



**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](mailto: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

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**Serena Cruz, Commission Dist. 2**

501 SE Hawthorne Boulevard, Suite 600  
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**Lisa Naito, Commission Dist. 3**

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**Lonnie Roberts, Commission Dist. 4**

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Portland, Or 97214

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

Email: [lonnie.j.roberts@co.multnomah.or.us](mailto:lonnie.j.roberts@co.multnomah.or.us)

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**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.

### **MARCH 15, 16 & 17, 2005 BOARD MEETINGS FASTLOOK AGENDA ITEMS OF INTEREST**

Pg 2	8:30 a.m. Tuesday Budget Work Session
Pg 2	8:30 a.m. Wednesday Budget Work Session
Pg 3	9:00 a.m. Thursday Executive Session
Pg 4	9:30 a.m. Thursday Legislative Update
Pg 4	10:00 a.m. Thursday Briefing on the Disposition Recommendation for Montavilla Building
Pg 4	10:45 a.m. Thursday Briefing on the Disposition Recommendation for the Edgefield Property and the Hansen and State Medical Examiner Buildings
Pg 4	11:15 a.m. Thursday Overview of Adult Mental Health and Addiction Services Division
Pg 4	1:30 p.m. Thursday Public Hearing on Measure 37 Claim Filed by Dorothy English, et. al.
<b>March 24, 2005 Board Meeting Cancelled</b>	

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

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

Friday, 11:00 PM, Channel 30

Saturday, 10:00 AM, Channel 30

Sunday, 11:00 AM, Channel 30

Produced through Multnomah Community Television  
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or: <http://www.mctv.org>

Tuesday, March 15, 2005 - 8:30 AM  
Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

## **BUDGET WORK SESSION**

WS-1 Budget Work Session on Composite Ranking – Round 1 Outcome Team  
Available per Priority Area. 3.5 HOURS REQUESTED. This session will  
be cable-cast live and taped and may be seen by Cable subscribers in  
Multnomah County at the following times:

Tuesday, 3/15/05 at 8:30 AM, (LIVE) Channel 21  
Friday, 3/18/05 at 8:00 AM, Channel 29  
Saturday, 3/19/05 at 8:00 AM, Channel 29  
Sunday, 3/20/05 at 10:00 AM, Channel 29  
Produced through Multnomah Community Television  
(503) 491-7636, ext. 332 for further info  
or <http://www.mctv.org>

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Wednesday, March 16, 2005 - 8:30 AM  
Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

## **BUDGET WORK SESSION**

WS-2 Budget Work Session on Composite Ranking - Round 1 Outcome Team  
Available per Priority Area. 3.5 HOURS REQUESTED. This session will  
be cable-cast live and taped and may be seen by Cable subscribers in  
Multnomah County at the following times:

Wednesday, 3/16/05 at 8:30 AM, (LIVE) Channel 21  
Saturday, 3/19/05 at 3:00 PM, Channel 29  
Sunday, 3/20/05 at 5:00 PM, Channel 29  
Monday, 3/21/05 at 8:30 PM, Channel 29  
Produced through Multnomah Community Television  
(503) 491-7636, ext. 332 for further info  
or <http://www.mctv.org>

Thursday, March 17, 2005 - **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)(h). Only Representatives of the News Media and Designated Staff are allowed to Attend. Representatives of the News Media and All Other Attendees are Specifically Directed Not to Disclose Information that is the Subject of the Executive Session. No Final Decision will be made in the Executive Session. Presented by Agnes Sowle. 30 MINUTES REQUESTED.
- 

Thursday, March 17, 2005 - **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 Appointment of Doug Montgomery to the Multnomah County CITIZEN INVOLVEMENT COMMITTEE

### **DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES**

- C-2 RESOLUTION Authorizing the Execution of Bargain and Sale Deed D052002 for Repurchase of Tax Foreclosed Property by the Former Owners, Mark D. and Susan Stauffer and Walter E. & Diane L. Steeves

### **REGULAR AGENDA - 9:30 AM** **PUBLIC COMMENT - 9:30 AM**

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

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

- R-1 **9:30 AM TIME CERTAIN:** Public Affairs Office Briefing on Activities of the State of Oregon 73rd Legislative Assembly. Presented by Gina Mattioda and Stephanie Soden. 30 MINUTES REQUESTED.
  - R-2 Authorizing Settlement of Claim for Damages to City of Portland Property
  - R-3 NOTICE OF INTENT to Submit a Proposal to the Centers for Disease Control and Prevention Youth Violence Prevention through Community Level Change Grant Competition
  - R-4 RESOLUTION Authorizing Condemnation and Immediate Possession of Real Property Interests for the Purpose of Constructing the New Sauvie Island Bridge and Removing the Existing Bridge
- 

Thursday, March 17, 2005 - **10:00 AM**  
**(OR IMMEDIATELY FOLLOWING REGULAR AM MEETING)**  
Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

**BOARD BRIEFINGS**

- B-1 Disposition Recommendation for the Montavilla Building. Presented by Doug Butler and Lynn Dingler. 45 MINUTES REQUESTED.
- B-2 Disposition Recommendation for the Edgefield Property, Hansen Building, and the State Medical Examiners Building. Presented by Doug Butler and Lynn Dingler. 30 MINUTES REQUESTED.
- B-3 Overview of Adult Mental Health and Addiction Services Division. Presented by Patricia K. Pate, Nancy Winters, Sandy Haffey, Kathy Shumate, David Hidalgo, Ray Hudson, John Pearson and Joan Rice. 1 HOUR REQUESTED.



Thursday, March 17, 2005 - 1:30 PM  
Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

## **CONTINUED REGULAR MEETING**

### **DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES - 1:30 PM**

R-5 PUBLIC HEARING to Consider and Possibly Act Upon a Measure 37 Claim Filed by Dorothy English, et. al., for Compensation in the Amount of \$1,150,000 or the Right to Create 8 Lots and Build 8 Homes on Property Located at 13100 NW McNamee Road. Presented by Derrick Tokos, Sandra Duffy and John Thomas. 2.5 HOURS REQUESTED.

This portion of the Regular Board Meeting will also be cable-cast live and taped and may be seen by Cable subscribers in Multnomah County at the following times:

Thursday, 3/17/05 at 1:30 PM (LIVE) on Channel 29  
Saturday, 3/19/05 at 12:30 PM on Channel 29  
Sunday, 3/20/05 at 2:30 PM on Channel 29  
Wednesday, 3/23/05 at 8:00 PM on Channel 29  
Produced through Multnomah Community Television  
(503) 491-7636, ext. 332 for further info  
or <http://www.mctv.org>

# MULTNOMAH COUNTY 2005-2006 BUDGET WORK SESSIONS AND HEARINGS

All meetings are open to the public.

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

Cable coverage of the **January through June 2005** budget work sessions, hearings and  
Thursday Board meetings will be produced through Multnomah Community Television.  
Check the weekly Board meeting agenda or call 503-491-7636, ext. 332 for further info  
or log onto <http://www.mctv.org> for the cable channel program guide/playback schedule.  
The sessions, hearings and Board meetings will also be available for viewing via media  
streaming at <http://www.co.multnomah.or.us/cc/pastmeetings.shtml>. Contact Board Clerk  
Deb Bogstad 503-988-3277 for further information.

**Tue, Mar 15**

**8:30 a.m. to 12:00 p.m.**

**Board Session on Composite Ranking - Round 1  
Outcome Team Available per Priority Area**

Tuesday, 3/15/05 at 8:30 AM, (LIVE) Channel 21

Friday, 3/18/05 at 8:00 AM, Channel 29

Saturday, 3/19/05 at 8:00 AM, Channel 29

Sunday, 3/20/05 at 10:00 AM, Channel 29

Produced through Multnomah Community Television

**Wed, Mar 16**

**8:30 a.m. to 12:00 p.m.**

**Board Work Session on Composite Ranking -  
Round 1 Outcome Team Available per Priority  
Area**

Wednesday, 3/16/05 at 8:30 AM, (LIVE) Channel 21

Saturday, 3/19/05 at 3:00 PM, Channel 29

Sunday, 3/20/05 at 5:00 PM, Channel 29

Monday, 3/21/05 at 8:30 PM, Channel 29

Produced through Multnomah Community Television

**Thu, May 5**

**9:30 a.m.**

***Chair's 2005-2006 Executive Budget Message  
Public Hearing/Consideration of Resolution  
Approving Executive Budget for Submission to  
Tax Supervising and Conservation Commission***

**Tue, May 10**

**8:30 a.m. to 12:00 p.m.**

**Financial Overview and Budget Work Session on  
Safety Net Program Offerings**

# MULTNOMAH COUNTY 2005-2006 BUDGET WORK SESSIONS AND HEARINGS

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**Tue, May 10**  
**6:00 p.m.**

***Public Hearing on the 2005-2006 Multnomah  
County Budget - North Portland Library  
Conference Room, 512 N Killingsworth, Portland***

**Wed, May 11**  
**8:30 a.m. to 12:00 p.m.**

**Budget Work Session on Safety Program  
Offerings**

**Thu, May 12**  
**9:30 a.m.**

***Public Hearing/Consideration of Approval of the  
2005-2006 Dunthorpe Riverdale Sanitary Service  
District No. 1 Proposed Budget for Submittal to  
Tax Supervising and Conservation Commission  
Public Hearing/Consideration of Approval the  
2005-2006 Mid County Street Lighting Service  
District No. 14 Proposed Budget for Submittal to  
Tax Supervising and Conservation Commission***

**Tue, May 17**  
**8:30 a.m. to 12:00 p.m.**

**Budget Work Session on Education Program  
Offerings**

**Tue, May 17**  
**6:00 p.m.**

***Public Hearing on the 2005-2006 Multnomah  
County Budget - Multnomah County East  
Building, Sharron Kelley Conference Room, 600  
NE 8th, Gresham***

# MULTNOMAH COUNTY 2005-2006 BUDGET WORK SESSIONS AND HEARINGS

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**Wed, May 18**

**8:30 a.m. to 12:00 p.m.**

**Budget Work Session on Accountability,  
Community and Economy Program Offerings**

**Thu, May 19**

**9:30 a.m.**

***Public Hearing and Resolution Adopting the 2005-  
2006 Mt. Hood Cable Regulatory Commission  
Budget***

**Tue, May 24**

**8:30 a.m. to 12:00 p.m.**

**Budget Work Session If Needed**

**Wed, May 25**

**8:30 a.m. to 10:00 a.m.**

**Budget Work Session If Needed**

**Wed, May 25**

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

***Tax Supervising and Conservation Commission  
Public Hearings on the Multnomah County 2004-  
2005 Supplemental Budget  
Tax Supervising and Conservation Commission  
Public Hearing on the Multnomah County 2005-  
2006 Budget***

**Tue, May 31**

**8:30 a.m. to 12:00 p.m.**

**Budget Work Session If Needed**

**Tue, May 31**

**6:00 p.m.**

***Public Hearing on the 2005-2006 Multnomah  
County Budget - Multnomah Building,  
Commissioners Boardroom 100, 501 SE  
Hawthorne, Portland***

# MULTNOMAH COUNTY 2005-2006 BUDGET WORK SESSIONS AND HEARINGS

All meetings are open to the public.

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**Thu, Jun 2  
9:30 a.m.**

***Public Hearing and Resolution Adopting the 2005-2006 Budget for Multnomah County Pursuant to ORS 294***

***Public Hearing and Resolution Adopting the 2005-2006 Budget for Dunthorpe Riverdale Sanitary Service District No. 1 and Making Appropriations***  
***Public Hearing and Resolution Adopting the 2005-2006 Budget for Mid County Street Lighting Service District No. 14 and Making Appropriations***



## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

### Board Clerk Use Only

Meeting Date: 03/17/05  
Agenda Item #: E-1  
Est. Start Time: 9:00 AM  
Date Submitted: 02/23/05

**BUDGET MODIFICATION:** -

**Agenda Title:** Executive Session Pursuant to ORS 192.660(2)(h)

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

Date Requested: March 17, 2005 Time Requested: 30 mins  
Department: Non-Departmental Division: County Attorney  
Contact(s): Agnes Sowle  
Phone: 503 988-3138 Ext. 83138 I/O Address: 503/500  
Presenter(s): Agnes Sowle and Staff

### General Information

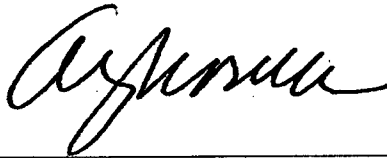
1. What action are you requesting from the Board?  
No Final Decision will be made in the Executive Session.
2. Please provide sufficient background information for the Board and the public to understand this issue.  
Only Representatives of the News Media and Designated Staff are allowed to Attend.  
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)(h).
5. Explain any citizen and/or other government participation that has or will take place.

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**Required Signatures**

---

**Department/  
Agency Director:**



**Date:** 02/23/05

**Budget Analyst:**

**Date:**

**Department HR:**

**Date:**

**Countywide HR:**

**Date:**

#1

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

\*\*\*This form is a public record\*\*\*

MEETING DATE: 3-17-05

SUBJECT: Public Comment

AGENDA NUMBER OR TOPIC: \_\_\_\_\_

FOR: \_\_\_\_\_ AGAINST: \_\_\_\_\_ THE ABOVE AGENDA ITEM

NAME: John Richard Kowalski [Oregon Judicial Watch]

ADDRESS: 5150 SW LANDING DR B202

CITY/STATE/ZIP: Portland Oregon 97239

PHONE: DAYS: 503 295-3709

EVEs: \_\_\_\_\_

EMAIL: \_\_\_\_\_

FAX: \_\_\_\_\_

SPECIFIC ISSUE: Repeal Aggressive Driving Ordinance or  
otherwise delay enforcement until Attorney General's opinion issued.

WRITTEN TESTIMONY: \_\_\_\_\_

**IF YOU WISH TO ADDRESS THE BOARD:**

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

**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

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



#2

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

Please complete this form and return to the Board Clerk

\*\*\*This form is a public record\*\*\*

MEETING DATE: 03.17.05

SUBJECT: Public Comment

AGENDA NUMBER OR TOPIC: \_\_\_\_\_

FOR: \_\_\_\_\_ AGAINST: \_\_\_\_\_ THE ABOVE AGENDA ITEM

NAME: Paul Adair Phillips

ADDRESS: 1212 SW Clay Street, Apt. 217

CITY/STATE/ZIP: Portland, OR 97201

PHONE: \_\_\_\_\_ DAYS: \_\_\_\_\_

EVES: \_\_\_\_\_

EMAIL: \_\_\_\_\_

FAX: \_\_\_\_\_

SPECIFIC ISSUE: \_\_\_\_\_

WRITTEN TESTIMONY: \_\_\_\_\_

**IF YOU WISH TO ADDRESS THE BOARD:**

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## Dog Bites

- [Dog Bite Spotlight](#)

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## NCIPC Bibliography of Articles on Dog Bites

 Viewing most of these articles requires [Adobe Acrobat](#).

- **AVMA Task Force on Canine Aggression and Human-Canine Interactions. A community approach to dog bite prevention.** JAVMA 2001; 218: 1732-1749.  
This 2001 report, intended for communities interested in developing a comprehensive bite prevention program, includes model legislation for the control of dangerous dogs.
- **CDC. Nonfatal Dog Bite--Related Injuries Treated in Hospital Emergency Departments--United States, 2001.** MMWR 2003; 52(26): 605-610.
- **CDC. Dog-Bite-Related Fatalities - United States, 1995-1996.** MMWR 1997;46:463-7.  
Details are provided on the approximately 12 annual deaths from dog attacks. Data are provided on dog breeds involved in fatal attacks from 1979. Recommendations on reducing dog bites are included.
- **Gershman KA, Sacks JJ, Wright JC. Which dogs bite? A case-control study of risk factors.** Pediatrics 1994;93:913-7.  
Biting and non-biting dogs in Denver are compared. Biting dogs were more likely to be male, unneutered, and chained.
- **Quinlan KP, Sacks JJ. Hospitalizations for Dog Bite Injuries [letter]** JAMA 1999; 281:232-233.  
Data are provided on the 6,000 hospitalizations for dog bites in 1994, and medical care cost estimates are provided for medically treated dog bites.
- **Sacks JJ, Sinclair L, Gilchrist J, Golab GC, Lockwood R. Breeds of dogs involved in fatal human attacks in the United States between 1979 and 1998.** JAVMA 2000;217:836-840.  
Summarizes breeds of dogs involved in fatal human attacks during a 20-year period and to assess policy implications.
- **Sacks JJ, Kresnow M, Houston B. Dog bites: how big a problem?** Injury Prevention 1996;2:52-4.  
Annually in the United States 4.7 million people are bitten by dogs. Of these, approximately 800,000 people require medical attention. That is, each year 1.8% of the U.S. population is bitten by a dog, and 0.3% of the U.S. population seeks medical care for a bite.
- **Sacks JJ, Lockwood R, Hornreich J, Sattin RW. Fatal dog attacks, 1989-1994.** Pediatrics 1996;97:891-5.  
Details are provided on the approximately 12 annual deaths from dog attacks and data are provided on dog breeds involved in fatal attacks.
- **Sacks JJ, Sattin RW, Bonzo SE. Dog bite-related fatalities in the United States, 1979-1988.** JAMA 1989;262:1489-92.  
Provides details on the approximately 12 annual deaths from dog attacks and data on dog breeds involved in fatal attacks.
- **Sosin DM, Sacks JJ, Sattin RW. Causes of non-fatal injuries in the United States, 1986. Accident Analysis and Prevention** 1992; 24:685-687.  
Data collected from the National Health Interview Survey estimated that there were 585,000 dog bites requiring medical attention in 1986. Dog bites were the 12th leading cause of non-fatal injuries for all age groups in the United States.

Contact  
Information

#3

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

\*\*\*This form is a public record\*\*\*

MEETING DATE: 3-17-05

SUBJECT: Montarilla Library

AGENDA NUMBER OR TOPIC: B-1

FOR: \_\_\_\_\_ AGAINST: \_\_\_\_\_ THE ABOVE AGENDA ITEM

NAME: Elizabeth Ussher Groff

ADDRESS: 4205 SE Ramona

CITY/STATE/ZIP: Portland, Or.

PHONE: \_\_\_\_\_ DAYS: (503) 774-2397 EVES: \_\_\_\_\_

EMAIL: egroff@yahoo.com FAX: \_\_\_\_\_

SPECIFIC ISSUE: \_\_\_\_\_

WRITTEN TESTIMONY: Submitted: Letter from Woodstock Neigh-

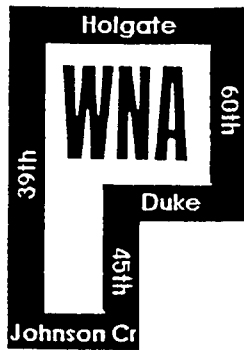
borhood Assn. in support of building  
strong Community & neighborhoods and  
providing educational motivation and  
resource access to people who may have  
limited resources & transportation

**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.



# WOODSTOCK NEIGHBORHOOD ASSOCIATION

February 5, 2005

Board of Multnomah County Commissioners  
Diane Linn, Chair  
501 SE Hawthorne Blvd., 6<sup>th</sup> Floor  
Portland, Or. 97214

Dear Chair Linn:

Multnomah County has many unique and wonderful characteristics. One of them is citizens who, through passionate commitments to their communities, bring about positive change.

A very inspiring citizen effort currently underway is the campaign of people in the Montavilla Neighborhood to resurrect what many of us take for granted – a library in the heart of their community. This neighborhood of spirited citizens deserves a library to which their children can walk and bike, a library that will nurture and inspire their children to value reading and education, and one that enriches the lives of long-time residents, new immigrants and families of all income brackets. A library is especially necessary for those for whom buying books might be an economic burden.

We, the Woodstock Neighborhood Association, urge you to restore the 1934 deed restriction that specifies that the Montavilla Library building would remain a library in perpetuity. Restoring this deed restriction would honor the hundreds of past volunteer hours that provided the impetus for the original Montavilla Library. Today the considerable commitment of volunteer hours of people in the Montavilla community demonstrate the will to re-establish and maintain the institution.

A library would help strengthen this community and thereby reduce the long-term cost to the county that results from crime, poverty and illiteracy that often accompany low-income neighborhoods that do not have adequate educational resources.

Sincerely,

Elizabeth Ussher Groff  
WNA Secretary

Scott Stephens, WNA President

#4

1

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

\*\*\*This form is a public record\*\*\*

MEETING DATE: 3/17/05

SUBJECT: Montavilla Library

Montavilla Restore Deed Restriction

AGENDA NUMBER OR TOPIC: Public Comment

FOR: X AGAINST: \_\_\_\_\_ THE ABOVE AGENDA ITEM

NAME: Maureen Wright

ADDRESS: 1505 SE Madison St.

CITY/STATE/ZIP: Portland OR 97214

PHONE: \_\_\_\_\_

DAYS: 503 233 9383

EVES: \_\_\_\_\_

EMAIL: \_\_\_\_\_

FAX: \_\_\_\_\_

SPECIFIC ISSUE: Montavilla LIBRARY

transfer property for volunteer-run

WRITTEN TESTIMONY: library

Attached

**IF YOU WISH TO ADDRESS THE BOARD:**

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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.

Testimony  
Maureen Wright

**Request Unanimous Vote to transfer Montavilla Library  
To Become the First Volunteer-Operated Library in Multnomah  
County**

Thursday, 3/17/2005

Respectfully I request that the Board approve the transfer of the Montavilla Library property to become the first volunteer-operated library in Multnomah County. That non-profit business Montavilla Library was created exclusively as a requirement of Multnomah County as part of our partnership agreement.

The County's agreement was that once all the benchmarks were met that the property would be transferred.

During the last 10 months, several different sets of County's benchmarks have been required of us. We met every and all the County's deadlines and requirements.

The County's interest in the partnership with Montavilla Library Getting to Yes began as a result of a public outcry in May 2004.

As of December 21, 2004 and January 2005, the County Facilities and Properties Management Division told us that the paperwork to transfer the property was in the works that we needed to be patient. Wait for the paperwork.

**We waited.**

Only instead of the promised recommendation and paperwork for review, the County blindsided us.

On Wednesday, March 9<sup>th</sup>, the County totally contradicted what library supporters had been told repeatedly since October 2004 and as recently as January 2005. The County representative phoned to say that the property would be recommended for sale.

The library supporters received the County's written recommendations postmarked Wednesday, March 9<sup>th</sup>. They arrived Saturday, March 12<sup>th</sup>. The contents were back-dated February 8, 2005 (a month earlier).

Since May 20, 2004, there has not been a single voice of opposition to the proposal to re-open Montavilla Library.

Montavilla Library supporters are doing a favor for the governments that entered into the 1934 deed restriction that Montavilla Library remains a neighborhood library in perpetuity (forever). We have provided the County a solution to the problem of no operating funds.

We have provided the Board with a chance to show that the Board keeps the public trust, honors its agreements with the citizens, and represents the will of the people as expressed through the public involvement process.

The children of the great depression gave their pennies and nickels to create Montavilla Neighborhood Library for the children of the 21<sup>st</sup> Century's benefit. The County has an obligation to all these children and the electorate to restore Montavilla Library.

Montavilla Library belongs to the people. Our private donations and tax-dollars paid for and maintain the property. That property is earmarked for the purposes of a public library.

The 1934 deed restriction proves Montavilla Library's unique origins and distinguishes Montavilla from other non-deed restricted libraries. The issue is the public trust.

The County government needs to be grateful that the citizens have offered to reduce its burdens through private contributions.

Maureen Wright

Montavilla Neighborhood Native  
Buckman Neighborhood Resident  
Project Manager, Montavilla Library Getting to Yes (on-going since May 2004)  
President, Montavilla Library, Board of Directors

**Attachment:**

Photocopy of postmarked dated 3/9/2005envelop that contained County's back dated 2/8/2005 report "Recommendations to the Multnomah County Board of Commissioners," (2/8/2005) From Multnomah County Facilities and Property Management, Subject "Montavilla Building Disposition"

**Reference:**

Videotaped public cable access archive "Montavilla Library: Getting to Yes" Open House / Speak Out, October 11, 2004 held at Montavilla Library Building, attended by Commissioner Lisa Naito.

#5

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

\*\*\*This form is a public record\*\*\*

MEETING DATE: 3-17-05

SUBJECT: Disposition Recommendation for  
Montavilla Building

AGENDA NUMBER OR TOPIC: Montavilla Bldg

FOR: \_\_\_\_\_ AGAINST: X THE ABOVE AGENDA ITEM

NAME: Valorie Starr

ADDRESS: - Business - 316 SE 80th Ave

CITY/STATE/ZIP: Portland 97215

PHONE: \_\_\_\_\_ DAYS: 503 254 7385 EVES: 503 348 5527

EMAIL: \_\_\_\_\_ FAX: \_\_\_\_\_

SPECIFIC ISSUE: selling of Montavilla Bldg

WRITTEN TESTIMONY: Concerned about how sale  
would impact neighborhood - Have had  
business on the same street for 18 years

**IF YOU WISH TO ADDRESS THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
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#6

2

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

Please complete this form and return to the Board Clerk

\*\*\*This form is a public record\*\*\*

MEETING DATE: 3/17/05  
SUBJECT: MONTAVILLA LIBRARY Getting To Yes

AGENDA NUMBER OR TOPIC: \_\_\_\_\_

FOR: ☒ AGAINST: \_\_\_\_\_ THE ABOVE AGENDA ITEM  
NAME: Sandra McDaniel chair for Montavilla

ADDRESS: 1435 NE 73rd

CITY/STATE/ZIP: PHD

PHONE: \_\_\_\_\_ DAYS: 257-3346 EVES: \_\_\_\_\_

EMAIL: \_\_\_\_\_ FAX: \_\_\_\_\_

SPECIFIC ISSUE: Vote for Montavilla Library

WRITTEN TESTIMONY: will follow.

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# Testimony

## Save the Montavilla Library

**Sandra Mc Daniel**  
**Chair, Montavilla Neighborhood Association**

**March 17, 2005**

I am here today to ask my elected representatives and all the Commissioners for their support. Please vote today to transfer Montavilla Library property for the first volunteer run library in Multnomah County.

Please restore the original 1934 deed restriction that stated the sole purpose of this property is for a library in perpetuity (forever).

Let me share Montavilla's strengths.

1. In 1934, the Kiwanis Club rallied with persistence to convince the government to fill Montavilla's need for a library. With the help of Vestal and Montavilla Grade School children of the Great Depression, who gave their pennies and nickels, along with the neighbors, who donated books, together with the Kiwanis Club they negotiated a deed restriction. **That was the original deal.**
2. In 1981, the Library closed when a funding levy failed. Next, the County Extension Service leased the building for \$1 a year for about 20 years. That time, the County transferred the property to the Extension before fund-raising began.
  - When the Extension Center wanted to double the size of the building, according to Multnomah County, approximately "1,900 people and businesses contributed \$136,000 for the renovation." ♦
3. In 2004, Montavilla stepped forward to meet the neighborhood's Library needs again.

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♦ "Recommendations to the Multnomah County Board of Commissioners," (2/8/2005) From Multnomah County Facilities and Property Management, Subject "Montavilla Building Disposition," page 1

**The facts speak for themselves.** Give Montavilla equal treatment compared to the Extension Center. Transfer the property first. **Wait for the fund-raising to follow.**

The directors of the Montavilla Library Board have the commitment and ability to accomplish our goals.

Six dedicated professionals with energy and vision. Their experience in creating successful start-ups guarantees that Montavilla Library will be an example for many. As the first volunteer-operated library in Multnomah County, the example will inspire more people to know what can be done with sweat equity, strong values, hard work, and old-fashioned neighborhood pride.

The Board includes the neighborhood dentist Duane Starr. Duane is unable to be here today. He is out of town. He has run a successful business for more than 20 years.

All of our Board members have tremendous experience in fund-raising. Two of them are among the Soroptimist Club. That Soroptimist Club raised more than \$1 million and gave the money away to worthy causes.

Another of our directors worked as a professional fund-raiser. The professional fund-raiser earned contributions from United Way, Oregon Community Foundation, Yarg, Dayton Hudson and other philanthropies for a variety of projects and programs. That fund-raising savvy will apply to Montavilla Volunteer Library.

Montavilla Library Directors have the secret to success. They know what to do and how to create the first volunteer-operated library in Multnomah County. **All that is needed is the County's cooperation.**

Among these six people, they have combined business experience that exceeds 100 years. Individually, they average more than 16 years of business experience. As seasoned business people, the directors have established a series of highly successful ventures and start-up companies. Their business expertise will apply to Montavilla Library.

Our Montavilla Library Getting to Yes Group sought expert business advice from Small Business Administration SCORE (Senior Core of Retired Executives). **Those expert business advisors told Montavilla Library supporters that our Library Board of Directors were the perfect mix of skills and talents.** They felt certain that the County Commissars will agreed.

Thank you.

#7 3

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

Please complete this form and return to the Board Clerk

\*\*\*This form is a public record\*\*\*

MEETING DATE: 3/17/08

SUBJECT: MONTAVILLA LIBRARY

AGENDA NUMBER OR TOPIC: \_\_\_\_\_

FOR: \_\_\_\_\_ AGAINST: \_\_\_\_\_ THE ABOVE AGENDA ITEM

NAME: DAVID CARTER

ADDRESS: 101 SE 82nd

CITY/STATE/ZIP: PORTLAND OR. 97216

PHONE: DAYS: 503-252-7227 EVES: 503-254-6321

EMAIL: ROBOGROCE(AT)comcast.net FAX: 503-252-8648

SPECIFIC ISSUE: MONTAVILLA LIBRARY BOARD

WRITTEN TESTIMONY: Will follow

**IF YOU WISH TO ADDRESS THE BOARD:**

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#8

4

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

\*\*\*This form is a public record\*\*\*

MEETING DATE: 3/17/05  
SUBJECT: MONTAVILLA LIBRARY - GETTING TO YES

AGENDA NUMBER OR TOPIC: \_\_\_\_\_

FOR: ✓ AGAINST: \_\_\_\_\_ THE ABOVE AGENDA ITEM

NAME: CHERI D. WONSLEY

ADDRESS: 13821 SE RAYMOND ST

CITY/STATE/ZIP: PORTLAND OR 97236

PHONE: \_\_\_\_\_ DAYS: 503/256-7515 EVES: \_\_\_\_\_

EMAIL: \_\_\_\_\_ FAX: \_\_\_\_\_

SPECIFIC ISSUE: \_\_\_\_\_

WRITTEN TESTIMONY: INCLUDED

**IF YOU WISH TO ADDRESS THE BOARD:**

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#9

6

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

\*\*\*This form is a public record\*\*\*

MEETING DATE: 3-17-05  
SUBJECT: Montavilla Library - Greeting to yes

AGENDA NUMBER OR TOPIC: \_\_\_\_\_

FOR: ☒ AGAINST: \_\_\_\_\_ THE ABOVE AGENDA ITEM

NAME: Laurie Stiffher / Jack's Litho

ADDRESS: 7918 SE Stark St.

CITY/STATE/ZIP: Portland Oregon 97215

PHONE: \_\_\_\_\_ DAYS: 503-255-7700 EVES: \_\_\_\_\_

EMAIL: \_\_\_\_\_ FAX: \_\_\_\_\_

SPECIFIC ISSUE: \_\_\_\_\_

WRITTEN TESTIMONY: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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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: 3-17-2005

SUBJECT: Montavilla Library Property Sale

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AGENDA NUMBER OR TOPIC: \_\_\_\_\_

FOR: ~~8~~ AGAINST: X THE ABOVE AGENDA ITEM

NAME: Lisa Laurenceau

ADDRESS: 630 NE 81st Ave

CITY/STATE/ZIP: Portland, OR 97213-6933

PHONE: DAYS: 503-254-6138 EVES: Same

EMAIL: lisalaurens@intergate.com FAX: same

SPECIFIC ISSUE: \_\_\_\_\_

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WRITTEN TESTIMONY: Will follow

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**IF YOU WISH TO ADDRESS THE BOARD:**

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## Testimony

As a result of yesterday's media attention to "Save Montavilla Library," Library Board members received a phone call from a prominent local businessman and a follow-up letter that offered "substantial support."

If the County Commissioners fail to transfer the property to the library supporters today, please allow us time to follow-up with Donald Hanna, and others potential donors.

The County has the power to create an outstanding example of a successful private public partnership.

Now, I will read a letter of support from the owner of one entire city block. He writes that he wants to offer "substantial support."





# Metro/Portland

3M P

**INSIDE D**  
THIS SECTION

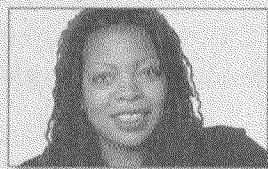
More Portland news:

- ◆ Studies will explore immune system, **Page A20**
- ◆ A grandmother gives gift of love, **Page D2**
- ◆ County will hear plan to sell library, **Page D2**

- ◆ **OBITUARIES**, D6
- ◆ **OPINION**, D8
- ◆ **CLASSIFIED**, D11

WEDNESDAY ♦ MARCH 16, 2005

NEWSROOM ♦ 503-221-8100 ♦ NEWSROOM@NEWS.OREGONIAN.COM



**S. RENEE  
MITCHELL**

## Parents group emerges just like HOPE

**J**ay Ward had always assumed his upper-middle-class Southwest Portland experience was not much different from everyone else's.

He is a leader in a neighborhood-based coalition that needed only a few days to rally more than 100 parents and children from Smith Elementary School to protest the proposed closure.

Since then, Smith parents have organized letter-writing campaigns; scheduled meetings with school board members and city officials; called state legislators; distributed hundreds of red ribbons; and posted an informative Web site — [www.savesmithschool.org](http://www.savesmithschool.org).

Across the river in Northeast Portland, opposition has been limited to a community-organized meeting or two. No ribbons. No Web site. Very few letters. The lower-income parents have do-

# Wolf views ignite c

*Portland students rap, rhyme and speak out, drawing sharp criticism from rural interests, and a cultural debate ensues*

By **MICHAEL MILSTEIN**  
THE OREGONIAN

It was the rap heard 'round Oregon.

Students from Portland's Sunnyside Environmental School gave their opinions on a state wolf plan at a February

hearing. Some did it in unconventional ways: Two rapped along with boom-box music, three read a poem, and others made more direct statements.

They talked of ranchers killing wolves and said the predators deserve to come back to Oregon.

In return they got a lesson in the politics of wolves in the West. State Republican lawmakers chastised their "one-sided . . . street theater" in a letter to the school superintendent, and a pro-agriculture Web site called their education "severely deficient."

If the reaction between Eastern and Western Oregonians on both sides has been anything like the episode from the episode, county judge V. school about the state.

The student but they are put said they just w

"I knew people said Matthew grader. "We tried what we felt."

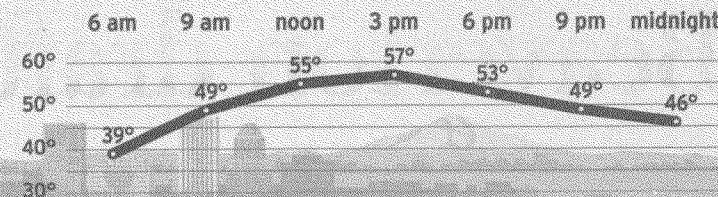




# Portland

## PORTLAND FORECAST

Wednesday  
temperatures\*



\*This 18-hour chart may not reflect the highest or lowest temperature of the day.

## Ex-basketball player

# Proposal calls for selling library

*Multnomah County's board will consider selling the site in Southeast Portland, an idea many residents oppose*

By **AMY HSUAN**  
THE OREGONIAN

Multnomah County staff members are proposing to sell the former Montavilla Library property after a year of neighborhood efforts to save the vacant building and reopen the long-defunct library.

On Thursday, the county board of commissioners will consider a staff recommendation to sell the property at 211 S.E. 80th Ave.

