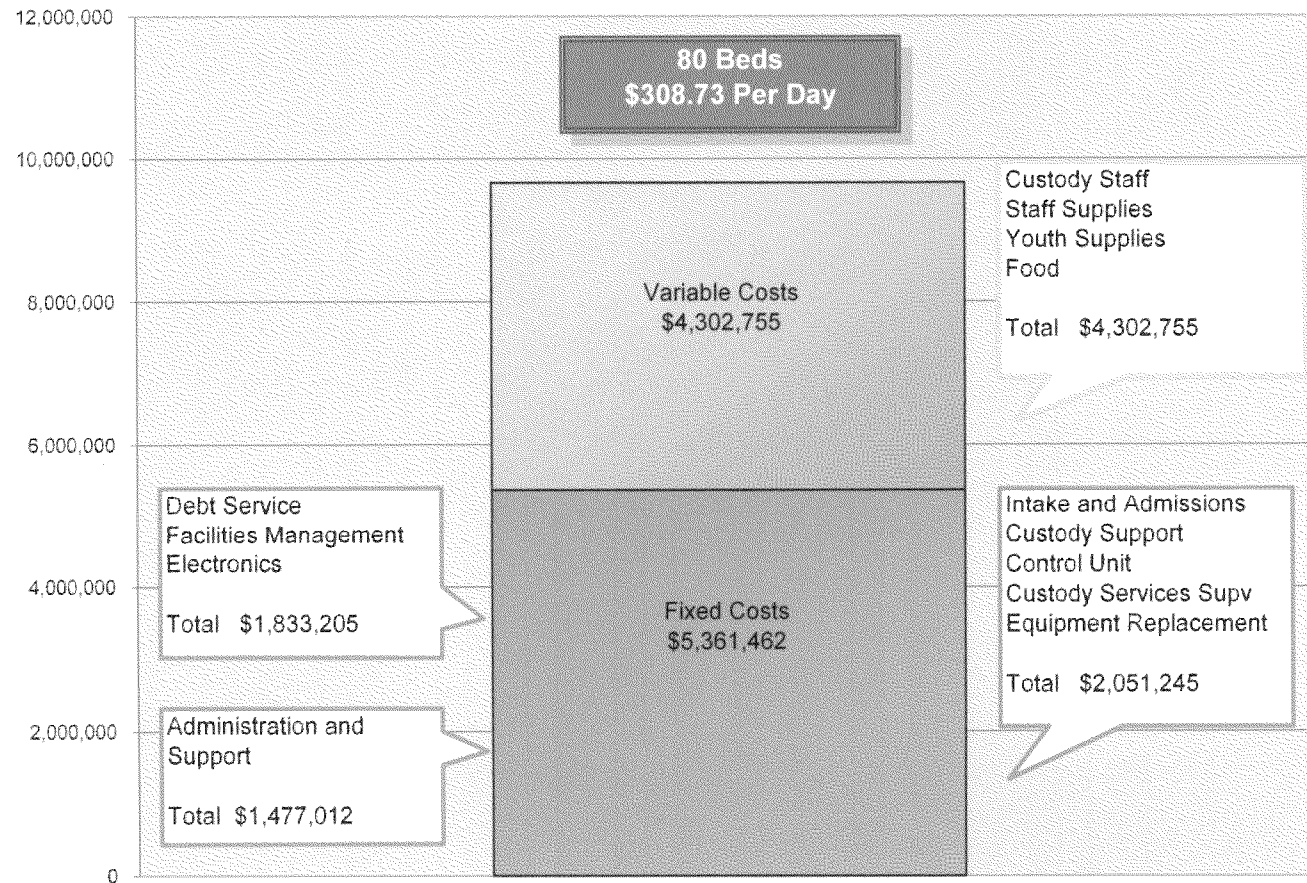
- Divide cost by 80 operational beds.
- Apply debt service over DELH's total 191 bed capacity.

Result: \$308 per day

Fixed Costs Drive Detention Bed Rate

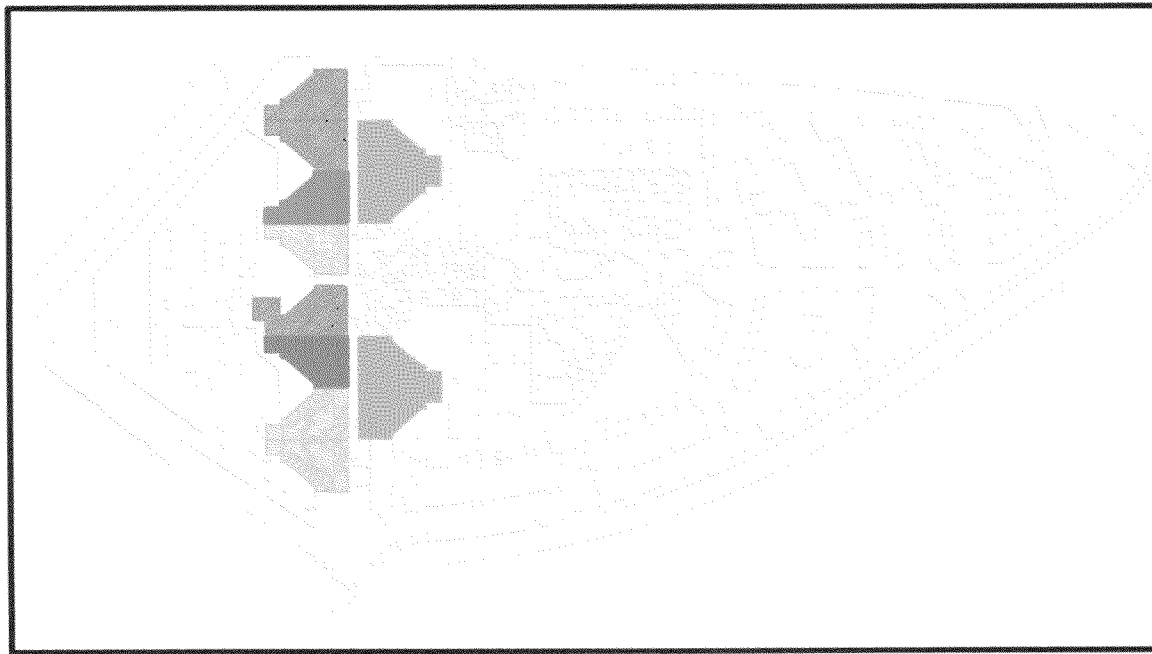


Fixed and Variable Cost Factors



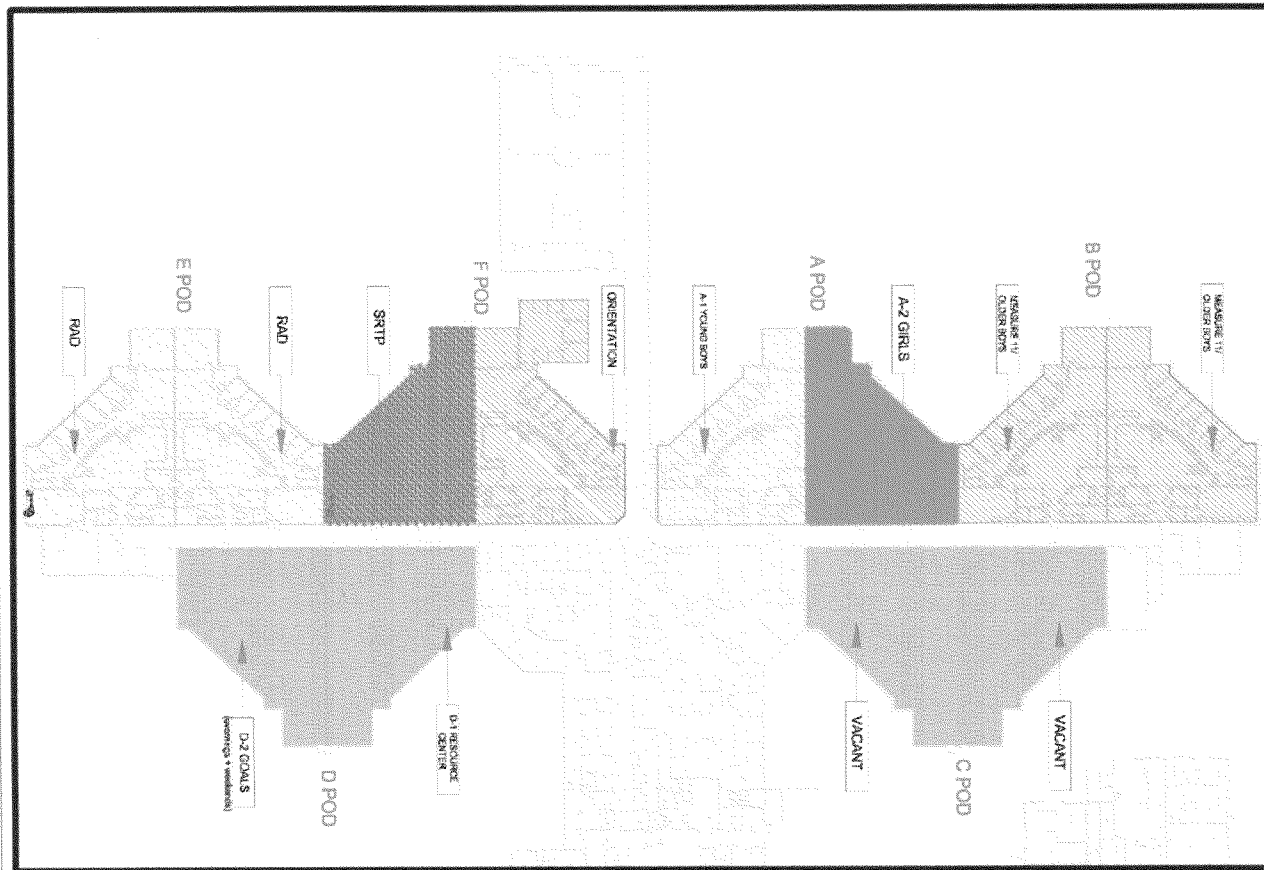
Population Mix and Facility Design Affect Staffing