Community activists who have been working to save the building said they have been blindsided by the county's recommendation. The group, called "Save Montavilla Library: Getting to Yes," has been trying to persuade the county to give them control of the building to create a nonprofit library run by volunteers.

"There have been no public hearings," said Maureen Wright, who spearheads the neighborhood effort. "We've been blindsided."

Wright, a Buckman neighborhood resident who grew up in

Montavilla, spent her childhood reading in the Montavilla Library, which closed more than 20 years ago.

The group has collected furniture and books with the expectation of getting control of the 4,600-square-foot building. Last year, the cash-strapped county proposed selling the library as surplus property, appraised at \$360,000, said Lynn Dingler, an asset manager in the county's facilities and property management department. The activist group persuaded county officials to postpone the sale to allow them to produce a business plan, which they submitted in early December.

On Thursday, county staff members will recommend to the Board of Commissioners that the property be sold, citing the group's lack of "practical experience" and "in-hand funding."

"Our judgment was that there was not sufficient resources for them to achieve what they wanted to achieve," Dingler said.

The group, which formed a nonprofit organization, said it has not had adequate time to respond to Thursday's recommendation, which, if approved, will put the property on the market. At a Montavilla Community Association meeting Monday, neighborhood

leaders approved giving the group \$500 to spend on hiring an attorney if needed.

"The money will come back," says Sandra McDaniel, chairwoman of the neighborhood association. "Right now, we really have to invest in our neighborhood."

The group's business plan proposes leasing the building from the county for \$1 a year or having the building donated as a gift. It also proposes that the county pay for utilities and the property's yard work, hoping to count on public and private partnerships, donations from businesses and volunteers to keep the library going.

For some residents involved with the project, the Montavilla Library is not just an issue that concerns the neighborhood, but also an issue for Southeast Portland.

Cheri Wonsley, a Lents resident, donated the seed money for the group's bank account, which now totals roughly \$500. "I have a commitment to the library as a place for young people to gather," Wonsley said. "It's a solution that can renovate the neighborhood, instead of a building that attracts transients."

The original Montavilla Library opened in 1935 and closed in 1981. The building was leased to the Oregon State University Extension

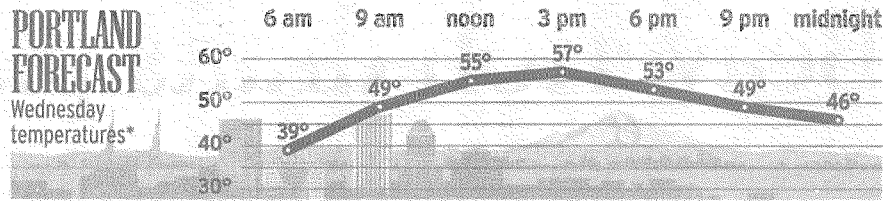
Service until two years ago, when the building became vacant. The Montavilla area, which has since not had a library, is served by the Belmont, Midland and Holgate library branches, said Penelope Hummel, spokeswoman for the Multnomah County Library.

"There are many neighborhoods that would like a library," Hummel says. "We know what having a library makes in a community, but the mix of libraries we have is the product of choices made over many decades."

County officials said keeping the library property is a strain on scarce resources and takes away from many other programs that vie for funding, Dingler said. They said giving the property to the group is not in the county's best interest, especially at a time when it is looking to cut maintenance costs.

"The bottom line is that we have an asset that we have to look at as a county as a whole," said Dingler, who thinks the county commissioners will have to balance the neighborhood's desires and the county's fiscal responsibilities. "We have to ask ourselves, 'Is there a higher responsibility here?'"

Amy Hsuan: 503-221-8330;  
amyhsuan@news.oregonian.com

**PORTLAND  
FORECAST**  
 Wednesday  
 temperatures\*


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Amy Hsuan: 503-221-8330;  
amyhsuan@news.oregonian.com



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**March 16, 2005**

Dear County Commissioners,

I am a small business operator and property owner in the Montavilla neighborhood. I recently purchased the Anspach building and Dickson Drug building encompassing an entire block on S.E. Stark. We are in the process of redeveloping the entire block, and have invested a great deal of time and money into the project. The community has been very supportive of our efforts and we are committed to revitalizing this community.

I applaud the efforts of Maureen Wright, Sandra McDaniel and the "Save Montavilla Library" organization. It is the efforts of these types of individuals that make our great city the livable community that it is. It would be a shame to see their efforts go unrecognized, and unsupported by our community leaders and local board members.

I am also committed to their cause and would be willing to commit to a substantial amount of support to their organization toward the operating expenses to keep the Library privately operated.

This group has done everything asked of them, and have made the good faith effort to have everything in place to bring this Library back to being a community asset. It is up to the County Commissioners to support this community and grant them the opportunity.

Very truly yours,  
Donald Hanna, Jr.

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

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Please complete this form and return to the Board Clerk

\*\*\*This form is a public record\*\*\*

MEETING DATE: 3-17-05

SUBJECT: Montavilla Library

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AGENDA NUMBER OR TOPIC: \_\_\_\_\_

FOR: ✓ AGAINST: \_\_\_\_\_ THE ABOVE AGENDA ITEM

NAME: Charles W. Lawrence

ADDRESS: 4430 S.E. Belmont

CITY/STATE/ZIP: Portland, OR 97215

PHONE: DAYS: 503-235-5047

EVES: 360-834-6164

EMAIL: \_\_\_\_\_

FAX: \_\_\_\_\_

SPECIFIC ISSUE: \_\_\_\_\_

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WRITTEN TESTIMONY: \_\_\_\_\_

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**IF YOU WISH TO ADDRESS THE BOARD:**

1. Please complete this form and return to the Board Clerk.
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**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

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#12

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: 03.17.05

SUBJECT: Montavilla Library - Public Community

AGENDA NUMBER OR TOPIC:

FOR: AGAINST: THE ABOVE AGENDA ITEM

NAME: Elizabeth Cramer

ADDRESS: 403 NE 69

CITY/STATE/ZIP: Portland OR 97213

PHONE: DAYS: 503-241-0994 EVES:

EMAIL: FAX:

SPECIFIC ISSUE:

WRITTEN TESTIMONY:

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#13

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:

3/17/05

SUBJECT:

SAVE MONTAVILLA LIBRARY

AGENDA NUMBER OR TOPIC:

FOR: ☒

AGAINST: ☐

THE ABOVE AGENDA ITEM

NAME:

LEONA McDONALD

ADDRESS:

2242 SW BINFORD LK PK

CITY/STATE/ZIP:

GRESHAM OR 97080

PHONE:

DAYS: 503-666-4114

EVES:

SAME

EMAIL:

FAX:

503-661-2221

SPECIFIC ISSUE:

WRITTEN TESTIMONY:

**IF YOU WISH TO ADDRESS THE BOARD:**

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

**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

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

TOO LATE FOR  
Public Comment

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: 3/17/05

SUBJECT: In support of Montanilla library  
transfer property for volunteer library

AGENDA NUMBER OR TOPIC: \_\_\_\_\_

FOR: ☒ AGAINST: \_\_\_\_\_ THE ABOVE AGENDA ITEM

NAME: Phyllis Saunders

ADDRESS: 435 NE 73rd Avenue

CITY/STATE/ZIP: Portland, OR 97213

PHONE: DAYS: 503-254-4684 EVES: \_\_\_\_\_

EMAIL: \_\_\_\_\_ FAX: \_\_\_\_\_

SPECIFIC ISSUE: \_\_\_\_\_

WRITTEN TESTIMONY: No comment

**IF YOU WISH TO ADDRESS THE BOARD:**

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

**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

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





## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

### Board Clerk Use Only

Meeting Date: 03/17/05  
Agenda Item #: C-1  
Est. Start Time: 9:30 AM  
Date Submitted: 02/18/05

**BUDGET MODIFICATION:** -

**Agenda Title:** Appointment of Doug Montgomery 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.*

<b>Date Requested:</b>	March 17, 2005	<b>Time Requested:</b>	Consent Calendar
<b>Department:</b>	Non-Departmental	<b>Division:</b>	Chair's Office
<b>Contact(s):</b>	Chair Diane Linn, Andy Smith		
<b>Phone:</b>	503/988-3308	<b>Ext.:</b>	85772
<b>I/O Address:</b>	503/600		
<b>Presenter(s):</b>	N/A		

### General Information

**1. What action are you requesting from the Board?**

Request Board approved appointment of Doug Montgomery to the Multnomah County Citizen Involvement Committee.

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

The Citizen Involvement Committee (CIC) informs residents of their opportunities and rights in the decision making process of all branches of County government. Create meaningful citizen involvement opportunities and integrate citizens into the decision making process. There are 15 volunteer CIC 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 Director of the 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.**

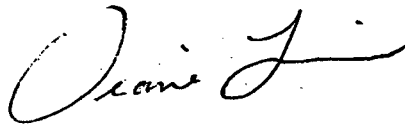
N/A

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**Required Signatures**

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**Department/  
Agency Director:**



**Date:** 2/18/2005

**Budget Analyst:**

**Date:** \_\_\_\_\_

**Department HR:**

**Date:** \_\_\_\_\_

**Countywide HR:**

**Date:** \_\_\_\_\_



## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

### Board Clerk Use Only

**Meeting Date:** 03/17/05  
**Agenda Item #:** C-2  
**Est. Start Time:** 9:30 AM  
**Date Submitted:** 02/23/05

### BUDGET MODIFICATION:

**Agenda Title:** **RESOLUTION Authorizing the Repurchase of a Tax Foreclosed Property to the Former Owners MARK D & SUSAN STAUFFER & WALTER E. & DIANE L. STEEVES.**

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

<b>Date Requested:</b>	March 17, 2005	<b>Time Requested:</b>	Consent Item
<b>Department:</b>	Business and Community Services	<b>Division:</b>	Tax Title
<b>Contact(s):</b>	Gary Thomas		
<b>Phone:</b>	503-988-3590	<b>Ext.</b>	22591
<b>Presenter(s):</b>	Gary Thomas	<b>I/O Address:</b>	503/4/TT

### General Information

**1. What action are you requesting from the Board?**

The Tax Title Section is requesting the Board to approve the repurchase of a tax foreclosed property by the former owners MARK D. & SUSAN STAUFFER & WALTER E. & DIANE L. STEEVES.

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

The subject property, a house located at 2106 NE 56<sup>th</sup> Ave, Portland, was foreclosed on for delinquent property taxes and came into County ownership on September 28, 2004. A letter dated October 25, 2004 was sent to the former owners of record, providing the opportunity to repurchase the property. The former owners and WALTER E. & DIANE L. STEEVES requested to repurchase the property on February 16, 2005. The attached plat map, Exhibit A, shows the location of the property.

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

The repurchase will allow for the recovery of the delinquent taxes, fees, and expenses. In addition, the repurchase will also reinstate the property on the tax roll (see Exhibit B).

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

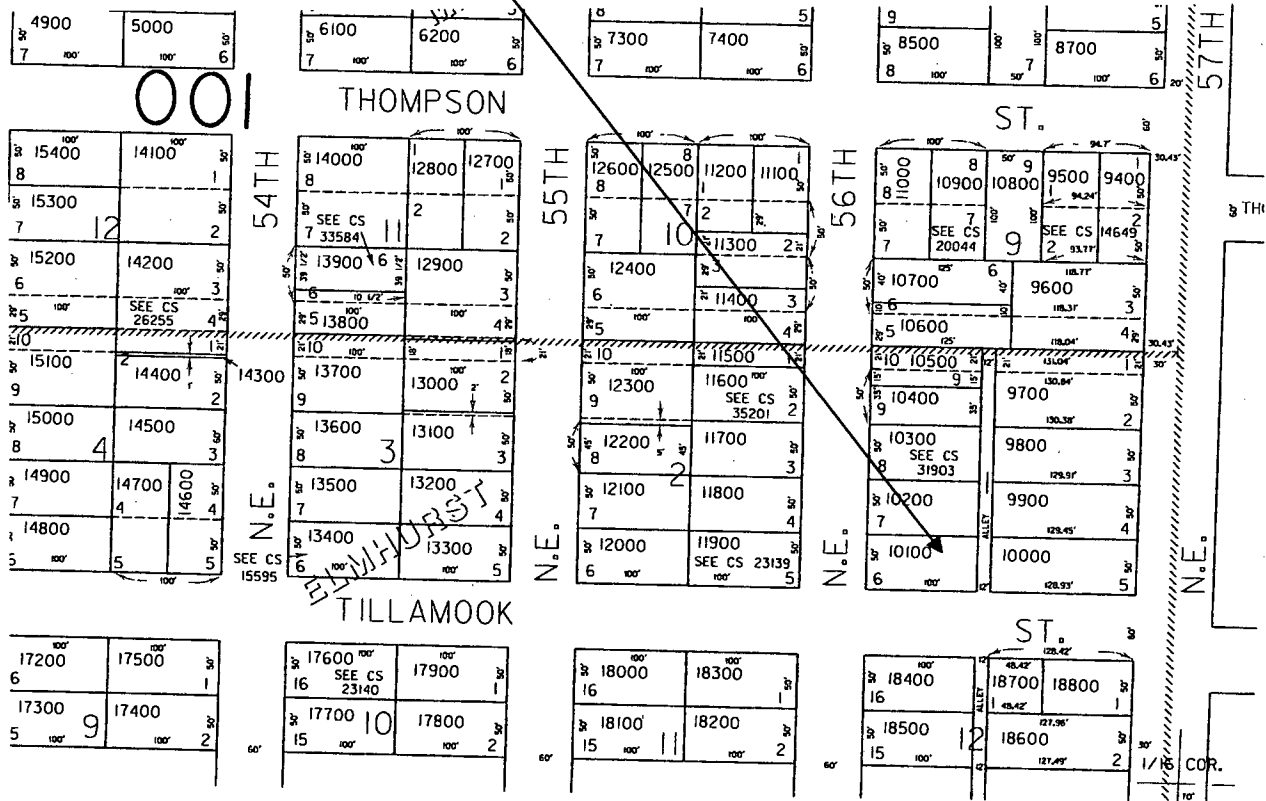
Multnomah County Code Section 7.402 provides for 30 days notice to the former owner of record to repurchase a property foreclosed on for delinquent property taxes. However if the timeline expires without the former owner repurchasing the property and it has not been otherwise disposed of, there is nothing in the Code that precludes the County from selling the property to the former owner.

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

No citizen or government participation is anticipated.

# EXHIBIT A

R156509 2106 NE 56<sup>TH</sup> AVE



**EXHIBIT B**  
**PROPOSED PROPERTY LISTED FOR REPURCHASE**  
**FISCAL YEAR 2004-05**

**LEGAL DESCRIPTION:**

Lot 6, Block 1; ELMHURST, located in the City of Portland, Multnomah County, Oregon.

PROPERTY ADDRESS:	2106 NE 56 <sup>TH</sup> AVE
TAX ACCOUNT NUMBER:	R156509
GREENSPACE DESIGNATION:	No designation
SIZE OF PARCEL:	5,000
ASSESSED VALUE:	\$206,740.00

**ITEMIZED EXPENSES FOR TOTAL PRICE OF PRIVATE SALE**

BACK TAXES & INTEREST:	\$24,893.22
TAX TITLE MAINTENANCE COST & EXPENSES:	\$294.41
PENALTY & FEE:	\$829.33
RECORDING FEE:	\$26.00
CITY LIENS:	\$0.
SUB-TOTAL	\$26,042.96
MINIMUM PRICE REQUEST FOR REPURCHASE	\$26,042.96

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**Required Signatures**

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**Department/  
Agency Director:**

Robert A Maestre

**Date:** 02/22/05

**Budget Analyst:**

**Date:**

**Department HR:**

**Date:**

**Countywide HR:**

**Date:**

## BOGSTAD Deborah L

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**From:** GRACE Becky J  
**Sent:** Wednesday, February 23, 2005 12:13 PM  
**To:** BOGSTAD Deborah L  
**Subject:** FW: March 17th Board Agenda Stauffer Repurchase Documents

Hi Deb,  
The documents to follow soon☺

-----Original Message-----

**From:** CREAN Christopher D  
**Sent:** Tuesday, February 22, 2005 2:54 PM  
**To:** GRACE Becky J  
**Subject:** RE: March 17th Board Agenda Stauffer Repurchase Documents

Becky –

The deed should be titled "Bargain and Sale Deed" and references to the deed in the resolution amended correspondingly. Other than that, I have reviewed the proposed resolution and deed for the sale to Stauffer and they may be circulated for signature. Thanks.

- Chris

-----Original Message-----

**From:** GRACE Becky J  
**Sent:** Thursday, February 17, 2005 4:04 PM  
**To:** CREAN Christopher D  
**Subject:** March 17th Board Agenda Stauffer Repurchase Documents

Hi Chris,

Attached for your review and approval are the March 17<sup>th</sup> Board Agenda Documents for the Stauffer Repurchase.  
Thank you!

Becky Grace  
Tax Title, Multnomah County  
501 SE Hawthorne, Suite 310  
Portland, OR 97214  
503.988.3590 x27145

2/23/2005



BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. \_\_\_\_\_

Authorizing the Execution of Bargain and Sale Deed D052002 for Repurchase of Tax Foreclosed Property by the Former Owners, MARK D. & SUSAN STAUFFER & WALTER E. & DIANE L. STEEVES

**The Multnomah County Board of Commissioners Finds:**

- a. Multnomah County acquired the real property described below through the foreclosure of liens for delinquent property taxes, and MARK D. & SUSAN STAUFFER are the former owners of record.
- b. MARK D. & SUSAN STAUFFER & WALTER E. & DIANE L. STEEVES have applied to the County to repurchase the property for \$26,042.96, which amount is not less than that required by ORS 275.180; and it is in the best interest of the County that the property be sold to the former owner.

**The Multnomah County Board of Commissioners Resolves:**

1. The Chair is authorized to execute Bargain and Sale Deed D052002 conveying to the former owners the following described real property located in the City of Portland, Multnomah County, Oregon:

Lot 6, Block 1; ELMHURST

2. The Tax Title division is authorized to forward the signed deed to the appropriate Escrow Officer with a letter of instruction that provides: (a) the deed is to be processed only upon receipt by the County of all funds due in consideration for the property; and (b) if the escrow is closed without the proper payment to the County, the deed and any copies must be returned to the County.

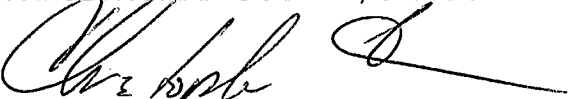
ADOPTED this 17th day of March, 2005.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

\_\_\_\_\_  
Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
\_\_\_\_\_  
Christopher D. Crean, Assistant County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 05-039**

Authorizing the Execution of Bargain and Sale Deed D052002 for Repurchase of Tax Foreclosed Property by the Former Owners, MARK D. & SUSAN STAUFFER & WALTER E. & DIANE L. STEEVES

**The Multnomah County Board of Commissioners Finds:**

- a. Multnomah County acquired the real property described below through the foreclosure of liens for delinquent property taxes, and MARK D. & SUSAN STAUFFER are the former owners of record.
- b. MARK D. & SUSAN STAUFFER & WALTER E. & DIANE L. STEEVES have applied to the County to repurchase the property for \$26,042.96, which amount is not less than that required by ORS 275.180; and it is in the best interest of the County that the property be sold to the former owner.

**The Multnomah County Board of Commissioners Resolves:**

1. The Chair is authorized to execute Bargain and Sale Deed D052002 conveying to the former owners the following described real property located in the City of Portland, Multnomah County, Oregon:

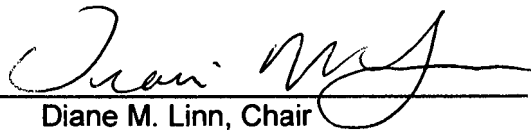
Lot 6, Block 1; ELMHURST

2. The Tax Title division is authorized to forward the signed deed to the appropriate Escrow Officer with a letter of instruction that provides: (a) the deed is to be processed only upon receipt by the County of all funds due in consideration for the property; and (b) if the escrow is closed without the proper payment to the County, the deed and any copies must be returned to the County.

ADOPTED this 17th day of March, 2005.




BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Christopher D. Crean, Assistant County Attorney

Until a change is requested, all tax statements  
Shall be sent to the following address:  
MARK D. & SUSAN STAUFFER &  
WALTER E. & DIANE L. STEEVES  
1841 NW CEDAR RIDGE DR  
PORTLAND OR 97229-4188

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

**Bargain and Sale Deed D052002**

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to MARK D. & SUSAN STAUFFER & WALTER E. & DIANE L. STEEVES, Grantees, that certain real property, located in the City of Portland, Multnomah County, Oregon more particularly described as follows:

Lot 6, Block 1; ELMHURST

The true and actual consideration paid for this transfer; stated in the terms of dollars is \$26,042.96.

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

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 17th day of March 2005, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

\_\_\_\_\_  
Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Christopher D. O'Leary, Assistant County Attorney

STATE OF OREGON                                 )  
  ) ss  
COUNTY OF MULTNOMAH                         )

This Deed was acknowledged before me this 17th day of March 2005, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

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



BCC ✓

**BOGSTAD Deborah L**

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**From:** Rob Brading [rob@mctv.org]  
**Sent:** Wednesday, March 16, 2005 10:21 AM  
**To:** BOGSTAD Deborah L  
**Subject:** Public Comment



Multnomah  
simony.doc (45 K)  
Deb

I had planned on attending tomorrow's (3/17) BCC meeting but my wife's scheduled surgery was moved up so I can't be there. I've attached a copy of the comments I was going to make in the hopes that you will distribute them to the Commissioners. I know they have much to deal with but this matter deserves their attention. The long-term ramifications are bad for everybody.

Thanks. If you have any questions, please give me a call. 503.491.7636, ext. 318.

Rob Brading  
CEO  
Multnomah Community Television  
26000 SE Stark  
Gresham, OR 97030  
v. 503.491.7636, ext. 318  
f. 503.491.7417

**Public Comment**  
**Rob Brading**  
**CEO**  
**Multnomah Community Television**  
**March 17, 2005**  
**Multnomah County Commission**

Thank you for your time. I'm here to express grave concerns about one of those pieces of government that generally does not require your attention. An intergovernmental agreement among Multnomah County, the four East Metro cities, and the City of Portland created the Mt. Hood Cable Regulatory Commission. For more than a decade the MHCRC been a national model for intergovernmental collaboration and innovation. The Commission ensures that its jurisdictions receive fair compensation for the use of our public rights-of-way; defends local government's role and the public interest in cable matters; and regulates and advocates for our communities and their residents. All the MHCRC jurisdictions have benefited from the economies of scale and the bargaining leverage created through the Commission.

Among those benefits are:

- Capital grants to East metro schools, Mt. Hood Community College, non-profit organizations, the City of Gresham and to MCTV. The cameras that cablecast this meeting were acquired through one of those capital grants.
- I hope you count Multnomah Community Television as one of those benefits. Without the MHCRC, we would be a shadow of what we are, if we existed at all.
- A strong regulatory presence that ensures the cable company fulfills its obligations Gresham residents and the city of Gresham
- And revenue to the jurisdictions' general funds – almost \$290,000 to the East Metro jurisdictions this year.

It's unlikely that our communities would be the recipient of these benefits were it not for the negotiating skill of the Cable Office staff and their deep understanding of cable issues. It's no exaggeration to say that the Portland office has one of the premiere cable staffs in the country; in fact, that may be an understatement.

Like Multnomah County and almost every other local jurisdiction in the state, Portland is dealing with financial problems. I know you know about those issues all too well.

In their search for savings, a consultant has recommended that the Office of Cable Communication and Franchising, the people you contract with for cable and regulatory services, be subsumed into a newly-created Revenue Bureau which would be part of the Office of Management and Finance. The thud you just heard was cable issues dropping

from their current status as a direct report the Portland Council to a bureaucratic box four levels down in a vertical structure. I know you all full well understand how this change would make cable issues all but invisible.

In addition, the consultant proposes decapitating the Cable Office by eliminating the Director's job. They claim this reorganization will find efficiencies in back office activities but didn't explain how eliminating the Director's position would help do achieve those efficiencies. By eliminating that position, they would be firing one of the preeminent cable officials in the country, someone who has fought tirelessly to protect this community's interests and the public interest and who has done so with unmatched skill and passion. Cable franchises and negotiations are complex matters that require detailed attention, skill, fortitude, experience and expertise to protect the public interest. A headless office can not achieve that goal.

To add insult to injury, the consultants failed to talk with any one from an East Metro jurisdiction, to anyone from a school or non-profit that's received a capital grant or to any one from a service provider such as MCTV. These are the same folks who promise that we'll get better customer service after this reorganization.

The consultant's proposal has far-reaching ramifications for the entire Portland metropolitan area and for Multnomah County, that, for what ever reason, they obviously failed to consider. This proposal will damage the MHCRC, jeopardize present and future revenues and public benefits for savings that are at best speculative and uncertain.

I hope that the County Commissioners will discuss this issue with your East Metro colleagues and let the Portland Council know of your concerns.

I would of course be happy to answer any questions.

Thank you for your time and consideration.

Rob Brading  
CEO  
Multnomah Community Television  
503.491.7636, ext. 318  
rob@mctv.org



## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

### Board Clerk Use Only

Meeting Date: 03/17/05  
Agenda Item #: R-1  
Est. Start Time: 9:30 AM  
Date Submitted: 02/09/05

**BUDGET MODIFICATION:** -

**Agenda Title:** Public Affairs Office Briefing on Activities of the State of Oregon 73rd  
Legislative Assembly

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

Date Requested: March 17, 2005 Time Requested: 30 minutes  
Department: Non-Departmental Division: Public Affairs Office  
Contact(s): Barb Disciascio  
Phone: 503 988-5800 Ext. 86800 I/O Address: 503/600  
Presenter(s): Gina Mattioda and/or Stephanie Soden

### General Information

1. What action are you requesting from the Board?  
To be determined by activities of the Legislature. Primarily informational briefing.
2. Please provide sufficient background information for the Board and the public to understand this issue.  
Opportunity to brief the board on State of Oregon Legislative activities that impact Multnomah County.
3. Explain the fiscal impact (current year and ongoing).  
None
4. Explain any legal and/or policy issues involved.  
None
5. Explain any citizen and/or other government participation that has or will take place.  
None

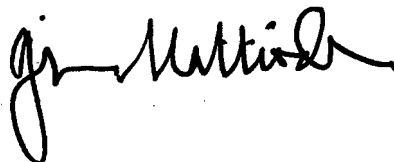


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**Required Signatures**

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**Department/  
Agency Director:**



**Date:** 02/09/05

**Budget Analyst:**

**Date:**

**Department HR:**

**Date:**

**Countywide HR:**

**Date:**



**Public Affairs Office**

**MULTNOMAH COUNTY OREGON**

**501 SE Hawthorne Blvd., Ste. 600  
Portland, Oregon 97214  
(503) 988-6800**

March 17, 2005

TO: Multnomah County Board of Commissioners

FROM: Gina Mattioda and Stephanie Soden  
Public Affairs Office

RE: Legislative Update

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**2005 - 2007 Budget**

The Senate and House leadership have firmly agreed upon a spending number of \$2.4 billion (exact dollar figure is \$2.399 billion) for the 2005-07 budget. Senate President Peter Courtney and House Speaker Karen Minnis have stressed the significance of settling on a total budget figure this early in session. 'Often such a number is not determined until May or June.'

Throughout the State Capitol there are copies of the signed letter stating the \$12.4 billion commitment. What has yet to be determined is how these funds will be allocated. The \$12.4 will not include new revenue. Despite newspaper reports, a school funding level has not been determined. The figures will more than likely range somewhere between \$5.2 and \$5.4 billion. The remaining funds will be divided among higher education, health care, human services, and public safety. Leadership, including President Courtney, Speaker Minnis, and selected Ways and Means members, has been meeting daily to craft a detailed budget.

It is anticipated on that April 4, 2005 the Co-Chairs of Ways and Means, Senator Kurt Schrader (D-Canby) and Representative Wayne Scott (R-Canby), will release their budget. In early April the Department of Human Services (DHS) will present to Ways and Means Subcommittee on Human Services a "re-shoot" of their budget. The "re-shoot" is a regular practice outlining changes in caseloads and revenue. The Public Affairs Office (PAO) will provide an analysis on both issues at the next legislative board briefing.

**SB 1 Mental Health Parity**

Senate Bill 1, Mental Health Parity, was introduced during the 2003 Session and has been introduced again this session. SB 1 sponsorship includes Senate leadership such as Senate President Peter Courtney, Senate Majority Leader Kate Brown, and Senate President Pro Tempore and Vice Chair of Ways and Means Margaret Carter and others.

As in 2003, this measure requires group insurance policies to cover expenses for treatment of chemical dependency, mental or nervous conditions at the same level as other medical conditions. The measure includes limitations such as coverage is not required for educational, correctional or sheltered living provided by schools or a

halfway house, a long-term residential mental health program that last longer than 45 days or a court-ordered sex offender treatment program.

A public hearing and work session was held on SB 1 on March 9, 2005. A minority report was filed by Senator Jeff Kruse (R-Roseburg). According to the staff measure summary, the minority report replaces the bill. Presently it is unclear what if any fiscal impact parity will have.

In 1996 Congress approved the Mental Health Parity Act. Prior to 1996 only five states had approved parity legislation. In 2003 more than 30 states had some form of mental health parity. Oregon is one of the few states that do not provide parity.

#### **SB 899 – Tax Supervising and Conservation Commission**

Amendments to SB 899, which was initially drafted by Washington County to increase the population requirement for purposes of creating a Tax Supervising and Conservation Commission (TSCC), are expected to be completed in the next week. The Senate Revenue Committee is expected to hold another hearing on the new amendments sometime in the week of March 28. The Public Affairs Office will update the Board of Commissioners on new developments.

#### **HB 3303 - Contracts between state and counties**

Summary: HB 3303 requires inclusion of certain provisions in contracts between state agency and local government; regulates actions of parties during negotiation for extension or renewal of contract between state agency and local government; provides that liability to plaintiff for breach of contract between state agencies and local governments is several and not joint; and applies to contracts entered into on or after the effective date of the bill.

Background: HB 3303 is the outcome of the ongoing discussions among county attorneys across the state and the Oregon Department of Human Services, in which Patrick Henry represents Multnomah County. The PAO and County Attorney's Office is partnering with Washington and Lane Counties to pass the proposed legislation.

Request: The Public Affairs Office requests that the Board of Commissioners support HB 3303.

73rd OREGON LEGISLATIVE ASSEMBLY--2005 Regular Session

NOTE: Matter within { + braces and plus signs + } in an amended section is new. Matter within { - braces and minus signs - } is existing law to be omitted. New sections are within { + braces and plus signs + } .

LC 3221

House Bill 3303

Sponsored by Representative ACKERMAN (at the request of Lane County)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Requires inclusion of certain provisions in contracts between state agency and local government. Regulates actions of parties during negotiation for extension or renewal of contract between state agency and local government.

Provides that liability to plaintiff for breach of contract between state agencies and local governments is several and not joint.

Applies to contracts entered into on or after effective date of Act.

A BILL FOR AN ACT

Relating to intergovernmental contracts.

Be It Enacted by the People of the State of Oregon:

SECTION 1. { + (1) A contract between a state agency and a local government, as defined in ORS 174.116, shall provide:

(a) If the contract is for the use of federal moneys disbursed or expended by the state agency:

(A) That the state agency shall indemnify and hold harmless the local government for any expenditure or lack of expenditure by the state agency that does not comply with terms and conditions prescribed by the federal government for the use of those federal moneys.

(B) That a county alleged to be liable for an expenditure or lack of expenditure of federal moneys may not waive an assertion or defense that the resulting obligation would violate Oregon constitutional debt limits applicable to the county.

(b) That the liability of the state agency and local government for damages arising out of a breach of the contract is subject to section 2 of this 2005 Act.

(c) That any dispute between the state agency and local government arising out of the contract must be referred for mediation before the state agency or local government may file a claim in court.

(d) That the local government may terminate the contract due to

lack of available funds upon giving the state agency not less than 30 days' notice.

(2) If a state agency and a local government negotiate to extend or renew a contract between the agency and the local government:

(a) The state agency may not propose any new substantive provision for the agreement later than the 45th day prior to the expiration of the contract.

(b) The state agency may not withhold moneys from the local government for the purpose of pressuring the local government to accept proposed contract provisions favorable to the state agency.

(c) The state agency shall, for the duration of any negotiations occurring after expiration of the contract, continue to fund the local government under the terms of the expired contract.

(d) The state agency and local government shall refer to mediation any matters that remain unresolved on the date the contract expires. + }

SECTION 2. { + (1) For a contract that one or more state agencies enter into with one or more local governments as defined in ORS 174.116, the liability of the state agencies and local governments to a plaintiff for damages arising out of a breach of the contract is several only and not joint.

(2) In any claim for breach of a contract described in subsection (1) of this section, the court shall determine the award of damages to each claimant in accordance with the percentages of fault determined by the trier of fact and enter judgment against each party determined to be liable. The court shall enter a judgment in favor of the plaintiff against any third party defendant who is found to be liable in any degree, even if the plaintiff did not make a direct claim against the third party defendant. The several liability of each defendant and third party defendant shall be set out separately in the judgment, based on the percentages of fault determined by the trier of fact. The court shall calculate and state in the judgment a monetary amount reflecting the share of the obligation of each defendant. Each defendant's share of the obligation shall be equal to the total amount of the damages found by the trier of fact, with no reduction for amounts paid in settlement of the claim or by way of contribution, multiplied by the percentage of fault determined for the defendant by the trier of fact. + }

SECTION 3. { + Sections 1 and 2 of this 2005 Act apply to contracts between state agencies and local governments entered into on or after the effective date of this 2005 Act. + }

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## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-2 DATE 03-17-05  
DEBORAH L. BOGSTAD, BOARD CLERK

### Board Clerk Use Only

Meeting Date: 03/17/05  
Agenda Item #: R-2  
Est. Start Time: 9:50 AM  
Date Submitted: 03/02/05

### BUDGET MODIFICATION: -

**Agenda Title:** Authorizing Settlement of Claim for Damage to City of Portland Property

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

Date Requested:	<u>March 17, 2005</u>	Time Requested:	<u>5 minutes</u>
Department:	<u>Non-Departmental</u>	Division:	<u>County Attorney</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>Scott Asphaug</u>		

### General Information

**1. What action are you requesting from the Board?**

Approve settlement of tort claim by the City of Portland for sewer pump damage in the amount of \$40,000.00.

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

Prior to the installation of protective equipment at the Multnomah County Detention Center in 2002, inmates flushed clothing and other items into the sewer system. The clothing flowed into and caused damage to sewage pump motors owned by the City of Portland.

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

N/A

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

On December 18, 2003, the Board adopted Resolution 03-171 delegating authority to the County Attorney to settle claims and litigation against the County or its employees in amounts up to \$25,000 per case. The County Attorney must obtain Board approval for all settlements of over \$25,000.

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

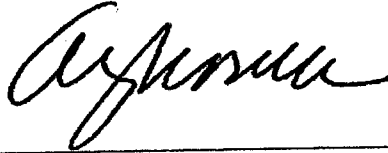
N/A

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**Required Signatures**

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**Department/  
Agency Director:**



**Date:** 03/02/05

**Budget Analyst:**

**Date:**

**Department HR:**

**Date:**

**Countywide HR:**

**Date:**



## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-3 DATE 03.17.05  
DEBORAH L. BOGSTAD, BOARD CLERK

### Board Clerk Use Only

Meeting Date: 03/17/05  
Agenda Item #: R-3  
Est. Start Time: 9:55 AM  
Date Submitted: 03/07/05

### BUDGET MODIFICATION:

**Agenda Title:** **NOTICE OF INTENT to Submit a Proposal to the Centers for Disease Control and Prevention Youth Violence Prevention through Community Level Change Grant Competition**

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

Date Requested: March 17, 2005 Time Requested: 5 minutes  
Department: Non-Departmental Division: Commissioner Serena Cruz  
Contact(s): Peggy Samolinski, School Age Policy Framework and Mary Carroll, Co. District 2  
Phone: 503-988-6295/ Ext. 24564/85275 I/O Address: 166/2 and 503/600  
Presenter(s): Peggy Samolinski and Dr. Lynette Feder (PSU)

### General Information

#### 1. What action are you requesting from the Board?

The Department of School and Community Partnerships requests approval to submit a proposal to the CDC Youth Violence Prevention through Community-Level Change grant competition for a four-year project funded at approximately \$600,000 per year.

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

Youth violence has been linked to a variety of factors, including individual, family, community, and societal characteristics. While much research has been conducted on direct service programs targeting youth and families, fewer interventions have focused on variables at the broader community level.

The purpose of the grant program is to assess the efficacy or effectiveness of interventions designed to change community characteristics and social processes to reduce rates of youth violence perpetration and victimization. This grant requires a rigorous research and evaluation component, with an experimental design the preferred research methodology.



There are a number of characteristics of communities that increase the probability of youth violence. Crime and violence tend to be high in areas in which at least 20 percent of the residents are poor (Lamison-White, 1996). These areas are often characterized by high concentrations of poverty and unemployment, high levels of residential instability, family disruption, crowded housing, drug distribution networks, and low community participation (Sampson & Lauritsen, 1994). These areas also tend to have high rates of school dropouts, high rates of substance abuse and teenage pregnancy, and a disproportionate number of households headed by women (Eller, 1996; Proctor & Dalaker, 2002; Reiss & Roth, 1993).

In addition to their demographic characteristics, economically poor neighborhoods differ from more affluent neighborhoods in a number of ways. Poor neighborhoods tend to be characterized by disorganization or a lack of neighborhood cohesion, and as a result, frequently lack effective social controls (Elliot *et al.*, 1996; Sampson, Raudenbush & Earls, 1997). Factors such as high levels of mobility make it difficult for individuals to establish common values and norms, and to develop informal support networks. As a result, people living in such neighborhoods often experience a sense of social isolation and exhibit lower levels of attachment to the community. High levels of social disorganization also limit the ability of community residents to supervise and control adolescent peer groups, especially gangs (Sampson & Lauritsen, 1994).

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

We propose to submit a proposal for approximately \$600,000 per year for a four year project period. No matching funds are required.

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

No legal or policy issues are involved.

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

The project is building on the County's current School Age Framework efforts, specifically those focused on community engagement. The project partners that have been identified to date include Portland State University, the Community Capacitation Center, the Health Department, Parks and Recreation, and Community Justice. Additional community partners, including the faith community and non-profit organizations will be involved in planning and implementing the project.

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## **Grant Application/Notice of Intent**

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

- Who is the granting agency?  
Centers for Disease Control and Prevention (CDC)
- Specify grant (matching, reporting and other) requirements and goals.  
Research funded under this announcement is expected to further our understanding of how community level interventions can reduce youth violence. A clear distinction is made here between community-based interventions, which are programs that are implemented in the community and/or by a community-based organization, from community-level interventions, which target community-level factors such as those described above (*e.g.*, poverty, social cohesion, residential instability, neighborhood disorganization, etc.). Grant recipients are expected to implement and conduct a rigorous evaluation of an intervention that targets modifiable community-level variables that have been shown to increase the risk of youth violence and/or enhance the protective factors that decrease the risk of youth violence. Having a credentialed Principal Investigator to design and conduct the evaluation is required.

Grant funds will be used to foster community cohesion in key neighborhoods through a community-

organizing model partnered with SUN Community School middle schools. In this way existing services will be enhanced, but not duplicated. Currently provided by a select number of SUN Community Schools to engage students, parents, teachers and other community members in community-level strategies that will help to reduce youth violence. A community organizing model will be used. Key activities include: community outreach, community forums to identify problems and possible solutions, training and education of community members, helping community members to develop and implement sustainable strategies for reducing youth violence, and evaluating project effectiveness. The project will be managed by the Department of School and Community Partnerships. The Health Department's Community Capacitation Center will offer training for staff and community members. Portland State University will provide the evaluation services and will help to identify best and promising practices related to community-level interventions.

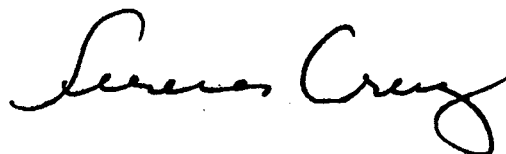
- Explain grant funding detail – is this a one time only or long term commitment?  
We will request approximately \$600,000 per year for a four year project period. This is a one-time commitment.
- What are the estimated filing timelines?  
The grant application is due March 30, 2005.
- If a grant, what period does the grant cover?  
The estimated period is January 1, 2006 - December 30, 2010.
- When the grant expires, what are funding plans?  
We will seek grant funding to support elements of the project that were successful.
- How will the county indirect, central finance and human resources and departmental overhead costs be covered?  
These costs will be integrated in to the project budget.

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### Required Signatures

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**Department/  
Agency Director:**



**Date:** 03/08/05

**Budget Analyst:**



**Date:** 03/08/05

**Department HR:**

**Date:** \_\_\_\_\_

**Countywide HR:**

**Date:** \_\_\_\_\_



## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

### Board Clerk Use Only

Meeting Date: 03/17/05  
Agenda Item #: R-4  
Est. Start Time: 9:55 AM  
Date Submitted: 03/09/05

### BUDGET MODIFICATION:

**Agenda Title:** RESOLUTION Authorizing Condemnation and Immediate Possession of Real Property Interests for the Purpose of Constructing the New Sauvie Island Bridge and Removing the Existing Bridge

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

Date Requested: March 17, 2005 Time Requested: 5 minutes  
Department: Non-Departmental Division: Commissioner Maria Rojo de Steffey  
Contact(s): Shelli Romero  
Phone: 503-988-4435 Ext. 84435 I/O Address: 503/600  
Presenter(s): Ian Cannon

### General Information

#### 1. What action are you requesting from the Board?

We are requesting that the Board approve a resolution authorizing the Land Use and Transportation Division Bridge Section to begin negotiations for the purchase of real property associated with the removal of the existing and installation of a new Sauvie Island Bridge and to use condemnation if necessary.

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

The primary purpose of the Sauvie Island Bridge Replacement Project is to construct a new bridge that provides safe and efficient access for people, goods, and service vehicles between Sauvie Island and the mainland. This project is located approximately 10 miles North of downtown Portland, OR and is the only access to Sauvie Island. The existing structure has developed cracks due to loads beyond the design limitations of the bridge because of increased demands since its construction in 1950. This structure has the functional classification of a Rural Collector.

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

The construction cost for this project is estimated at \$34,000,000. Sufficient Federal, State and County funds have been secured to complete the project including expected Right of Way acquisition. This is a one time expenditure for construction activities. Maintenance expenses are not expected to increase over current levels.

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

A total of eleven private parcels owned by four separate parties and one parcel owned by the Oregon Department of Transportation (ODOT) will be impacted by this project. Additionally, there are three privately owned structures being leased to boat owners and a finger pier that needs to be partially removed and re-anchored that will be impacted by the construction of the new bridge.

Negotiations to purchase the impacted properties at fair market value will be made in good faith. The impacted properties consist of: Portions of Larsen's Moorage, a commercial property; ODOT property, a Right of Way for Oregon Highway 30 and ODOT property leased by Western Pacific Railroad, Railroad Right of Way; Portions of Mary A. Wolfe property, rural farm land; Portions of Esco Corp. property, undeveloped; KAE M. & CHONG S. YOM property, zoned commercial. In addition, three boat houses moored at this location will need to be re-located to facilitate construction and a portion of a finger pier will need to be removed and re-anchored.

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

Public involvement meetings have been conducted throughout the planning phase of this project. General Public Meetings were held 3/21/02, 4/17/02, 4/28/03, 5/29/03, 10/27/03, 12/08/03 and 7/20/04. In addition, there were meetings of the Citizen Advisory Committee held on 2/25/04, 3/15/04, 4/13/04, 9/29/04, 10/25/04 and 11/15/04. The next public meeting will be held in late January or early February. These meetings provided a forum for the public and governmental jurisdictions to make comment. Multnomah County will continue to inform the local public of the project progress and any anticipated traffic delays.

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**Required Signatures**

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**Department/  
Agency Director:**

*Maria Pijo de Steffey*

**Date:** 03/09/05

**Budget Analyst:**

**Date:**

**Department HR:**

**Date:**

**Countywide HR:**

**Date:**

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. \_\_\_\_\_**

Authorizing Condemnation and Immediate Possession of Real Property Interests for the Purpose of Constructing the New Sauvie Island Bridge and Removing the Existing Bridge.

**The Multnomah County Board of Commissioners Finds:**

- a. It is necessary for Multnomah County to acquire the real property interests described in the attached Exhibits A through D (the property) for the purpose of constructing and operating the new Sauvie Island Bridge and to remove the existing bridge to the Island (collectively referred to as the "Project").
- b. The existing Sauvie Island Bridge is the only road access to the Island and is currently weight restricted due to damage apparently caused by traffic and vehicle loads that are outside its design limits.
- c. The Project has been planned and located in a manner that is most compatible with the greatest public good and the least private injury. The attached map, Exhibit E, shows the approximate location of the Project and the property to be acquired.
- d. It is necessary to take immediate possession of the property to allow construction to proceed and be completed on schedule and within budgetary limitations.

**The Multnomah County Board of Commissioners Resolves:**

1. It is necessary for Multnomah County to acquire the property described in the attached exhibits for the Project.
2. In the event that no satisfactory agreement can be reached with the owners of the property as to the purchase price, legal counsel is authorized and directed to commence and prosecute to final determination such condemnation proceedings as may be necessary to acquire the property. Such action shall be in accordance with all applicable laws, rules and regulations governing such acquisition.
3. Upon final determination of any such proceeding, the deposit of funds and payment of judgment conveying the property to the County is authorized.
4. It is necessary to obtain possession of the property as soon as possible to allow construction to proceed and be completed on schedule and within its budgetary limits.
5. Legal counsel is authorized and directed to take such action in accordance with law to obtain possession of the property as soon as possible.

6. There is authorized the creation of a fund in the amount of the estimate of just compensation for said property, which shall, upon obtaining possession of the property, be deposited with the clerk of the court wherein the action was commenced for the use of the defendants in the action, and the Director of the Finance Division is authorized to draw a warrant on the Road Fund of the County in such sum for deposit.

ADOPTED this 17<sup>th</sup> day of March, 2005

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

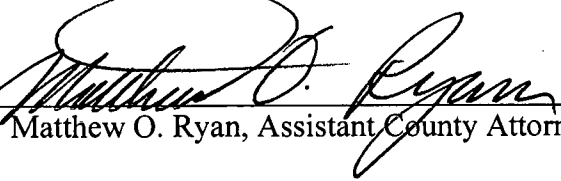
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Diane M. Linn, County Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By

  
Matthew O. Ryan, Assistant County Attorney

## EXHIBIT A

Page 1 of 5  
File 04-53  
Sauvie Island Bridge-Larson  
2/28/05

### Parcel 1 – Fee

A parcel of land lying in the SW1/4 of Section 28, Township 2 North, Range 1 West, of the Willamette Meridian, Multnomah County, Oregon, and being a portion of that property described by memorandum of agreement for sale between Earl and Ella Larson, husband and wife, Sellers, and Kenneth L. Larson and Janet Jo Hirsch, as tenants in common, Purchasers, by instrument recorded as document no. 97145204, Film Records of Multnomah County; the said parcel lying on the Easterly side of the former Burlington Northern Railroad right-of-way and on the Southerly side of the existing right-of-way for the Sauvie Island Bridge, being more particularly described as follows:

Beginning at the point of intersection of the Easterly right-of-way line of the former Burlington Northern Railroad (defined as a line drawn 50.00 feet Easterly from and parallel with the centerline of the existing rails) and the Southerly right-of-way line of the existing Sauvie Island Bridge, recorded August 19, 1949 in Book 1353 at Page 445, Deed records of Multnomah County, which point lies South 85°06'03" East, a distance of 1987.63 feet from the one-quarter corner common to Sections 28 and 29, Township 2 North, Range 1 West, of the Willamette Meridian; thence following said railroad right-of-way, South 45°27'29" East, a distance of 11.57 feet; thence South 45°21'38" East, a distance of 48.57 feet; thence South 45°13'31" East, a distance of 19.06 feet; thence leaving said railroad right-of-way, North 51°04'54" East, a distance of 118.73 feet, more or less, to the line of ordinary high water on the right bank of the Multnomah Channel; thence following said line of ordinary high water, North 77°15'36" West, a distance of 8.91 feet; thence South 75°31'49" West, a distance of 13.87 feet; thence South 62°46'52" West, a distance of 23.13 feet; thence North 83°22'33" West, a distance of 3.59 feet; thence North 40°45'03" West, a distance of 11.20 feet; thence North 31°28'14" East, a distance of 26.25 feet; thence North 22°55'06" East, a distance of 16.44 feet; thence North 11°37'59" West, a distance of 17.59 feet; thence North 34°07'41" West, a distance of 14.67 feet to the aforementioned Southerly right-of-way line of the existing Sauvie Island Bridge; thence following said right-of-way, South 51°23'00" West, a distance of 132.43 feet to the point of beginning.

**EXCEPTING THEREFROM**, rights of the public in and to that portion of the herein described parcel lying within the limits of streets, roads and highways.

Bearings are based on the Oregon Coordinate System of 1983, North Zone.

The parcel of land to which this description applies contains 0.20 acres, more or less.

## EXHIBIT A

Page 2 of 5  
File 04-53  
Sauvie Island Bridge-Larson  
2/28/05

### **Parcel 2 – Temporary Construction Easement - 4 years or duration of project, whichever is shorter.**

A parcel of land lying in the SW1/4 of Section 28, Township 2 North, Range 1 West, of the Willamette Meridian, Multnomah County, Oregon, and being a portion of that property described by memorandum of agreement for sale between Earl and Ella Larson, husband and wife, Sellers, and Kenneth L. Larson and Janet Jo Hirsch, as tenants in common, Purchasers, by instrument recorded as document no. 97145204, Film Records of Multnomah County; the said parcel lying on the Easterly side of the former Burlington Northern Railroad right-of-way and on the northwesterly side of the existing right-of-way for the Sauvie Island Bridge and being more particularly described as follows:

Commencing at the point of intersection of the Easterly right-of-way line of the former Burlington Northern Railroad (defined as a line drawn 50.00 feet Easterly from and parallel with the centerline of the existing rails) and the southeasterly right-of-way line of the existing Sauvie Island Bridge, recorded August 19, 1949 in Book 1353 at Page 445, Deed records of Multnomah County, which point lies South  $85^{\circ}06'03''$  East, a distance of 1987.63 feet from the one-quarter corner common to Sections 28 and 29, Township 2 North, Range 1 West, of the Willamette Meridian; thence North  $45^{\circ}28'19''$  West, following said railroad right-of-way, a distance of 80.57 feet to the northwesterly right-of-way line of said Sauvie Island Bridge and the TRUE POINT OF BEGINNING; thence continuing North  $45^{\circ}30'35''$  West along said railroad right-of-way, a distance of 72.73 feet; thence South  $88^{\circ}03'42''$  East, a distance of 111.05 feet to the aforesaid northwesterly right-of-way line of the Sauvie Island Bridge; thence South  $51^{\circ}23'00''$  West along said right-of-way, a distance of 75.65 feet to the TRUE POINT OF BEGINNING.

Bearings are based on the Oregon Coordinate System of 1983, North Zone.

The parcel of land to which this description applies contains 0.06 acres, more or less.



## EXHIBIT A

Page 3 of 5  
File 04-53  
Sauvie Island Bridge-Larson  
2/28/05

### **Parcel 3 – Temporary Construction Easement - 4 years or duration of project, whichever is shorter.**

A parcel of land lying in the SW1/4 of Section 28, Township 2 North, Range 1 West, of the Willamette Meridian, Multnomah County, Oregon, and being a portion of that property described by memorandum of agreement for sale between Earl and Ella Larson, husband and wife, Sellers, and Kenneth L. Larson and Janet Jo Hirsch, as tenants in common, Purchasers, by instrument recorded as document no. 97145204, Film Records of Multnomah County; the said parcel lying on the easterly side of the former Burlington Northern Railroad right-of-way and adjoining the southeasterly side of the aforesaid Parcel 1 and being more particularly described as follows:

Commencing at the point of intersection of the Easterly right-of-way line of the former Burlington Northern Railroad (defined as a line drawn 50.00 feet Easterly from and parallel with the centerline of the existing rails) and the southeasterly right-of-way line of the existing Sauvie Island Bridge, recorded August 19, 1949 in Book 1353 at Page 445, Deed records of Multnomah County, which point lies South 85°06'03" East, a distance of 1987.63 feet from the one-quarter corner common to Sections 28 and 29, Township 2 North, Range 1 West, of the Willamette Meridian; thence South 45°27'29" East, a distance of 11.57 feet; thence South 45°21'38" East, a distance of 48.57 feet; thence South 45°13'31" East, a distance of 47.58 feet; thence South 44°50'47" East, a distance of 31.97 feet to the TRUE POINT OF BEGINNING; thence continuing along said railroad-right of way South 44°50'47" East, a distance of 14.94 feet; thence leaving said railroad right-of-way North 51°04'54" East, a distance of 65.65 feet; thence North 34°21'16" West, a distance of 75.24 feet to a point on the southeasterly boundary of the herein described Parcel 1; thence South 51°04'54" West, a distance of 66.43 feet; thence South 32°30'42" East, a distance of 60.52 feet to the TRUE POINT OF BEGINNING.

Bearings are based on the Oregon Coordinate System of 1983, North Zone.

The parcel of land to which this description applies contains 0.12 acres, more or less.

## EXHIBIT A

Page 4 of 5  
File 04-53  
Sauvie Island Bridge-Larson  
2/28/05

### **Parcel 4 – Temporary Construction Easement - 4 years or duration of project, whichever is shorter.**

A parcel of land lying in the SW1/4 of Section 28, Township 2 North, Range 1 West, of the Willamette Meridian, Multnomah County, Oregon, and being a portion of that property described by memorandum of agreement for sale between Earl and Ella Larson, husband and wife, Sellers, and Kenneth L. Larson and Janet Jo Hirsch, as tenants in common, Purchasers, by instrument recorded as document no. 97145204, Film Records of Multnomah County; the said parcel lying on the easterly side of the former Burlington Northern Railroad right-of-way and adjoining the southeasterly side of the aforesaid Parcel 3 and being more particularly described as follows:

Commencing at the point of intersection of the Easterly right-of-way line of the former Burlington Northern Railroad (defined as a line drawn 50.00 feet Easterly from and parallel with the centerline of the existing rails) and the southeasterly right-of-way line of the existing Sauvie Island Bridge, recorded August 19, 1949 in Book 1353 at Page 445, Deed records of Multnomah County, which point lies South 85°06'03" East, a distance of 1987.63 feet from the one-quarter corner common to Sections 28 and 29, Township 2 North, Range 1 West, of the Willamette Meridian; thence South 45°27'29" East, a distance of 11.57 feet; thence South 45°21'38" East, a distance of 48.57 feet; thence South 45°13'31" East, a distance of 19.06 feet to the most southerly southeast corner of the above described Parcel number 1; thence North 51°04'54" East along the southeasterly boundary of said Parcel number 1, a distance of 101.04 feet to the TRUE POINT OF BEGINNING; thence South 38°55'06" East, a distance of 65.86 feet; more or less, to the line of ordinary high water on the right bank of the Multnomah Channel; thence following said line of ordinary high water, North 13°30'15" East, a distance of 14.68 feet; thence North 33°27'49" West, a distance of 7.55 feet; thence North 29°04'42" West, a distance of 15.21 feet; thence North 33°52'33" West, a distance of 6.75 feet; thence North 31°51'54" West, a distance of 12.99 feet; thence North 36°13'21" West, a distance of 5.14 feet; thence North 37°04'42" West, a distance of 9.66 feet to a point on the southeasterly boundary of the herein described Parcel 1; thence leaving the line of ordinary high water of the Multnomah channel, South 51°04'54" West along the southeasterly boundary of said Parcel number 1, a distance of 17.69 feet to the TRUE POINT OF BEGINNING.

Bearings are based on the Oregon Coordinate System of 1983, North Zone.

The parcel of land to which this description applies contains 0.02 acres, more or less.

## EXHIBIT A

Page 5 of 5  
File 04-53  
Sauvie Island Bridge-Larson  
2/28/05

### Parcel 5 – Permanent Easement for Road Approach

A parcel of land lying in the SW1/4 of Section 28, Township 2 North, Range 1 West, of the Willamette Meridian, Multnomah County, Oregon, and being a portion of that property described by memorandum of agreement for sale between Earl and Ella Larson, husband and wife, Sellers, and Kenneth L. Larson and Janet Jo Hirsch, as tenants in common, Purchasers, by instrument recorded as document no. 97145204, Film Records of Multnomah County; the said parcel lying on the easterly side of the existing Burlington Northern Railroad right-of-way and adjoining the southeasterly side of the aforesaid Parcel 1 and being more particularly described as follows:

Commencing at the point of intersection of the Easterly right-of-way line of the Burlington Northern Railroad (defined as a line drawn 50.00 feet Easterly from and parallel with the centerline of the existing rails) and the southeasterly right-of-way line of the existing Sauvie Island Bridge, recorded August 19, 1949 in Book 1353 at Page 445, Deed records of Multnomah County, which point lies South 85°06'03" East, a distance of 1987.63 feet from the one-quarter corner common to Sections 28 and 29, Township 2 North, Range 1 West, of the Willamette Meridian; thence South 45°27'29" East, a distance of 11.57 feet; thence South 45°21'38" East, a distance of 48.57 feet; thence South 45°13'31" East, a distance of 19.06 feet to the TRUE POINT OF BEGINNING; thence continuing along said railroad-right of way South 45°13'31" East, a distance of 28.52 feet; thence South 44°50'47" East, a distance of 31.97 feet; thence leaving said railroad right-of-way North 32°30'42" West, a distance of 60.52 feet to a point on the southeasterly boundary of the herein described Parcel 1; thence South 51°04'54" West, a distance of 13.19 feet to the TRUE POINT OF BEGINNING.

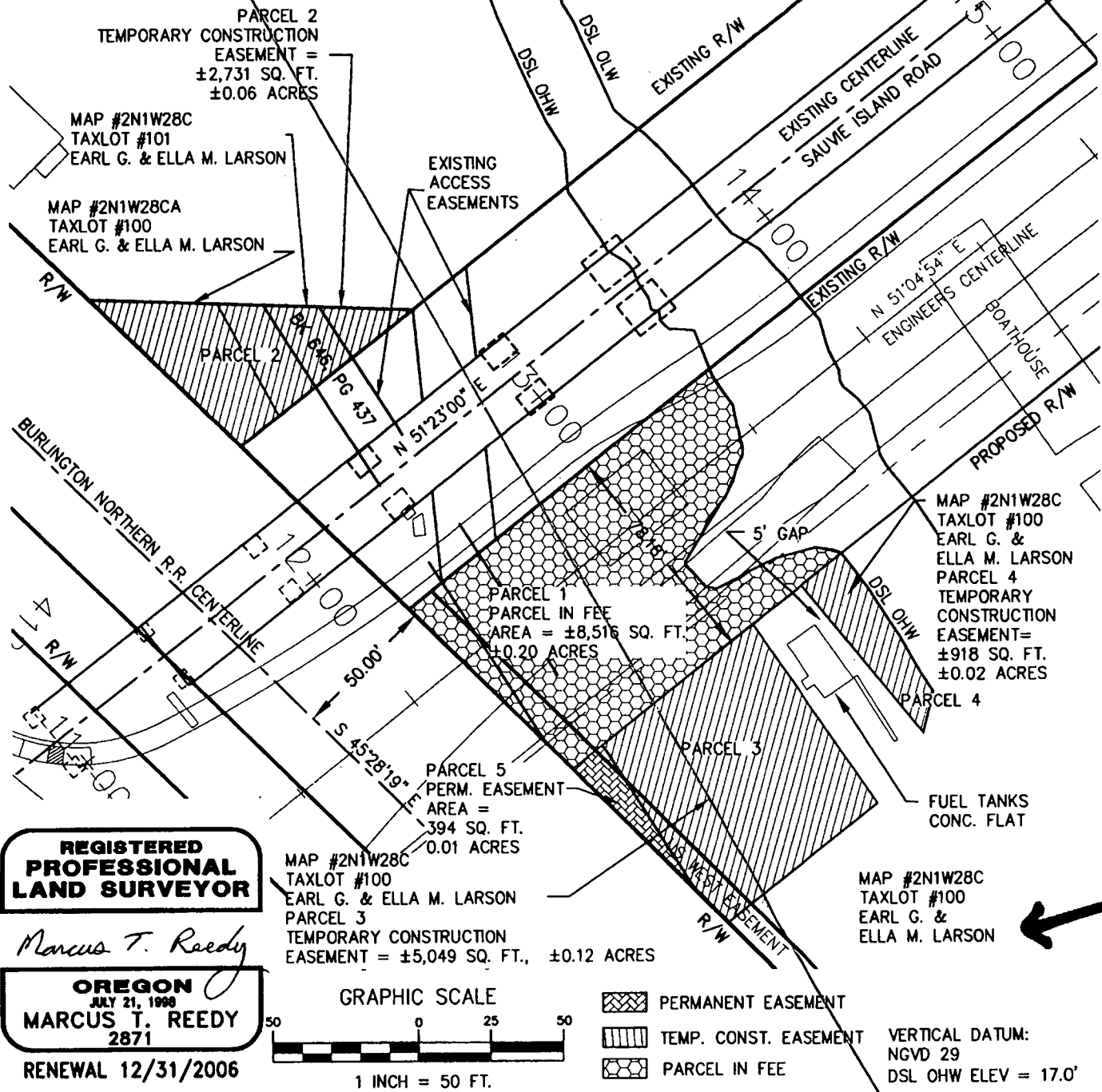
Bearings are based on the Oregon Coordinate System of 1983, North Zone.

The parcel of land to which this description applies contains 0.01 acres, more or less.



# EXHIBIT MAP

SECTION 28  
TOWNSHIP 2 NORTH, RANGE 1 WEST  
MULTNOMAH COUNTY, OREGON, WILLAMETTE MERIDIAN



**REGISTERED  
PROFESSIONAL  
LAND SURVEYOR**

*Marcus T. Reedy*

**OREGON**  
JULY 21, 1998  
**MARCUS T. REEDY**  
2871

RENEWAL 12/31/2006



**DAVID EVANS  
AND ASSOCIATES INC.**

530 Center Street N.E., Suite 605  
Salem Oregon 97301  
Phone: 503.381.8635

PROJECT **SAUVIE ISLAND BRIDGE REPLACEMENT**  
TITLE **SAUVIE ISLAND ROAD**  
**MULTNOMAH COUNTY**

FILE **ODOT00000460** DRAWN BY **BXL** DESIGN BY **MTR** SCALE **1" = 50'** DATE **02-07-05**

SHEET

**1**



EXHIBIT **E**  
PAGE **1** OF **5**

Marcus T. Reedy

**OREGON**  
JULY 21, 1998  
**MARCUS T. REEDY**  
2871

RENEWAL 12/31/2006

1 INCH = 100 FT.

 PARCEL IN FEE  
 TEMP. CONST. EASEMENT

~~VERTICAL DATUM: NGVD 29  
DSL OHW ELEV = 17.0'  
DSL OLV ELEV = 4.0'~~



**DAVID EVANS  
AND ASSOCIATES INC.**

**530 Center Street N.E., Suite 805  
Salem Oregon 97301  
Phone: 503.361.8635**

PROJECT	SAUVIE ISLAND BRIDGE REPLACEMENT
TITLE	SAUVIE ISLAND ROAD
	MULTNOMAH COUNTY

FILE	DRAWN BY	DESIGN BY	SCALE	DATE
00DOT000000460	BXL	GAC	1" = 100'	03-02-05

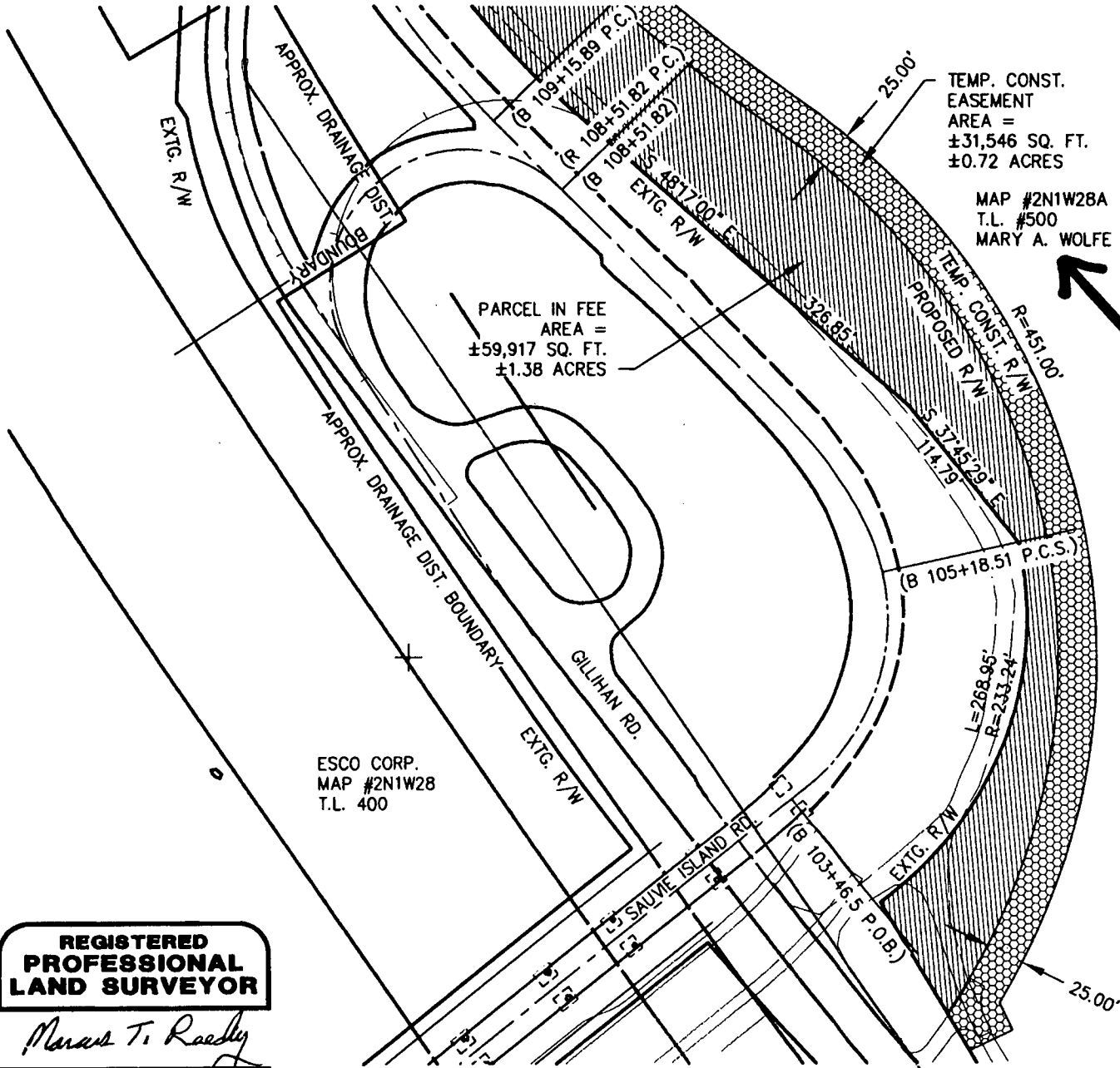
**SHIB**

1

EXHIBIT E  
PAGE 2 OF 5

# EXHIBIT MAP

SECTION 28, TOWNSHIP 2 NORTH, RANGE 1 WEST  
MULTNOMAH COUNTY, OREGON, WILLAMETTE MERIDIAN



TEMP. CONST.  
EASEMENT  
AREA =  
±31,546 SQ. FT.  
±0.72 ACRES

MAP #2N1W28A  
T.L. #500  
MARY A. WOLFE

PARCEL IN FEE  
AREA =  
±59,917 SQ. FT.  
±1.38 ACRES

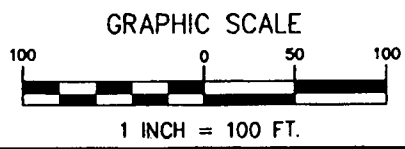
ESCO CORP.  
MAP #2N1W28  
T.L. 400

**REGISTERED  
PROFESSIONAL  
LAND SURVEYOR**

*Marcus T. Reedy*

**OREGON**  
JULY 21, 1998  
**MARCUS T. REEDY**  
2871

RENEWAL 12/31/2006



- TEMP. CONST. EASEMENT
- PARCEL IN FEE



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AND ASSOCIATES INC.**  
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Salem Oregon 97301  
Phone: 503.361.8635

PROJECT **SAUVIE ISLAND BRIDGE REPLACEMENT**  
TITLE **SAUVIE ISLAND ROAD**  
**MULTNOMAH COUNTY**

FILE **ODOT00000460** DRAWN BY **BXL** DESIGN BY **GAC** SCALE **1" = 100'** DATE **03-01-05**

SHEET

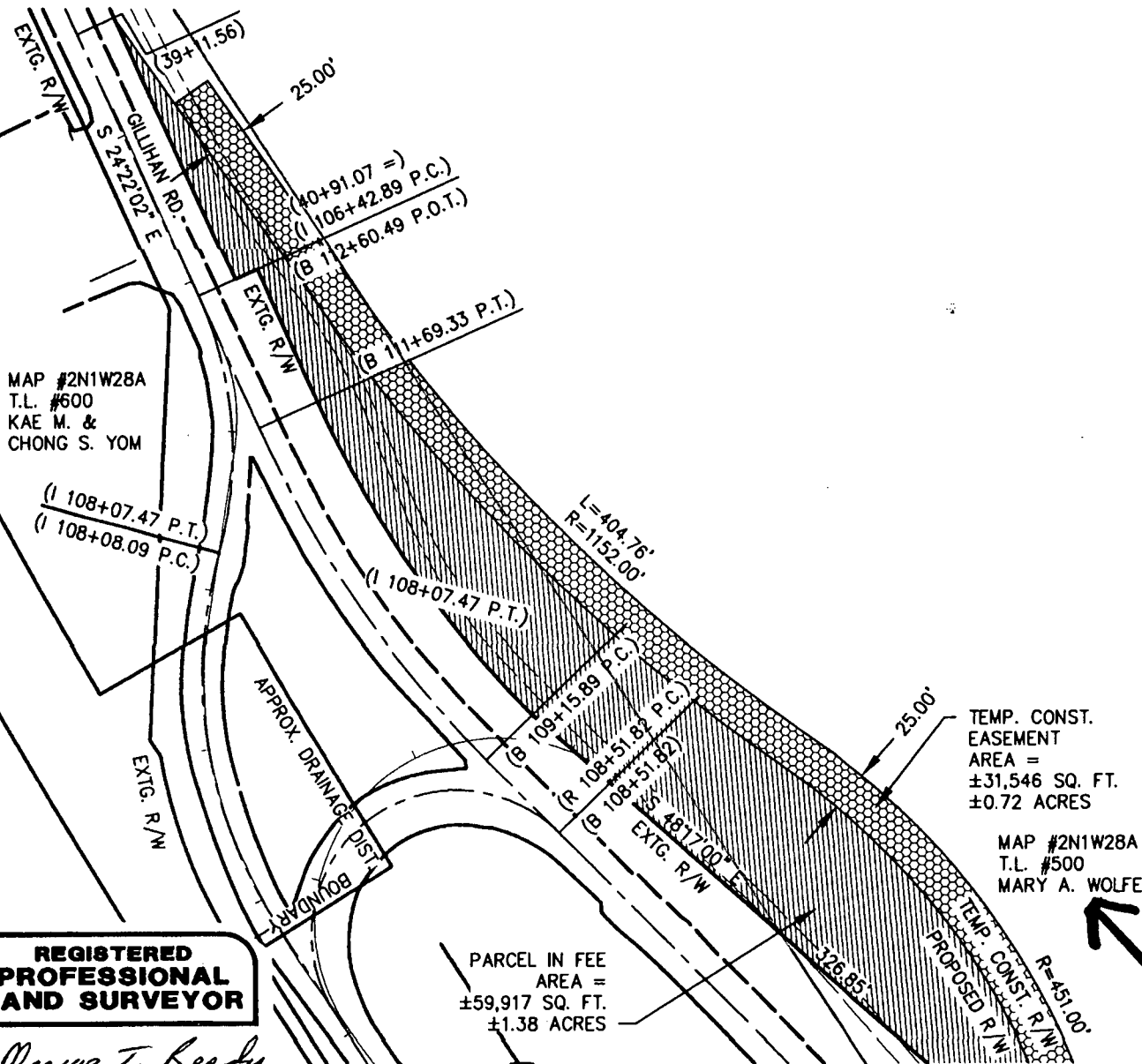
**1**

EXHIBIT **E**  
PAGE **3** OF **5**



# EXHIBIT MAP

SECTION 28  
TOWNSHIP 2 NORTH, RANGE 1 WEST  
MULTNOMAH COUNTY, OREGON, WILLAMETTE MERIDIAN



**REGISTERED  
PROFESSIONAL  
LAND SURVEYOR**

*Marcus T. Reedy*

**OREGON**  
JULY 21, 1998  
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2871

RENEWAL 12/31/2006



**DAVID EVANS  
AND ASSOCIATES INC.**

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Salem Oregon 97301  
Phone: 503.361.8635