Juvenile Justice Complex/Donald E. Long Home



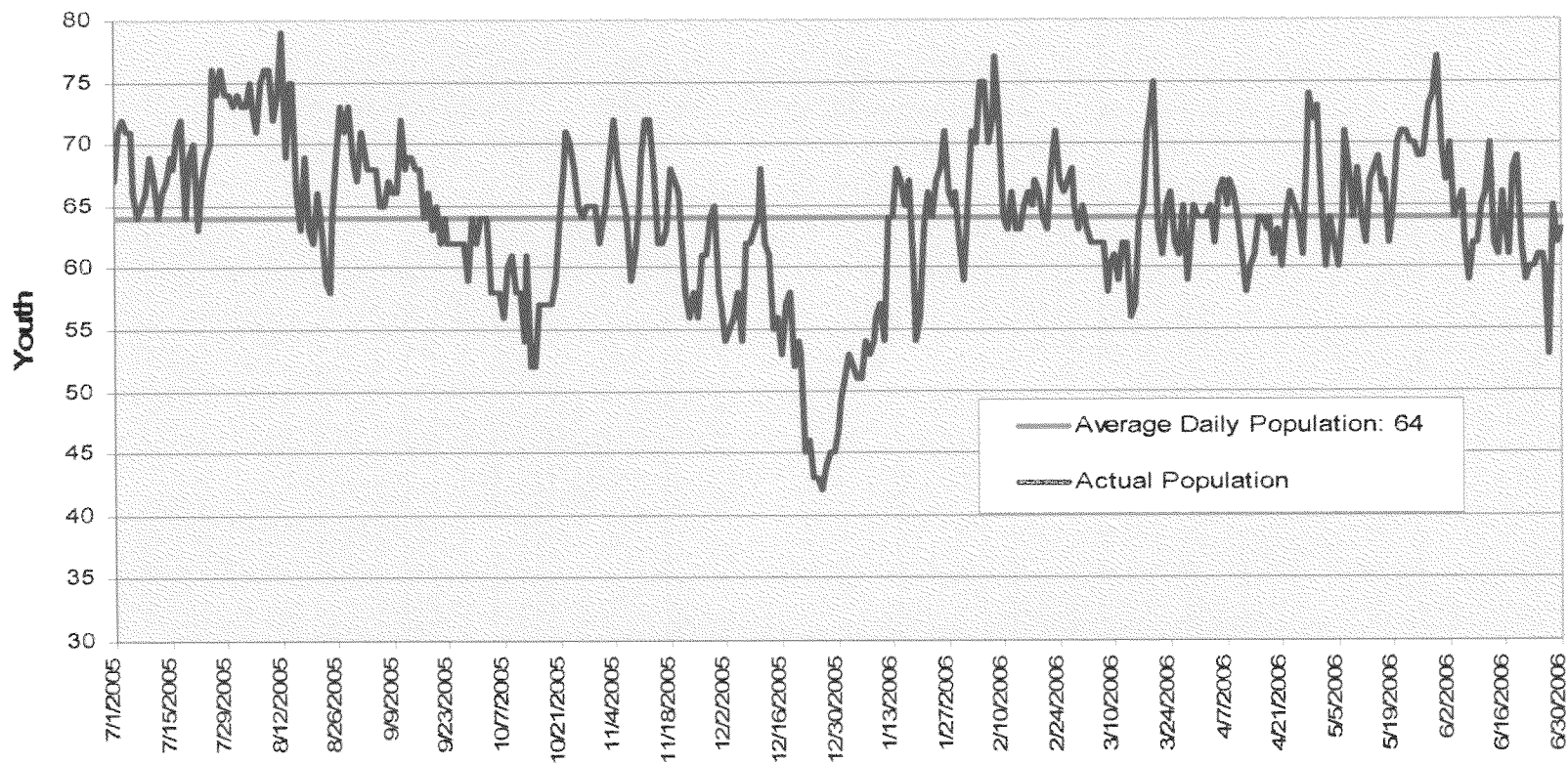
Utilization of Detention Beds

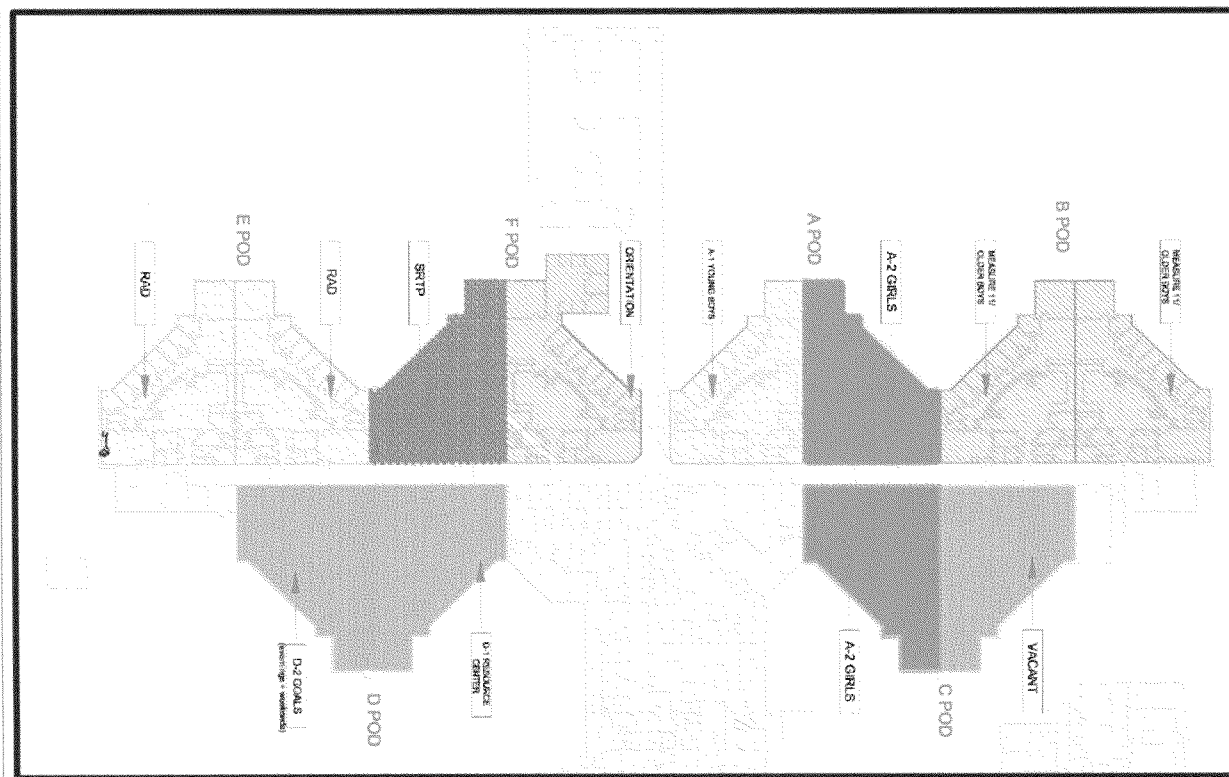
80 Bed Funded Capacity



Changes in ADP: Population Exceeds 64 Most Days

**Multnomah County Juvenile Detention - Daily Population
July 1, 2005 - June 30, 2006**

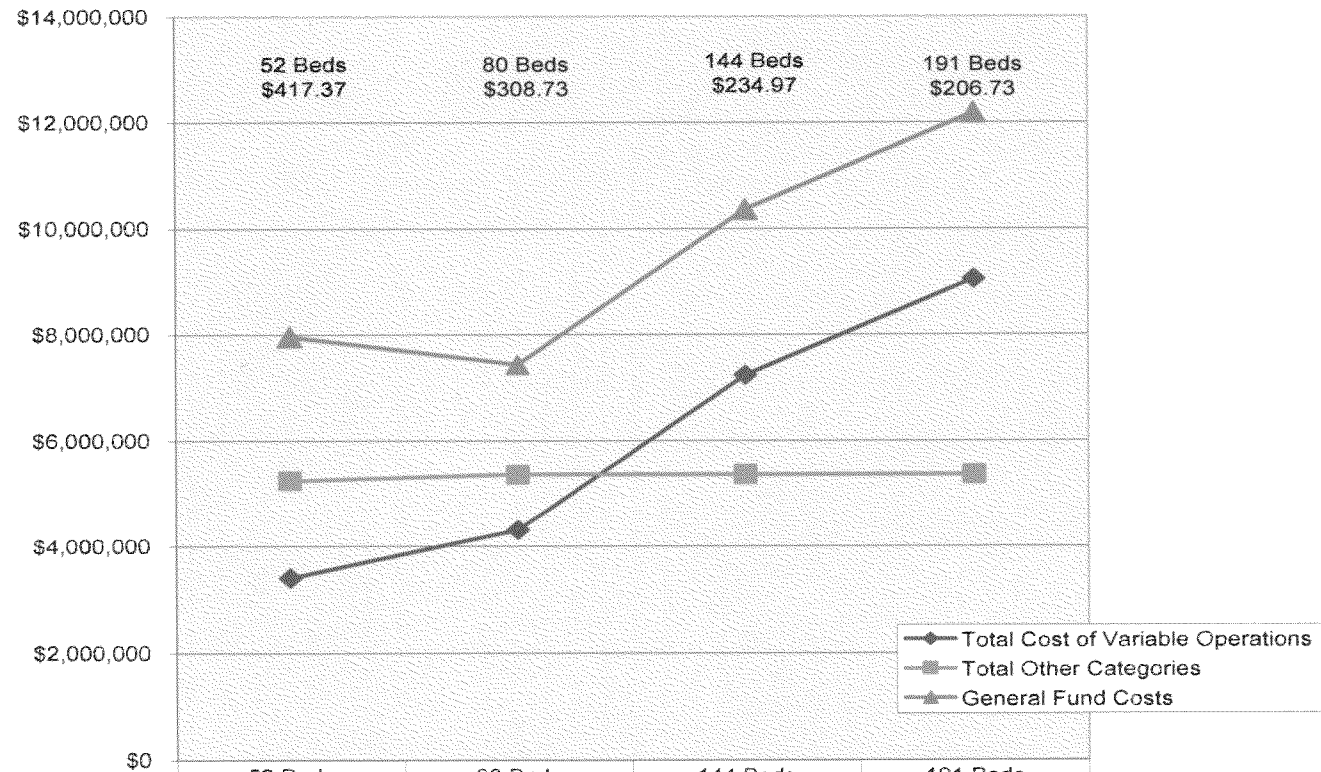




Efforts to Maximize Detention Efficiency

- Eliminated manager and supervisor position
- Reduced staffing levels by nearly 20% and during evening shifts operate below national standards (1:32 v. 1:16 ratio of staff to youth)
- Adjusted staff schedules to maximize operational efficiencies
- Implementing electronic OT and On-call shift assignment system
- Eliminated staff meals

Current Detention Utilization Minimizes General Fund Costs



	52 Beds	80 Beds	144 Beds	191 Beds
◆ Total Cost of Variable Operations	\$3,404,482	\$4,302,755	\$7,233,636	\$9,050,673
■ Total Other Categories	\$5,242,718	\$5,361,462	\$5,361,462	\$5,361,462
▲ General Fund Costs	\$7,960,202	\$7,434,332	\$10,365,213	\$12,182,250

Washington and Clackamas County Contracts Offset General Fund Costs



- DELH built as regional detention facility
- 20 year agreement to rent beds
- Contracts address direct costs
- Washington County pays debt service on 26 beds under sub-lease



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 12/14/06
Agenda Item #: R-13
Est. Start Time: 11:35 AM
Date Submitted: 12/06/06

BUDGET MODIFICATION:

RESOLUTION Allocating \$327,030 of Contingency Funds to the Office of School and Community Partnerships to Fund the Eight Affected SUN Community Schools and Maintain their Current Touchstone Staffing Levels through June 30, 2007

Agenda Title:

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

Date Requested:	December 14, 2006	Time Requested:	5 minutes
Department:	Non-Departmental	Division:	District 1
Contact(s):	David Martinez		
Phone:	503 988-4435	Ext.	84435 I/O Address: 503/600
Presenter(s):	Commissioner Rojo de Steffey & Department Staff		

General Information

1. What action are you requesting from the Board?

Approval of resolution recommending allocating \$327,030 in contingency funds to the Office of School and Community Partnerships, and to fund the eight affected SUN Community Schools and maintain their current Touchstone Staffing levels through June 30, 2007..

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

Multnomah County faced a significant budget short fall of \$32 million for fiscal year 2006 – 2007. In order to provide for our communities most vulnerable populations, the Board of County Commissioners made difficult cuts in order to maintain funding for essential core services. The Board passed a budget reduction of \$1.7 million for the SUN Service System to address possible inefficiencies in program administration. OSCP Director, Lorenzo Poe, was then directed to develop a short term plan to address the budget cut and formulate recommendations for reorganization of funds and services. On August 3, 2006, the OSCP presented the Board with their proposal, which

included the elimination of eight SUN Community Schools, mostly within the same geographic area of Multnomah County along with significant administrative cuts to the Department and cuts across the SUN Service System. In order to ensure geographic equity, which has always been a cornerstone of the SUN Service System, on August 17th the Board accepted the administrative cuts to the Department and to the SUN Service System and continued funding, via a General Fund contingency transfer of \$384,841, to retain the 8 SUN Community School sites through January 2007. At this time the Board is recommending an allocation of contingency funds along with the \$50,000 one-time-only funds from the City of Portland, to continue funding for all 29 County SUN sites and Touchstone through June 30, 2007.

Chair-elect Ted Wheeler has convened a taskforce in order to recommend changes regarding distribution and execution of SUN services in order to confirm the Board's priorities and uphold its core mission of connecting at-risk populations with quality programs. This taskforce has not completed its work however the Chair-Elect has committed to return to the Board with a final report of the taskforce recommendations in February 2007. Decisions about continued funding for these two programs is critical at this time so that agencies, schools and families know that programming will continue.

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

The General Fund Contingency is reduced by \$327,030 and the appropriation for OSCP is increased by a like amount.

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

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

The City of Portland has agreed to contribute \$50,000 in one-time-only funds to support the continuation of SUN Community School services. School districts engaged in the work of the SUN Service System contribute significant in kind resources to support the programs.

Required Signatures

**Department/
Agency Director:**

Maria Rojo de Steffen

Date: 12/06/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Allocating \$327,030 of Contingency Funds to the Office of School and Community Partnerships to Fund the Eight Affected SUN Community Schools and Maintain their Current Touchstone Staffing Levels through June 30, 2007

The Multnomah County Board of Commissioners Finds:

- a. For the 2006/2007 Budget, the County faced a \$32 million shortfall and cuts to existing programs were required to balance the budget.
- b. To support the County's mission of serving the needs of the most vulnerable populations, core services were maintained and \$1.7 million was cut from the SUN Service System.
- c. Geographic equity has been a guiding principle of the SUN Service System Program.
- d. On August 17th the Board passed Resolution 06-150 granting a contingency request of \$384,841 to fund the eight affected Sun Community Schools through January 31, 2007 so that all 29 County SUN Community School sites continue to operate.
- e. The Board also directed the OCSP to maintain current Touchstone staffing levels for the eight affected SUN Community Schools through January 31, 2007 using additional \$143,000 Departmental administrative savings.
- f. Chair-Elect Ted Wheeler has convened a taskforce of stakeholders which is currently working to develop strategies to redesign the distribution of SUN Services that meets the Board's priorities.
- g. A subcommittee of SUN System stakeholders is working to obtain alternative funding.
- h. City of Portland has committed \$50,000 towards the SUN System and school districts are providing in-kind services.
- i. SUN School sites require advance notification regarding funding for student programming and academic planning.
- j. General fund revenue forecast is positive and provides opportunity for one-time funding.

The Multnomah County Board of Commissioners Resolves:

1. In order to ensure geographic equity and to provide adequate time for Chair-Elect Ted Wheeler's School Age Services Taskforce to complete their work, the Board allocates \$327,030 from the general fund contingency to fund the eight affected SUN Community Schools and to maintain Touchstone staffing levels at these sites through June 30, 2007.

ADOPTED this 14th day of December 2006.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Agnes Sowle, County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 06-206

Allocating \$327,030 of Contingency Funds to the Office of School and Community Partnerships to Fund the Eight Affected SUN Community Schools and Maintain their Current Touchstone Staffing Levels through June 30, 2007

The Multnomah County Board of Commissioners Finds:

- a. For the 2006/2007 Budget, the County faced a \$32 million shortfall and cuts to existing programs were required to balance the budget.
- b. To support the County's mission of serving the needs of the most vulnerable populations, core services were maintained and \$1.7 million was cut from the SUN Service System.
- c. Geographic equity has been a guiding principle of the SUN Service System Program.
- d. On August 17th the Board passed Resolution 06-150 granting a contingency request of \$384,841 to fund the eight affected Sun Community Schools through January 31, 2007 so that all 29 County SUN Community School sites continue to operate.
- e. The Board also directed the OCSP to maintain current Touchstone staffing levels for the eight affected SUN Community Schools through January 31, 2007 using additional \$143,000 Departmental administrative savings.
- f. Chair-Elect Ted Wheeler has convened a taskforce of stakeholders which is currently working to develop strategies to redesign the distribution of SUN Services that meets the Board's priorities.
- g. A subcommittee of SUN System stakeholders is working to obtain alternative funding.
- h. City of Portland has committed \$50,000 towards the SUN System and school districts are providing in-kind services.
- i. SUN School sites require advance notification regarding funding for student programming and academic planning.
- j. General fund revenue forecast is positive and provides opportunity for one-time funding.

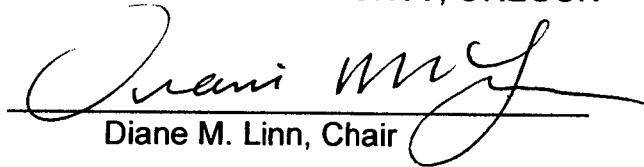
The Multnomah County Board of Commissioners Resolves:

1. In order to ensure geographic equity and to provide adequate time for Chair-Elect Ted Wheeler's School Age Services Taskforce to complete their work, the Board allocates \$327,030 from the general fund contingency to fund the eight affected SUN Community Schools and to maintain Touchstone staffing levels at these sites through June 30, 2007.

ADOPTED this 14th day of December 2006.

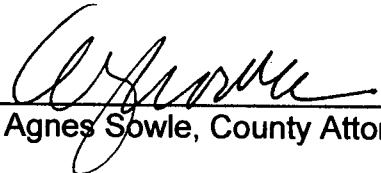


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Agnes Sowle, County Attorney



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-14 DATE 12-14-06
MEAGAN SWENSON, ASST BOARD CLERK

Board Clerk Use Only

Meeting Date: 12/14/06
Agenda Item #: R-14
Est. Start Time: 11:40 AM
Date Submitted: 12/06/06

BUDGET MODIFICATION: OSCP - 09

Agenda Title: Budget Modification OSCP-09 Appropriating \$327,030 of County General Fund Contingency to Fund SUN Community Schools and Touchstone through June 30, 2007

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

Date Requested:	<u>December 14, 2006</u>	Time Requested:	<u>5 minutes</u>
Department:	<u>Non-Departmental</u>	Division:	<u>District 1</u>
Contact(s):	<u>David Martinez</u>		
Phone:	<u>503 988-4435</u>	Ext.	<u>84435</u>
	I/O Address:		<u>503/600</u>
Presenter(s):	<u>Commissioner Rojo de Steffey & Department Staff</u>		

General Information

1. What action are you requesting from the Board?

Approval of bud mod OSCP-9 which allocates \$327,030 in contingency funds to the Office of School and Community Partnerships, and accepts \$50,000 from the City of Portland in one-time-only funds in order to fund all 29 County SUN Community School sites and Touchstone through June 30, 2007.

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

Multnomah County faced a significant budget short fall of \$32 million for fiscal year 2006 – 2007.

In order to provide for our communities most vulnerable populations, the Board of County Commissioners made difficult cuts in order to maintain funding for essential core services. The Board passed a budget reduction of \$1.7 million for the SUN Service System to address possible inefficiencies in program administration. OSCP Director, Lorenzo Poe, was then directed to develop a short term plan to address the budget cut and formulate recommendations for reorganization of funds and services. On August 3, 2006, the OSCP presented the Board with their proposal, which

included the elimination of eight SUN Community Schools, mostly within the same geographic area of Multnomah County along with significant administrative cuts to the Department and cuts across the SUN Service System. In order to ensure geographic equity, which has always been a cornerstone of the SUN Service System, on August 17th the Board accepted the administrative cuts to the Department and to the SUN Service System and continued funding, via a General Fund contingency transfer of \$384,841, to retain the 8 SUN Community School sites through January 2007. At this time the Board is recommending an allocation of contingency funds along with the \$50,000 one-time-only funds from the City of Portland, to continue funding for all 29 County SUN sites and Touchstone through June 30, 2007.

Chair-elect Ted Wheeler has convened a taskforce in order to recommend changes regarding distribution and execution of SUN services in order to confirm the Board's priorities and uphold its core mission of connecting at-risk populations with quality programs. This taskforce has not completed its work however the Chair-Elect has committed to return to the Board with a final report of the taskforce recommendations in February 2007. Decisions about continued funding for these two programs is critical at this time so that agencies, schools and families know that programming will continue.

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

The General Fund Contingency is reduced by \$327,030 and the appropriation for OSCP is increased by a like amount. The \$50,000 from the City of Portland is a one-time-only commitment.

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

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

The City of Portland has agreed to contribute \$50,000 in one-time-only funds to support the continuation of SUN Community School services. School districts engaged in the work of the SUN Service System contribute significant in kind resources to support the programs.

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 General Fund Contingency is reduced by \$327,030 and the DSCP appropriation is increased by a like amount. In addition, the OSCP budget is increased by \$50,000 from the City of Portland one-time-only allocation.

- What do the changes accomplish?