PROJECT **SAUVIE ISLAND BRIDGE REPLACEMENT**  
TITLE **SAUVIE ISLAND ROAD**  
**MULTNOMAH COUNTY**

FILE **ODOT00000460** DRAWN BY **BXL** DESIGN BY **GAC** SCALE **1" = 100'** DATE **03-01-05**

EXHIBIT **E**  
PAGE **4** OF **5**

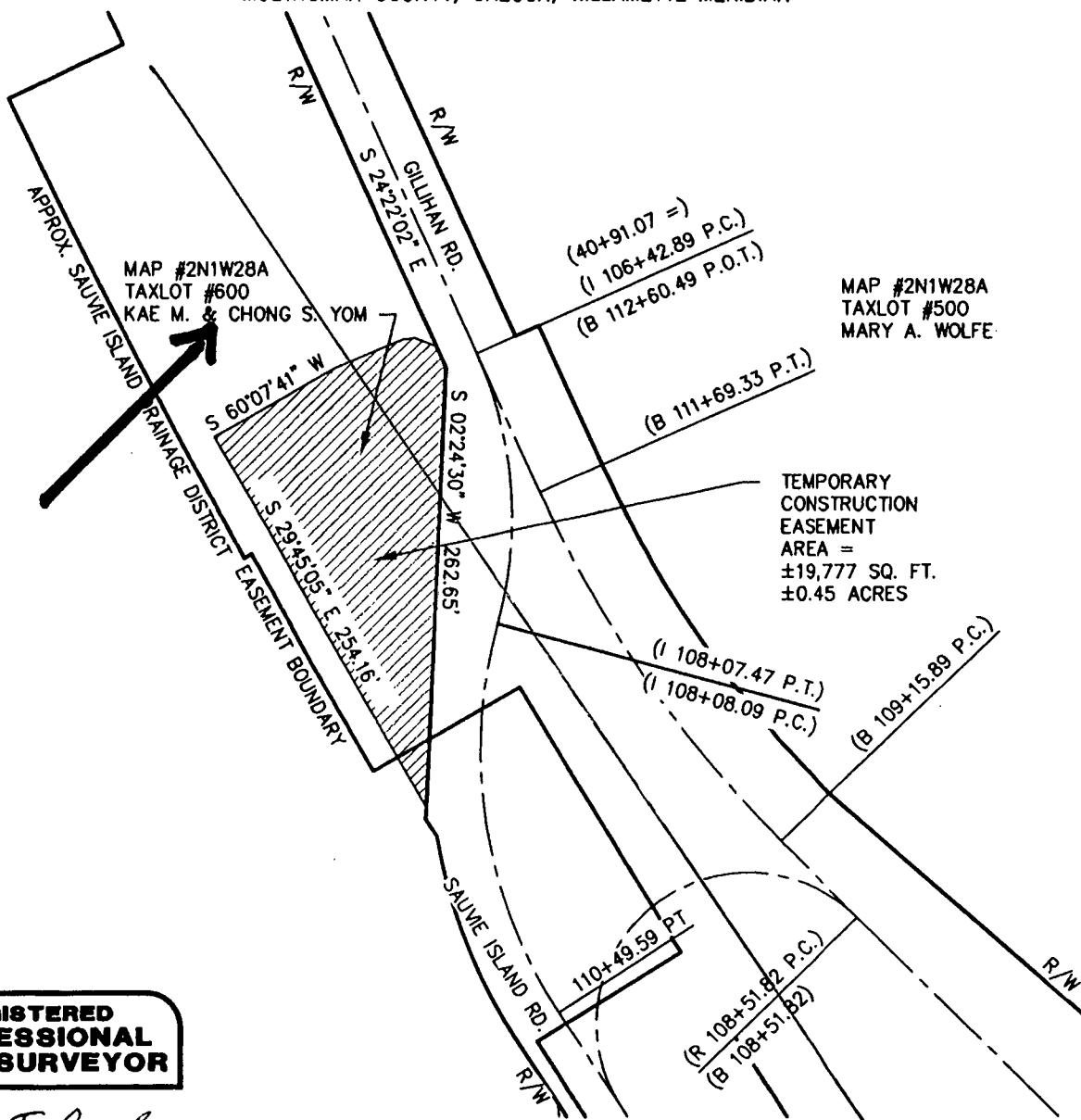
SHEET

**2**



# EXHIBIT MAP

SECTION 28  
TOWNSHIP 2 NORTH, RANGE 1 WEST  
MULTNOMAH COUNTY, OREGON, WILLAMETTE MERIDIAN

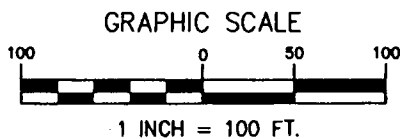


**REGISTERED  
PROFESSIONAL  
LAND SURVEYOR**

*Marcus T. Reedy*

**OREGON**  
JULY 21, 1998  
**MARCUS T. REEDY**  
2871

RENEWAL 12/31/2006



TEMP. CONST. EASEMENT



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AND ASSOCIATES INC.**

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Phone: 503.361.8635

PROJECT **SAUVIE ISLAND BRIDGE REPLACEMENT**  
TITLE **SAUVIE ISLAND ROAD**  
**MULTNOMAH COUNTY**

FILE **ODOT00000460** DRAWN BY **BXL** DESIGN BY **GAC** SCALE **1" = 100'** DATE **03-02-05**

SHEET

**1**

EXHIBIT **E**  
PAGE **5** OF **5**



**BOGSTAD Deborah L**

**From:** ROMERO Shelli D  
**Sent:** Wednesday, March 16, 2005 11:39 AM  
**To:** BOGSTAD Deborah L  
**Subject:** FW: 3 additional SI Parcels

FYI

Shelli Romero  
Office of Commissioner Maria Rojo de Steffey  
Multnomah County - District 1  
501 SE Hawthorne Blvd, Suite 600  
Portland, OR 97214  
(503) 988-4435 phone  
(503) 988-5440 fax  
[Shelli.D.Romero@co.multnomah.or.us](mailto:Shelli.D.Romero@co.multnomah.or.us)  
Se habla espanol

-----Original Message-----

**From:** CANNON Ian B  
**Sent:** Wednesday, March 16, 2005 11:34 AM  
**To:** ROMERO Shelli D  
**Cc:** GHEZZI Stan M; ENGBLOM Kris; RYAN Matthew O; MAESTRE Robert A  
**Subject:** 3 additional SI Parcels

Shelli:

Following up on our recent telephone conversation-

We overlooked 3 parcels in the legal descriptions that we submitted for our resolution that is on the agenda tomorrow. We are hoping to add these in to the resolution so that we can stay on track with our schedule. The three parcels are each aspects of the Larson property.

- 1) We need to temporarily (4 years or project duration) interfere with an existing easement that Larson has to use property under the existing bridge
- 2) We need to permanently acquire the area within the river that Larson has right to use through a lease from DSL (Department of State Lands). This is where the new bridge will go over the river and the existing marina.
- 3) We need to temporarily acquire area within the Larson's DSL lease for access of floating construction equipment and barges. This area will revert to Larson after completion of the project.

This is not the clearest description in the world. Fell free to call and I will try to explain better.

Thanks for your help.

*Ian B. Cannon, P.E.*  
Engineering Services Manager  
Multnomah County Bridge Section  
503-988-3757

## **BOGSTAD Deborah L**

---

**From:** KINOSHITA Carol  
**Sent:** Wednesday, March 16, 2005 12:05 PM  
**To:** BOGSTAD Deborah L  
**Cc:** CANNON Ian B; RYAN Matthew O  
**Subject:** RE: 3 additional SI Parcels

I understand the only change will be the addition of parcels to the Larson legal description and E (maps). I haven't seen these and believe David Evans & Assoc. is being asked to provide them.

-----Original Message-----

**From:** BOGSTAD Deborah L  
**Sent:** Wednesday, March 16, 2005 11:52 AM  
**To:** KINOSHITA Carol; RYAN Matthew O  
**Cc:** CANNON Ian B  
**Subject:** FW: 3 additional SI Parcels

See below – I'm waiting for a substitute resolution with the additional parcels – here's what I have if it helps to consolidate things:



**Deb Bogstad, Board Clerk**  
**Multnomah County Commissioners**  
**501 SE Hawthorne Boulevard, Suite 600**  
**Portland, Oregon 97214-3587**  
**(503) 988-3277 phone**  
**(503) 988-3013 fax**  
**[deborah.l.bogstad@co.multnomah.or.us](mailto:deborah.l.bogstad@co.multnomah.or.us)**  
**<http://www.co.multnomah.or.us/cc/index.shtml>**

-----Original Message-----

**From:** ROMERO Shelli D  
**Sent:** Wednesday, March 16, 2005 11:39 AM  
**To:** BOGSTAD Deborah L  
**Subject:** FW: 3 additional SI Parcels

FYI

Shelli Romero  
Office of Commissioner Maria Rojo de Steffey  
Multnomah County - District 1  
501 SE Hawthorne Blvd, Suite 600  
Portland, OR 97214  
(503) 988-4435 phone  
(503) 988-5440 fax  
[Shelli.D.Romero@co.multnomah.or.us](mailto:Shelli.D.Romero@co.multnomah.or.us)  
Se habla espanol

3/16/2005

-----Original Message-----

**From:** CANNON Ian B

**Sent:** Wednesday, March 16, 2005 11:34 AM

**To:** ROMERO Shelli D

**Cc:** GHEZZI Stan M; ENGBLOM Kris; RYAN Matthew O; MAESTRE Robert A

**Subject:** 3 additional SI Parcels

Shelli:

Following up on our recent telephone conversation-

We overlooked 3 parcels in the legal descriptions that we submitted for our resolution that is on the agenda tomorrow. We are hoping to add these in to the resolution so that we can stay on track with our schedule. The three parcels are each aspects of the Larson property.

- 1) We need to temporarily (4 years or project duration) interfere with an existing easement that Larson has to use property under the existing bridge
- 2) We need to permanently acquire the area within the river that Larson has right to use through a lease from DSL (Department of State Lands). This is where the new bridge will go over the river and the existing marina.
- 3) We need to temporarily acquire area within the Larson's DSL lease for access of floating construction equipment and barges. This area will revert to Larson after completion of the project.

This is not the clearest description in the world. Fell free to call and I will try to explain better.

Thanks for your help.

*Ian B. Cannon, P.E.*

Engineering Services Manager

Multnomah County Bridge Section

503-988-3757

# Collected Exhibit A

## EXHIBIT A

Page 1 of 7

**File 04-53**

Sauvie Island Bridge-Larson

3/16/05

### **Parcel 1 – Fee**

A parcel of land lying in the SW1/4 of Section 28, Township 2 North, Range 1 West, of the Willamette Meridian, Multnomah County, Oregon, and being a portion of that property described by memorandum of agreement for sale between Earl and Ella Larson, husband and wife, Sellers, and Kenneth L. Larson and Janet Jo Hirsch, as tenants in common, Purchasers, by instrument recorded as document no. 97145204, deed records of Multnomah County; the said parcel lying on the Easterly side of the former Burlington Northern Railroad right-of-way and on the Southerly side of the existing right-of-way for the Sauvie Island Bridge, being more particularly described as follows:

Beginning at the point of intersection of the Easterly right-of-way line of the former Burlington Northern Railroad (defined as a line drawn 50.00 feet Easterly from and parallel with the centerline of the existing rails) and the Southerly right-of-way line of the existing Sauvie Island Bridge, recorded August 19, 1949 in Book 1353 at Page 445, deed records of Multnomah County, which point lies South 85°06'03" East, a distance of 1987.63 feet from the one-quarter corner common to Sections 28 and 29, Township 2 North, Range 1 West, of the Willamette Meridian; thence following said railroad right-of-way, South 45°27'29" East, a distance of 11.57 feet; thence South 45°21'38" East, a distance of 48.57 feet; thence South 45°13'31" East, a distance of 19.06 feet; thence leaving said railroad right-of-way, North 51°04'54" East, a distance of 149.64 feet, more or less, to the line of ordinary low water on the right bank of the Multnomah Channel; thence following said line of ordinary low water, North 38°43'26" West, a distance of 16.42 feet; thence North 13°59'14" West, a distance of 16.89 feet; thence North 41°47'20" West, a distance of 15.01 feet; thence North 18°10'10" West, a distance of 20.68 feet; thence North 36°26'50" West, a distance of 11.72 feet to the aforementioned Southerly right-of-way line of the existing Sauvie Island Bridge; thence following said right-of-way, South 51°23'00" West, a distance of 172.76 feet to the point of beginning.

**EXCEPTING THEREFROM** rights of the public in and to that portion of the herein described parcel lying within the limits of streets, roads and highways.

**FURTHER EXCEPTING THEREFROM** all submerged and submersible lands lying between the line of ordinary high water and ordinary low water situated along the right bank of the Multnomah Channel fronting and abutting the above described parcel.

**EXHIBIT A**

Page 2 of 7

**File 04-53**

Sauvie Island Bridge-Larson

3/16/05

**SUBJECT TO** terms and conditions under that certain tideland lease from the State Land Board of the State of Oregon to Elden E. Persinger, dated February 3, 1950, to all tide and overflow land lying between main high water and main low water lines situated along the right bank of the Multnomah Channel fronting and abutting the above described parcel.

Bearings are based on the Oregon Coordinate System of 1983, North Zone.

The parcel of land to which this description applies contains 0.20 acres, more or less.

**Parcel 2 – Temporary Construction Easement - 4 years or duration of project, whichever is shorter.**

A parcel of land lying in the SW1/4 of Section 28, Township 2 North, Range 1 West, of the Willamette Meridian, Multnomah County, Oregon, and being a portion of that property described by memorandum of agreement for sale between Earl and Ella Larson, husband and wife, Sellers, and Kenneth L. Larson and Janet Jo Hirsch, as tenants in common, Purchasers, by instrument recorded as document no. 97145204, deed records of Multnomah County; the said parcel lying on the Easterly side of the former Burlington Northern Railroad right-of-way and on the northwesterly side of the existing right-of-way for the Sauvie Island Bridge and being more particularly described as follows:

Commencing at the point of intersection of the Easterly right-of-way line of the former Burlington Northern Railroad (defined as a line drawn 50.00 feet Easterly from and parallel with the centerline of the existing rails) and the southeasterly right-of-way line of the existing Sauvie Island Bridge, recorded August 19, 1949 in Book 1353 at Page 445, deed records of Multnomah County, which point lies South 85°06'03" East, a distance of 1987.63 feet from the one-quarter corner common to Sections 28 and 29, Township 2 North, Range 1 West, of the Willamette Meridian; thence North 45°28'19" West, following said railroad right-of-way, a distance of 80.57 feet to the northwesterly right-of-way line of said Sauvie Island Bridge and the TRUE POINT OF BEGINNING; thence continuing North 45°30'35" West along said railroad right-of-way, a distance of 72.73 feet, more or less, to the North line of Tract "C", according to the duly filed plat of Lucerne, recorded September 4, 1909 in Plat Book 475, Pages 75 and 76, Multnomah County Plat records; thence South 88°03'42" East along the North line of said Tract "C", a distance of 111.05 feet to the aforesaid northwesterly right-of-way line of the Sauvie Island Bridge; thence South 51°23'00" West along said right-of-way, a distance of 75.65 feet to the TRUE POINT OF BEGINNING.

**EXHIBIT A**

Page 3 of 7

**File 04-53**

Sauvie Island Bridge-Larson

3/16/05

Bearings are based on the Oregon Coordinate System of 1983, North Zone.

The parcel of land to which this description applies contains 0.06 acres, more or less.

**Parcel 3 – Temporary Construction Easement - 4 years or duration of project, whichever is shorter.**

A parcel of land lying in the SW1/4 of Section 28, Township 2 North, Range 1 West, of the Willamette Meridian, Multnomah County, Oregon, and being a portion of that property described by memorandum of agreement for sale between Earl and Ella Larson, husband and wife, Sellers, and Kenneth L. Larson and Janet Jo Hirsch, as tenants in common, Purchasers, by instrument recorded as document no. 97145204, deed records of Multnomah County; the said parcel lying on the easterly side of the former Burlington Northern Railroad right-of-way and adjoining the southeasterly side of the aforesaid Parcel 1 and being more particularly described as follows:

Commencing at the point of intersection of the Easterly right-of-way line of the former Burlington Northern Railroad (defined as a line drawn 50.00 feet Easterly from and parallel with the centerline of the existing rails) and the southeasterly right-of-way line of the existing Sauvie Island Bridge, recorded August 19, 1949 in Book 1353 at Page 445, deed records of Multnomah County, which point lies South 85°06'03" East, a distance of 1987.63 feet from the one-quarter corner common to Sections 28 and 29, Township 2 North, Range 1 West, of the Willamette Meridian; thence South 45°27'29" East, a distance of 11.57 feet; thence South 45°21'38" East, a distance of 48.57 feet; thence South 45°13'31" East, a distance of 47.58 feet; thence South 44°50'47" East, a distance of 31.97 feet to the TRUE POINT OF BEGINNING; thence continuing along said railroad-right of way South 44°50'47" East, a distance of 14.94 feet; thence leaving said railroad right-of-way North 51°04'54" East, a distance of 65.65 feet; thence North 34°21'16" West, a distance of 75.24 feet to a point on the southeasterly boundary of the herein described Parcel 1; thence South 51°04'54" West, a distance of 66.43 feet; thence South 32°30'42" East, a distance of 60.52 feet to the TRUE POINT OF BEGINNING.

Bearings are based on the Oregon Coordinate System of 1983, North Zone.

The parcel of land to which this description applies contains 0.12 acres, more or less.

**EXHIBIT A**

Page 4 of 7

**File 04-53**

Sauvie Island Bridge-Larson

3/16/05

**Parcel 4 – Temporary Construction Easement - 4 years or duration of project, whichever is shorter.**

A parcel of land lying in the SW1/4 of Section 28, Township 2 North, Range 1 West, of the Willamette Meridian, Multnomah County, Oregon, and being a portion of that property described by memorandum of agreement for sale between Earl and Ella Larson, husband

and wife, Sellers, and Kenneth L. Larson and Janet Jo Hirsch, as tenants in common, Purchasers, by instrument recorded as document no. 97145204, deed records of Multnomah County; the said parcel lying on the easterly side of the former Burlington Northern Railroad right-of-way and adjoining the southeasterly side of the aforesaid Parcel 3 and being more particularly described as follows:

Commencing at the point of intersection of the Easterly right-of-way line of the former Burlington Northern Railroad (defined as a line drawn 50.00 feet Easterly from and parallel with the centerline of the existing rails) and the southeasterly right-of-way line of the existing Sauvie Island Bridge, recorded August 19, 1949 in Book 1353 at Page 445, deed records of Multnomah County, which point lies South 85°06'03" East, a distance of 1987.63 feet from the one-quarter corner common to Sections 28 and 29, Township 2 North, Range 1 West, of the Willamette Meridian; thence South 45°27'29" East, a distance of 11.57 feet; thence South 45°21'38" East, a distance of 48.57 feet; thence South 45°13'31" East, a distance of 19.06 feet to the most southerly southeast corner of the above described Parcel 1; thence North 51°04'54" East along the southeasterly boundary of said Parcel 1, a distance of 101.04 feet to the TRUE POINT OF BEGINNING; thence South 38°55'06" East, a distance of 65.86 feet; more or less, to the line of ordinary high water on the right bank of the Multnomah Channel; thence following said line of ordinary high water, North 13°30'15" East, a distance of 14.68 feet; thence North 33°27'49" West, a distance of 7.55 feet; thence North 29°04'42" West, a distance of 15.21 feet; thence North 33°52'33" West, a distance of 6.75 feet; thence North 31°51'54" West, a distance of 12.99 feet; thence North 36°13'21" West, a distance of 5.14 feet; thence North 37°04'42" West, a distance of 9.66 feet to the most easterly corner of the herein described Parcel 1; thence leaving the line of ordinary high water of the Multnomah channel, South 51°04'54" West along the southeasterly boundary of said Parcel 1, a distance of 17.69 feet to the TRUE POINT OF BEGINNING.

Bearings are based on the Oregon Coordinate System of 1983, North Zone.

The parcel of land to which this description applies contains 0.02 acres, more or less.

## **EXHIBIT A**

Page 5 of 7

**File 04-53**

Sauvie Island Bridge-Larson

3/16/05

### **Parcel 5 – Permanent Easement for Road Approach**

A parcel of land lying in the SW1/4 of Section 28, Township 2 North, Range 1 West, of the Willamette Meridian, Multnomah County, Oregon, and being a portion of that property described by memorandum of agreement for sale between Earl and Ella Larson, husband and wife, Sellers, and Kenneth L. Larson and Janet Jo Hirsch, as tenants in common, Purchasers, by instrument recorded as document no. 97145204, deed records of

Multnomah County; the said parcel lying on the easterly side of the existing Burlington Northern Railroad right-of-way and adjoining the southeasterly side of the aforesaid Parcel 1 and being more particularly described as follows:

Commencing at the point of intersection of the Easterly right-of-way line of the Burlington Northern Railroad (defined as a line drawn 50.00 feet Easterly from and parallel with the centerline of the existing rails) and the southeasterly right-of-way line of the existing Sauvie Island Bridge, recorded August 19, 1949 in Book 1353 at Page 445, deed records of Multnomah County, which point lies South 85°06'03" East, a distance of 1987.63 feet from the one-quarter corner common to Sections 28 and 29, Township 2 North, Range 1 West, of the Willamette Meridian; thence South 45°27'29" East, a distance of 11.57 feet; thence South 45°21'38" East, a distance of 48.57 feet; thence South 45°13'31" East, a distance of 19.06 feet to the TRUE POINT OF BEGINNING; thence continuing along said railroad-right of way South 45°13'31" East, a distance of 28.52 feet; thence South 44°50'47" East, a distance of 31.97 feet; thence leaving said railroad right-of-way North 32°30'42" West, a distance of 60.52 feet to a point on the southeasterly boundary of the herein described Parcel 1; thence South 51°04'54" West, a distance of 13.19 feet to the TRUE POINT OF BEGINNING.

Bearings are based on the Oregon Coordinate System of 1983, North Zone.

The parcel of land to which this description applies contains 0.01 acres, more or less.

### **Parcel 6 – Assignment of Interest in Submerged and Submersible Land Lease**

A parcel of land lying in the SW1/4 of Section 28, Township 2 North, Range 1 West, of the Willamette Meridian, Multnomah County, Oregon, and being a portion of State of Oregon, Division of State Lands, Submerged an Submersible Land Lease, assignment of lease number ML-7870 to KD & J, Inc., an Oregon Corporation, Lessee, dated October 22, 1996; the said parcel lying on the easterly side of aforesaid Parcel 1 and Parcel 4 and being more particularly described as follows:



## EXHIBIT A

Page 6 of 7

**File 04-53**

Sauvie Island Bridge-Larson

3/16/05

A strip of land, 80.00 feet in width, the southeasterly boundary lying 80.00 feet from, as measured at right angles to and parallel with the existing southeasterly right-of-way of the Sauvie Island Bridge, recorded August 19, 1949 in Book 1353 at Page 445, deed records of Multnomah County, and bounded on the southwest by the easterly boundary of the aforesaid Parcel 1 and Parcel 4.

The parcel of land to which this description applies contains 0.29 acres, more or less.

**Parcel 7 – Temporary Construction Easement - 4 years or duration of project, whichever is shorter.**

A parcel of land lying in the SW1/4 of Section 28, Township 2 North, Range 1 West, of the Willamette Meridian, Multnomah County, Oregon, and being a portion of State of Oregon, Division of State Lands (DSL), Submerged an Submersible Land Lease, assignment of lease number ML-7870 to KD & J, Inc., an Oregon Corporation, Lessee, dated October 22, 1996; the said parcel lying on the easterly side of aforesaid Parcel 4 and being more particularly described as follows:

Commencing at the point of intersection of the Easterly right-of-way line of the former Burlington Northern Railroad (defined as a line drawn 50.00 feet Easterly from and parallel with the centerline of the existing rails) and the southeasterly right-of-way line of the existing Sauvie Island Bridge, recorded August 19, 1949 in Book 1353 at Page 445, deed records of Multnomah County, which point lies South 85°06'03" East, a distance of 1987.63 feet from the one-quarter corner common to Sections 28 and 29, Township 2 North, Range 1 West, of the Willamette Meridian; thence South 45°27'29" East, a distance of 11.57 feet; thence South 45°21'38" East, a distance of 48.57 feet; thence South 45°13'31" East, a distance of 19.06 feet to the most southerly corner of the above described Parcel 1; thence North 51°04'54" East along the southeasterly boundary of said Parcel 1, a distance of 118.73 feet to the most northerly corner of the above described Parcel 4 and the TRUE POINT OF BEGINNING; thence North 51°04'54" East on a northeasterly projection of said southeasterly boundary, a distance of 146.34 feet, more or less, to the easterly boundary of aforesaid DSL lease number ML-7870; thence following said easterly boundary South 40°10'52" East, a distance of 90.00 feet; thence leaving said easterly boundary, South 51°04'54" West, a distance of 157.54 feet, more or less, to the line of ordinary high water on the right bank of the Multnomah Channel; thence following said line of ordinary high water, North 33°27'49" West, a distance of 40.77 feet; thence North 29°04'42" West, a distance of 15.21 feet; thence North 33°52'33" West, a distance of 6.75 feet; thence North 31°51'54" West, a distance of 12.99 feet; thence North 36°13'21" West, a distance of 5.14 feet; thence North 37°04'42" West, a distance of 9.66 feet to the TRUE POINT OF BEGINNING.

## EXHIBIT A

Page 7 of 7

**File 04-53**

Sauvie Island Bridge-Larson

3/16/05

Bearings are based on the Oregon Coordinate System of 1983, North Zone.

The parcel of land to which this description applies contains 0.31 acres, more or less.

**Parcel 8 – Temporary Construction Easement - 4 years or duration of project, whichever is shorter.**

A parcel of land lying in the NE1/4SW1/4 of Section 28, Township 2 North, Range 1 West, of the Willamette Meridian, Multnomah County, Oregon, and being that property described by warranty deed between Irene Daly, et al, grantors, to the State of Oregon, by and through its State Highway Commission, grantees, by instrument recorded in Book 1353 at page 445, deed records of Multnomah County, the said parcel lying on the Easterly side of the existing Burlington Northern Railroad right-of-way and comprising a portion of the existing right-of-way for the Sauvie Island Bridge, being more particularly described as follows:

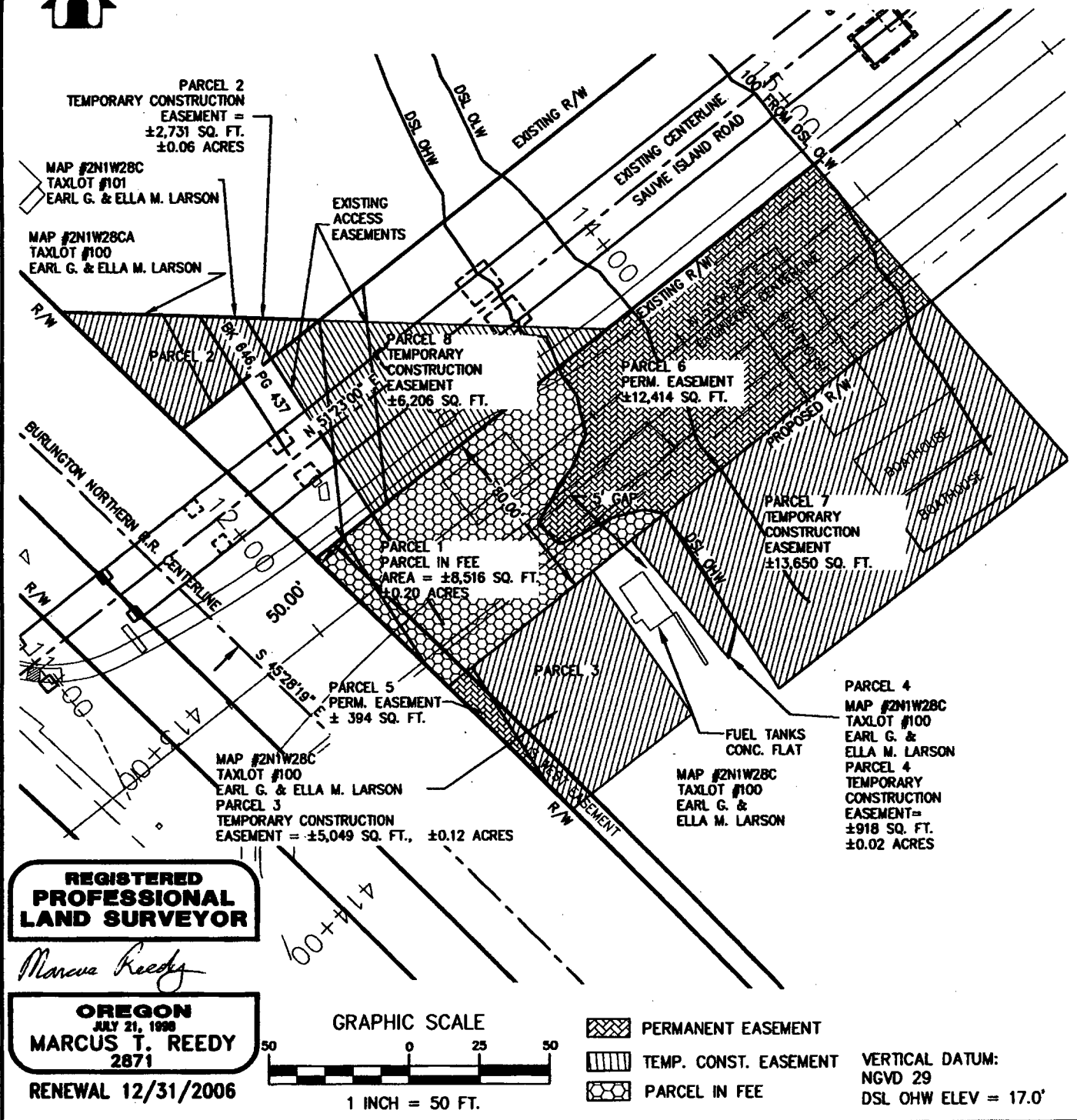
Commencing at the point of intersection of the Easterly right-of-way line of the former Burlington Northern/Santa Fe Railroad (defined as a line drawn 50.00 feet Easterly from and parallel with the centerline of the existing rails) and the Southeasterly right-of-way line of the existing Sauvie Island Bridge, recorded July 15, 1949 in Book 1353 at Page 445, deed records of Multnomah County, which point lies South 85°06'03" East, a distance of 1987.63 feet from the one-quarter corner common to Sections 28 and 29, Township 2 North, Range 1 West, of the Willamette Meridian; thence North 51°23'00" East, along said Southeasterly right-of-way line, a distance of 30.87 feet to the easterly right-of-way boundary of an easement granted to International Wood Products Company by instrument recorded October 28, 1941 in Book 646 at Page 437, deed records of Multnomah County, and the TRUE POINT OF BEGINNING; thence following the easterly boundary of said easement, North 32°30'42" West, a distance of 80.46 feet to the Northwesterly right-of-way line of the aforesaid Sauvie Island Bridge; thence following said Northwesterly right-of-way line, North 51°23'00" East, a distance of 26.55 feet, more or less, to the North line of Tract "C", according to the duly filed plat of Lucerne, recorded September 4, 1909 in Plat Book 475, Pages 75 and 76, Multnomah County Plat records; thence South 88°03'42" East along the North line of said Tract "C", a distance of 123.04 feet to the aforesaid Southeasterly right-of-way line of the Sauvie Island Bridge; thence South 51°23'00" West along said Southeasterly right-of-way line, a distance of 128.60 feet to the TRUE POINT OF BEGINNING.

The parcel of land to which this description applies contains 0.14 acres, more or less.

Bearings are based on the Oregon Coordinate System of 1983, North Zone.



# EXHIBIT MAP



**DAVID EVANS  
AND ASSOCIATES INC.**

530 Center Street N.E., Suite 605  
Salem Oregon 97301  
Phone: 503.361.8635

**PROJECT: SAUVIE ISLAND BRIDGE REPLACEMENT**  
**TITLE: SAUVIE ISLAND ROAD**  
**MULTNOMAH COUNTY**

**FILE: ODOT00000460** **DRAWN BY: BXL** **DESIGN BY: MTR** **SCALE: 1" = 50'** **DATE: 03-15-05**

SHEET

1



CORRECTED EXHIBIT E  
PAGE 1 of 5

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 05-040**

Authorizing Condemnation and Immediate Possession of Real Property Interests for the Purpose of Constructing the New Sauvie Island Bridge and Removing the Existing Bridge

**The Multnomah County Board of Commissioners Finds:**

- a. It is necessary for Multnomah County to acquire the real property interests described in the attached Exhibits A through D (the property) for the purpose of constructing and operating the new Sauvie Island Bridge and to remove the existing bridge to the Island (collectively referred to as the "Project").
- b. The existing Sauvie Island Bridge is the only road access to the Island and is currently weight restricted due to damage apparently caused by traffic and vehicle loads that are outside its design limits.
- c. The Project has been planned and located in a manner that is most compatible with the greatest public good and the least private injury. The attached map, Exhibit E, shows the approximate location of the Project and the property to be acquired.
- d. It is necessary to take immediate possession of the property to allow construction to proceed and be completed on schedule and within budgetary limitations.

**The Multnomah County Board of Commissioners Resolves:**

1. It is necessary for Multnomah County to acquire the property described in the attached exhibits for the Project.
2. In the event that no satisfactory agreement can be reached with the owners of the property as to the purchase price, legal counsel is authorized and directed to commence and prosecute to final determination such condemnation proceedings as may be necessary to acquire the property. Such action shall be in accordance with all applicable laws, rules and regulations governing such acquisition.
3. Upon final determination of any such proceeding, the deposit of funds and payment of judgment conveying the property to the County is authorized.
4. It is necessary to obtain possession of the property as soon as possible to allow construction to proceed and be completed on schedule and within its budgetary limits.