Provides funding for 8 SUN School sites and Touchstone that were slated to close January 31, 2007. This provides continued funding for the 29 County funded sites and Touchstone through June 30, 2007.

- 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?

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

Contingency Request

If the request is a Contingency Request, please answer all of the following in detail:

- Why was the expenditure not included in the annual budget process?

The Board did not fully fund the SUN School system and included several budget notes regarding SUN Schools.

- What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?

The Department has made the other program and administrative cuts per the FY07 adopted budget. The Chair-Elect has requested that other jurisdictional partners in the SUN Service System (the City of Portland and the 6 School Districts) contribute resources to fund this immediate shortfall. The City of Portland has committed \$50,000 to backfill the February-June gap for Community Schools, and the school districts contribute significant in-kind resources. A decision about continued funding for these two programs is critical at this time so that agencies, schools and families know that programming will continue.

- **Why are no other department/agency fund sources available?**

Other funds are used to support other schools sites in the system. Shifting funds, where permissible, would not cause sites not to be closed.

- **Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account. What are the plans for future ongoing funding?**

This expenditure produces no new revenue or cost savings that aren't already planned.

- **Has this request been made before? When? What was the outcome?**

This represents the second contingency request for this service, per the above discussion. And, funding for these activities was requested during the FY 07 budget adoption process.

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: OSCP - 09

Required Signatures

**Department/
Agency Director:**

Maria Rojo de Steffen

Date: 12/06/06

Budget Analyst:

Michael D. Gaspin

Date: 12/06/06

Department HR:

Date:

Countywide HR:

Date:

Budget Modification ID: **OSCP 09****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	19	1000	20		9500001000		60470		(327,030)	(327,030)		Contingency
2									0			
3	21-78	1000	40			SCPSP.SUN.CGF	60160	2,077,188	2,302,075	224,887		Pass-Thru & Pgm Supt
4									0			
5	21-78	1000	40			SCPSP.TCH.CGF	60000	694,357	796,500	102,143		Permanent
6									0			
7	21-78	27190	40			SCPSP.SUN.PDXGF	50200	0	(50,000)	(50,000)		IG-OP-Other
8	21-78	27190	40			SCPSP.SUN.PDXGF	60000	0	50,000	50,000		Pass-Thru & Pgm Supt
9									0			
10									0			
11									0			
12									0			
13									0			
14									0			
15									0			
16									0			
17									0			
18									0			
19									0			
20									0			
21									0			
22									0			
23									0			
24									0			
25									0			
26									0			
27									0			
28									0			
29									0			
										0	0	Total - Page 1
										0	0	GRAND TOTAL



Department of County Management
MULTNOMAH COUNTY OREGON

Budget Office

501 SE Hawthorne Blvd., Suite 531
Portland, Oregon 97214
(503) 988-3312 phone
(503) 988-5758 fax
(503) 988-5170 TDD

TO: Board of County Commissioners

FROM: Mike Jaspin, Principal Budget Analyst

DATE: December 6, 2006

SUBJECT: General Fund Contingency Request for \$327,030 to Fund SUN Schools through June 30, 2007 (Budget Modification OSCP-09).

A \$327,030 General Fund Contingency request is being proposed to fund the eight SUN School sites whose funding will be exhausted on January 31, 2007. These sites were originally slated to be closed under the Department of School and Community Partnerships Proposed FY 06/07 SUN Service System Reduction plan that was presented to the Board on August 3, 2006. The Board provided temporary funding for these sites through January 31 by way of an August 17, 2006 contingency request for \$384,841. This second contingency request will fund those sites and Touchstone through June 30, 2007.

General Fund Contingency Policy Compliance

The Budget Office is required to inform the Board if contingency requests submitted for approval satisfy the general guidelines and policies for using the General Fund Contingency. The request is inconsistent with County policy. In particular,

- Criteria 1 states contingency requests should be for one-time-only purposes. This is the second request to fund an ongoing program with one-time-only emergency contingency funds.
- Criteria 2 Addresses emergencies and unanticipated situations. This expenditure is not unanticipated.
- Criteria 3 addresses items identified in Board Budget Notes. While the Board did adopt a budget note regarding SUN Schools, it did not set aside funds designated for SUN Schools.

As of December 6, 2006, the General Fund Contingency balance was \$7.1 million. Please note that this amount includes \$3.5 million for the BIT Stabilization Reserve, \$1 million for MCSO Corrections Overtime, \$1 million for Corrections Health, and approximately \$1.25 million earmarked for classification and compensation studies. This request means 82% of the non-allocated or "normal" contingency will have been used.



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 12/14/06
Agenda Item #: R-15
Est. Start Time: 11:45 AM
Date Submitted: 11/29/06

BUDGET MODIFICATION:

Agenda Title: Commissioners Lisa Naito, Lonnie Roberts and Maria Rojo de Steffey
Presenting Awards of Appreciation to Chair Diane Linn, Commissioner Serena Cruz Walsh and Auditor Suzanne Flynn

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

Date Requested: 12/14/2006 Time Requested: 15 minutes
Department: Non-Departmental Division: D1, D3, D4
Contact(s): Matthew Lashua
Phone: 503 988 6796 Ext. 86796 I/O Address: 503/600
Presenter(s): Commissioners Maria Rojo de Steffey, Lisa Naito and Lonnie Roberts

General Information

1. What action are you requesting from the Board?
Informational Only
2. Please provide sufficient background information for the Board and the public to understand this issue.
3. Explain the fiscal impact (current year and ongoing).
4. Explain any legal and/or policy issues involved.
5. Explain any citizen and/or other government participation that has or will take place.

Required Signatures

**Department/
Agency Director:**

Maria Rocio de Steffen

Date: 11/29/06

Olivia Nauta

Lonnie Roberts

Budget Analyst:

Date: _____

Department HR:

Date: _____

Countywide HR:

Date: _____



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # 12-16 DATE 12-14-06
MEAGAN SWENSON, ASST BOARD CLERK

Board Clerk Use Only

Meeting Date: 12/14/06
Agenda Item #: R-16
Est. Start Time: _____
Date Submitted: 12/05/06

BUDGET MODIFICATION: DCHS - 14

**Budget Modification DCHS-14 Increasing Domestic Violence
Appropriation by \$249,333 from Unspent Prior Year Funding from Center
for Disease Control (CDC) Cooperative Agreement and Adding 1.33 FTE**
Agenda Title: Research/Evaluation Analyst 1

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

Date Requested:	<u>December 14, 2006</u>	Time Requested:	<u>5 minutes</u>
Department:	<u>Dept. of County Human Services</u>	Division:	<u>Domestic Violence</u>
Contact(s):	<u>Chris Yager</u>		
Phone:	<u>503 988-3691</u>	Ext.	<u>26777</u>
		I/O Address:	<u>167/620</u>
Presenter(s):	<u>Chiquita Rollins</u>		

General Information

1. What action are you requesting from the Board?

The Department of County Human Services recommends approval of budget modification DCHS-14 which adds \$249,333 to Domestic Violence Coordination and Special Projects (Program Offer 25045). The additional appropriation is the result of unspent funding from the prior fiscal year.

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

The department received approval from the Board on January 13, 2005 (R-8) to apply for this CDC Cooperative Agreement (Intervention and Evaluation Trials to Prevent Intimate Partner Violence). The Board approved a budget modification on 10/13/05 appropriating funding for the first year of the grant. The grant project period is 9/01/05 to 8/31/09. The unspent funds are due to a delayed start of the project.

One of the research objectives of this cooperative agreement is to expand the set of intervention

programs and strategies that address intimate partner violence. Research that examines the efficacy and effectiveness, including cost effectiveness, of the following strategy has been funded:

- Housing intervention programs that provide permanent or extended stay housing and other services to mothers (and their children) at risk for revictimization of intimate partner violence.

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

This budget modification increases the FY 07 CDC grant appropriation by \$249,333.

Personnel costs increase by \$79,248 to fund 1.33 FTE Research/Evaluation Analyst 1 (2.00 FTE annualized). The ongoing grant base budget is revised to cover these personnel costs by reallocating funds from professional services to personnel.

Professional Services costs for research studies will increase by \$161,840.

Grant paid indirect costs increase by \$8,245.

Current fiscal year service reimbursements for the Risk Fund and the General Fund from the Fed/State Fund increase by \$16,222 and \$5,931, respectively.

Department grant paid indirect revenue increases by \$2,314 with a like increase in Professional Services expense.

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?
This budget modification approves spending of additional \$249,333 in FY 07 (year 2) as the result of unspent FY 06 (year 1) CDC grant funds. The revenue funds additional research and two new Research/Evaluation positions - 1.33 current FTE (2.00 FTE annualized).
- What budgets are increased/decreased?
Domestic Violence budget increases by \$249,333.
The Risk Management internal service budget is increased by \$16,222.
The General Fund Contingency budget increases by \$5,931.
DCHS Director's Office budget is increased by \$2,314.
- What do the changes accomplish?
Increases resources for research relating to the CDC project Effectiveness of Housing Intervention for Battered Women.
- Do any personnel actions result from this budget modification? Explain.
Yes. Adds two new Research/Evaluation Analyst 1 positions - 1.33 current FTE (2.00 on-going FTE). The ongoing grant base budget is revised to cover these personnel costs by reallocating funds from professional services to personnel.
- How will the county indirect, central finance and human resources and departmental overhead costs be covered?
These costs are covered by grant funds.
- Is the revenue one-time-only in nature?
This is a multi-year grant, currently in year two of four, with an expected fifth year of utilizing funding from unspent funds from previous years of the grant.
- If a grant, what period does the grant cover?
09/01/2005 to 8/31/2009.
- If a grant, when the grant expires, what are funding plans?
There are no funding plans, as this is a research project.

<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 - 14

Required Signatures

**Department/
Agency Director:**

Ret Surface

Date: 11/15/06

Budget Analyst:

Michael D. Gaspin

Date: 12/05/06

Department HR:

Joi E. Dot

Date: 11/15/06

Countywide HR:

Date:

Budget Modification ID: **DCHS-14****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	20-30	32183	40	25045		DV CRD.CDC	50170	(521,360)	(770,693)	(249,333)		IG-OP Direct Fed
2	20-30	32183	40	25045		DV CRD.CDC	60000	124,883	173,710	48,827		Permanent
3	20-30	32183	40	25045		DV CRD.CDC	60130	36,786	50,985	14,199		Salary Related
4	20-30	32183	40	25045		DV CRD.CDC	60140	34,492	50,714	16,222		Insurance Benefits
5	20-30	32183	40	25045		DV CRD.CDC	60170	279,768	441,608	161,840		Professional Services
6	20-30	32183	40	25045		DV CRD.CDC	60350	12,045	17,976	5,931		Central Indirect [2.46%]
7	20-30	32183	40	25045		DV CRD.CDC	60355	4,700	7,014	2,314		Dept Indirect [0.96%]
8												
9												
10	19	1000	20		9500001000		50310		(5,931)	(5,931)		Svc Reim F/S to CGF
11	19	1000	20		9500001000		60470		5,931	5,931		Contingency
12												
13	26-00	1000	40	25000		CHSDO.IND1000	50370		(2,314)	(2,314)		Dept Indirect Revenue
14	26-00	1000	40	25000		CHSDO.IND1000	60170		2,314	2,314		Professional Services
15												
16	72-10	3500	20		705210		50316		(16,222)	(16,222)		Svc Reim F/S to Risk Mgmt
17	72-10	3500	20		705210		60330		16,222	16,222		Claims Paid
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			
Fund	Job #	HR Org	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
20-50	6085	61398	RE AYST 1	712522	1.00	36,712	10,676	12,197	59,585
20-50	6085	61398	RE AYST 1	New	1.00	36,712	10,676	12,197	59,585
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
			TOTAL ANNUALIZED CHANGES		2.00	73,424	21,352	24,394	119,170

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

						CURRENT YEAR			
Fund	Job #	HR Org	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
20-50	6085	61398	RE AYST 1 (Effective 10-01-06)	712522	0.75	27,534	8,007	9,148	44,689
20-50	6085	61398	RE AYST 1 (Effective 12-01-06)	New	0.58	21,293	6,192	7,074	34,559
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
			TOTAL CURRENT FY CHANGES		1.33	48,827	14,199	16,222	79,248



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 12/16/06
Agenda Item #: R-17
Est. Start Time: _____
Date Submitted: 11/13/06

BUDGET MODIFICATION: -

Continued Public Hearing to Consider and Possibly Act Upon a Measure 37 Claim by Elinor Wiley for up to \$800,000 in Compensation or Relief from Regulations to Allow a Five Lot Subdivision and the Development of Four Additional Single Family Residences on Property Located at 13801 NW Charlton Road, Portland [T2N, R1W, SEC 16, TL 900] (Case File T1-06-048)
Agenda Title: [Continued from December 7, 2006]

Date Requested:	<u>December 14, 2006</u>	Time Requested:	<u>30 mintues</u>
Department:	<u>Community Services</u>	Division:	<u>Land Use & Transportation</u>
Contact(s):	<u>Derrick Tokos, Ken Born, Sandra Duffy</u>		
Phone:	<u>503-988-3043</u>	Ext.	<u>22682</u>
	I/O Address:		<u>455/116</u>
Presenter(s):	<u>Ken Born, Sandra Duffy</u>		

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 submitted by Phillip Grillo, on behalf of property owner Elinor Wiley, to waive land use regulations which prohibit the division of property into five lots, and development of four additional single family dwellings on property located at 13801 NW Charlton Road. Land use planning has outlined an approach to deciding this claim in a staff report dated November 6, 2006.

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

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 the fair market value of the property relative to how the property could have been used at the time the claimant acquired the property. As outlined in the staff report and memorandum from the County Attorney's Office dated June 8, 2006, this requirement has not been met.

The claimant, Elinor Wiley, is seeking up to \$800,000 in compensation or relief from land use regulations to allow the 103.04 acre property to be divided into five parcels, with one home to be constructed on each newly created, vacant parcel.

The property was encumbered by interim zoning on May 26, 1953 and August 4, 1955. Permanent zoning was put in place on July 10, 1958. The claimant's appraisal assumes zoning in effect on November 15, 1962 as pre-dating the acquisition date for purpose of their analysis. The 1962 zoning and maps are consistent with what was adopted in 1958. The zoning designation applied to the property was known as "F-2". The F-2 district was an agricultural zone, that allowed dwellings for the owner, operator, or help required to carry out grazing, agriculture, horticulture, or the growing of timber (§3.112, Ord. #100). The minimum lot size in this district was 2 acres (§2.10, Ord. #100). The zoning changed from F-2 to RL-C on December 5, 1975 (38 ac. min. lot size), to Exclusive Farm Use-38 on October 6, 1977 (76 acre min. lot size), and to Exclusive Farm Use on August 14, 1980. Current Exclusive Farm Use (EFU) zoning requires newly created properties from a land division to be at least 80-acres in size (MCC 34.2660(A)). EFU rules also generally limit the establishment of new dwellings to those that are necessary for farm purposes (§34.2600 et. seq.).

The use the claimant asserts has been restricted is her ability to partition the properties so that the resulting parcels can be sold for development. Multnomah County's interpretation of the law as reflected in its Measure 37 ordinance is that dividing property in itself is not a 'use' of land subject to the provisions of Measure 37 and that development rights gained through a waiver are personal to the claimants and will result in no restriction in use if transferred to a third party. No restriction in use would occur for the third party because they would not be able to divide the property or develop a newly purchased parcel (were the claimants to divide) because they would be subject to the current Exclusive Farm Use regulations which prohibit the partition and dwellings.

Similarly, there is no reduction to the value of the property relative to use claimed because development rights cannot be transferred. Even if a partition could have been approved at the time the owners acquired the property, Measure 37 rights are personal to the claimant and are of no value to a new owner. Exclusive Farm Use zoning regulations would be applied once a newly created parcel is sold to a new owner. These regulations would prohibit the establishment of a dwelling on the property rendering it unbuildable. Because the resulting parcels would have no development value, no reduction in value will occur as compared to the present value of the property under the current EFU zoning regulations (i.e. five, 20 acre parcels are of no more value as farmland than a 100 acre property).

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

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

The claimants assert a reduction in value of up to \$800,000.

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

Policy and legal issues are outlined in a staff report from Land Use Planning dated November 6, 2006. 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.

Pursuant to the provisions of MCC 27.530, a 14-day Opportunity to Comment packet was mailed on August 14, 2006. No comments were received.

Public notice of this hearing has been mailed to all property owners within 750 feet of the subject property, including 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 Signatures

**Department/
Agency Director:**

M. Cecilia Johnson

Date: 11/13/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:



**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

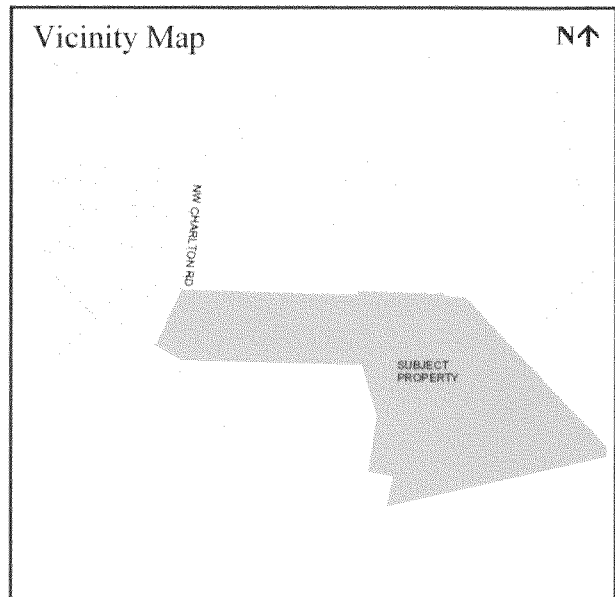
Hearing Date, Time, & Place:

December 7, 2006 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: T1-06-048

Claimants: Elinor D. Wiley
c/o Phillip E. Grillo
Miller Nash LLP
111 SW Fifth Ave, Suite 3400
Portland, OR 97204

Location: 13801 NW Charlton Road
TL 900, Sec 16, T2N, R1W, W.M.
Tax Account # R971160060



Claim: Up to \$800,000 in compensation or relief from land use regulations to allow the land to be divided into five lots and to develop at least four residential home sites in the EFU zone district.

Zoning: Exclusive Farm Use (EFU)

Site Size: 103.04 acres

Approach to Deciding the Claim:

For a claim to be valid, the land use regulations challenged must restrict the claimant's use of private real property in a manner that reduces the fair market value of the property 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 Attorney's Office dated June 8, 2006, this requirement has not been met because (a) dividing property in itself is not a "use" subject to the provisions of Measure 37, and (b) in any event, development rights gained through a waiver are personal to the claimants and cannot be transferred to a purchaser of a subdivided parcel. Since the rights are not transferable there has been no reduction in the fair market value of the property.

Staff Analysis

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

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 the measure.

On July 7, 2006, the claimants submitted a completed Measure 37 Claim Form (Exhibit A.1); a Real Property Consulting Appraisal Report, prepared by PGP Valuation Inc., which includes a narrative, site description, estimated property valuation, and copies of the regulations which the claimant assert reduces the property value; the claimant's Measure 37 Claim submitted to the State of Oregon; (Exhibit A.4); and a copy of the deed which transferred ownership of the property to the claimants (Exhibit A.3). On July 10, 2006, the claimant submitted a \$1500 deposit to the County in order to process the claim.

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

Yes. The Claimants obtained an interest in the property on September 7, 1955 (Exhibit A.3) prior to the county adopting the challenged regulations set out in the claim.

The property was encumbered by interim zoning on May 26, 1953 and August 4, 1955. Permanent zoning was put in place on July 10, 1958. The claimant's appraisal assumes zoning in effect on November 15, 1962 as pre-dating the acquisition date for purpose of their analysis. The 1962 zoning and maps are consistent with what was adopted in 1958. The zoning designation applied to the property was known as "F-2". A copy of the zoning map is included as Exhibit B.1. A copy of the corresponding F-2 regulations is presented as Exhibit B.2. The F-2 district was an agricultural zone, that allowed dwellings for the owner, operator, or help required to carry out grazing, agriculture, horticulture, or the growing of timber (§3.112, Ord. #100). The minimum lot size in this district was 2 acres (§2.10, Ord. #100). The zoning changed from F-2 to RL-C on December 5, 1975 (38 ac. min. lot size), to Exclusive Farm Use-38 on October 6, 1977 (76 acre min. lot size), and to Exclusive Farm Use on August 14, 1980. Current Exclusive Farm Use (EFU) zoning requires newly created properties from a land division to be at least 80-acres in size (MCC 34.2660(A)). EFU rules also generally limit the establishment of new dwellings to those that are necessary for farm purposes (§34.2600 et. seq.). The claimant is challenging the current EFU regulations.

A deed submitted by the claimant (Exhibit A.3), shows that they acquired the property on September 7, 1955. County assessment records identify the claimant as the current owner of the property. These documents, the title report, and other information provided by the claimant show continual ownership since 1955 and are sufficient to establish that they acquired an interest in the property prior to the county adopting the EFU regulations.

3. Have the challenged regulations restricted the use of the property?

No. The claimant has failed to establish that the challenged regulations have restricted her use of the property.