5. Legal counsel is authorized and directed to take such action in accordance with law to obtain possession of the property as soon as possible.
6. There is authorized the creation of a fund in the amount of the estimate of just compensation for said property, which shall, upon obtaining possession of the property, be deposited with the clerk of the court wherein the action was commenced for the use of the defendants in the action, and the Director of the Finance Division is authorized to draw a warrant on the Road Fund of the County in such sum for deposit.

ADOPTED this 17th day of March, 2005.




BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, County Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Matthew O. Ryan, Assistant County Attorney

## EXHIBIT A

Page 1 of 7

**File 04-53**

Sauvie Island Bridge-Larson

3/16/05

### **Parcel 1 – Fee**

A parcel of land lying in the SW1/4 of Section 28, Township 2 North, Range 1 West, of the Willamette Meridian, Multnomah County, Oregon, and being a portion of that property described by memorandum of agreement for sale between Earl and Ella Larson, husband and wife, Sellers, and Kenneth L. Larson and Janet Jo Hirsch, as tenants in common, Purchasers, by instrument recorded as document no. 97145204, deed records of Multnomah County; the said parcel lying on the Easterly side of the former Burlington Northern Railroad right-of-way and on the Southerly side of the existing right-of-way for the Sauvie Island Bridge, being more particularly described as follows:

Beginning at the point of intersection of the Easterly right-of-way line of the former Burlington Northern Railroad (defined as a line drawn 50.00 feet Easterly from and parallel with the centerline of the existing rails) and the Southerly right-of-way line of the existing Sauvie Island Bridge, recorded August 19, 1949 in Book 1353 at Page 445, deed records of Multnomah County, which point lies South 85°06'03" East, a distance of 1987.63 feet from the one-quarter corner common to Sections 28 and 29, Township 2 North, Range 1 West, of the Willamette Meridian; thence following said railroad right-of-way, South 45°27'29" East, a distance of 11.57 feet; thence South 45°21'38" East, a distance of 48.57 feet; thence South 45°13'31" East, a distance of 19.06 feet; thence leaving said railroad right-of-way, North 51°04'54" East, a distance of 149.64 feet, more or less, to the line of ordinary low water on the right bank of the Multnomah Channel; thence following said line of ordinary low water, North 38°43'26" West, a distance of 16.42 feet; thence North 13°59'14" West, a distance of 16.89 feet; thence North 41°47'20" West, a distance of 15.01 feet; thence North 18°10'10" West, a distance of 20.68 feet; thence North 36°26'50" West, a distance of 11.72 feet to the aforementioned Southerly right-of-way line of the existing Sauvie Island Bridge; thence following said right-of-way, South 51°23'00" West, a distance of 172.76 feet to the point of beginning.

**EXCEPTING THEREFROM** rights of the public in and to that portion of the herein described parcel lying within the limits of streets, roads and highways.

**FURTHER EXCEPTING THEREFROM** all submerged and submersible lands lying between the line of ordinary high water and ordinary low water situated along the right bank of the Multnomah Channel fronting and abutting the above described parcel.

**EXHIBIT A**

Page 2 of 7

**File 04-53**

Sauvie Island Bridge-Larson

3/16/05

**SUBJECT TO** terms and conditions under that certain tideland lease from the State Land Board of the State of Oregon to Elden E. Persinger, dated February 3, 1950, to all tide and overflow land lying between main high water and main low water lines situated along the right bank of the Multnomah Channel fronting and abutting the above described parcel.

Bearings are based on the Oregon Coordinate System of 1983, North Zone.

The parcel of land to which this description applies contains 0.20 acres, more or less.

**Parcel 2 – Temporary Construction Easement - 4 years or duration of project, whichever is shorter.**

A parcel of land lying in the SW1/4 of Section 28, Township 2 North, Range 1 West, of the Willamette Meridian, Multnomah County, Oregon, and being a portion of that property described by memorandum of agreement for sale between Earl and Ella Larson, husband and wife, Sellers, and Kenneth L. Larson and Janet Jo Hirsch, as tenants in common, Purchasers, by instrument recorded as document no. 97145204, deed records of Multnomah County; the said parcel lying on the Easterly side of the former Burlington Northern Railroad right-of-way and on the northwesterly side of the existing right-of-way for the Sauvie Island Bridge and being more particularly described as follows:

Commencing at the point of intersection of the Easterly right-of-way line of the former Burlington Northern Railroad (defined as a line drawn 50.00 feet Easterly from and parallel with the centerline of the existing rails) and the southeasterly right-of-way line of the existing Sauvie Island Bridge, recorded August 19, 1949 in Book 1353 at Page 445, deed records of Multnomah County, which point lies South 85°06'03" East, a distance of 1987.63 feet from the one-quarter corner common to Sections 28 and 29, Township 2 North, Range 1 West, of the Willamette Meridian; thence North 45°28'19" West, following said railroad right-of-way, a distance of 80.57 feet to the northwesterly right-of-way line of said Sauvie Island Bridge and the TRUE POINT OF BEGINNING; thence continuing North 45°30'35" West along said railroad right-of-way, a distance of 72.73 feet, more or less, to the North line of Tract "C", according to the duly filed plat of Lucerne, recorded September 4, 1909 in Plat Book 475, Pages 75 and 76, Multnomah County Plat records; thence South 88°03'42" East along the North line of said Tract "C", a distance of 111.05 feet to the aforesaid northwesterly right-of-way line of the Sauvie Island Bridge; thence South 51°23'00" West along said right-of-way, a distance of 75.65 feet to the TRUE POINT OF BEGINNING.

**EXHIBIT A**

Page 3 of 7

**File 04-53**

Sauvie Island Bridge-Larson

3/16/05

Bearings are based on the Oregon Coordinate System of 1983, North Zone.

The parcel of land to which this description applies contains 0.06 acres, more or less.

**Parcel 3 – Temporary Construction Easement - 4 years or duration of project, whichever is shorter.**

A parcel of land lying in the SW1/4 of Section 28, Township 2 North, Range 1 West, of the Willamette Meridian, Multnomah County, Oregon, and being a portion of that property described by memorandum of agreement for sale between Earl and Ella Larson, husband and wife, Sellers, and Kenneth L. Larson and Janet Jo Hirsch, as tenants in common, Purchasers, by instrument recorded as document no. 97145204, deed records of Multnomah County; the said parcel lying on the easterly side of the former Burlington Northern Railroad right-of-way and adjoining the southeasterly side of the aforesaid Parcel 1 and being more particularly described as follows:

Commencing at the point of intersection of the Easterly right-of-way line of the former Burlington Northern Railroad (defined as a line drawn 50.00 feet Easterly from and parallel with the centerline of the existing rails) and the southeasterly right-of-way line of the existing Sauvie Island Bridge, recorded August 19, 1949 in Book 1353 at Page 445, deed records of Multnomah County, which point lies South 85°06'03" East, a distance of 1987.63 feet from the one-quarter corner common to Sections 28 and 29, Township 2 North, Range 1 West, of the Willamette Meridian; thence South 45°27'29" East, a distance of 11.57 feet; thence South 45°21'38" East, a distance of 48.57 feet; thence South 45°13'31" East, a distance of 47.58 feet; thence South 44°50'47" East, a distance of 31.97 feet to the TRUE POINT OF BEGINNING; thence continuing along said railroad-right of way South 44°50'47" East, a distance of 14.94 feet; thence leaving said railroad right-of-way North 51°04'54" East, a distance of 65.65 feet; thence North 34°21'16" West, a distance of 75.24 feet to a point on the southeasterly boundary of the herein described Parcel 1; thence South 51°04'54" West, a distance of 66.43 feet; thence South 32°30'42" East, a distance of 60.52 feet to the TRUE POINT OF BEGINNING.

Bearings are based on the Oregon Coordinate System of 1983, North Zone.

The parcel of land to which this description applies contains 0.12 acres, more or less.



## EXHIBIT A

Page 4 of 7

**File 04-53**

Sauvie Island Bridge-Larson

3/16/05

### **Parcel 4 – Temporary Construction Easement - 4 years or duration of project, whichever is shorter.**

A parcel of land lying in the SW1/4 of Section 28, Township 2 North, Range 1 West, of the Willamette Meridian, Multnomah County, Oregon, and being a portion of that property described by memorandum of agreement for sale between Earl and Ella Larson, husband

and wife, Sellers, and Kenneth L. Larson and Janet Jo Hirsch, as tenants in common, Purchasers, by instrument recorded as document no. 97145204, deed records of Multnomah County; the said parcel lying on the easterly side of the former Burlington Northern Railroad right-of-way and adjoining the southeasterly side of the aforesaid Parcel 3 and being more particularly described as follows:

Commencing at the point of intersection of the Easterly right-of-way line of the former Burlington Northern Railroad (defined as a line drawn 50.00 feet Easterly from and parallel with the centerline of the existing rails) and the southeasterly right-of-way line of the existing Sauvie Island Bridge, recorded August 19, 1949 in Book 1353 at Page 445, deed records of Multnomah County, which point lies South 85°06'03" East, a distance of 1987.63 feet from the one-quarter corner common to Sections 28 and 29, Township 2 North, Range 1 West, of the Willamette Meridian; thence South 45°27'29" East, a distance of 11.57 feet; thence South 45°21'38" East, a distance of 48.57 feet; thence South 45°13'31" East, a distance of 19.06 feet to the most southerly southeast corner of the above described Parcel 1; thence North 51°04'54" East along the southeasterly boundary of said Parcel 1, a distance of 101.04 feet to the TRUE POINT OF BEGINNING; thence South 38°55'06" East, a distance of 65.86 feet; more or less, to the line of ordinary high water on the right bank of the Multnomah Channel; thence following said line of ordinary high water, North 13°30'15" East, a distance of 14.68 feet; thence North 33°27'49" West, a distance of 7.55 feet; thence North 29°04'42" West, a distance of 15.21 feet; thence North 33°52'33" West, a distance of 6.75 feet; thence North 31°51'54" West, a distance of 12.99 feet; thence North 36°13'21" West, a distance of 5.14 feet; thence North 37°04'42" West, a distance of 9.66 feet to the most easterly corner of the herein described Parcel 1; thence leaving the line of ordinary high water of the Multnomah channel, South 51°04'54" West along the southeasterly boundary of said Parcel 1, a distance of 17.69 feet to the TRUE POINT OF BEGINNING.

Bearings are based on the Oregon Coordinate System of 1983, North Zone.

The parcel of land to which this description applies contains 0.02 acres, more or less.

## **EXHIBIT A**

Page 5 of 7

**File 04-53**

Sauvie Island Bridge-Larson

3/16/05

### **Parcel 5 – Permanent Easement for Road Approach**

A parcel of land lying in the SW1/4 of Section 28, Township 2 North, Range 1 West, of the Willamette Meridian, Multnomah County, Oregon, and being a portion of that property described by memorandum of agreement for sale between Earl and Ella Larson, husband and wife, Sellers, and Kenneth L. Larson and Janet Jo Hirsch, as tenants in common, Purchasers, by instrument recorded as document no. 97145204, deed records of

Multnomah County; the said parcel lying on the easterly side of the existing Burlington Northern Railroad right-of-way and adjoining the southeasterly side of the aforesaid Parcel 1 and being more particularly described as follows:

Commencing at the point of intersection of the Easterly right-of-way line of the Burlington Northern Railroad (defined as a line drawn 50.00 feet Easterly from and parallel with the centerline of the existing rails) and the southeasterly right-of-way line of the existing Sauvie Island Bridge, recorded August 19, 1949 in Book 1353 at Page 445, deed records of Multnomah County, which point lies South 85°06'03" East, a distance of 1987.63 feet from the one-quarter corner common to Sections 28 and 29, Township 2 North, Range 1 West, of the Willamette Meridian; thence South 45°27'29" East, a distance of 11.57 feet; thence South 45°21'38" East, a distance of 48.57 feet; thence South 45°13'31" East, a distance of 19.06 feet to the TRUE POINT OF BEGINNING; thence continuing along said railroad-right of way South 45°13'31" East, a distance of 28.52 feet; thence South 44°50'47" East, a distance of 31.97 feet; thence leaving said railroad right-of-way North 32°30'42" West, a distance of 60.52 feet to a point on the southeasterly boundary of the herein described Parcel 1; thence South 51°04'54" West, a distance of 13.19 feet to the TRUE POINT OF BEGINNING.

Bearings are based on the Oregon Coordinate System of 1983, North Zone.

The parcel of land to which this description applies contains 0.01 acres, more or less.

### **Parcel 6 – Assignment of Interest in Submerged and Submersible Land Lease**

A parcel of land lying in the SW1/4 of Section 28, Township 2 North, Range 1 West, of the Willamette Meridian, Multnomah County, Oregon, and being a portion of State of Oregon, Division of State Lands, Submerged and Submersible Land Lease, assignment of lease number ML-7870 to KD & J, Inc., an Oregon Corporation, Lessee, dated October 22, 1996; the said parcel lying on the easterly side of aforesaid Parcel 1 and Parcel 4 and being more particularly described as follows:

## EXHIBIT A

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**File 04-53**

Sauvie Island Bridge-Larson

3/16/05

A strip of land, 80.00 feet in width, the southeasterly boundary lying 80.00 feet from, as measured at right angles to and parallel with the existing southeasterly right-of-way of the Sauvie Island Bridge, recorded August 19, 1949 in Book 1353 at Page 445, deed records of Multnomah County, and bounded on the southwest by the easterly boundary of the aforesaid Parcel 1 and Parcel 4.

The parcel of land to which this description applies contains 0.29 acres, more or less.

### **Parcel 7 – Temporary Construction Easement - 4 years or duration of project, whichever is shorter.**

A parcel of land lying in the SW1/4 of Section 28, Township 2 North, Range 1 West, of the Willamette Meridian, Multnomah County, Oregon, and being a portion of State of Oregon, Division of State Lands (DSL), Submerged an Submersible Land Lease, assignment of lease number ML-7870 to KD & J, Inc., an Oregon Corporation, Lessee, dated October 22, 1996; the said parcel lying on the easterly side of aforesaid Parcel 4 and being more particularly described as follows:

Commencing at the point of intersection of the Easterly right-of-way line of the former Burlington Northern Railroad (defined as a line drawn 50.00 feet Easterly from and parallel with the centerline of the existing rails) and the southeasterly right-of-way line of the existing Sauvie Island Bridge, recorded August 19, 1949 in Book 1353 at Page 445, deed records of Multnomah County, which point lies South 85°06'03" East, a distance of 1987.63 feet from the one-quarter corner common to Sections 28 and 29, Township 2 North, Range 1 West, of the Willamette Meridian; thence South 45°27'29" East, a distance of 11.57 feet; thence South 45°21'38" East, a distance of 48.57 feet; thence South 45°13'31" East, a distance of 19.06 feet to the most southerly corner of the above described Parcel 1; thence North 51°04'54" East along the southeasterly boundary of said Parcel 1, a distance of 118.73 feet to the most northerly corner of the above described Parcel 4 and the TRUE POINT OF BEGINNING; thence North 51°04'54" East on a northeasterly projection of said southeasterly boundary, a distance of 146.34 feet, more or less, to the easterly boundary of aforesaid DSL lease number ML-7870; thence following said easterly boundary South 40°10'52" East, a distance of 90.00 feet; thence leaving said easterly boundary, South 51°04'54" West, a distance of 157.54 feet, more or less, to the line of ordinary high water on the right bank of the Multnomah Channel; thence following said line of ordinary high water, North 33°27'49" West, a distance of 40.77 feet; thence North 29°04'42" West, a distance of 15.21 feet; thence North 33°52'33" West, a distance of 6.75 feet; thence North 31°51'54" West, a distance of 12.99 feet; thence North 36°13'21" West, a distance of 5.14 feet; thence North 37°04'42" West, a distance of 9.66 feet to the TRUE POINT OF BEGINNING.

## EXHIBIT A

Page 7 of 7

**File 04-53**

Sauvie Island Bridge-Larson

3/16/05

Bearings are based on the Oregon Coordinate System of 1983, North Zone.

The parcel of land to which this description applies contains 0.31 acres, more or less.

**Parcel 8 – Temporary Construction Easement - 4 years or duration of project, whichever is shorter.**

A parcel of land lying in the NE1/4SW1/4 of Section 28, Township 2 North, Range 1 West, of the Willamette Meridian, Multnomah County, Oregon, and being that property described by warranty deed between Irene Daly, et al, grantors, to the State of Oregon, by and through its State Highway Commission, grantees, by instrument recorded in Book 1353 at page 445, deed records of Multnomah County, the said parcel lying on the Easterly side of the existing Burlington Northern Railroad right-of-way and comprising a portion of the existing right-of-way for the Sauvie Island Bridge, being more particularly described as follows:

Commencing at the point of intersection of the Easterly right-of-way line of the former Burlington Northern/Santa Fe Railroad (defined as a line drawn 50.00 feet Easterly from and parallel with the centerline of the existing rails) and the Southeasterly right-of-way line of the existing Sauvie Island Bridge, recorded July 15, 1949 in Book 1353 at Page 445, deed records of Multnomah County, which point lies South 85°06'03" East, a distance of 1987.63 feet from the one-quarter corner common to Sections 28 and 29, Township 2 North, Range 1 West, of the Willamette Meridian; thence North 51°23'00" East, along said Southeasterly right-of-way line, a distance of 30.87 feet to the easterly right-of-way boundary of an easement granted to International Wood Products Company by instrument recorded October 28, 1941 in Book 646 at Page 437, deed records of Multnomah County, and the TRUE POINT OF BEGINNING; thence following the easterly boundary of said easement, North 32°30'42" West, a distance of 80.46 feet to the Northwestern right-of-way line of the aforesaid Sauvie Island Bridge; thence following said Northwestern right-of-way line, North 51°23'00" East, a distance of 26.55 feet, more or less, to the North line of Tract "C", according to the duly filed plat of Lucerne, recorded September 4, 1909 in Plat Book 475, Pages 75 and 76, Multnomah County Plat records; thence South 88°03'42" East along the North line of said Tract "C", a distance of 123.04 feet to the aforesaid Southeasterly right-of-way line of the Sauvie Island Bridge; thence South 51°23'00" West along said Southeasterly right-of-way line, a distance of 128.60 feet to the TRUE POINT OF BEGINNING.

The parcel of land to which this description applies contains 0.14 acres, more or less.

Bearings are based on the Oregon Coordinate System of 1983, North Zone.

## EXHIBIT B

Page 1 of 5  
File 04-54  
Sauvie Island Bridge-Esco  
2/28/05

### Parcel 1 – Fee

A parcel of land lying in the North 1/2 of Section 28, Township 2 North, Range 1 West, of the Willamette Meridian, Multnomah County, Oregon, and being a portion of that property described by warranty deed between Alder Creek Lumber Co., Inc., Grantor, and Esco Corporation, Grantee, by instrument recorded as document no. 95-79726, Deed Records of Multnomah County, the said parcel lying on the southeasterly side of the existing right-of-way for the Sauvie Island Bridge and the southwesterly side of the easterly Bridge approach right-of-way, and being more particularly described as follows:

Commencing at the point of intersection of the Easterly right-of-way boundary of the Burlington Northern Railroad (defined as a line drawn 50.00 feet Easterly from and parallel with the centerline of the existing rails) and the southeasterly right-of-way boundary of the existing Sauvie Island Bridge, recorded July 11, 1952 in Book 1553 at Page 90, Deed records of Multnomah County, which point lies South 85°06'03" East, a distance of 1987.63 feet from the one-quarter corner common to Sections 28 and 29, Township 2 North, Range 1 West, of the Willamette Meridian; thence North 51°23'00" East along said Sauvie Island Bridge right-of-way, a distance of 772.69 feet to the TRUE POINT OF BEGINNING; thence continuing North 51°23'00" East, a distance of 181.42 feet to the southwesterly right-of-way boundary of the East approach to the Sauvie Island Bridge, which point lies on a non-tangent 1939.86-foot radius circular curve, concave to the northeast, and from which point a radial line bears North 49°55'48" East; thence following said right-of-way curve to the left through a central angle of 2°10'40", an arc distance of 73.73 feet (said arc being subtended by a chord bearing South 41°09'32" East, a distance of 73.73 feet); thence South 51°04'54" West, a distance of 192.61 feet, more or less, to the line of ordinary low water on the left bank of the Multnomah Channel as defined by the State of Oregon, Department of State Lands; thence following said line of ordinary low water, the following courses and distances;

North 18°31'11" West, a distance of 2.86 feet;  
North 17°33'23" East, a distance of 7.45 feet;  
North 46°06'04" West, a distance of 14.40 feet;  
North 31°50'01" West, a distance of 14.53 feet;  
North 67°00'34" East, a distance of 4.82 feet;  
North 42°25'47" West, a distance of 21.32 feet;  
North 52°07'47" West, a distance of 12.90 feet;  
North 32°30'27" West, a distance of 6.65 feet to the aforementioned southeasterly right-of-way boundary of the existing Sauvie Island Bridge and the TRUE POINT OF BEGINNING.

## EXHIBIT B

Page 2 of 5  
File 04-54  
Sauvie Island Bridge-Esco  
2/28/05

**EXCEPTING THEREFROM**, rights of the public in and to that portion of the herein described parcel lying within the limits of streets, roads and highways.

**SUBJECT TO** an easement, including the terms and provisions thereof, granted to the Sauvie Island Drainage District of the Counties of Multnomah and Columbia, State of Oregon, by instruments recorded between April 5, 1939 and February 16, 1940, in Book 490 at Page 435; Book 497 at Page 251; Book 523 at Page 13; Book 523 at Page 91; and Book 535 at Page 51, deed records of Multnomah County, Oregon.

Bearings are based on the Oregon Coordinate System of 1983, North Zone.

The parcel of land to which this description applies contains 0.31 acres, more or less.

**Parcel 2 – Temporary Construction Easement - 4 years or duration of project, whichever is shorter.**

A parcel of land lying in the North 1/2 of Section 28, Township 2 North, Range 1 West, of the Willamette Meridian, Multnomah County, Oregon, and being a portion of that property described by warranty deed between Alder Creek Lumber Co., Inc., Grantor, and Esco Corporation, Grantee, by instrument recorded as document no. 95-79726, Deed Records of Multnomah County, the said parcel lying on the southeasterly side of the existing right-of-way for the Sauvie Island Bridge and the southwesterly side of the easterly Bridge approach right-of-way, and being more particularly described as follows:

Commencing at the point of intersection of the Easterly right-of-way boundary of the Burlington Northern Railroad (defined as a line drawn 50.00 feet Easterly from and parallel with the centerline of the existing rails) and the southeasterly right-of-way boundary of the existing Sauvie Island Bridge, recorded July 11, 1952 in Book 1553 at Page 90, Deed records of Multnomah County, which point lies South 85°06'03" East, a distance of 1987.63 feet from the one-quarter corner common to Sections 28 and 29, Township 2 North, Range 1 West, of the Willamette Meridian; thence North 51°23'00" East along said Sauvie Island Bridge right-of-way, a distance of 954.11 feet to the southwesterly right-of-way boundary of the East approach to the Sauvie Island Bridge, which point lies on a non-tangent 1939.86-foot radius circular curve, concave to the northeast, and from which point a radial line bears North 49°55'48" East; thence following said right-of-way curve to the left through a central angle of 2°10'40", an arc distance of 73.73 feet (said arc being subtended by a chord bearing South 41°09'32" East, a distance of 73.73 feet) to the TRUE POINT OF BEGINNING; thence continuing along said right-of-way curve to the left through a central angle of 2°02'25", an arc distance of 69.08 feet (said arc being subtended by a

## EXHIBIT B

Page 3 of 5  
File 04-54  
Sauvie Island Bridge-Esco  
2/28/05

chord bearing South 43°16'05" East, a distance of 69.08 feet), more or less, to the easterly line of the Sauvie Island Drainage District No. 1 dike; thence South 38°02'59" East along said dike line, a distance of 74.13 feet; thence leaving said dike, South 51°04'54" West, a distance of 189.24 feet, more or less, to the line of ordinary low water on the left bank of the Multnomah Channel as defined by the State of Oregon, Department of State Lands; thence following said line of ordinary low water the following courses and distances:  
North 49°47'59" West, a distance of 69.53 feet;  
North 6°23'20" West, a distance of 7.21 feet;  
North 78°13'56" West, a distance of 5.61 feet;  
North 37°03'09" West, a distance of 38.83 feet;  
North 00°52'31" West, a distance of 6.76 feet  
North 39°15'23" West, a distance of 20.16 feet to the southeasterly boundary of the above mentioned Parcel number 1; thence leaving said line of ordinary low water North 51°04'54" East, a distance of 192.61 feet to the TRUE POINT OF BEGINNING.

SUBJECT TO an easement, including the terms and provisions thereof, granted to the Sauvie Island Drainage District of the Counties of Multnomah and Columbia, State of Oregon, by instruments recorded between April 5, 1939 and February 16, 1940, in Book 490 at Page 435; Book 497 at Page 251; Book 523 at Page 13; Book 523 at Page 91; and Book 535 at Page 51, deed records of Multnomah County, Oregon.

Bearings are based on the Oregon Coordinate System of 1983, North Zone.

The parcel of land to which this description applies contains 0.65 acres, more or less.

### **Parcel 3 – Temporary Construction Easement - 4 years or duration of project, whichever is shorter.**

A parcel of land lying in the North 1/2 of Section 28, Township 2 North, Range 1 West, of the Willamette Meridian, Multnomah County, Oregon, and being a portion of that property described by warranty deed between Alder Creek Lumber Co., Inc., Grantor, and Esco Corporation, Grantee, by instrument recorded as document no. 95-79726, Deed Records of Multnomah County, the said parcel lying on the northwesterly side of the existing right-of-way for the Sauvie Island Bridge and the southwesterly side of the easterly Bridge approach right-of-way and being more particularly described as follows:

Commencing at the point of intersection of the Easterly right-of-way boundary of the Burlington Northern Railroad (defined as a line drawn 50.00 feet Easterly from and parallel

## EXHIBIT B

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File 04-54  
Sauvie Island Bridge-Esco  
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with the centerline of the existing rails) and the northwesterly right-of-way boundary of the existing Sauvie Island Bridge, recorded July 11, 1952 in Book 1553 at Page 90, Deed records of Multnomah County, which point lies South 86°37'48" East, a distance of 1926.27 feet from the one-quarter corner common to Sections 28 and 29, Township 2 North, Range 1 West, of the Willamette Meridian, thence North 51°23'00" East along said right-of-way, a distance of 793.63 feet, more or less, to the line of ordinary low water on the left bank of the Multnomah Channel as defined by the State of Oregon, Department of State Lands, and the TRUE POINT OF BEGINNING; thence following said line of ordinary low water the following courses and distances:

North 33°29'10" West, a distance of 8.12 feet;  
North 25°22'45" West, a distance of 13.16 feet;  
North 60°01'59" West, a distance of 15.35 feet;  
North 25°25'56" West, a distance of 11.52 feet;  
North 41°58'10" West, a distance of 8.92 feet;  
North 23°35'44" West, a distance of 16.81 feet;  
North 48°18'56" West, a distance of 3.51 feet;

thence leaving said line of ordinary low water North 51°23'00" East, a distance of 130.05 feet; thence North 33°35'12" West, a distance of 247.83 feet; thence North 19°41'57" West, a distance of 14.97 feet; thence North 01°47'21" West, a distance of 11.84 feet, thence North 04°11'33" West, a distance of 59.08 feet, more or less, to the southwesterly right-of-way boundary of the east approach to the Sauvie Island Bridge; thence following said right-of-way boundary South 33°08'30" East, a distance of 61.98 feet; thence leaving said right-of-way boundary South 04°11'33" East, a distance of 5.47 feet; thence South 01°47'21" East, a distance of 7.74 feet; thence South 19°41'57" East, a distance of 6.58 feet; thence South 33°35'12" East, a distance of 241.53 feet; thence North 51°23'00" East, a distance of 8.00 feet to the southwesterly right-of-way boundary of the east approach to the Sauvie Island Bridge, which point lies on a non-tangent 1939.86 foot radius circular curve, concave to the northeast, and from which point a radial line bears North 54°30'35" East; thence following said right-of-way curve to the left through a central angle of 2°13'00", an arc distance of 75.05 feet (said arc being subtended by a chord bearing South 36°35'55" East, a distance of 75.05 feet) to the northwesterly right-of-way boundary of aforesaid Sauvie Island Bridge; thence South 51°23'00" West, a distance of 169.53 feet to the TRUE POINT OF BEGINNING.

**EXCEPTING THEREFROM**, rights of the public in and to that portion of the herein described parcel lying within the limits of streets, roads and highways.

**SUBJECT TO** an easement, including the terms and provisions thereof, granted to the Sauvie Island Drainage District of the Counties of Multnomah and Columbia, State of Oregon, by instruments recorded between April 5, 1939 and February 16, 1940, in Book



**EXHIBIT B**

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File 04-54  
Sauvie Island Bridge-Esco  
2/28/05

490 at Page 435; Book 497 at Page 251; Book 523 at Page 13; Book 523 at Page 91; and Book 535 at Page 51, deed records of Multnomah County, Oregon.

Bearings are based on the Oregon Coordinate System of 1983, North Zone.

The parcel of land to which this description applies contains 0.50 acres, more or less.

## EXHIBIT C

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File 04-55  
Sauvie Island Bridge-Wolfe  
2/28/05

### Parcel 1 – Fee

A parcel of land lying in the James Menzies Donation Land Claim (DLC) No. 45, in the SW1/4NE1/4 and the E1/2NW1/4 of Section 28, Township 2 North, Range 1 West, of the Willamette Meridian, Multnomah County, Oregon, and being a portion of that property described by warranty deed between Peter A. Roth, et al, Grantors, and Mary Anne Wolfe, Grantee, by instrument recorded Nov. 26, 1991 in Book 2481 at Page 627, deed records of Multnomah County, the said parcel lying on the easterly side of the easterly Bridge approach right-of-way for the Sauvie Island Bridge, and being more particularly described as follows:

Commencing at a found 1/2" iron pipe in monument case in the centerline of Gillihan Road, County Road No. 1159, at engineer's centerline station 36+58.4 P.I., which point lies North 53°21'23" East, a distance of 2775.21 feet from the one-quarter corner common to Sections 28 and 29, Township 2 North, Range 1 West, of the Willamette Meridian; thence South 24°22'02" East along the centerline of said Gillihan Road, a distance of 253.16 feet to engineer's centerline station 39+11.56; thence North 65°37'58" East, a distance of 25.00 feet to the northeasterly right-of-way boundary of Gillihan Road and the TRUE POINT OF BEGINNING; thence South 24°22'02" East along said northeasterly right-of-way boundary, a distance of 179.53 feet to a point opposite engineer's centerline station "B" 112+60.49 P.O.T. of the Sauvie Island Bridge Section over the Multnomah Channel, Gillihan Road, as shown on Oregon State Highway Department drawing number 6B-30-5, dated November, 1948; thence following said drawing number 6B-30-5 described right-of-way, North 65°39'30" East, a distance of 15.30 feet; thence South 24°20'30" East, a distance of 91.16 feet to a point 40.00 feet northeasterly from, as measured at right angles to engineer's centerline station "B" 111+69.33 P.T.; thence following a 676.20-foot radius circular curve left through a central angle of 20°16'30", an arc distance of 239.28 feet (said arc being subtended by a chord bearing South 34°28'45" East, a distance of 238.04 feet) to a point 40.00 feet northeasterly from, as measured at right angles to engineer's centerline station "B" 109+15.89 P.C.; thence South 48°17'00" East; a distance of 326.85 feet; thence South 37°45'29" East, a distance of 114.79 feet to a point on a non-tangent, 233.24-foot radius circular curve lying 90.00 feet northeasterly from, as measured on a radial line bearing North 77°23'00" East from engineer's centerline station "B" 105+18.51 P.C.S.; thence following said curve to the right through a central angle of 66°04'06", an arc distance of 268.95 feet (said arc being subtended by a chord bearing South 20°25'03" West, a distance of 254.29 feet) to a point on the northeasterly right-of-way boundary of the aforesaid Gillihan County Road lying 20.00 foot distant northeasterly from, as measured at right angles to engineer's centerline station 50+12.01 P.O.T.; thence South 30°14'05" East along said right-of-way, a distance of 85.19 feet to a point on a non-tangent, 426.00-foot radius circular curve, from which a radial line bears North 56°18'13"

## EXHIBIT C

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File 04-55  
Sauvie Island Bridge-Wolfe  
2/28/05

West; thence following said curve to the left through a central angle of  $88^{\circ}49'56''$ , an arc distance of 660.48 feet (said arc being subtended by a chord bearing North  $10^{\circ}43'11''$  West, a distance of 596.28 feet) to the point of reverse curvature with a 1177.00-foot radius curve; thence following said curve to the right through a central angle of  $20^{\circ}07'52''$ , an arc distance of 413.54 feet (said arc being subtended by a chord bearing North  $45^{\circ}04'13''$  West, a distance of 411.42 feet); thence North  $35^{\circ}04'59''$  West, a distance of 220.26 feet to the TRUE POINT OF BEGINNING.

**EXCEPTING THEREFROM**, rights of the public in and to that portion of the herein described parcel lying within the limits of streets, roads and highways.

Bearings are based on the Oregon Coordinate System of 1983, North Zone.

The parcel of land to which this description applies contains 1.38 acres, more or less.

**Parcel 2 – Temporary Construction Easement - 4 years or duration of project, whichever is shorter.**

A parcel of land lying in the James Menzies DLC No. 45, in the SW1/4NE1/4 and the E1/2NW1/4 of Section 28, Township 2 North, Range 1 West, of the Willamette Meridian, Multnomah County, Oregon, and being a portion of that property described by warranty deed between Peter A. Roth, et al, Grantors, and Mary Anne Wolfe, Grantee, by instrument recorded Nov. 26, 1991 in Book 2481 at Page 627, deed records of Multnomah County, the said parcel lying on the easterly side of the easterly Bridge approach right-of-way for the Sauvie Island Bridge, and being more particularly described as follows:

Commencing at a found 1/2" iron pipe in monument case in the centerline of Gillihan Road, County Road No. 1159, at engineer's centerline station 36+58.4 P.I., which point lies North  $53^{\circ}21'23''$  East, a distance of 2775.21 feet from the one-quarter corner common to Sections 28 and 29, Township 2 North, Range 1 West, of the Willamette Meridian; thence South  $24^{\circ}22'02''$  East along the centerline of said Gillihan Road, a distance of 253.16 feet to engineer's centerline station 39+11.56; thence North  $65^{\circ}37'58''$  East, a distance of 25.00 feet to the most northerly northwest corner of the above described Parcel 1 on the northeasterly right-of-way boundary of Gillihan Road; thence leaving said Gillihan Road right-of-way, South  $35^{\circ}04'59''$  East, a distance of 65.83 feet and the TRUE POINT OF BEGINNING; thence North  $54^{\circ}59'43''$  East, a distance of 25.21 feet; thence South  $35^{\circ}00'17''$  East, a distance of 154.43 feet to the point of curvature of a 1152.00-foot radius

## EXHIBIT C

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File 04-55  
Sauvie Island Bridge-Wolfe  
2/28/05

circular curve; thence following said curve to the left through a central angle of  $20^{\circ}07'52''$ , an arc distance of 404.76 feet (said arc being subtended by a chord bearing South  $45^{\circ}04'13''$  East, a distance of 402.68 feet) to the point of reverse curvature with a 451.00-foot radius circular curve; thence following said curve to the right through a central angle of  $85^{\circ}23'43''$ , an arc distance of 672.18 feet (said arc being subtended by a chord bearing South  $12^{\circ}26'18''$  East, a distance of 611.67 feet) to the point of reverse curvature with a 7.50-foot radius circular curve; thence following said curve to the left through a central angle of  $55^{\circ}07'10''$ , an arc distance of 7.22 feet (said arc being subtended by a chord bearing South  $2^{\circ}41'59''$  West, a distance of 6.94 feet) to the point of tangency; thence South  $24^{\circ}51'36''$  East, a distance of 15.87 feet; thence South  $64^{\circ}50'57''$  West, a distance of 29.77 feet to the northeasterly right-of-way boundary of Gillihan Road, which point lies 20.00 feet northeasterly from, as measured at right angles to engineer's centerline station 51+26.03 P.O.T.; thence North  $30^{\circ}14'05''$  West along said Gillihan Road right-of-way, a distance of 28.83 feet to the most southerly southeast corner of the above described Parcel 1, a point on a non-tangent, 426.00-foot radius circular curve, from which a radial line bears North  $56^{\circ}18'13''$  West; thence following the easterly boundary of said Parcel 1 and said curve to the left through a central angle of  $88^{\circ}49'56''$ , an arc distance of 660.48 feet to the point of reverse curvature with a 1177.00-foot radius curve; thence following said curve to the right through a central angle of  $20^{\circ}07'52''$ , an arc distance of 413.54 feet (said arc being subtended by a chord bearing North  $45^{\circ}04'13''$  West, a distance of 411.42 feet); thence North  $35^{\circ}04'59''$  West, a distance of 154.43 feet to the TRUE POINT OF BEGINNING.