The use the claimant asserts has been restricted is her ability to partition the properties. The appraisal submitted by the applicant assumes the landowner will be able to convey the property for development purposes. Multnomah County's interpretation of the law as reflected in its Measure 37 ordinance is that dividing property in itself is not a 'use' of land subject to the provisions of Measure 37 and that development rights gained through a waiver are personal to the claimants and will result in no restriction in use if transferred to a third party. No restriction in use would occur for the third party because they would not be able to divide the property or develop a newly purchased parcel (were the claimant to divide) because they would be subject to the current Exclusive Farm Use regulations which prohibit the partition and dwellings.

This legal issue is analyzed in detail within a memo prepared by the Assistant County Attorney, Sandra Duffy, dated June 8, 2006. For the reasons outlined in this legal memorandum, staff finds this claim seeking the right to partition the property to be invalid.

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

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

A reduction in value has not occurred because development rights cannot be transferred. Even if a partition could have been approved at the time the owners acquired the property, Measure 37 rights are personal to the claimants and are of no value to a new owner. For instance, the current Exclusive Farm Use zoning regulations would be applied once a newly created parcel is sold to a new owner. These regulations would prohibit the establishment of a dwelling on the property rendering it unbuildable. Because the resulting parcels would have no development value, no reduction in value will occur as compared to the present value of the property under the current EFU zoning regulations (i.e. five, 20 acre parcels are of no more value as farmland than a 100 acre property).

Bob Alcantara, Senior Appraisal Supervisor with the Multnomah County Division of Assessment and Taxation also provided his department's interpretation on the reduction of value issue for this claim (Exhibit D.1):

I have reviewed the appraisal report prepared by Rick Walker. I found the report well written and the estimates of value well supported.

The claim asks for compensation of up to \$800,000 or relief from current land use regulations to divide the property into 5 lots and to develop at least four residential home sites within the EFU zone district. As the ability to transfer development rights is not allowable there appears to be no loss in value to the property.

Public Comment

After a claim for compensation is declared complete pursuant to MCC 27.520(B), the Director shall mail notice of the claim to the claimant, other owners of record of the property, and all owners of property within 750 feet of the subject property. Additional mail notice shall be sent to

any public entities with land use regulatory authority over the property and other organizations or persons as the Director may designate (MCC 27.530(A)).

Pursuant to the provisions of MCC 27.530, a 14-day Opportunity to Comment packet was mailed on August 14, 2006. No comments were submitted. Public notice of this hearing has been mailed to all property owners within 750 feet of the subject property, including 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.

Conclusion

In conclusion, the claimant has failed to establish that regulations preventing her (or others) from dividing the property in order to develop homes on the new parcels have resulted in a restriction of their use of the land and reduction in its value. Dividing property is not a "use" subject to the provisions of Measure 37 and, in any event, development rights gained through a waiver are personal to the claimants and cannot be transferred to a purchaser.

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

Issued by:

By: Kenneth Born, AICP, Planner

For: Karen Schilling- Planning Director

Date: November 6, 2006

Exhibits

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

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	1	Signed Measure 37 Application Form	07/07/06
A.2	99	Real Property Consulting Appraisal Report	07/07/06
A.3	2	Deed Information: 1. Warranty Deed, Recorded in Book 1743, Pages 598-599, January 14, 1953 (Alexander to Wiley)	07/07/06
A.4	10	State of Oregon Measure 37 Claim Form	07/07/06
A.5	1	Designation of applicant's representative	07/07/06
'B'		Staff Exhibits	Date
B.1	1	Zoning Map in Effect on 9/7/1955	N/A
B.2	1	Current Zoning Map	N/A

B.3	1	Assessment and Taxation Property Information	N/A
B.4	1	Assessment and Taxation Parcel Record Card	N/A
'C'		Administration & Procedures	Date
C.1	4	Opportunity to Comment	08/14/06
C.2	2	Abatement Offer Letter	10/10/06
'D'		Comments Received	Date
D.1	1	Memorandum: Multnomah County Division of Assessment and Taxation, Bob Alcantara	11/09/06
D.2	1	Memorandum: Multnomah County Attorney's Office, Sandy Duffy	11/08/06

HIGHEST AND BEST USE – AS PREVIOUSLY ZONED

In the "As-Previously Zoned" situation, the most significant factor that will affect the highest and best use conclusion is the allowance for residential uses on building sites of two acres or greater. Unlike the current EFU zoning, the F-2 zoning does not require any threshold test to warrant a dwelling use other than a two acre minimum site size. Given the soil types and on-going residential uses of the subject property, further subdivision of the property in compliance with the previous F-2 zoning will generate a number of potential, acreage, building sites. For analysis purposes, only four building sites will be assumed west of the Gilbert River on approximately 30 acres of land. This will allow for the future homes to be built on that area of the subject where the soil types and flood issues do not need additional research, and an access road does not need to cross the Gilbert River. Upon further research, of soil conditions and groundwater elevations, there may be a greater number of potential homesites. The remaining 73 acres east of the Gilbert River will be valued as Farmland with recreational attributes, using the sales data presented in the "As Is" Valuation section.

A copy of the F-2 zoning code is presented in the Addenda if questions arise.

CONCEPT SITE PLAN MAP



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

Re: All Measure 37 Land Divisions Are Facially Invalid

Date: June 8, 2006

INTRODUCTION:

A substantial portion of the Measure 37 claims being submitted to Multnomah County are for partitions or subdivisions. MCC 27.530(O) authorizes the Planning Director to determine whether a claim is invalid on its face and to recommend to the Board of County Commissioners that the claim be denied. The question this memorandum addresses is whether claims for land divisions are invalid on their face. This memorandum is intended as guidance for the Planning Director and the land use planners who are reviewing Measure 37 claims.

Set out below is the County's legal analysis addressing whether partitioning and/or subdividing land is a "use" of land which is subject to the provisions of Measure 37 and whether development rights gained through a waiver are personal to the claimant are transferable to a purchaser of a subdivided parcel. If the development rights are not transferable, there has been no "... reduc[tion in] the fair market value of the property," which is required for a valid Measure 37 claim.

DISCUSSION:

A. County land division regulations do not restrict the owner's "use" of the property.

The meaning of the term "use" in the Measure is a critical factor in determining the validity of claims, as well as the governing bodies' authority to pay compensation or to waive¹ regulations. Section (1) of the Measure requires compensation from the County if it enforces an ordinance that "restricts the *use* of private real property."

As an alternative to paying compensation, the Measure, in Section(8) authorizes the governing body to: "...modify, remove or not to [sic] apply the land use regulation or land use regulations to allow the owner to *use* the property for a *use* permitted at the time the owner acquired the property."

If the county land division regulations (MCC 33.7700 – 33.8035) are a *use* restriction, the Board may pay compensation or waive the regulations which would allow Measure 37 claimants to partition or subdivide their parcels.

(1) Land division ordinances as land use regulations in Measure 37.

The proponents of the Measure give import to the fact that the Measure defines "land use regulation" in subsection (11)(B) as including "land division ordinances." First, land division ordinances do not specify how a property is to be *used*. Land division ordinances set out the requirements for and procedures to partition or subdivide parcels of land.

Second, on February 24, 2005, the Attorney General's Office issued a Measure 37 letter-opinion to Lane Shetterly, Director of DLCD. That letter-opinion makes it very clear that a

¹ Waiver is a term used in this memorandum in lieu of the Measure 37 language which authorizes the governing body to "modify, remove or not to [sic] apply the land use regulation..."

waiver is valid only if a *series* of conditions are met², including: “The law [county code] restricts the use of private real property or any interest therein,” and “The law [county code] has the effect of reducing the fair market value of the claimant’s property or any interest therein.” Inclusion of a type of regulation within the definition of “land use regulation” does not necessarily mean that it is a “use” regulation which restricts the use and diminishes the value of property, giving rise to a Measure 37 claim.

Finally, the two sections of the Measure (the definitions and the requirement that a restriction in use diminish the value), must be read in context and effect must be given to both, if possible. The general definition provision will not take precedence over the substantive provision requiring a restriction in *use* and a diminution in value to prove a valid claim under the Measure.³

(2) Interpreting the word “use.”

When construing a statute, the court’s task is to determine the intent of the legislature. The best indication of legislative intent is the text of the statute. Only if the court finds the text is ambiguous will the court analyze the legislative history of the statute. *PGE v. Bureau of Labor and Industries*, 317 Or 606, 859 P2d 1143 (1993); ORS 174.010. The same analysis applies whether the statute was enacted by the legislature or through the initiative process. *Stranahan v. Fred Meyer, Inc.*, 331 Or 61; 11 P3d 228 (2000).

The term “use” is undefined in the Measure which means it is to be interpreted in its common, everyday meaning. The common meaning of “use,” in the context of land use

² The same holds true for a determination to pay compensation. There must be a valid Measure 37 claim which meets the same series of conditions.

³ ORS 174.020(2) “When a general and particular provision are inconsistent the latter is paramount to the former so that a particular intent controls a general intent that is inconsistent with the particular intent.”

regulations, includes such uses as: rural residential use, commercial use, farmland use, forestland use, industrial use, community service use.⁴ Those broad categories of uses are subdivided into more specific uses in the zoning code. For example, rural residential allowed uses include: raising and harvesting of crops, raising livestock and honeybees, and family day care.⁵ All of these uses can take place on a parcel of land without subdividing the parcel.

The common dictionary definition of the word “use” is:

“The act of using or the state of being used.” Webster’s New Universal Unabridged Dictionary, Second Edition, (Dorset and Baber 1989).

The legal definition of the word “use” is:

“The application or employment of something; esp., a long-continued possession and employment of a thing for the purpose for which it is adapted, as distinguished from a possession and employment that is merely temporary or occasional <the neighbors complained to the city about the owner’s use of the building as a dance club>.” Black’s Law Dictionary, Seventh Edition, West Group, St. Paul Minn., (1999).

Both of these definitions contemplate active employment of the land for a specific purpose. The acts to subdivide land (applying for a land use permit, obtaining a title report, obtaining a survey, recording a plat) do not involve the employment of land. Subdividing is preparation for a use of the land, but is not, itself, a use.

Other than *MacPherson*⁶, there are no cases to date interpreting the language of Measure 37, however, the Court of Appeals, in *Parks v. Tillamook County*, 11 Or App 177 (1972),

⁴ This is a representative sample of some of the uses contained in MCC Chapter 33; there are many others but none of them include partitions or subdivisions.

⁵ These are examples from MCC Chapter 33.

⁶ *MacPherson v. Department of Administrative Services*, 340 Or 117, 130 P3d 308 (2006) found Measure 37 to be constitutional.

recognized that platted but undeveloped land is not regarded as a “use” in zoning law.⁷ It follows that the process of subdividing land would not be a “use” of land either.

(3) The Attorney General concludes Measure 37 rights are not transferable.

The Attorney General’s letter-opinion to the Director of DLCD also reviews the voter’s pamphlet statements for voter intent on transferability of Measure 37 relief. Some of that discussion may be relevant as legislative history of voter’s intent on whether the Measure was intended to allow subdivision of qualified parcels. It states:

The arguments in favor include 40 submissionsslightly more than half of the arguments discuss the perceived adverse effects of land use laws in the abstract... slightly fewer than half are statements about how land use laws are preventing a specific owner from putting his or her property to some particular current use. All of those specific concerns could be remedied either by a decision that is personal to that owner or one that ran with the land, with the possible exception of several owners who expressed dissatisfaction with not being able to subdivide their property and give parcels to descendants, sell them to third parties, or both. Allowing an owner to subdivide property by not applying a prohibition would do him no good, of course, unless the subdivision remained lawful after its transfer to one or more new owners. Existing laws generally allow new owners to perpetuate non-conforming uses that were lawful when instituted, but it is not certain whether all would apply to a decision under Measure 37. See, e.g., ORS 215.130. [non-conforming use statute – footnote omitted] None of the arguments in favor addresses whether subsequent purchasers would acquire the rights, or step into the shoes, of owners covered by the measure. Likewise, no argument directly mentions the effect of laws on property’s resale value, although one argument states that they restrict the use of home equity to fund owners’ retirements. The latter implies an adverse effect on resale value, which might be recognized by discerning voters as a problem that would only be remedied if the exemptions ran with the land. On the other hand, an argument in favor of the measure by the chief petitioners expressly states that if an owner entitled to Measure 37 compensation conveys her property, that will establish a new “date of acquisition” for purposes of determining what laws may give rise to a claim. This is a clear statement that the chief petitioners expected that the relief available under the measure depends on when the current owner acquired the property – that the relief is personal to the current owner. If the current owner is eligible for relief, but sells the

⁷ At 196.

property, then only laws adopted after the new owner acquired the property create a right to relief. (Emphasis added.)

The opinion, in a footnote to this quoted section, which related to the non-conforming use statute (ORS 215.130), questions whether Measure 37 implementing ordinances, adopted by local governments, can confer non-conforming use status upon transferred properties. The footnote states:

"This statute [ORS 215.130] allows the continuation of uses that have been made unlawful by a subsequent change in the law. But if a decision to grant non-monetary relief under Measure 37 is personal to the owner, uses covered by an [sic] decision would be made unlawful not by a change in the law but by a change in ownership, which does not come under ORS 215.130. Therefore, voters whose decision to support the measure was motivated by the arguments about subdivision restrictions presumably expected either that a decision to grant non-monetary relief would run with the land or that existing law would not require that a subdivision be undone upon the property's sale. Additional legislation may be needed to implement that intent." (Page 6.) (Emphasis added.)

This footnote implies that the voter's pamphlet "legislative history" probably includes an intent to perpetuate a legal use of the property upon transfer, but it does not fit into the nonconforming use statute because the trigger is sale, not change in land use laws. This footnote seems to suggest that the nonconforming use statute (ORS 215.130) could be amended by the legislature to add the sale of Measure 37 properties as creating a nonconforming use.

In light of the Attorney General's letter-opinion, the *Parks* case, common land use parlance, the dictionary definitions of "use," and the failure of the Measure to specifically authorize partitions or subdivisions in zones where those actions are prohibited, this Court should interpret Measure 37 to exclude a subdivision or partition of land as a "use" of land.

B. A “diminished value” relies on an erroneous assumption of transferability.

Even assuming an owner’s evidence of value is legally sufficient to support a finding in his/her favor, it is erroneously predicated on an assumption that the owner can sell his/her properties with Measure 37 historical rights to use the property intact.

If Measure 37 rights do not transfer with the sale of a property, the property has only the value it will have in the hands of the purchaser with *current* applicable regulations.

(1) Regulatory Relief is Personal to the Present Owner

Regulatory relief under ORS 197.352 is personal to the present owner of the property. When the County finds that a claimant meets the standards for relief under ORS 197.352, the County may, in lieu of compensation, waive land use regulations “to allow *the owner* to use the property for a use permitted at the time *the owner* acquired the property.” ORS 197.352 (8) (emphasis added). The statute then defines “owner” as the “present owner of the property.” ORS 197.352 (11)(C). Therefore, the regulatory relief authorized by the statute as an alternative to compensation is personal to the present owner.

This conclusion is consistent with the advice the Oregon Attorney General (“AG”) has given to State agencies. In a letter dated February 24, 2005, to the Director of the Department of Land Conservation and Development, the AG writes that a decision “to ‘not apply’ a law would necessarily be personal to the owner submitting the claim.” The letter cites to and relies on arguments made by the proponents of the statute that were presented in the Voters Pamphlet:

“[A]n argument in favor of the measure by the chief petitioners expressly states that if an owner entitled to Measure 37 compensation conveys her property, that will establish a new ‘date of acquisition’ for purposes of determining what laws may give rise to a claim. This is a clear statement

that the chief petitioners expected that the relief available under the measure depends on when the current owner acquired the property – that the relief is personal to the current owner. If the current owner is eligible for relief, but sells the property, then only laws adopted after the new owner acquired the property create a right for relief.”

Any rights obtained by and owner pursuant to a state waiver or a county waiver are personal to the owner with Measure 37 rights and may not be transferred to subsequent owners. Because a subsequent owner would acquire the property subject to all laws in effect on the date the subsequent owner acquired it, the subsequent owner would not acquire a “buildable lot.”

Property owners who are making Measure 37 claims to Multnomah County are claiming that they are entitled to compensation in some identified amount based on an assertion that they can divide the property into some specific number of “buildable lots.” The core of this claim is the assertion that, absent zoning regulations enacted after date of owner acquisition, the claimant could divide the property into some specified number of “buildable lots.” However, as noted above, any rights obtained pursuant to a claim filed under ORS 197.352 are personal to the claimant and do not transfer with the property. Accordingly, a purchaser of a lot from a Measure 37 owner will acquire the property subject to all laws currently in effect and current laws do not allow new dwellings on the lots in contravention of the current regulations.⁸

Because the lots cannot be sold as residential building sites, they have no real market value for residential use and regulations that prohibit their creation do not reduce the property’s value.

(2) Plaintiff cannot divide land because land division is not a “use”.

⁸ State and local laws allow new dwellings in commercial forest zones only under very limited circumstances – none of which would apply to the subdivision lots created pursuant to this claim. See e.g. ORS 215.705, 215.720, 215.730, 215.740 and 215.750; Multnomah County Code (“MCC”) 33.2220, 33.2225, 33.2230, 33.2235 and 33.2240.

See Section A(3) above. (The Attorney General concludes Measure 37 rights are not transferable.)

If Measure 37 rights do not run with the land, then Plaintiff's property has no enhanced value in the eyes of a potential purchaser and no diminution in value attributable to current regulations.

CONCLUSION:

Partitioning and subdividing land is not a "use" of land which is subject to the provisions of Measure 37. Development rights gained through a waiver are personal to the claimant and are not transferable to a purchaser of a subdivided parcel. Because the development rights are not transferable, there has been no reduction in the fair market value of the property, which is required for a valid Measure 37 claim. A potential purchaser will only pay the fair market value of the property with land use restrictions in place because those restrictions will apply to the purchaser.

Script for December 7 & 14, 2006 Elinor Wiley Measure 37 Hearing

INTRODUCTION:

Chair: This is the time set for public hearing on the claim of **Elinor Wiley** under Ballot Measure 37. I am Diane Linn, Chair of the Multnomah County Board of Commissioners. Also in attendance are Commissioners _____ [name each Commissioner].

All information relevant to the claim may be submitted and will be considered in this hearing. 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.

or if the Chair has disclosures to make

I have the following disclosures to make: _____

Chair: [Invite the other Commissioners to make any necessary disclosures.) Commissioner Rojo de Steffey? Commissioner Naito? Commissioner Cruz? 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.

Script for December 7 & 14, 2006 Elinor Wiley Measure 37 Hearing

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

I do [do not] have a financial interest in the outcome of this matter. [Invite other commissioners to make any necessary disclosures.] Rojo de Steffey? Naito? Cruz? 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 claim?

I do [do not] live within the geographical area. Rojo de Steffey? Naito? Cruz? Roberts?

[Any commissioner who lives within the relevant geographical area must recuse himself/herself. MCC 7.540]

CONDUCT OF THE HEARING:

Chair: 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 claimant 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: [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]

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. _____

Order Denying Ballot Measure 37 Request of Elinor Wiley Relating to Real Property Located at 13801 NW Charlton Road, Multnomah County, Oregon

The Multnomah County Board of Commissioners Finds:

- a. **Party:** Elinor Wiley is a Ballot Measure 37 claimant who filed a demand for compensation to Multnomah County on July 7, 2006.
- b. **Subject Real Property:** This claim relates to real property commonly known as 13801 NW Charlton Road, Multnomah County, Oregon more specifically described as:

Tax Lot 900, Sec 16, T2N, R1W, W.M.
Tax Account # R971160060

- c. **Adequacy of Demand for Compensation:**
On July 7, 2006, the claimant submitted a completed Measure 37 Claim Form; a Real Property Consulting Appraisal Report, prepared by PGP Valuation Inc., which includes a narrative, site description, estimated property valuation, and copies of the regulations which the claimant assert reduces the property value; the claimant's Measure 37 Claim submitted to the State of Oregon; and a copy of the deed which transferred ownership of the property to the claimant. On July 10, 2006, the claimant submitted a \$1500 deposit to the County in order to process the claim.

The Board finds that the materials submitted by the claimant constitute a complete "written demand for compensation" within the meaning of the measure.

- d. **Relevant Dates of Property Ownership:**
A deed submitted by the claimant, shows that she acquired the property on September 7, 1955.

The property was encumbered by interim zoning on May 26, 1953 and August 4, 1955. Permanent zoning was put in place on July 10, 1958. The claimant's appraisal assumes zoning in effect on November 15, 1962 as pre-dating the acquisition date for purpose of their analysis. The 1962 zoning and maps are consistent with what was adopted in 1958. The zoning designation applied to the property was known as "F-2". The F-2 district was an agricultural zone, that allowed dwellings for the owner, operator, or help required to carry out grazing, agriculture, horticulture, or the growing of timber (§3.112, Ord. #100). The minimum lot size in this district was 2 acres (§2.10, Ord. #100). The zoning changed from F-2 to RL-C on December 5, 1975 (38 ac. min. lot size), to Exclusive Farm Use-38 on October 6, 1977 (76 acre min. lot size), and to Exclusive Farm Use on August 14, 1980. Current Exclusive Farm Use (EFU) zoning requires newly created properties from a land division to be at least 80-acres in size (MCC 34.2660(A)). EFU rules also generally limit the establishment of new dwellings to those that are necessary for farm purposes (§34.2600 et. seq.). The claimant is challenging the current EFU regulations.