**EXCEPTING THEREFROM**, rights of the public in and to that portion of the herein described parcel lying within the limits of streets, roads and highways.

Bearings are based on the Oregon Coordinate System of 1983, North Zone.

The parcel of land to which this description applies contains 0.72 acres, more or less.

## EXHIBIT D

Page 1 of 1  
File 04-56  
Sauvie Island Bridge-Yom  
02/28/05

### **Parcel 1 – Temporary Construction Easement - 4 years or duration of project, whichever is shorter.**

A parcel of land lying in the James Menzies Donation Land Claim (DLC) No. 45, in the SE1/4NW1/4 of Section 28, Township 2 North, Range 1 West, of the Willamette Meridian, Multnomah County, Oregon, and being a portion of that property described by warranty deed between Jong H. Lee, et ux, Grantors, and Kae M. Yom, et ux, Grantees, by instrument number 98039528, recorded Mar. 13, 1998, deed records of Multnomah County, the said parcel lying on the westerly side of Gillihan County Road No. 1159 and the westerly side of the easterly Bridge approach right-of-way for the Sauvie Island Bridge, and being more particularly described as follows:

Commencing at a found 1/2" iron pipe in monument case in the centerline of Gillihan Road, County Road No. 1159, at engineer's centerline station 36+58.4 P.I., which point lies North 53°21'23" East, a distance of 2775.21 feet from the one-quarter corner common to Sections 28 and 29, Township 2 North, Range 1 West, of the Willamette Meridian; thence South 24°22'02" East along the centerline of said Gillihan Road, a distance of 419.80 feet to engineer's centerline station 40+78.20; thence South 65°37'58" West, a distance of 20.00 feet to the southwesterly right-of-way boundary of Gillihan Road and the TRUE POINT OF BEGINNING; thence South 24°22'02" East along said Gillihan County Road right-of-way, a distance of 13.46 feet; thence South 02°24'30" West, a distance of 262.65 feet, more or less, to the easterly line of the right-of-way of the Sauvie Island Drainage District Number 1; thence following said Drainage District right-of-way North 29°45'05" West, a distance of 254.16 feet, more or less; thence leaving said Drainage District right-of-way, North 60°07'41" East, a distance of 83.43 feet; thence North 66°57'02" East, a distance of 29.43 feet; thence North 67°20'46" East, a distance of 13.66 feet; thence North 84°07'58" East, a distance of 6.90 feet; thence South 68°25'26" East, a distance of 13.66 feet to the TRUE POINT OF BEGINNING.

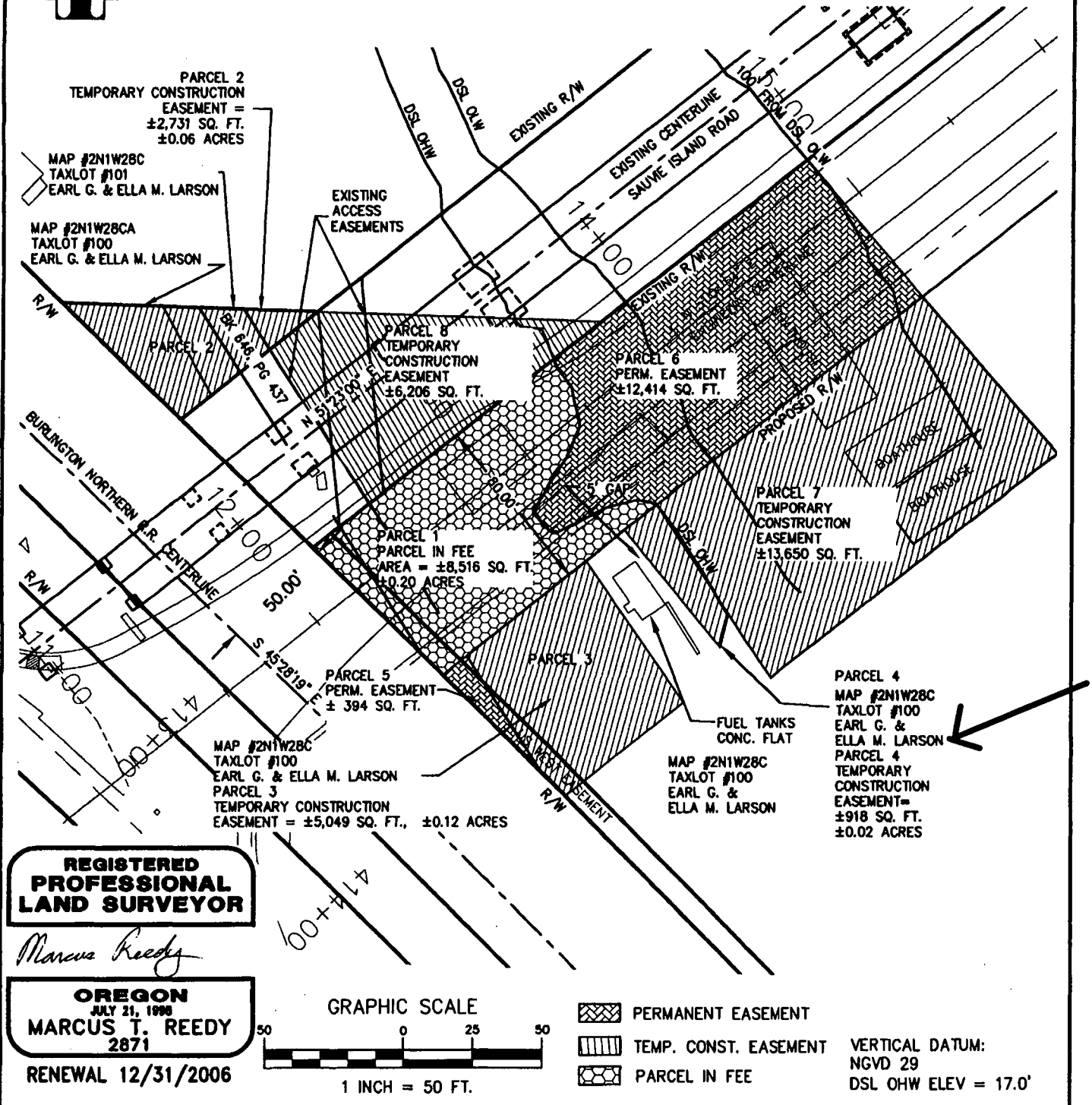
**EXCEPTING THEREFROM**, rights of the public in and to that portion of the herein described parcel lying within the limits of streets, roads and highways.

Bearings are based on the Oregon Coordinate System of 1983, North Zone.

The parcel of land to which this description applies contains 0.45 acres, more or less.



# EXHIBIT MAP



**DAVID EVANS  
AND ASSOCIATES INC.**

530 Center Street N.E., Suite 605  
Salem Oregon 97301  
Phone: 503.361.8635

PROJECT **SAUVIE ISLAND BRIDGE REPLACEMENT**  
TITLE **SAUVIE ISLAND ROAD**  
**MULTNOMAH COUNTY**

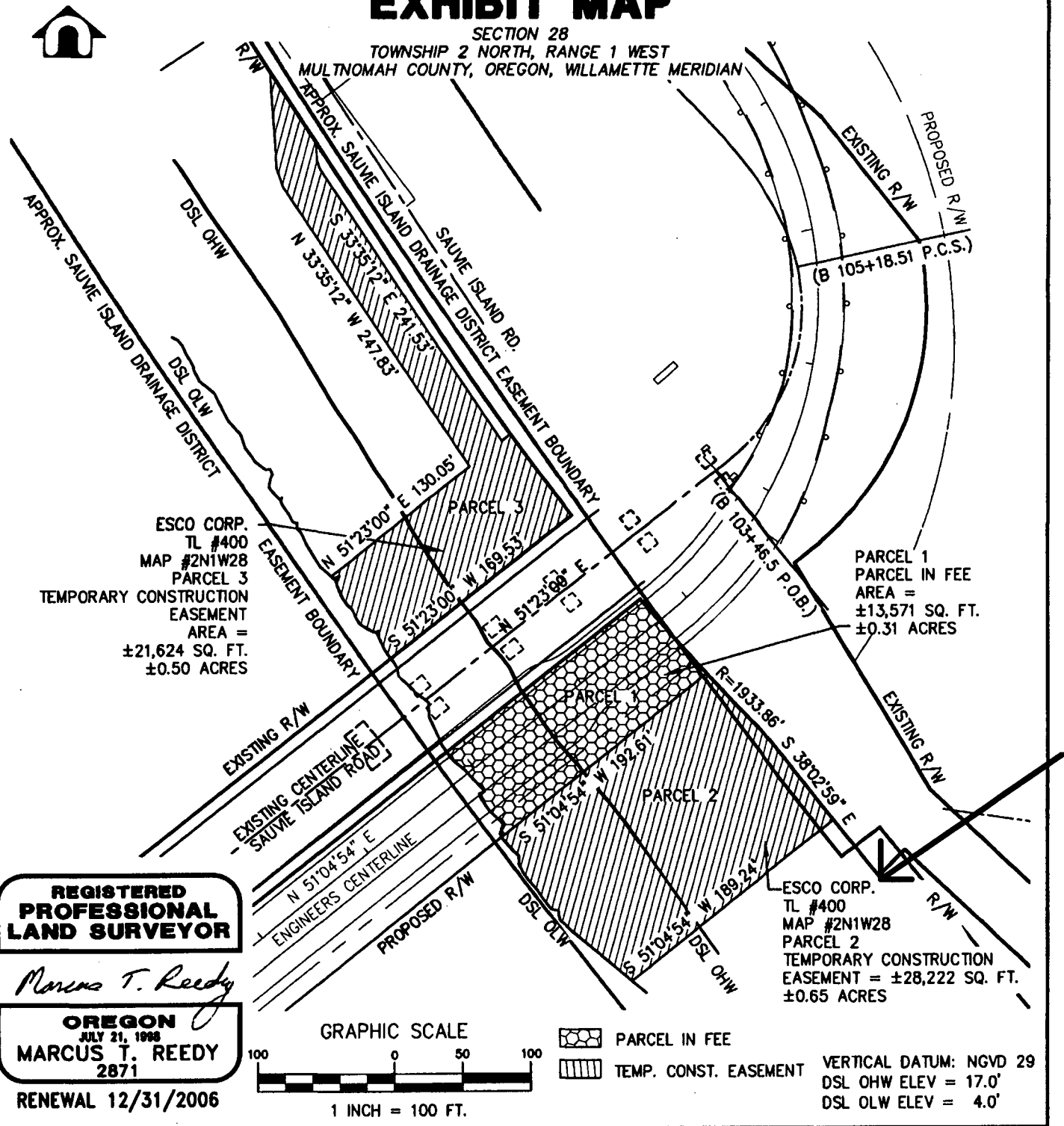
FILE **ODOT00000460** DRAWN BY **BXL** DESIGN BY **MTR** SCALE **1" = 60'** DATE **03-15-05**

Exhibit E  
Page 1 of 5

1

# EXHIBIT MAP

SECTION 28  
TOWNSHIP 2 NORTH, RANGE 1 WEST  
MULTNOMAH COUNTY, OREGON, WILLAMETTE MERIDIAN



**REGISTERED  
PROFESSIONAL  
LAND SURVEYOR**

*Marcus T. Reedy*

**OREGON**  
JULY 21, 1998  
**MARCUS T. REEDY**  
2871

RENEWAL 12/31/2006

GRAPHIC SCALE



1 INCH = 100 FT.

- PARCEL IN FEE
- TEMP. CONST. EASEMENT

VERTICAL DATUM: NGVD 29  
DSL OHW ELEV = 17.0'  
DSL OLW ELEV = 4.0'



**DAVID EVANS  
AND ASSOCIATES INC.**

530 Center Street N.E., Suite 605  
Salem Oregon 97301  
Phone: 503.381.8835

PROJECT **SAUVIE ISLAND BRIDGE REPLACEMENT**  
TITLE **SAUVIE ISLAND ROAD**  
**MULTNOMAH COUNTY**

FILE	DRAWN BY	DESIGN BY	SCALE	DATE
000T00000460	BXL	GAC	1" = 100'	03-02-08

Exhibit E  
Page 2 of 5

SHEET

1

# EXHIBIT MAP

SECTION 28, TOWNSHIP 2 NORTH, RANGE 1 WEST  
MULTNOMAH COUNTY, OREGON, WILLAMETTE MERIDIAN



TEMP. CONST.  
EASEMENT  
AREA =  
±31,546 SQ. FT.  
±0.72 ACRES

MAP #2N1W28A  
T.L. #500  
MARY A. WOLFE

PARCEL IN FEE  
AREA =  
±59,917 SQ. FT.  
±1.38 ACRES

ESCO CORP.  
MAP #2N1W28  
T.L. 400

**REGISTERED  
PROFESSIONAL  
LAND SURVEYOR**

*Marcus T. Reedy*

**OREGON**  
JULY 21, 1998  
**MARCUS T. REEDY**  
2871

RENEWAL 12/31/2006

GRAPHIC SCALE



1 INCH = 100 FT.

TEMP. CONST. EASEMENT  
 PARCEL IN FEE



**DAVID EVANS  
AND ASSOCIATES INC.**

530 Center Street N.E., Suite 605  
Salem Oregon 97301  
Phone: 503.381.8836

PROJECT **SAUVIE ISLAND BRIDGE REPLACEMENT**  
TITLE **SAUVIE ISLAND ROAD**  
**MULTNOMAH COUNTY**

FILE **ODOT00000460** BXL DRAWN BY **GAC** DESIGN BY **GAC** SCALE **1" = 100'** DATE **03-01-08**

Exhibit E  
Page 3 of 5

SHEET

1

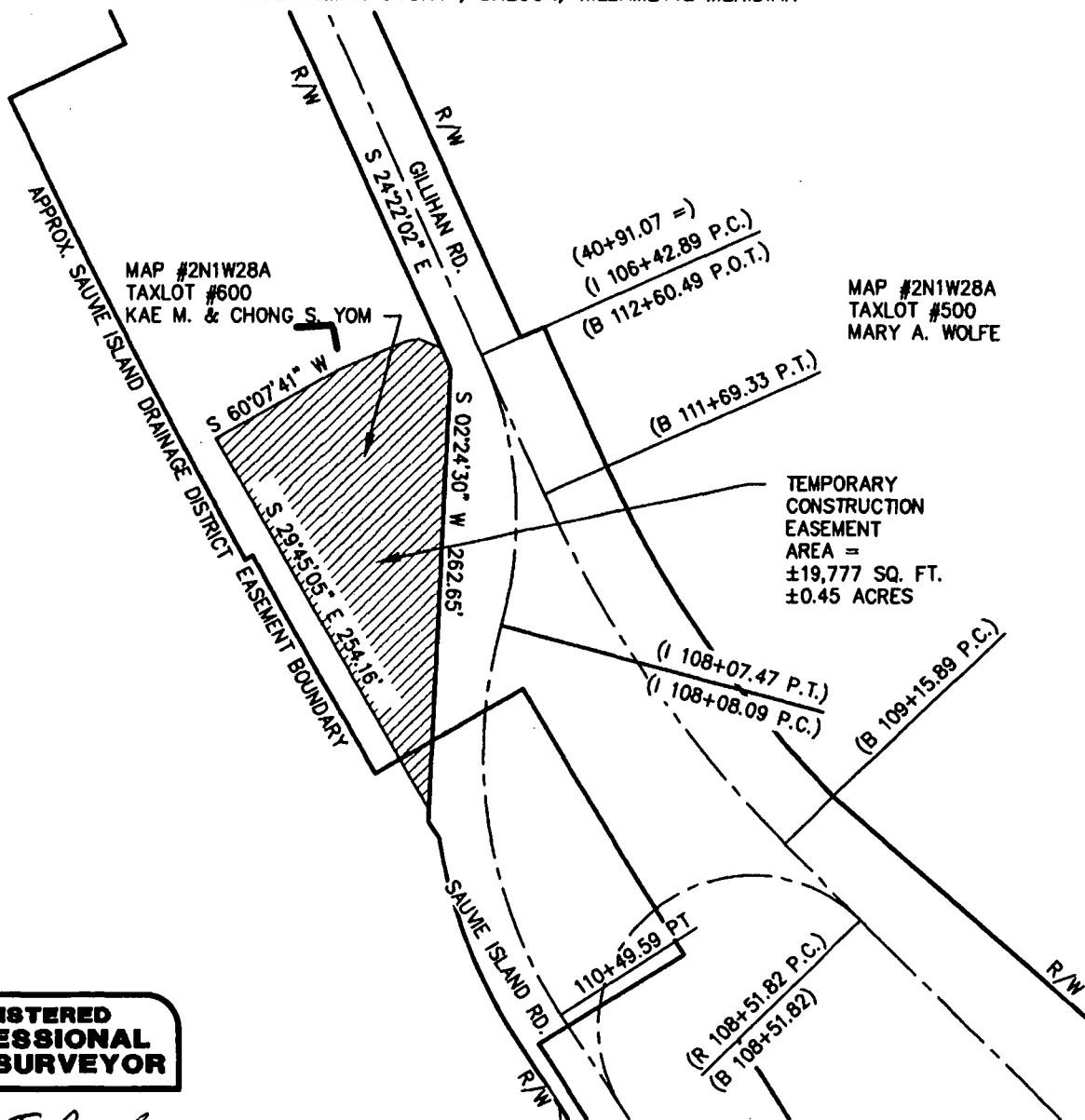


2



# EXHIBIT MAP

SECTION 28  
TOWNSHIP 2 NORTH, RANGE 1 WEST  
MULTNOMAH COUNTY, OREGON, WILLAMETTE MERIDIAN

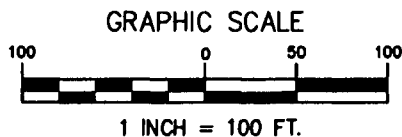


**REGISTERED  
PROFESSIONAL  
LAND SURVEYOR**

*Marcus T. Reedy*

**OREGON**  
JULY 21, 1998  
**MARCUS T. REEDY**  
2871

RENEWAL 12/31/2006



TEMP. CONST. EASEMENT



**DAVID EVANS  
AND ASSOCIATES INC.**

530 Center Street N.E., Suite 605  
Salem Oregon 97301  
Phone: 503.381.8835

PROJECT **SAUVIE ISLAND BRIDGE REPLACEMENT**  
TITLE **SAUVIE ISLAND ROAD**  
**MULTNOMAH COUNTY**

FILE	DRAWN BY	DESIGN BY	SCALE	DATE
ODOT000000460	BXL	GAC	1" = 100'	03-02-06

Exhibit E  
Page 5 of 5

SEAL

1



## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

### Board Clerk Use Only

Meeting Date: 03/17/05  
Agenda Item #: B-1  
Est. Start Time: 10:00 AM  
Date Submitted: 03/09/05

**BUDGET MODIFICATION:** -

**Agenda Title:** Disposition Recommendation for the Montavilla Building

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

<b>Date Requested:</b>	March 17, 2005	<b>Time Requested:</b>	45 Minutes
<b>Department:</b>	Business and Community Services	<b>Division:</b>	Facilities & Property Mgmt
<b>Contact(s):</b>	Doug Butler		
<b>Phone:</b>	503 988-6294	<b>Ext.</b>	86294
<b>I/O Address:</b>	274/FPM		
<b>Presenter(s):</b>	Doug Butler & Lynn Dingler		

### General Information

**1. What action are you requesting from the Board?**

No Action

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

The building was built in 1934 as a one story library on land deeded from the City of Portland. The structure was a library until 1982 when library use was discontinued due to a levy failure. The County leased the building to the Oregon State Extension Service who raised the money to add a new first floor and then converted the building to a training and administrative use. The Extension Service occupied the Montavilla Building until 2003 at which time budget cuts forced the closure of their Multnomah County office.

The building was declared surplus through Resolution Number 03-144 on October 16, 2003. The County proceeded to offer the property for sale until a request from the Montavilla Neighborhood Association to consider an alternative caused the Commissioners to direct FPM to suspend its efforts to sell the property. Representatives of the community and the County have been negotiating the development of a volunteer run library for nearly a year. The Montavilla Library Inc. has submitted two business plans, the last of which was on December 3, 2004.

Facilities and Property Management staff has reviewed the business plan and concluded the

following:

1. Montavilla Library Inc. has not articulated a clear program for raising the funds to achieve the goal of opening and operating a volunteer library at the Montavilla Building.
2. Many assertions are made about the level of support for the program, financially and technically. However, there is no documentation for this support.
3. The financial plan presented in the Business Plan identifies many opportunities for raising funds. There is no tangible evidence that these opportunities are likely to generate the financial basis to support this undertaking.

Based on the staff analysis of the Business, Facilities and Property Management:

- Does not recommend transfer or leasing of the property to MLI.
- Recommends the Board of County Commissioners authorize FPM to sell the property at 211 SE 80<sup>th</sup>.

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

1. The Fiscal 04/05 Budget provides for the mothballing of the Montavilla Building, there is no change proposed.
2. Sale of the Montavilla Building will accrue to the Capital Improvement Program for the Disposition Strategy.

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

Facilities and Property Management is briefing the Board on their intent to restart a sales process at the Montavilla Building that was informally put on hold at the request of the Board.

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

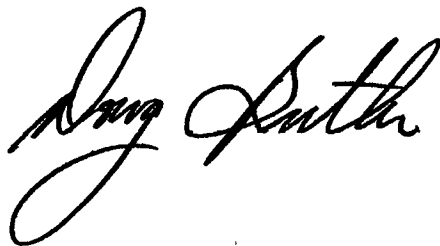
The Montavilla Neighborhood Association and the Montavilla Library Inc. have invested a great deal of effort in putting together a proposal for a volunteer library. Their business plan, submitted in December of 2004 is judged by FPM to be insufficient for the near-term development of the volunteer library.

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**Required Signatures**

---

Department/  
Agency Director:



Date: 03/08/05

Budget Analyst:

Date: \_\_\_\_\_

Department HR:

Date: \_\_\_\_\_

Countywide HR:

Date: \_\_\_\_\_



# MULTNOMAH COUNTY OREGON

DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES  
FACILITIES AND PROPERTY MANAGEMENT DIVISION  
401 N DIXON ST  
PORTLAND, OREGON 97227  
(503) 988-3322

**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

## Recommendation to the Multnomah County Board of Commissioners

February 8, 2005

**From:** Multnomah County, Facilities & Property Management

**Subject:** Montavilla Building Disposition

**Recommendation** – The Montavilla Library, Inc. (MLI) organization has submitted their Business Plan for the development of a volunteer library. The organization has demonstrated community support and has presented a challenging vision of the ultimate program to be established at the Montavilla Building. However, there is little practical experience among the supporters and no in-hand funding for achieving even the earliest program objectives. Consequently, County Facilities and Property Management (FPM):

- Does not recommend transfer or leasing of the property to MLI.
- Recommends the Board of County Commissioners authorize FPM to sell the property at 211 SE 80th.

**History** – The building was built in 1934 as a one story library on land deeded from the City of Portland. At this time the City placed a reversion clause in the deed to the affect that “if the property was not used for library purposed the property would revert to City ownership”. The structure was a library until 1982 when library use was discontinued due to a levy failure. The County leased the building to the Oregon State Extension Service who raised the money to add a new first floor and then converted the building to a training and administrative use. To accomplish this metamorphosis the County requested the City to execute a quitclaim deed relinquishing the City’s reversionary interest in the property. The City agreed and delivered the deed in 1982. It is significant that roughly 1900 people and businesses contributed \$136,000 for this renovation. The Extension Service occupied the Montavilla Building until 2003 at which time budget cuts forced the closure of their Multnomah County office.

The building was declared surplus through Resolution Number 03-144 on October 16, 2003. The County proceeded to offer the property for sale until a request from the Montavilla Neighborhood Association to consider an alternative caused the Commissioners to direct FPM to suspend its efforts to sell the property. Representatives of the community and the County have been negotiating the development of a volunteer run library for nearly a year. The Montavilla Library Inc. has submitted two business plans, the last of

which was on December 3, 2004. This report deals with Facilities & Property Managements assessment of the business plans and our recommendation for next steps.

### Business Plan, December 2004

**The Proposal** – Montavilla Library Inc. submitted a business plan for three options without indicating a preference for any of the three (Executive Summary page 1):

**“Proposal 1:** The County will transfer the taxpayers’ Montavilla Library’s ownership as an outright gift to Montavilla Library and waive all taxes, fees, and special assessments and restore the 1934 deed restriction in perpetuity (forever).”

**“Proposal 2:** The County will transfer the taxpayers’ Montavilla Library’s use for a nominal (\$1 or zero per year) lease in perpetuity (forever) and restore the 1934 deed restriction.”

**“Proposal 3:** The County will provide the use of the property for a nominal lease (zero or \$1 a year) in perpetuity (forever) and Montavilla Library will pay for the operating costs and building maintenance.”

In addition to these three proposals MLI states on page 59 of the business plan that:

“The public request is a follows:

**“Multnomah County agrees to maintain...insurance, overhead costs...and grounds’ keeping services. Allow Montavilla Library to open immediately as a neighborhood Reading Room with a story hour for children and computer access provided by volunteers and donation; and as headquarters for [Montavilla Volunteer Library] who will coordinate the volunteers”**

**Year One Activities** (Business Plan page 70/71) – The following is an annotated (*FPM Comment in italics and parenthesis*) review of a chart of proposed activities of the first year of MLI’s development of the volunteer Library.

<b>Year One Activities</b>		
<b>Activities</b>	<b>Status</b>	<b>Responsible</b>
Set-Up Non-Profit Corporation with at least 5 board members	Done	
Recruit board members for specialized skills, e.g., fund-raising,	Done	
Purchase liability insurance	Donors agreed to underwrite the first year. <i>(No documentation)</i>	Montavilla Library
Pay phones	Donors agreed to cover. <i>(No documentation)</i>	
Cost Recovery	Investigating possibilities <i>(No documentation)</i>	Montavilla Library
Community Purposes	Plan to apply for Cable Access Media Room to benefit at-risk youth & general community	Montavilla Library

Water, Electrical, Gas & Grounds-keeping	Contribution ( <i>FPM has no budget for this expense</i> )	Multnomah County
Computer Equipment & Printers	Donation ( <i>No documentation</i> )	Free Geek
Install networked computer	Volunteer certified computer technicians	Montavilla Library
Wireless Connectivity to Internet	Installation and Service ( <i>No documentation</i> )	Portland Telco & Montavilla Library
Fund-Raising	Use donor list generated from written testimony & meetings in support of Montavilla Library. Apply for private & public funds.	Montavilla Library Montavilla Neighborhood Association
Furniture	Receive donation of books shelves from another library (in September) ( <i>No documentation</i> )	In-kind contributions various sources
Children Story Hours	Volunteers identified	In-kind contribution
Computer Access	Seek funding for internet connectivity	Montavilla Library
Reading Room	Planned	Montavilla Library
Tutoring Center	Planned	Montavilla Library
Interior Painting & flooring	In-kind contributions	Montavilla Library
Volunteer Recruitment	Planned through various neighborhood association, newsletters	Montavilla Library
Program Development	Planned with various community groups & subject matter experts' advise	Montavilla Library
Establish sound financial and business practices for long-term stability	See Detailed Business Plan ( <i>Intent stated but no substance</i> )	Montavilla Library
Identify organizational needs Develop job descriptions Create task-lists & schedules	Planned	Montavilla Library

Throughout the Business Plan there are references to differing ideas for program operation. On page 67 of the Business Plan there is a statement that OSU Extension Service possessed the building for two years while they did fundraising and "Montavilla Library deserves equal treatment". On page 66 of the

Business Plan MLI states the building will be open “One day per month for the first six months for Montavilla Neighborhood Association meetings.” In the second six months the building will be open “Wednesdays 11 am till 6 pm and Sundays 11:30 till 5 pm.” On page 69 of the Business Plan there is a statement that “For Year 1 the initial start-up plan has two contingencies. One contingency is to open for operation immediately... on a month-to-month basis; ...The other contingency is to wait...”

**FPM Comment** – While not wholly at odds with each other the multiple concepts and three alternative proposals underscore the uncertainty about funding and the timeline for converting plans to reality.

### **Proposed Budget**

The proposed budget for Montavilla Library is clear even if the program and methodology of raising funds is not. The allocation for expense, such as utilities, seems appropriate, with the major exception of the category *Fees/Permits/Taxes/Liability Insurance*. The operating resource mix, split between fundraising, grant writing, and in-kind contribution appears reasonable. It seems unlikely; however, that MLI will reach the identified funding levels in the near term.

The category of *Fees/Permits/Taxes/Liability Insurance* is budgeted for Year 1, 2005-06 as \$1,725. However, the City of Portland’s Type II Conditional Use review process, which will be required prior to occupancy, costs \$3,163 and takes approximately 7 weeks. (Per Susan McKinney, Planning Supervisor, January 12, 2005. A representative of MLI did inquire at the Portland Planning Office as to the status of the Conditional Use but evidently did not understand that although the new use might be eligible to continue the Community Service designation a Conditional Use review would still be required.)

### **Summary of the Business Plan**

Our review of the business plan leads us to the following conclusions:

1. Montavilla Library Inc. has not articulated a clear program for raising the funds to achieve the goal of opening and operating a volunteer library at the Montavilla Building.
2. Many assertions are made about the level of support for the program, financially and technically. However, there is no documentation for this support.
3. The financial plan presented in the Business Plan identifies many opportunities for raising funds. There is no tangible evidence that these opportunities are likely to generate the financial basis to support this undertaking.

Based on our review of the Business Plan the development of a volunteer library in Montavilla appears to be at least two years away from possible operational status. Further, the development of this volunteer library is not wholly dependant on the acquisition of the Montavilla Building to achieve success, this service could occur at another site. Potentially, locating the volunteer library in or adjacent to the Montavilla core area would be more efficient for the program. Consequently, Facilities and Property Management:

- Does not recommend transfer or leasing of the property to MLI.
- Recommends the Board of County Commissioners authorize FPM to sell the property at 211 SE 80<sup>th</sup>.





## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

### Board Clerk Use Only

Meeting Date: 03/17/05  
Agenda Item #: B-2  
Est. Start Time: 10:45 AM  
Date Submitted: 03/09/05

**BUDGET MODIFICATION:** -

**Agenda Title:** Disposition Recommendation for the Edgefield Property, Hansen Building, and the State Medical Examiners Building

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

<b>Date Requested:</b>	March 17, 2005	<b>Time Requested:</b>	30 Minutes
<b>Department:</b>	DBCS	<b>Division:</b>	Facilities & Property Mgmt
<b>Contact(s):</b>	Doug Butler		
<b>Phone:</b>	503 988-6294	<b>Ext.</b>	86294
<b>I/O Address:</b>	274		
<b>Presenter(s):</b>	Doug Butler & Lynn Dingler		

### General Information

#### 1. What action are you requesting from the Board?

Approval of Staff recommendations:

1. Sell the Medical Examiners Building at or near appraised value, with a preference for a cash sale and a use that has the support of the community.
2. Sell the Edgefield Property (three parcels)
  - a. Parcel 1 (Pig Farm, 46.46 acres) open market sale,
  - b. Parcel 2 (South and West of McMenamins and contains MCCF, 58.6 acres) negotiate a sale to McMenamins for approximately 22 acres, remainder of parcel to be sold on open market. The parcel containing the MCCF will have a provision for a lease back period.
  - c. Parcel 3, (South end of property, 15.63 acres) open market sale.
  - d. Provide guidance on 242<sup>nd</sup> right-of-way alternatives.
3. Sell the Hansen Property on the open market with provision for a multi year lease back period.

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

**State Medical Examiners Building** - The County building at 301 NE Knott St. was built in 1926 and was operated as the Pearson Mortuary until it was acquired by Multnomah County for use as the State Medical Examiner's Office. Last year the functions performed in this building were transferred to the new State of Oregon medical examiner's building in Clackamas County. The property has been declared surplus by the Multnomah County Board of Commissioners.

**Edgefield Property** - The subject property is the last remaining portion of what at one time was a 345 acre property that served as the Multnomah County Poor Farm, from 1911 to 1962. From 1962 to 1982 the main building was used as a nursing home. In 1939 the Multnomah County Correctional Facility was built on a portion of the property.

Much of the original property was sold in the early 1990's to various parties for development and approximately 25 acres that included the manor and outbuildings was sold to McMenamins. Other portions of the property previously controlled by the County include the Edgefield Children's Center as well as residential and commercial developments.

The remaining 142 acres are still owned by the County. With the exception of the Animal Shelter and MCCF there are no other structures on the County owned land. MCCF is still being used by the Sheriff to house MCSO work crews. There is sufficient bed capacity in the Multnomah County Jail System to house these work crews and the County has no other practical use for the properties addressed in this document. On November 18<sup>th</sup>, 2004 Resolution No. 04-169 was adopted by the Multnomah County Board of Commissioners declaring 124.59 acres of the property surplus.

**Hansen Building** - The property includes three lots on the SE corner of 122<sup>nd</sup> and NE Glisan St. and totaling 4.02 acres. The main building was built for the County Health Department in 1956 with a gas station added in 1961, now decommissioned. The building is currently being use by the Multnomah County Sheriff's Office for Patrol Headquarters.

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

Selling the Medical Examiners Building will fund further property disposition. Selling the Edgefield and Hansen properties will provide funding for other County projects. Removing the three surplus properties from FPM's jurisdiction will lower the annual maintenance expense and the County's unfunded maintenance backlog.

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

1. The Edgefield property contains right-of-way for 242<sup>nd</sup> and 238<sup>th</sup> extension. These roadways are part of a suspended Environmental Impact Study and are addressed in the Regional Transportation Plan. Troutdale, Fairview, Gresham and METRO have commented on this right of way without consensus. FPM is seeking guidance from the Board on the appropriate strategy to be used in dealing with the 242<sup>nd</sup> Bypass.
2. The City of Troutdale has requested the County dedicate three areas for parks and open space at the Edgefield property. (recommendation in staff report)
3. The City of Portland Planning Bureau is engaged in a study of the 122<sup>nd</sup> Avenue Max Station Area that may impact the future development of the Hansen property. Early conceptual designs of the area and Draft Study Goals indicate a potential for encroachment and for a change of zone.

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

Outreach was undertaken for all three properties in accordance with the requirements in the Surplus

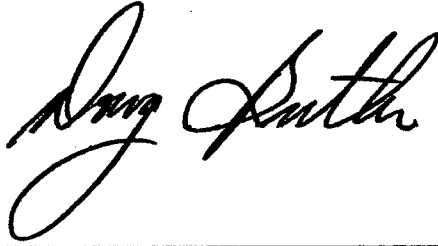
Property Policy, Resolution #04-185 adopted December 12, 2004. The extent and results of these outreach efforts are detailed in the staff report for each property.