County assessment records identify the claimant as the current owner of the property. These documents, the title report, and other information provided by the claimant show continual ownership since 1955 and are sufficient to establish that she acquired an interest in the property prior to the county adopting the EFU regulations.

The Board finds that the Claimant obtained an interest in the property on September 7, 1955 prior to the county adopting the challenged regulations set out in the claim; and, has retained continual ownership since that date.

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

The use the claimant asserts has been restricted is her ability to partition her 103.04 acre property. The appraisal submitted by the applicant assumes the landowner will be able to convey the property for development purposes. Multnomah County's interpretation of the law as reflected in its Measure 37 ordinance is that dividing property in itself is not a 'use' of land subject to the provisions of Measure 37 and that development rights gained through a waiver are personal to the claimant and will result in no restriction in use if transferred to a third party. No restriction in use would occur for the third party because he/she would not be able to divide the property or develop a newly purchased parcel (were the claimant to divide) because he/she would be subject to the current Exclusive Farm Use regulations which prohibit the partition and dwellings.

This legal issue is analyzed in detail within a memo prepared by the Assistant County Attorney, Sandra Duffy, dated June 8, 2006. For the reasons outlined in this legal memorandum, the Board finds this claim seeking the right to partition the property to be invalid.

The Board finds that the claimant has failed to establish that the challenged regulations have restricted her use of the property.

f. County Codes have not reduced the value of the property.

The claimant's appraisal includes an "As Is" range of value for claimant's property of \$600,000 to \$800,000. The "As Previously Zoned" range is \$1,050,000 to \$1,600,000. This results in a claimed diminished value range of \$250,000 to \$1,000,000. However, a reduction in value has not occurred because development rights cannot be transferred. Even if a partition could have been approved at the time the owners acquired the property, Measure 37 rights are personal to the claimant and are of no value to a new owner. For instance, the current Exclusive Farm Use zoning regulations would be applied once a newly created parcel is sold to a new owner. These regulations would prohibit the establishment of a dwelling on the property rendering it unbuildable. Because the resulting parcels would have no development value, no reduction in value will occur as compared to the present value of the property under the current EFU zoning regulations (i.e. five, 20 acre parcels are of no more value as farmland than a 100 acre property).

Bob Alcantara, Senior Appraisal Supervisor with the Multnomah County Division of Assessment and Taxation also provided his department's interpretation on the reduction of value issue for this claim. He states:

I have reviewed the appraisal report prepared by Rick Walker. I found the report well written and the estimates of value well supported.

The claim asks for compensation of up to \$800,000 [sic] or relief from current land use regulations to divide the property into 5 lots and to develop at least four residential home sites within the EFU zone district. As the ability to transfer development rights is not allowable there appears to be no loss in value to the property.

The Board finds that the claimant has failed to establish that the challenged regulations have reduced the fair market value of the property.

g. Public Notice

Public notice of this hearing has been mailed to all property owners within 750 feet of the subject property, including the claimant. A public hearing was held on December 7, 2006. Deliberation and action on this item was taken after interested citizens had an opportunity to testify and provide written comment in accordance with the Board of Commissioners rules of procedure for the hearing.

h. Validity of Claim for Compensation: The Board finds that:

- (1) Claimant made a demand for compensation under the requirements set forth in Ballot Measure 37 by describing the use being sought, by identifying the regulations that prohibit the use, and by submitting evidence that land use regulations have reduced the value of the property;
- (2) Claimant provided evidence to prove that she acquired the property on September 7, 1955, before the adoption of regulations challenged in the claim;
- (3) The claimant has failed to establish that the challenged regulations have restricted her use of the property;
- (4) The claimant has failed to establish that the challenged regulations have reduced the fair market value of the property; and
- (5) This Measure 37 claim decision is based primarily upon the non-transferability of Measure 37 rights. If Measure 37 rights were transferable, this would have been a valid claim.

The Multnomah County Board of Commissioners Orders:

Claimant's request is denied.

ADOPTED this 14th day of December, 2006.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Sandra Duffy, Assistant County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. 06-207

Order Denying Ballot Measure 37 Request of Elinor Wiley Relating to Real Property Located at 13801 NW Charlton Road, Multnomah County, Oregon

The Multnomah County Board of Commissioners Finds:

- a. **Party:** Elinor Wiley is a Ballot Measure 37 claimant who filed a demand for compensation to Multnomah County on July 7, 2006.
- b. **Subject Real Property:** This claim relates to real property commonly known as 13801 NW Charlton Road, Multnomah County, Oregon more specifically described as:

Tax Lot 900, Sec 16, T2N, R1W, W.M.
Tax Account # R971160060

- c. **Adequacy of Demand for Compensation:**
On July 7, 2006, the claimant submitted a completed Measure 37 Claim Form; a Real Property Consulting Appraisal Report, prepared by PGP Valuation Inc., which includes a narrative, site description, estimated property valuation, and copies of the regulations which the claimant assert reduces the property value; the claimant's Measure 37 Claim submitted to the State of Oregon; and a copy of the deed which transferred ownership of the property to the claimant. On July 10, 2006, the claimant submitted a \$1500 deposit to the County in order to process the claim.

The Board finds that the materials submitted by the claimant constitute a complete "written demand for compensation" within the meaning of the measure.

- d. **Relevant Dates of Property Ownership:**
A deed submitted by the claimant, shows that she acquired the property on September 7, 1955.

The property was encumbered by interim zoning on May 26, 1953 and August 4, 1955. Permanent zoning was put in place on July 10, 1958. The claimant's appraisal assumes zoning in effect on November 15, 1962 as pre-dating the acquisition date for purpose of their analysis. The 1962 zoning and maps are consistent with what was adopted in 1958. The zoning designation applied to the property was known as "F-2". The F-2 district was an agricultural zone, that allowed dwellings for the owner, operator, or help required to carry out grazing, agriculture, horticulture, or the growing of timber (§3.112, Ord. #100). The minimum lot size in this district was 2 acres (§2.10, Ord. #100). The zoning changed from F-2 to RL-C on December 5, 1975 (38 ac. min. lot size), to Exclusive Farm Use-38 on October 6, 1977 (76 acre min. lot size), and to Exclusive Farm Use on August 14, 1980. Current Exclusive Farm Use (EFU) zoning requires newly created properties from a land division to be at least 80-acres in size (MCC 34.2660(A)). EFU rules also generally limit the establishment of new dwellings to those that are necessary for farm purposes (§34.2600 et. seq.). The claimant is challenging the current EFU regulations.

County assessment records identify the claimant as the current owner of the property. These documents, the title report, and other information provided by the claimant show continual ownership since 1955 and are sufficient to establish that she acquired an interest in the property prior to the county adopting the EFU regulations.

The Board finds that the Claimant obtained an interest in the property on September 7, 1955 prior to the county adopting the challenged regulations set out in the claim; and, has retained continual ownership since that date.

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

The use the claimant asserts has been restricted is her ability to partition her 103.04 acre property. The appraisal submitted by the applicant assumes the landowner will be able to convey the property for development purposes. Multnomah County's interpretation of the law as reflected in its Measure 37 ordinance is that dividing property in itself is not a 'use' of land subject to the provisions of Measure 37 and that development rights gained through a waiver are personal to the claimant and will result in no restriction in use if transferred to a third party. No restriction in use would occur for the third party because he/she would not be able to divide the property or develop a newly purchased parcel (were the claimant to divide) because he/she would be subject to the current Exclusive Farm Use regulations which prohibit the partition and dwellings.

This legal issue is analyzed in detail within a memo prepared by the Assistant County Attorney, Sandra Duffy, dated June 8, 2006. For the reasons outlined in this legal memorandum, the Board finds this claim seeking the right to partition the property to be invalid.

The Board finds that the claimant has failed to establish that the challenged regulations have restricted her use of the property.

f. County Codes have not reduced the value of the property.

The claimant's appraisal includes an "As Is" range of value for claimant's property of \$600,000 to \$800,000. The "As Previously Zoned" range is \$1,050,000 to \$1,600,000. This results in a claimed diminished value range of \$250,000 to \$1,000,000. However, a reduction in value has not occurred because development rights cannot be transferred. Even if a partition could have been approved at the time the owners acquired the property, Measure 37 rights are personal to the claimant and are of no value to a new owner. For instance, the current Exclusive Farm Use zoning regulations would be applied once a newly created parcel is sold to a new owner. These regulations would prohibit the establishment of a dwelling on the property rendering it unbuildable. Because the resulting parcels would have no development value, no reduction in value will occur as compared to the present value of the property under the current EFU zoning regulations (i.e. five, 20 acre parcels are of no more value as farmland than a 100 acre property).

Bob Alcantara, Senior Appraisal Supervisor with the Multnomah County Division of Assessment and Taxation also provided his department's interpretation on the reduction of value issue for this claim. He states:

I have reviewed the appraisal report prepared by Rick Walker. I found the report well written and the estimates of value well supported.

The claim asks for compensation of up to \$800,000 [sic] or relief from current land use regulations to divide the property into 5 lots and to develop at least four residential home sites within the EFU zone district. As the ability to transfer development rights is not allowable there appears to be no loss in value to the property.

The Board finds that the claimant has failed to establish that the challenged regulations have reduced the fair market value of the property.

g. Public Notice

Public notice of this hearing has been mailed to all property owners within 750 feet of the subject property, including the claimant. A public hearing was held on December 7, 2006. Deliberation and action on this item was taken after interested citizens had an opportunity to testify and provide written comment in accordance with the Board of Commissioners rules of procedure for the hearing.

h. Validity of Claim for Compensation: The Board finds that:

- (1) Claimant made a demand for compensation under the requirements set forth in Ballot Measure 37 by describing the use being sought, by identifying the regulations that prohibit the use, and by submitting evidence that land use regulations have reduced the value of the property;
- (2) Claimant provided evidence to prove that she acquired the property on September 7, 1955, before the adoption of regulations challenged in the claim;
- (3) The claimant has failed to establish that the challenged regulations have restricted her use of the property;
- (4) The claimant has failed to establish that the challenged regulations have reduced the fair market value of the property; and
- (5) This Measure 37 claim decision is based primarily upon the non-transferability of Measure 37 rights. If Measure 37 rights were transferable, this would have been a valid claim.

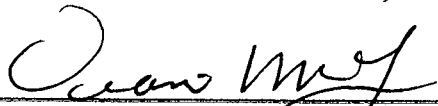
The Multnomah County Board of Commissioners Orders:

Claimant's request is denied.

ADOPTED this 14th day of December, 2006.

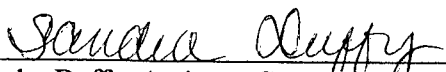


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Sandra Duffy, Assistant County Attorney