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**Required Signatures**

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**Department/  
Agency Director:**



**Date:** 03/08/05

**Budget Analyst:**

**Date:** \_\_\_\_\_

**Department HR:**

**Date:** \_\_\_\_\_

**Countywide HR:**

**Date:** \_\_\_\_\_

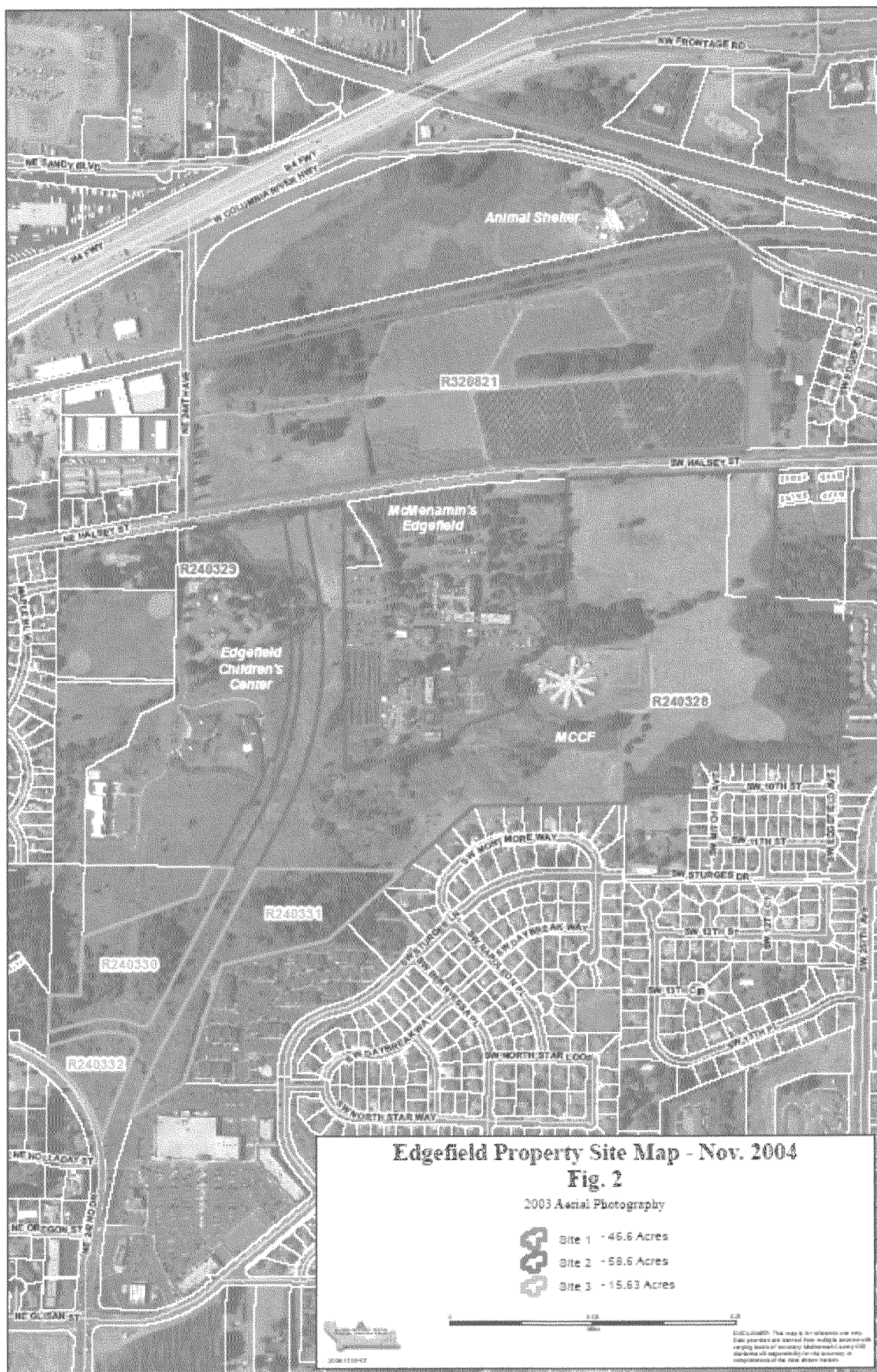
## **Edgefield Properties Disposition Recommendation**

Property Name: Multnomah County Correctional Facility (MCCF) and  
Edgefield Properties  
Property location: 1906 SW Halsey, Troutdale, Oregon  
Date: March 8, 2005



### **Contact Information:**

Doug Butler, Director  
Facilities and Property Management Division  
503-988-6294



## EXECUTIVE SUMMARY

The Multnomah County Board of Commissioners previously declared all of the remaining Edgefield Properties as surplus with the exception of the parcel used by the County's Animal Shelter. The results of the public comment period following that declaration of surplus and the Facilities and Property Management recommendation for the future of the properties are contained in this document.

There were no public comments received opposing the sale of the Edgefield Properties. Comments were received from a few neighbors, a few governments, a school district and many parties interested in purchasing all or a portion of the properties. The only issue which appears to have the potential to be contentious is the future of the 242<sup>nd</sup> Bypass Right-of-Way (ROW). Most other comments related to future uses of the property. All comments are summarized in this document. We have attempted to create a recommendation which melds the interest of the community as detailed in the public's comments with the interests of the County.

We have separated the Edgefield Properties into three sites which are shown on the map on the preceding page. The recommendation for each is summarized below:

Site Number 1: Site 1 should be marketed for sale in its current condition with the goal of obtaining the best possible terms for the County. There is currently no designated ROW for the 242<sup>nd</sup> Bypass on this site and one should not be added. The County should not change the zoning of the site prior to marketing it for sale.

Site Number 2: The County should enter into negotiations with McMenumins with the goal of selling them the Multnomah County Corrections Facility (MCCF) building and all land in Site 2 that is south and west of McMenumins Edgefield. If these negotiations are successful, the remainder of Site 2 should be marketed for sale with the goal of obtaining the best possible terms for the County. In the event these negotiations are not successful, Site 2 should be sold as a single unit. As described below, the existing 242<sup>nd</sup> Bypass ROW should be sold as part of Site Number 2 with or without restrictions on its use as directed by the Board.

Site Number 3: Site 3 should be marketed for sale in its current condition with the goal of obtaining the best possible terms for the County. The existing 242<sup>nd</sup> Bypass Right of Way should be left in place; however, it should be noted that this right of way has a significant negative impact on the value and marketability of this site.

242<sup>nd</sup> Bypass ROW: The 242<sup>nd</sup> Bypass ROW bisects both Sites Number 2 and 3 and occupies approx. 3.7 acres. The Board of County Commissioners is requested to provide guidance on the desirable approach to dealing with this undeveloped ROW. Facilities offers two alternatives. *Option 1* is to sell the ROW property without restriction. *Option 2* is to sell the property with limitations on its use and with terms for repurchase if the

ROW is ever developed. These options are discussed in detail in the attached memorandum from Doug Butler, Facilities Director, dated March 7<sup>th</sup>, 2005.

The combined assessed value of the three sites is \$11,118,620. We expect the appraisal and proceeds of the sale of all three properties to exceed that amount. We are estimating that the actual sale of the Edgefield Properties will occur in late 2005.

## **SURPLUS PROPERTY POLICY OVERVIEW**

On December 12, 2004, the Multnomah County Board of Commissioners adopted Resolution Number 04-185 which created a Surplus Property Policy for declaring real property owned by Multnomah County as Surplus. Per this Resolution, if the Director of Facilities and Property Management determines that a property is no longer required for County use, the Director will submit a recommendation to the Board to declare the property surplus. If the Board agrees, the Director will place a sign on the property for not less than 45 days declaring it surplus and seeking public comment. Following this public comment period, the Director has 45 days to prepare a report to the Board detailing the Director's compliance with the Surplus Property Policy, describing public comment received and recommending a course of action. This document has been prepared for this purpose.

## **OWNERSHIP HISTORY**

The subject property is the last remaining portion of what, at one time, was a 345 acre property that served as the Multnomah County Poor Farm for several decades, beginning in 1911. This self-sufficient farm was operated by the residents, who raised a variety of farm animals and grew fruits and vegetables. They also operated a dairy, a cannery, a meat packing plant, a laundry, the kitchen, and a hospital on the site.

In 1939 the Multnomah County Correctional Facility was built on a portion of the property. In 1947, the location was renamed the "Multnomah County Home and Farm." Farming operations ended in 1964. In 1964, the location was once again renamed, becoming "Edgefield Center." It functioned as a nursing home for twenty years, finally closing its doors in 1982.

Much of the original property was sold in the early 1990's to various parties for development and approximately 25 acres that included the manor and outbuildings was sold to McMenamins. Over four years, McMenamins transformed the buildings and land into a unique village setting, which now includes lodging, a brewery, winery, and distillery, a pub with movie theater, a golf course, banquet space and many other amenities. Other portions of the property previously controlled by the County include the Edgefield Children's Center as well as residential and commercial developments to the south.

The remaining 142 acres are still owned by the County. With the exception of the Animal Shelter and MCCF there are no other structures on the County owned land. MCCF is still being used by the Sheriff to house MCSO work crews that were formerly located at the Multnomah County Inverness Jail. There is sufficient bed capacity in the Multnomah County Jail System to house these work crews and the County has no other practical use for the properties addressed in this document. On November 18<sup>th</sup>, 2004 Resolution No. 04-169 was adopted by the Multnomah County Board of Commissioners declaring 124.59 acres of the property surplus. This includes all remaining parcels with the exception of the 21 acres associated with the Animal Shelter which will continue to be held by the County.

### **PROPERTY INFORMATION**

In order to ensure the marketability of all the parcels that make up the Edgefield Properties and for easier reference three distinct sites have been created. Please refer to the aerial photo preceding the executive summary for a visual depiction of the sites. Following is a description of each site:

#### **Site Number 1**

**Location:** The Edgefield "Pig Farm" parcel lies on the north side of NE Halsey Street, and is bounded on the west by NE 244th. Railroad tracks form the northern boundary. This site is vacant land with a rolling topography.

**Land Area:** 46.46 acres

**Property ID#:** R320821

**Zoning:** IP with a Town Center Overlay, City of Troutdale

**Improvements:** None

**Assessed Value:** \$4,282,230

**Debt Service:** None

**Issues:** There are no significant issues encumbering this site with the exception of the 242<sup>nd</sup> Bypass which is discussed separately in the comment section. While this site is zoned Light Industrial, the City of Troutdale has included it in its Town Center Overlay and envisions the site as being Commercial.

#### **Site Number 2**

**Location:** This site consists of three parcels and lies directly to the south of NE Halsey Street, and completely surrounds the McMenamins Edgefield location.

**Land Area:** 58.60 acres

**Property ID#:** R237979, R240328, and R240329

**Zoning:** R-4, GC, A-2, and O with a Town Center Overlay, City of Troutdale

**Improvements:** The 25,404 square foot Multnomah County Correctional Facility built in 1939 is located on this parcel.



Assessed Value: \$5,880,010  
Debt Service: None  
Issues: The mix of zones, awkward shape and the future of the MCCF structure will create some issues for both the sale of Site 2 and for future development. The property is encumbered by the 242<sup>nd</sup> Bypass ROW. The ROW's existence negatively affects the value of this site. A portion of the property due south of McMenemy Edgefield is leased to McMenemy for a small golf course through 2008 with a five-year option to renew after that. The three parcels have been grouped into one site to ensure that the County is not left with any unmarketable parcels.

### Site Number 3

Location: This site consists of three parcels and lies just north and east of NE 238th Street.  
Land Area: 15.63 acres  
Property ID#: R240330, R240331, and 240332  
Zoning: A-2, O, and GC  
Improvements: None  
Assessed Value: \$956,380  
Debt Service: None  
Issues: The property is almost completely encumbered by the 242<sup>nd</sup> Bypass ROW. The ROW's existence has a significant negative impact on the market value of this site. Access to the property also limits the market value of this site. Most of the western portion of the property is zoned for open space which does not allow development.

For all parcels considered for disposition, title is vested in Multnomah County, a political subdivision of the State of Oregon.

## **PUBLIC COMMENT**

### Overview

The public comment period for the Edgefield Properties began on December 10, 2004. Six, 24" X 18" signs were posted on the property facing Halsey and 238<sup>th</sup> Avenue. The following activities for public notification occurred:

- Newspaper ads in Oregonian Metro Section, all zones, published 12/10/04, 12/17/04, and 12/27/04
- Newspaper ads published in the Gresham Outlook 12/15/04, 12/22/04 and 12/29/04
- 42 emails and 8 letters with Notice of Surplus Property Fact Sheets were sent to the East County Justice Center roster which includes local elected officials and members of the public in the area

- Contact was made with:
  - Chair of Rockwood Neighborhood Association
  - Executive Director of Gresham Area Chamber of Commerce
  - City of Gresham Citizen Involvement Coordinator
  - City of Gresham Mediator
  - Cherry Ridge Home Owners Association
  - City of Troutdale Community Development

The first phase of the 45-day public comment period ended January 24, 2005. A total of 26 interested parties responded through the various access points:

- 4 responded via letters
- 1 called the Public Affairs Office
- 5 sent email to the Public Affairs Office
- 12 called FPM (Some of these contacts were duplicated through the web page)
- 4 Governments and special districts have voiced interest through phone, letter, and email.

In addition, several individuals called with general questions about what additional property the County is considering for disposal. Their contact is not included.

### **Summary of Public Comments Received**

There were three broad categories of interest in the Edgefield Properties: private groups and individual citizens; governments and special districts; and developers/realtors. Their interests were as follows:

**Private Groups and Individual Citizens** – Four neighbors provided input on the future development of the property. Three of the neighbors expressed their preferences for encouraging uses similar to the current McMenamins facility. They also support the dedication of park property to the City of Troutdale. One neighbor raised concern about potential increased traffic with future development, was opposed to additional pubs being built and stated a preference for single family home development.

One individual was interested in seeing funds from the sale of the Edgefield Properties used for development of the East County Justice Center.

One church expressed interest in purchasing a portion of the property.

**Governments and Special Districts** – Several issues were raised by governments and special districts relating to the property. The most pressing of these is the future of the 242<sup>nd</sup> Bypass ROW. There is continued support from Metro to maintain this ROW.

City of Troutdale: Richard Faith, the Community Development Director, wrote to express the City of Troutdale's hope that any purchaser of the property is mindful of the city's desire to see the property developed in accordance with Troutdale's Town Center

Plan. He also noted that given the size of the property that any purchaser should understand that there will be a need for transportation related improvements in association with development. The City views the current light industrial zoning for Site 1 as a holding zone that could be amended in the future when a specific commercial or mixed-use development proposal is made. Finally, the City reminded the County that portions of the property have been identified as candidates for future parks and greenway trails.

Metro: In a letter dated January 20, 2005, Metro Planning Director Andrew Cotugno asked that the County retain and expand the 242nd Bypass ROW south of Halsey (Sites 2 and 3) while keeping it under County ownership as a no-build area. Metro Councilor Rex Burkholder also wrote a letter to Multnomah County Commissioner Maria Rojo de Steffey expressing his support for maintaining and potentially enhancing the amount of property set aside for the 242<sup>nd</sup> Bypass ROW.

The Reynolds School District: Chuck Rhoads, the Director of Business Services for the Reynolds School District, conveyed Reynolds School District's desire to purchase approximately 45 acres south of Halsey at the east end of Site 2. According to Dr. Rhoads, there is little available land within the school district boundaries that could accommodate a future school making the Edgefield Properties ideal for land banking. They envision a basic facility and have already arranged financing. The district views purchasing property at Edgefield as superior to condemning property in the future. The City of Troutdale has expressed concern about siting a school at this location because of the very high percentage of land within the City that is already dedicated to non-taxable uses.

#### **Developers and Realtors:**

There were several developers and realtors who expressed interest in the properties and requested to be kept apprised of activities relating to the disposition. The following groups provided some specifics relating to their interest in the properties:

McMenamins: McMenamins Pubs and Breweries, which currently own the neighboring Edgefield Manor site, expressed interest in purchasing all or a portion of four tax lots for the purpose of creating a larger buffer around their current holdings, possible development of the MCCF building, possible expansion of their golf course, additional parking and room for general expansion. They also reaffirmed their interest in developing an events pavilion on a portion of Site 1.

Parkway Capital: Parkway Capital, a developer based out of Seattle, has expressed strong interest in developing a business park on Site 1 and potentially Site 2. They have met with both County officials and McMenamins to discuss their plans. They are prepared to joint venture with McMenamins if necessary. They have also provided the County information on several companies they feel are prospects for their development plans.

Centex Homes: Centex Homes expressed interest in purchasing all or a portion of the properties. They enclosed a preliminary development plan detailing how all three sites could be used for residential development.

## **DISPOSITION RECOMMENDATION**

A significant number of alternatives have been analyzed in preparing this recommendation. With the size of the property, the multiple zones, multiple parcels, number of interested parties and interest level of the community the potential combination of disposition options could be significant. Following is the Facilities and Property Management recommendation with regard to the disposition of the Edgefield Properties.

### **Recommendation**

As previously mentioned in the property description, the parcels have been grouped together to form three separate sites. We have provided a separate recommendation for each site.

Site Number 1: Site 1 should be marketed for sale in its current condition with the goal of obtaining the best possible terms for the County.

There is currently no designated ROW for the 242<sup>nd</sup> Bypass on this site and we do not believe one should be added. A ROW was not established across this property at the time that one was put in place for the property to the south. We have estimated the diminished value to the site by creating a right of way at this time to be in excess of \$1 million depending on the size and location of the reserve. None of the advocates for maintaining the ROW to the south is proposing that it be extended across Site 1. (See attached memo for further details.)

While there is the potential to apply for a zone change with the City of Troutdale that could lead to a higher land value, we do not believe this should be done. Given Troutdale's multiple clear declarations of its intent to work with a future owner on a zone change, at least some portion of that additional value may be realized in a sale in any event. In addition, applying for a zone change would put the County in a position of trying to guess the highest and best use of the site and there would likely be significant political pressure in opposition to a reduction in the Portland area's reserve of undeveloped industrial land. This question is best addressed in the context of weighing the need for industrial land against the planned uses for the land as conceived by a purchaser.

**Benefits:** The benefit of this recommendation is that the County will receive the highest possible value from this site given its current zoning in the shortest possible time period.

Costs: In the event the 242<sup>nd</sup> Bypass is needed in future decades it may be more expensive if a right of way is not created now. In addition, some additional value may not be realized if the zoning remains light industrial at the time of the sale.

Site Number 2: For Site 2 Facilities should be directed to first work with McMenamins to reach agreement on the portion of the land surrounding the McMenamins Edgefield site. This should include the MCCF building and all land south and west of McMenamins Edgefield. These portions of Site 2 will be of relatively low value to anyone purchasing all of Site 2 and McMenamins has expressed strong interest in acquiring them. The sale price should exceed the appraised value of the land given this special arrangement. In the event agreement is not reached with McMenamin, then Site 2 should be marketed as a whole with the goal of obtaining the best possible terms for the County. In the event agreement is reached with McMenamins, the County should proceed to partition the site where appropriate and market the remaining portion of the site with the goal of obtaining the best possible terms for the County.

The County is currently engaged in a major renovation of the Detention Electronics system at the Justice Center. To facilitate this project, the jail population needs to be moved out of the floors where work is being performed. The MCCF is an important resource in housing inmates while the Justice Center work is underway. Consequently, a condition of sale for the MCCF will be a lease back provision through May of 2006.

The 242<sup>nd</sup> Bypass ROW should be sold as part of Site 2. The ROW consumes a significant part of the western portion of Site 2 and diminishes the value of the site. There is no clear consensus regarding the future of the ROW and these decisions should not hold up the sale of the site. As outlined in the attached memo from Doug Butler, Facilities Director, dated March 7, 2005, this property should be sold with or without limitations on its use based on direction from the Board.

Though the Reynolds School District has expressed an interest and capacity for purchasing the remainder of the site at appraised value, we are recommending that it be offered in the open market rather than as an exclusive negotiation with the School District. This recommendation is made in light of the strong preference expressed by the City of Troutdale that the land not be sold to a non-tax paying entity.

Benefits: The City of Troutdale and several of the neighbors expressed interest in seeing McMenamins expand. The portion proposed for sale to McMenamins is the portion of the site that will be most difficult to market. The remaining portion of Site 2 will be very marketable. It will also be suitable for the Reynolds School District's which means that they will have an opportunity to compete for the site. In the event negotiations with McMenamins are not fruitful, Site 2 can still be sold as a single unit.

Costs: Waiting for direct negotiations with McMenamins to conclude and the subsequent partitioning of the site may delay its sale. Leaving the 242<sup>nd</sup> Bypass Right of Way in place diminishes the value of the property.

Site Number 3: Site 3 should be marketed with the goal of obtaining the best possible terms for the County. As with Site 2, this site should be offered first to McMenamins or, if this negotiation is unsuccessful, should be sold in conjunction with Site 2.

The 242<sup>nd</sup> Bypass ROW should be sold as part of Site 3 with or without conditions on its use as directed by the Board. (See attached memo for details.)

**Benefits:** The site can be marketed immediately without waiting for decisions relating to the ROW.

**Costs:** Site 3 is completely bisected by the ROW. This significantly diminishes the value of the site and will make sale of the property difficult.

Conditions Attached to the 242<sup>nd</sup> Bypass ROW - The 242<sup>nd</sup> Bypass ROW bisects both Site Number 2 and 3, occupying approx. 3.7 acres. The recommendation has been made to leave the ROW in place until a clear build/no-build decision is made. However, limitations could be placed on the land within the ROW to limit the cost of reacquiring the ROW in the future. The Board of County Commissioners is requested to provide guidance on the desirable approach to dealing with this undeveloped ROW. Facilities staff offers two alternatives:

*Option 1* is to sell the ROW property without restriction

*Option 2* is to sell the property with limitations on its use and with terms for repurchase if the ROW is ever developed.

**Benefits:** *Option 1* will avoid the negative impact on revenue from the sale of Sites 1 and 2. *Option 2* will limit the public cost for repurchase of the ROW if the roadway is ever built on this alignment.

**Costs:** If development within the ROW should occur, the cost of repurchasing the ROW would be significantly greater under *Option 1*. The County will lose revenue – potentially more than \$1.5 million - if *Option 2* is selected.



# MULTNOMAH COUNTY OREGON

DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES  
FACILITIES AND PROPERTY MANAGEMENT DIVISION  
401 N DIXON ST  
PORTLAND, OREGON 97227  
(503) 988-3322

BOARD OF COUNTY COMMISSIONERS  
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## MEMORANDUM

**Date:** March 7, 2005  
**To:** Board of County Commissioners  
**From:** Doug Butler, Facilities Director  
**Subject:** 242<sup>nd</sup> Ave. By-Pass & Edgefield Sale

The Facilities and Property Management Division (Facilities) has issued a report recommending the sale of the surplus Edgefield property including the portion of that property which was previously designated as a potential right-of-way for a potential new street which may be constructed at some time in the future.

Metro, ODOT (Oregon Dept. of Transportation), and City of Gresham officials have requested that the County retain/protect the right-of-way to maintain it as a future option. Although Troutdale and Wood Village are opposed to this option, Facilities, at the request of Chair Diane Linn and Commissioner Maria Rojo de Steffey, has made a more in-depth investigation of this matter and offers this report with our final recommendations as a supplement to the original report on the Edgefield property.

In the process of investigating this matter, I met/consulted with each of the following individuals:

Metro:	Andy Cotugno, Planning Director
ODOT:	Robin McArthur, Planning Development Manager
DBCS:	Robert Maestre, Deputy Director
	Ed Abrahamson, Principal Planner
City of Gresham:	Mayor Charles Becker
City of Troutdale:	Mayor Paul Thalhofer
City of Wood Village:	Mayor David Fuller
City of Fairview:	Mayor Mike Weatherby

### Background

The County-owned Edgefield property in Troutdale includes a dedicated right-of-way between Halsey St. and 238<sup>th</sup> Ave. The County established this right-of-way as one of three options years ago in anticipation of the construction of a new roadway which would provide improved connectivity between I-84 and US-26 and which would provide an alternative to 238<sup>th</sup> Avenue between Halsey St. and Glisan St. which is now closed to trucks over 40' in length because of slope and turning radius problems.

The County initiated an 242<sup>nd</sup> Ave. Connector Environmental Analysis but the Board suspended work on it in July of 2001 when it was discovered that "... in the short-term, there is not a need for

the 242<sup>nd</sup> Avenue Connector based upon projected low traffic demand." The same Resolution also determined that the public interest would best be served by continuing to preserve the right-of-way for the future.

The Cities of Troutdale and Wood Village have both passed Resolutions in opposition to the development of the By-Pass. The City of Fairview has expressed opposition to the By-Pass in the past but is not expressing a strong opinion either way at this point. Metro has expressed strong support for retaining the right-of-way to preserve it as a viable option. While the City of Gresham has not taken a formal action on the matter, it has expressed its desire to retain the right-of-way as well.

### **Transportation Improvements and Funding**

Since the right-of-way was established on the Edgefield property, a number of nearby intersections have had major improvements, the urban growth boundary has been expanded, and population and traffic growth projections for Springwater, Pleasant Valley, Damascus and surrounding areas to the south have grown. There seems to be consensus that there must be better connections between I-84 and US-26. The 242<sup>nd</sup> Avenue By-Pass is one of the options for achieving these improved connections. There are large challenges (adjacent development, interchange spacing, physical barriers, competing objectives, lack of funding, etc.) to every option including the By-Pass. Some planners expressed the opinion that there is not one solution but rather it will take improvements to a combination of corridors to meet future needs.

Major improvements are scheduled for 257<sup>th</sup> Avenue to make it a continuous, 5-lane Major Arterial roadway from I-84 to US-26. There are discussions about providing an extension of 238<sup>th</sup> from Sandy Blvd. (I-84) to Marine Dr. There are also discussions with the Port of Portland and the Federal government about additional major improvements to the 257<sup>th</sup> Ave. interchange on I-84. All of these improvements would contribute to the improved connectivity that is needed. Everyone agrees more will be needed, however.

The desire to preserve the 242<sup>nd</sup> Ave. right-of-way on the Edgefield property, in part, stems from the fact that 242<sup>nd</sup> Ave. provides a major corridor (Principal Arterial) from the southern part of the County to the north until it connects with 238<sup>th</sup> Ave. where there are major restrictions to movement further north. If the By-Pass were actually constructed, all jurisdictions agree that it would either need to connect to the 238<sup>th</sup> Ave. and 257<sup>th</sup> Ave. interchanges via Halsey St. (requiring a number of improvements to Halsey St.) or directly to I-84 via new connections to the existing 238<sup>th</sup> Ave. interchange.

The 242<sup>nd</sup> Avenue By-Pass is included in the County CIP as a lower priority (which is a requirement in order to maintain it as an option in the Regional Transportation Plan). County officials state that they do not have a means of funding this project now and do not foresee a time when they would. Their view is that it would require regional funding to become viable. Metro indicated that it does not have a source of funding and finding a source would be part of the challenge of moving the project forward if this corridor was selected as the desired improvement option. Finally, Metro and County Transportation officials expressed the opinion that any improvements to the north of Halsey St. and to the I-84 interchange(s) would be the responsibility of ODOT. ODOT officials were quick to point out that they have not agreed to that concept. They also indicated that they do not have funding for these improvements nor for other, much higher priority, improvements which are needed at 257<sup>th</sup>.

A final point worth noting is that while Gresham and Metro have requested that we preserve the existing 242<sup>nd</sup> Ave. right-of-way to the south of Halsey St., they are not requesting that any additional land be set aside on the "Pig Farm" property immediately to the north of Halsey Street. There is no



specific plan for connecting to I-84 and there are a wide variety of options which make it impractical to define a specific right-of-way. In addition, many of the contacted officials expressed the opinion that the lack of funding and significant cost of providing direct connections to the 238<sup>th</sup> Ave. interchange (guesstimated at \$25+ million) would probably eliminate that approach as a viable option. They felt that improvements to Halsey which would then be used to carry traffic to the 238<sup>th</sup> Ave. and 257<sup>th</sup> Ave. interchanges would be a more practical/probable alternative, should the 242<sup>nd</sup> Ave. By-Pass be constructed.

### **Timing**

There appears to be a consensus that it would be a minimum of 10 years before a 242<sup>nd</sup> Avenue By-Pass could be constructed if that option was selected for providing better connectivity to the south. The lack of known funding sources and the significant number of competing regional priorities could and likely would result in a much longer timeline.

The process for moving the project ahead would encompass the following steps:

- ❖ Time to Initiate a Corridor Study - 1 to 4 years
- ❖ Complete Corridor Study - 18 months
- ❖ JPACT Decision (there will be objections/concerns about all options)
- ❖ Find funding
- ❖ Environmental Analysis for proposed project
- ❖ Design
- ❖ Bid
- ❖ Construction

### **Financial Impact**

Facilities has recommended previously that the County sell the right-of-way area on the Edgefield property. The argument for retaining/preserving it is to keep it as a viable corridor option. While it is technically not a requirement that the right-of-way be maintained in order to retain it as a corridor option, it is obvious that removing the current protection could result in higher costs and potential development conflicts if the corridor is designated for improvement in the future. One aspect of making a decision about whether to sell the right-of-way or not is, therefore, an assessment of how much impact it might have on the potential sales price of the Edgefield property in relation to the probability of the road being constructed in the future and potential future costs if it was necessary to re-acquire the right-of-way.

Facilities just obtained a first draft of an independent appraisal of the Edgefield property. According to this appraisal, the property at Edgefield to the south of Halsey would be worth approximately \$1.8 million more if it were not subject to the right-of-way. We wonder if the actual difference in the open market might be somewhat less but the point is that the effective cost of preserving the right-of-way could easily be \$1.5 million or more.

### **Recommendations**

Facilities has the responsibility to maximize the return it gets from selling the Edgefield and other properties and has serious shortfalls in funding for the facilities in the County portfolio. The \$1.5+ million which might be received from selling the right-of-way is significant and will not be recoverable in the future if the right-of-way is abandoned some years from now. That leads us to recommend that the right-of way be sold with the adjacent Edgefield property.

At the same time, it is clear that there is a need for improved transportation connections between I-84 and US-26. The 242<sup>nd</sup> By-Pass represents one viable option for achieving that purpose. Though

it is highly questionable whether there will be funding for this alternative, it is certainly clear that there is logic to the recommendation to preserve the right-of-way.

Facilities would therefore suggest that there are two alternatives for how to treat the existing right-of-way on the Edgefield property and requests guidance from the Board on how to proceed:

Option 1: Sell the right-of-way property without restriction.

This approach is supported by the following:

1. There is no known or foreseeable funding to build the 242<sup>nd</sup> Avenue By-Pass.
2. It will be at least 3-5 years before a corridor study can determine if there is sufficient demand and whether the 242<sup>nd</sup> Ave. corridor is the desired one to accommodate that demand.
3. Under the most optimistic conditions, it would be 10 years and it could easily be substantially longer before a road could be built even if it is the selected corridor.
4. This right-of-way land is essential to the full development of the adjoining parcels; retaining the right-of-way will stifle the full development of those adjoining properties.
5. This reduction of development potential translates into a substantial reduction of the value of the County's property holdings which could mean the loss of as much as \$1.8 million in potential sale revenues.
6. There will be no way to recover this lost value if the right-of-way is abandoned in the future after the surrounding properties have been developed.

Option 2: Sell the property with limitations on its use and terms for its repurchase.

This approach will permit:

1. the County to avoid the long-term maintenance and liability from holding the property.
2. the adjoining purchaser to gain some limited beneficial use from the property during the lengthy interim period until a road is constructed or the corridor is abandoned.
3. the future development of a road without excessive right-of-way purchase costs or major development impediments.
4. the County to potentially obtain some value for the property although significantly less than if it was not encumbered.

# **Hansen Property Disposition Recommendation**

Property Name: Hansen Property  
Property location: 12240 NE Glisan Street, Portland, Oregon  
Date: February 20, 2005



## **Contact Information:**

Doug Butler, Director  
Facilities and Property Management Division  
503-988-6294

## **EXECUTIVE SUMMARY**

The Multnomah County Board of Commissioners previously declared the Hansen Property as surplus. The results of the public comment period following that declaration of surplus and the Facility and Property Management Department's recommendation for the future of the property is contained in this document.

There were no comments received opposing the eventual sale of the property. Several individuals and three neighborhood associations asked that the public comment period be extended and that any decision relating to the property be delayed until after the 122<sup>nd</sup> Avenue Station Area Study for the MAX light rail is completed. The City of Portland provided a letter describing the study and encouraging the County to be involved in the process. In general any concerns relating to the sale of the property centered on its future use. The City of Portland is the land use authority for this property and has assigned a Commercial Storefront zone with two overlays: the East Corridor Plan District and the Ventura Park Pedestrian District. Land use planners at the City have clearly put significant effort in to planning for this area. Future development decisions, to the extent they can be controlled by a public entity, should continue to be controlled by the City. This includes decisions relating to how the MAX Station Area Study results will impact the Hansen Property.

Facilities & Property Management recommends the Board of County Commissioners direct Facilities to offer the property for sale on the open market with the goal of obtaining the best possible terms for the County. As a provision of the sale, Facilities recommends that the County will lease back all or a portion of the property for two years with two additional one year options to extend. This will allow time to develop the East County Justice Facility which will house the operations currently located at the Hansen Property.

Facilities will make every effort to keep the individuals who have expressed an interest in the property and neighborhood associations in the area informed as the disposition of the property develops.

## **SURPLUS PROPERTY POLICY OVERVIEW**

On December 12, 2004, the Multnomah County Board of Commissioners adopted Resolution Number 04-185 which created a Surplus Property Policy for declaring real property owned by Multnomah County as Surplus. Per this resolution, if the Director of Facilities and Property Management determines that a property is no longer required for County use the Director will submit a recommendation to the Board to declare the property surplus. If the Board agrees, the Director will place a sign on the property for not less than 45 days declaring it surplus and seeking public comment. Following this public comment period, the Director has 45 days to prepare a report to the Board detailing the Director's compliance with the Surplus Property Policy, describing public

comment received and recommending a course of action. This document has been prepared for this purpose.

## **OWNERSHIP HISTORY**

The main building on the site was built for the County Health Department in 1956. Over the years additional outbuildings were added including a gas station in 1961 which has since been decommissioned. The building is currently being used by the Multnomah County Sheriffs Office for Patrol Headquarters and related functions, an Explorer Group as well as Search and Rescue. The Building is marginally habitable in its current state. The building systems are in poor condition, it lacks central cooling, there are seismic issues, and there are problems with water leakage and insects.

## **PROPERTY INFORMATION**

County Building:	#313
Location:	12240 NE Glisan
Land Area:	4.02 acres
Building Area:	31,866 Sq. Ft. plus outbuildings for a total of approximately 50,000 Sq. Ft.
Property ID#:	R320089, R320128, R320092
Zoning:	Storefront Commercial (CS)
Assessed Value:	\$1,789,636
Debt Service:	None
Issues:	The main structure and the outbuildings will likely need to be demolished by a future owner given their dilapidated condition. While the County has documented any potential environmental issues, the existing of the gas station, asbestos, and heating oil tanks on the property will be of concern to a buyer. The evidence warehouse on the site will likely be dismantled relocated to another site as a condition of sale.

## **PUBLIC COMMENT**

### **Overview**

The public comment period for the Hansen Building began on December 10, 2004. Two 18" X 24" signs were posted on the property, one facing SE 122<sup>nd</sup> and the other facing SE Glisan. The following activities for public notification occurred:

- Newspaper ads in Oregonian Metro Section, all zones, published 12/10/04, 12/17/04, and 12/27/04
- Contact was made with:
  - Association Chairs & Land Use Planning Committee Chairs of

- Hazelwood Neighborhood Association
- Mill Park Neighborhood Association
- Russell Neighborhood Association
- Parkrose Heights Association of Neighbors
- Wilkes Community Group
- Centennial Community Association
- Powellhurst-Gilbert Neighborhood Association
- Glenfair Neighborhood Association
- East Portland Neighborhood Office
- Eighty-second Avenue Business Association
- Foster Area Business Association
- Gateway Area Business Association
- Midway Business Association
- Parkrose Business Association
- City of Portland Planning Bureau
- FPM staff attended and discussed the Disposition Process at the 122<sup>nd</sup> Avenue Max Station Area Study Open House on February 7<sup>th</sup>, 2005.

The first phase of the 45-day public comment period ended January 24, 2005. A total of 20 interested parties responded:

- 1 called the PAO
- 1 sent a letter
- 1 responded on the website comment form (also sent email to PAO)
- 1 sent an email to the webmaster
- 5 sent email
- 16 contacted Facilities and Property Management (there is duplication due to interested parties using several access points to the process)

### **Summary of Public Comments Received**

There were four broad categories of interest in the Hansen Property: businesses; realtors; individual citizens and public groups; and governments. The most prominent issue is the 122<sup>nd</sup> Avenue Max Station Area Study currently being initiated in this area. This is a study of the appropriate uses and the design of the area around the MAX station and includes the Hansen property. This study was important to the businesses, citizens, and governments. It should also be noted that all three neighborhood associations that provided comment requested that the comment period be extended.

**Businesses** – There were two businesses who stated their interest in the Hansen property. One in particular, the Ron Tonkin car dealership has been very active in participating in community planning projects for the area and has repeatedly stated their interest in acquiring the Hansen property.

**Realtors** – There were eight different realtors who asked for information on the property. None of these made an offer but they did ask to be informed of the results of the disposition process.

**Citizens and Public Groups** – Neighborhood Associations and individual citizens have stated their concerns that a 4 acre parcel at a major intersection would have a significant effect on 122<sup>nd</sup> Avenue and the future of the area. Three representatives of neighborhood associations have requested the County not take any action on the Hansen property until the Max Station Area Study is completed (approximately 1 year) and additional public comment on the future of the site is taken. The highlights of the comments are as follows:

**Neighbors:** Several individual citizens and neighbors provided comments including: 1. opposition to Ron Tonkin potentially acquiring the property came from two individuals given problems one has had with Tonkin in the past and the other simply did not want more car dealerships; 2. support for locating an organic food store on the site; 3. creation of a community center; and 4. support for extending the comment period, creating a Citizen Taskforce to make recommendations on the future use of the property and delaying any disposition until the Max Station Area Study is complete.

**Neighborhood Associations:** The Russell, Hazelwood and Woodland Park neighborhood associations each provided similar comments. They feel strongly that the comment period should be extended and that no decision relating to the property should be made prior to the completion of the Max Station Area Study. They would like an opportunity to provide input on potential future uses of the property and understand how different alternatives will affect the neighborhood.

**Governments** – The City of Portland Planning Bureau has submitted a letter outlining the program and intent of the MAX Station Area Study and emphasizing the importance of the Hansen property. Facilities staff has also met consultants working on the study to discuss the interface between disposal of the property and the Station Area Study. Neither the City nor the consultants have asked that the disposition of the property be put on hold; however, they have asked the County to be involved in the process.

## **DISPOSITION RECOMMENDATION**

Facilities & Property Management recommends the Board of County Commissioners direct Facilities to offer the property for sale on the open market with the goal of obtaining the best possible terms for the County. As a provision of the sale, Facilities recommends that the County will lease back all or a portion of the property for two years with two additional one year options to extend. This will allow time to develop the East County Justice Facility which will house the operations currently located at the Hansen Property.

The majority of the public comment related to the future use of the property. Land use decisions within the City of Portland are the responsibility of the City. We understand the community's concern about future development and the impact that it will have on the neighborhood. It is important to remember, however, that the County intends to

continue its occupancy on the property until long after the planning process is complete, that the property is being offered for sale subject to the zoning on the property, and that any new development on the property will be subject to the planning requirements and processes that are in place at the time the development is proposed.

The current zoning for the property is Storefront Commercial in the City of Portland. The Storefront Commercial zone is intended to preserve and enhance older commercial areas that have a storefront character. The zone intends that new development in these areas will be compatible with this desired character. The zone allows a full range of retail, service and business uses with a local and regional market area. Industrial uses are allowed but are limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate the character of the commercial area. The desired character includes areas which are predominantly built-up, with buildings close to and oriented towards the sidewalk especially at corners. Development is intended to be pedestrian-oriented and buildings with a storefront character are encouraged. The property is also subject to the development regulations in the East Corridor Plan District and the Ventura Park Pedestrian District. Any modification to the zone and associated overlay regulations will require the future owner to seek approval from the City at which time neighbors will have an opportunity to present their views regarding development.

We do not see any reason to delay the sale of the property until after the MAX Station Area Study is completed. This study may affect the future use of the property and the decisions of land use managers at the City, but it will not directly affect the County's use of the property or its disposition. Facilities will make every effort to keep the neighborhood associations in the area and interested individuals apprised as the disposition process proceeds.

Finally, the Multnomah County Board of Commissions makes the final determination on the sale of real property. This will be another opportunity for anyone in the community to provide comment on the future of the property.



# **State Medical Examiners Disposition Recommendation**

Property Name: State Medical Examiners Building  
Property location: 301 NE Knott St., Portland, Oregon  
Date: March 7, 2005



## **Contact Information:**

Doug Butler, Director  
Facilities and Property Management Division  
503-988-6294

## EXECUTIVE SUMMARY

The Multnomah County Board of Commissions previously declared the State Medical Examiners building as surplus. The results of the public comment period following that declaration of surplus and the Facility and Property Management Department's recommendation for the future of the property is contained in this document.

There were no comments received opposing the sale of the property. Several individuals contacted the County during the comment period. Their interests included acquiring the property as a private residence, establishing a funeral home at the site, creating an after hours vet clinic emergency room, ensuring that the property is sold for the highest possible value, and looking for a bargain and just requesting additional information. Several non-profits requested information and/or expressed interest in acquiring the property. Only one of these non-profits, Unlimited Choices, has both the backing of the Elliot Neighborhood Association and is willing to pay fair market value for the property. Several realtors expressed an interest in the property.

Facilities & Property Management recommends the Board of County Commissioners direct Facilities to offer the State Medical Examiner's property for sale through a Request for Proposal (RFP) process. Potential criteria for evaluating proposals might include the following:

1. **Purchase Price** – The offer to purchase will be near or above the appraised value.
2. **Terms** – Preference will be given to cash purchases.
3. **Neighborhood Support** – The offer shall include evidence of community support from the Neighborhood Association, Business Association or other established local community groups.
4. **Timely Implementation** – Preference will be given to proposals that show the ability to proceed in a timely manner with the reuse/development of the property.

## **SURPLUS PROPERTY POLICY OVERVIEW**

On December 12, 2004, the Multnomah County Board of Commissioners adopted Resolution Number 04-185 which created a Surplus Property Policy for declaring real property owned by Multnomah County as Surplus. Per this resolution, if the Director of Facilities and Property Management determines that a property is no longer required for County use the Director will submit a recommendation to the Board to declare the property surplus. If the Board agrees, the Director will place a sign on the property for not less than 45 days declaring it surplus and seeking public comment. Following this public comment period, the Director has 45 days to prepare a report to the Board detailing the Director's compliance with the Surplus Property Policy, describing public comment received and recommending a course of action. This document has been prepared for this purpose.

## **OWNERSHIP HISTORY**

The County building at 301 NE Knott St. was built in 1926 and was operated as the Pearson Mortuary until it was acquired by Multnomah County for use as the State Medical Examiner's Office. Last year the functions performed in this building were transferred to the new State of Oregon medical examiner's building in Clackamas County. The property has been declared surplus by the Multnomah County Board of Commissioners.

## **PROPERTY INFORMATION**

The title to the subject parcel is vested in Multnomah County, a political subdivision of the State of Oregon.

### **Property Description:**

County Building:	#315
Location:	301 NE Knott Portland, Oregon 97211
Land Area:	.86 acres (37,500 Sq. Ft.)
Building Area:	12,632 Sq. Ft.
Property ID#:	R102193
Legal Description:	1N1E27AD – 14100
Zoning:	High Density Residential (RHad)
Assessed Value:	\$1,053,600
Debt Service:	None
Issues:	There are no known issues with the site that would prevent the property from being sold.

## **PUBLIC COMMENT**

### **Overview**

The public comment period for the State Medical Examiners Building began on December 10, 2004. A sign 18" X 24" was posted on the property facing NE Knott Street. The following activities for public notification occurred:

- Newspaper ads in Oregonian Metro Section, all zones, published 12/10/04, 12/17/04, and 12/27/04.
- 48 letters with Notice of Surplus Property Fact Sheets were sent to property owners and tenants within a one block radius of the building.
- Contact was made with:
  - Association Chair & Land Use Planning Committee Chair of Elliot Neighborhood Association
  - Co-Chairs of North/Northeast Business Association
  - Alliance of Portland Neighborhood Business Associations
  - City of Portland's Bureau of Planning
  - Portland's Office of Neighborhood Involvement
  - Portland Development Commission

The first phase of the 45-day public comment period ended January 24, 2005. A total of 19 interested parties responded:

- 6 sent email to the PAO
- 7 responded on the website comment form
- 1 fax was received
- 5 called Facilities & Property Management

### **Summary of Public Comments Received**

There were three broad categories of interest in the State Medical Examiner's property: private non-profit groups, individuals and realtors. Their interests were as follows:

**Private Non-profit Groups** - This property attracted interest from several non-profit groups. County staff showed the property on-request to representatives of social service organizations and religious groups. Each group was encouraged to talk with the Elliot Neighborhood Association and the Portland Planning Bureau. The following groups indicated specific interest in acquiring the property:

The Portland Toy & Joymakers Children's Program: The Toy & Joymakers helps needy families in the Portland metro area and has not had a home for over 20 years. They asked that the County consider giving the building to them or allow them to lease the building at a low annual cost.

Unlimited Choices: Active interest was shown by Unlimited Choices, a non-profit Adapt-A-Home Program. They have met with the Portland Planning Bureau to discuss zoning issues, the Oregon State Heritage Conservation Division to discuss historic

designation and have received a letter of support from the Elliot Neighborhood Association. They are aware that the building will need to be purchased for its fair market value.

Foster & Adoptive Family Foundation (FAF): FAF would like to be given the building for use as an administrative office and storage for furnishings needed by foster parents that take in emergency placed children.

**Individuals** - Several individuals contacted the County during the comment period. Their interests included acquiring the property as a private residence, establishing a funeral home at the site, creating an after-hours vet clinic emergency room, and ensuring that the property is sold for the highest possible value to the County. Some individuals were inquiring to see if the building could be purchased at a bargain price and a few others simply requested additional information.

**Realtors** - Seven realtors contacted the County with interest in the property. Generally there was interest in establishing a use that would have been difficult under the current zoning. The only one who had a persistent interest was a representative of a public employees union. He was provided all the pertinent information about the site.

No comments were received opposing the sale of the property and there were no issues identified through the comment process that would delay its disposition. However, the residential zoning does have a significant affect on the use of the property and was a surprise to many people interested in purchasing the property.

### **DISPOSITION RECOMMENDATION**

Facilities & Property Management recommends the Board of County Commissioners direct Facilities to offer the State Medical Examiner's property for sale through a Request for Proposal (RFP) process. Potential criteria for evaluating proposals might include the following:

1. **Purchase Price** – The offer to purchase will be near or above the appraised value.
2. **Terms** – Preference will be given to cash purchases.
3. **Neighborhood Support** – The offer shall include evidence of community support from the Neighborhood Association, Business Association or other established local community groups.
4. **Timely Implementation** – Preference will be given to proposals that show the ability to proceed in a timely manner with the reuse/development of the property.

**BOGSTAD Deborah L**

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**From:** Davis, Brad [brad@braddavisproperties.com]  
**Sent:** Thursday, March 17, 2005 10:52 AM  
**To:** BOGSTAD Deborah L  
**Subject:** March 17 Meeting re disposition of Edgefield properties

Good Morning:

I tried to watch the portion of the board meeting dealing with the above matter, but ran out of time. Will there be minutes on this matter, that you could email me or direct me to on the web?

Thanks,

Brad Davis

"Don't Keep Me A Secret."  
(Please mention my name when you hear of  
someone planning to buy or sell real estate.)  
Brad Davis, MBA, Broker  
Brad Davis Properties, Inc.  
(Fine Home Sales & Land Acquisition)  
Office & Cell: (503) 780-8008  
Fax: (503) 663-9768  
Email: [Brad@BradDavisProperties.com](mailto:Brad@BradDavisProperties.com)  
Web: [www.BradDavisProperties.com](http://www.BradDavisProperties.com)

IF YOU'RE A BUYER NOT YET AFFILIATED WITH A REALTOR, STATE LAW MANDATES THAT I OFFER  
YOU THE ATTACHED INITIAL BUYER'S PAMPHLET. <http://www.braddavisproperties.com/oagency.html>

3/17/2005

**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: 3-17-05

SUBJECT: Mult Co - Surplus Property

---

AGENDA NUMBER OR TOPIC: B-2  
Discussion

FOR: \_\_\_\_\_ AGAINST: \_\_\_\_\_ THE ABOVE AGENDA ITEM

NAME: Paul Thelhofer

ADDRESS: 104 SE Kibling

CITY/STATE/ZIP: Troutdale, OR 97060

PHONE: \_\_\_\_\_ DAYS: 503 665-5175 EVES: \_\_\_\_\_

EMAIL: \_\_\_\_\_ FAX: \_\_\_\_\_

SPECIFIC ISSUE: \_\_\_\_\_

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WRITTEN TESTIMONY: \_\_\_\_\_

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**IF YOU WISH TO ADDRESS THE BOARD:**

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

**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

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



## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

### Board Clerk Use Only

Meeting Date: 03/17/05  
Agenda Item #: B-3  
Est. Start Time: 11:15 AM  
Date Submitted: 02/22/05

**BUDGET MODIFICATION:** -

**Agenda Title:** Board Briefing – Overview of Adult Mental Health and Addiction Services  
**Division:**

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

<b>Date Requested:</b>	March 17, 2005	<b>Time Requested:</b>	1 hr
<b>Department:</b>	Department of County Human Services	<b>Division:</b>	Mental Health and Addiction Services
<b>Contact(s):</b>	Nancy Wilton		
<b>Phone:</b>	503 988-3691	<b>Ext.:</b>	24776
	<b>I/O Address:</b> 166/7		
<b>Presenter(s):</b>	Patricia K. Pate, Nancy Winters, Sandy Haffey, Kathy Shumate, David Hidalgo, Ray Hudson, John Pearson and Joan Rice		

### General Information

**1. What action are you requesting from the Board?**

Informational briefing update only, based on the Board of County Commissioners' request.

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

This briefing is an overview of the adult programs within the Mental Health and Addiction Services Division (MHASD), upcoming changes, significant accomplishments and the way in which data is used to measure the performance of these programs.

Several years ago, Multnomah County and community partners and advocacy organizations completed a comprehensive review of its adult mental health system, making recommendations for improvement in all areas of service delivery. Now the Mental Health and Addiction Services Division is making improvements to ensure the system's payment model is financially stable.

This briefing will also address its addiction services, highlighting the goals of treatment, dignity and



long-term well-being. Additional aspects of the adult system will be reviewed, including accomplishments specific to the Call Center and Involuntary Commitment Programs.

All of the system changes, in all program areas, will be designed to deliver measurable improvements in the lives of those who suffer from mental illness or addiction.

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

The requirements of the Federal Balanced Budget Act of 1997 are being taken into account as MHASD works to improve its payment models.

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

N/A

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

The community providers have been asked to participate in discussions about potential payment models so that they are well aware of the issues involved and have a meaningful role in any system redesign. A number of meetings have already occurred, and more are planned with both the adult and child treatment providers.

AMHSA, the Adult Mental Health and Substance Abuse Advisory committee, has been kept informed of all planned improvements to the MHASD programs.

---

**Required Signatures**

---

**Department/  
Agency Director:**



**Date:** 02/22/05

**Budget Analyst:**

**Date:** \_\_\_\_\_

**Department HR:**

**Date:** \_\_\_\_\_

**Countywide HR:**

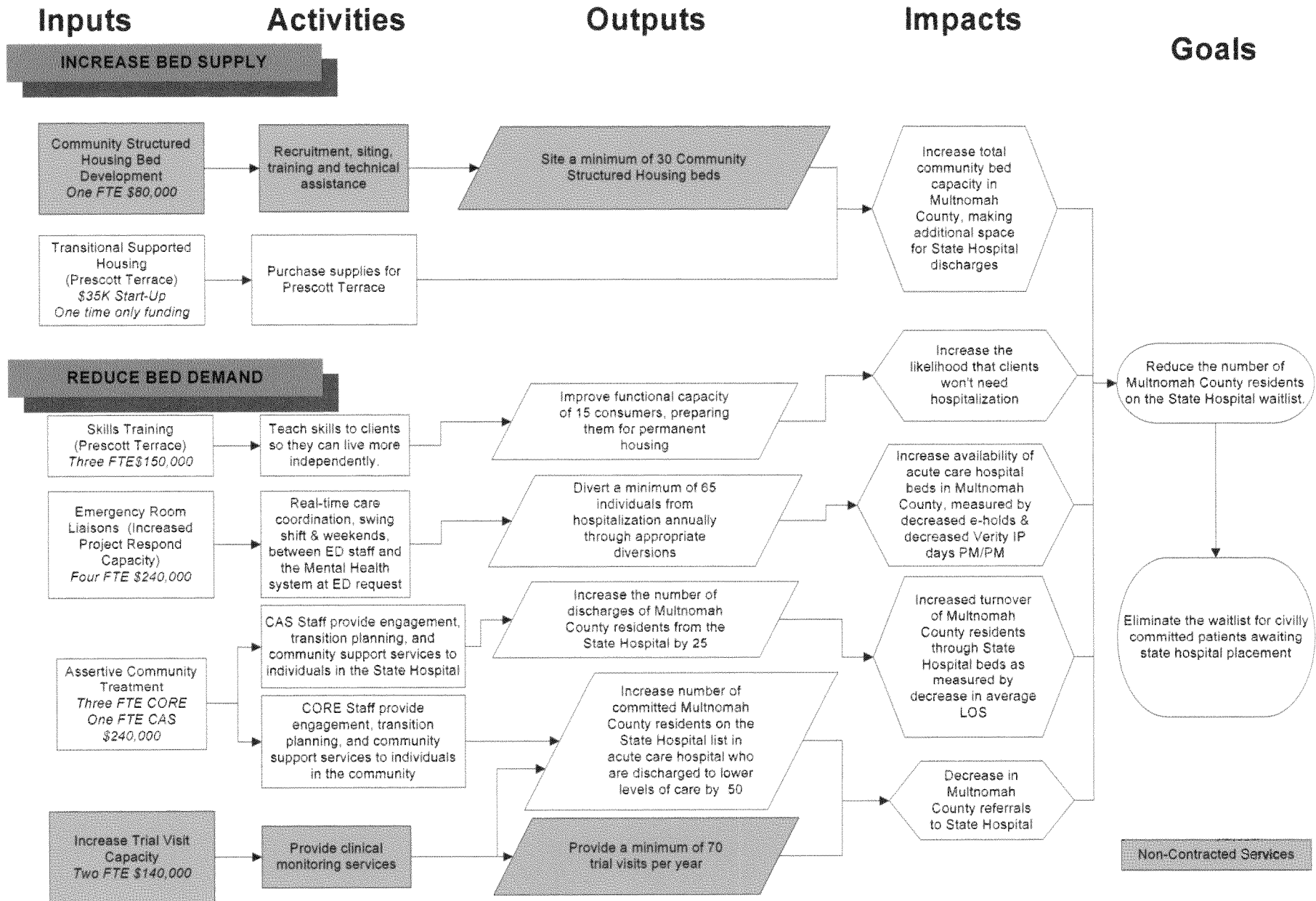
**Date:** \_\_\_\_\_



**Multnomah County**  
**Department of County Human Services**  
**Board Briefing**  
**Overview of Mental Health and Addiction Services Division**  
March 17, 2005  
11:00 to 12:00 noon

**AGENDA**

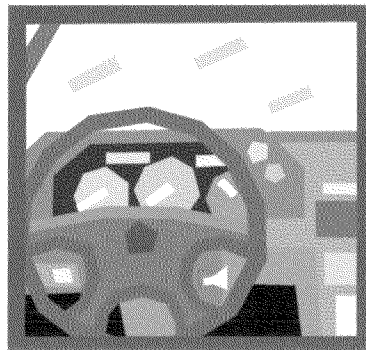
- **Introductions, Agenda Overview**
- **Adult Mental Health System**
  - ❖ **Overview of Division Functions**
  - ❖ **State Hospital Wait List Project**
  - ❖ **Involuntary Commitment Procedure**
- **Crisis Line/Call Center**
  - ❖ **Overview**
  - ❖ **Results/New Projects**
- **Addiction Services System**
  - ❖ **Overview**
  - ❖ **Methamphetamine Grant update**
- **Quality Management**
  - ❖ **Overview**
  - ❖ **Financial Model Improvements**
  - ❖ **Dashboard**
- **Wrap Up**
- **Questions**





Department of County Human Services  
Mental Health and Addiction Services

# PERFORMANCE DASHBOARD



*March 2005*

Prepared by:  
MHASD Quality Management Program

Contact: Person:  
Joan Rice, Director of MHASD Quality Management  
503.988.5464 ext 29597



## Department of County Human Services Mental Health and Addiction Services Division Performance Dashboard

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Automobile drivers rely on the car's dashboard. The gas gauge, the oil temperature, the speedometer, and the other gauges keep the driver informed about essential information needed to get to a destination without problems.

The Performance Dashboard for the Mental Health and Addiction Services Division (MHASD) works like a car's dashboard. Performance measures act as gauges providing us with information to assess the impact of mental health and addiction services in improving the quality of life and functioning for those individuals we serve. With this information we are able to determine the overall effectiveness, efficiency, and financial stability of our Division and identify any areas that require change in order to maintain a viable, effective, and sustainable continuum of mental health and addiction services for Multnomah County residents.

MHASD produces the Performance Dashboard during the last week of every month. Unless otherwise noted, there is a 3-month lag time in the data reported because of the time it takes to receive and analyze the information from the providers. For instance, the December dashboard reports on data that is current to September 2004.

Each item on the dashboard ties to a page with more detail about the specific measure, including a definition, a target rate, current fiscal year-to-date, and historical data for the prior two fiscal years.

To allow for an immediate assessment of the Division's performance, each month's performance measures are rated using the following system:

- ★ - Optimal Performance
- ↑ - Better Than Targeted Performance
- √ - Performance On Track Towards Achieving Target
- ↓ - Worse Than Targeted Performance

**NR** – Not Rated (Some types of information, such as the number of Multnomah County Residents enrolled in Oregon Health Plan, are needed to effectively provide a service but are outside of the scope of control of the Division.)

Explanations are provided for any Performance Dashboard measure that does not achieve the targeted performance.

# MHASD Performance Measure Dashboard

## OHP VERITY MENTAL HEALTH ORGANIZATION MEASURES

Category	FY 03	FY 04	FY 05 YTD	Current Month Dec 04	Rating	Comments
<b>CLINICAL</b>						
Total Member Months						
Hospital Total Discharges Per Thousand Members Per Month (PTMPM)						
Hospital Total Days Per Thousand Members Per Month (PTMPM - Authorized Days Only)						
Hospital Average Length of Stay (ALOS)						
Hospital Readmissions in 30 Days (includes readmissions in 7 days)						
<b>FINANCIAL</b>						
Total State OHP Payment						
OHP Revenue Per Member Per Month						
Total OHP Expense Per Member Per Month						

## INVOLUNTARY COMMITMENT PROGRAM

Category	FY 03	FY 04	FY 05 YTD	Current Month Dec 04	Rating	Comments
<b>CLINICAL</b>						
Multnomah County Population						
Total Emergency Holds Investigated by ICP						
Average Rate of Emergency Holds Per 1000 Multnomah County Residents Per Month						
Total Emergency Holds for Multnomah County & Transient Residents						
Total Emergency Holds for <u>Uninsured</u> Multnomah County & Transient Residents						
Percent of Emergency Holds That Are Uninsured						
<b>FINANCIAL</b>						
ICP Hospital Total Paid Charges						
<b>CALL CENTER / CRISIS SERVICES</b>						
Category	FY 03	FY 04	FY 05 YTD	Current Month Dec 04	Rating	Comments
<b>CLINICAL</b>						
Total Crisis Line Calls Received						
Total Crisis Line Calls Answered						
Average Speed of Answer						
Abandonment Rate						
<b>ADDICTIONS SERVICES</b>						
<b>CLINICAL</b>						
Unduplicated Individuals Admitted to A&D Treatment						

## OHP VERITY MENTAL HEALTH ORGANIZATION MEASURES

*Category:* Clinical

*Measure:* Total Member Months

*Definition:* This cumulative number increases during the course of the fiscal year as the number of members enrolled during the current month is added to the number of members enrolled so far that year.

*Purpose of Tracking Measure:* This information is tracked because the State pays us each month based on the number of people enrolled in Verity and because we use it as the denominator when we calculate measures such as Hospital Discharges Per Thousand Member Months (see page 2 for definition). By using member months as the denominator, we can compare our performance against other Mental Health Organizations across the State.

*Rating:* This data is not rated because Multnomah County cannot control how many individuals are enrolled in Verity, our Mental Health Organization.

	Fiscal Year 2003	Fiscal Year 2004	Fiscal Year 2005 (Year to Date)	Current Month August 2004	Rating	Comments
Total Member Months	825,441	683,312	127,493	68,794	NR	Total Member Months were lower in FY2004 than in FY2003. OHP Standard members lost their mental health benefits mid-year 2003. OHP Standard benefits were restored in August 2004 and the Total Member Months returned to 81% of FY2003 levels.

Rating guide: ★ Optimal Performance, ↑ Better than Targeted Performance,  
✓ Performance On Track Towards Achieving Target, ↓ Worse than Targeted  
Performance, NR Not Rated



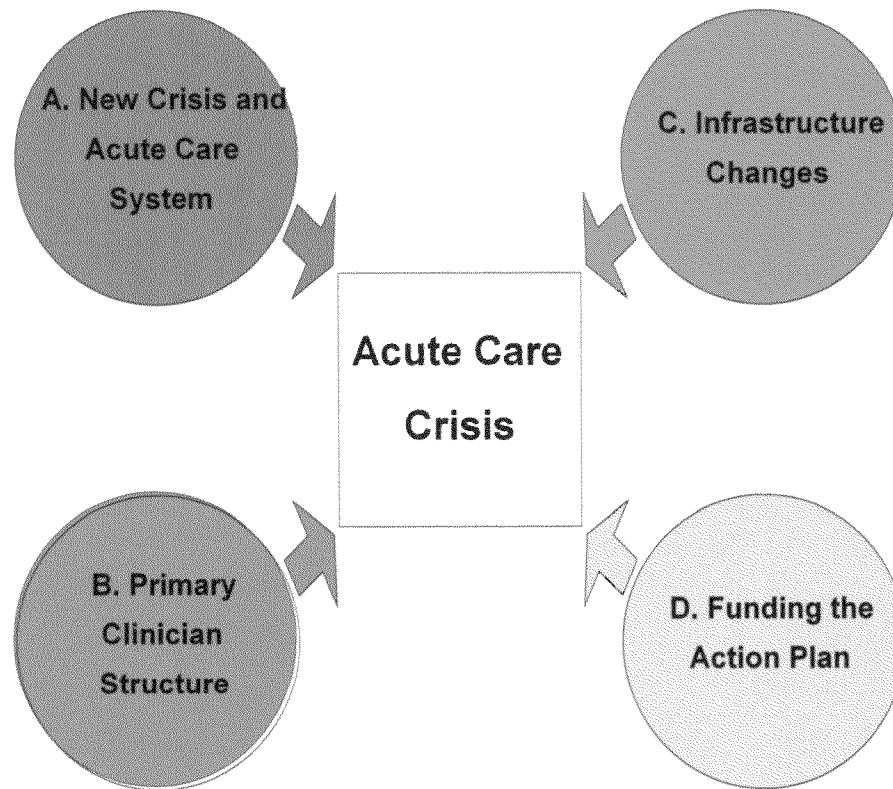
# **Adult Mental Health System of Care Design**

**Multnomah County Mental Health  
and Addiction Services Division**

# **Adult Mental Health System of Care Design**

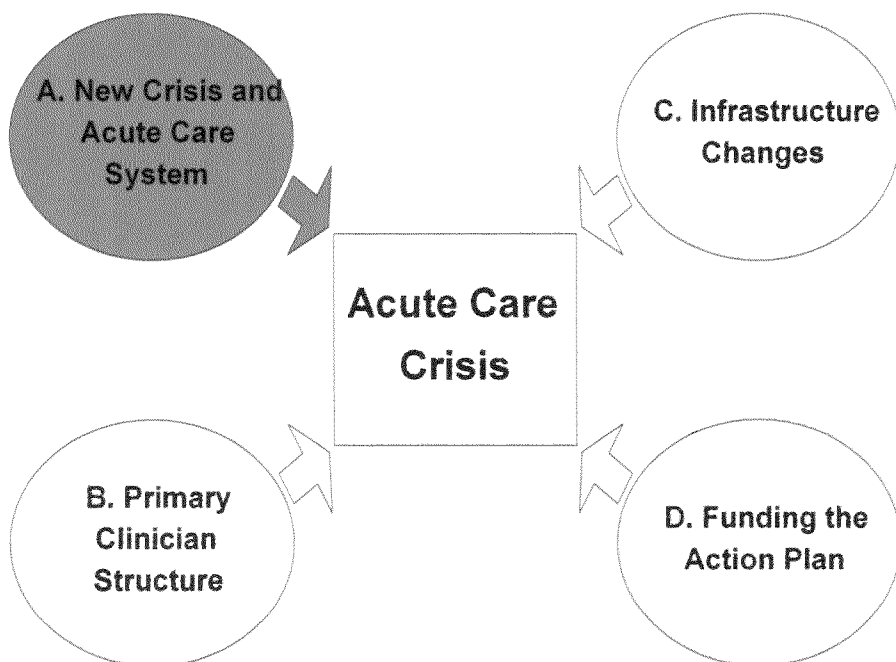
**2001 Plan Implemented In 2002 And Current  
Issues Associated With Continued Use**

# Acute Care Crisis Action Plan 2001



# Historic Action Plan

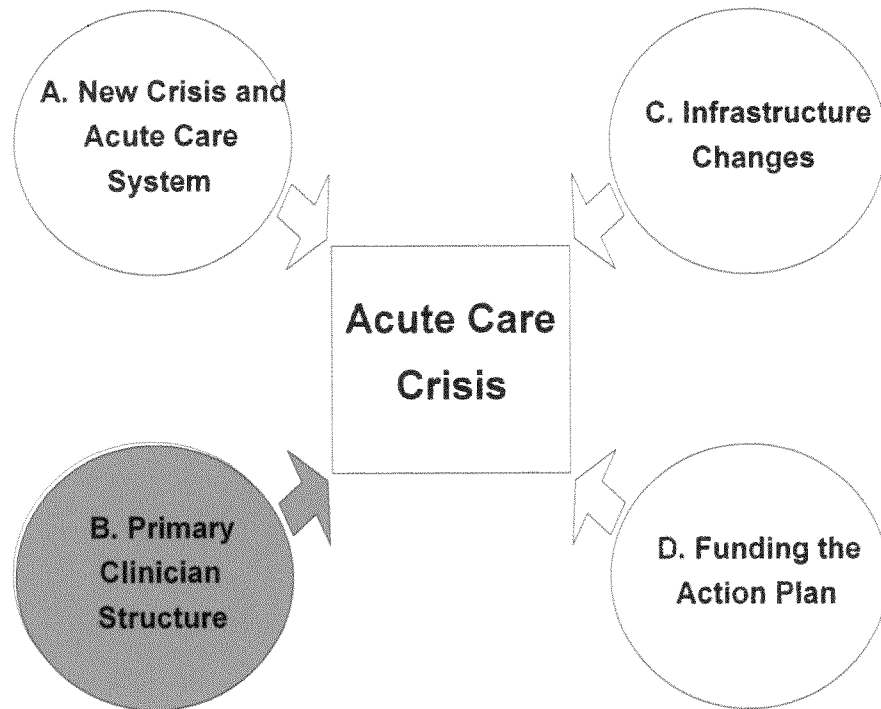
## Implementation / Current Impact



### Acute Care Alternatives Implemented Reduced Use of Acute Inpatient

	Inpatient Discharges PTMPM			Inpatient Days PTMPM		
	Adult	Child	All	Adult	Child	All
Jul 01 to Jun 02	3.6	0.5	2.3	28.0	4.6	18.1
Jul 02 to Jun 03	3.3	0.5	2.0	22.7	4.1	14.1
Jul 03 to Jun 04	3.2	0.4	1.6	24.2	3.4	12.5

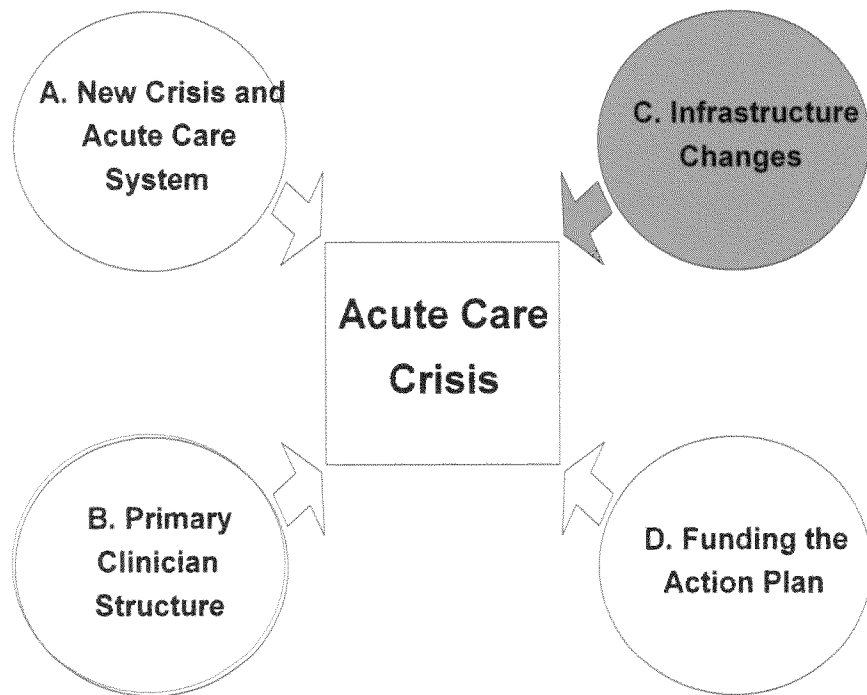
# Historic Action Plan Implementation / Current Impact



**Primary Clinician /Provider  
Structure**

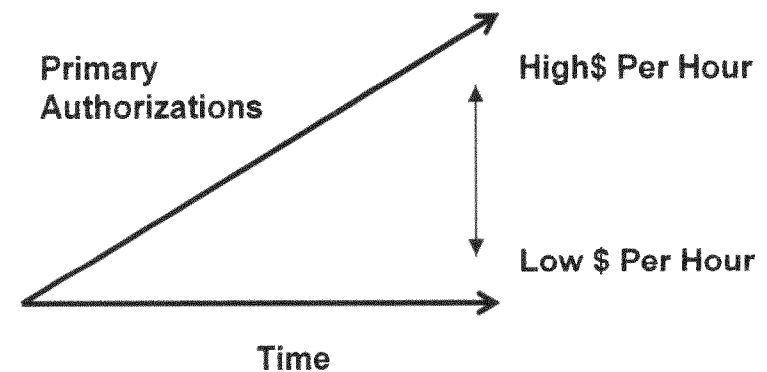
**Clinical System Of Care For  
Adults With Serious Mental  
Illness Not Addressed in  
Plan**

# Historic Action Plan Implementation / Current Impact



**Primary Provider Contracts  
Well Understood**

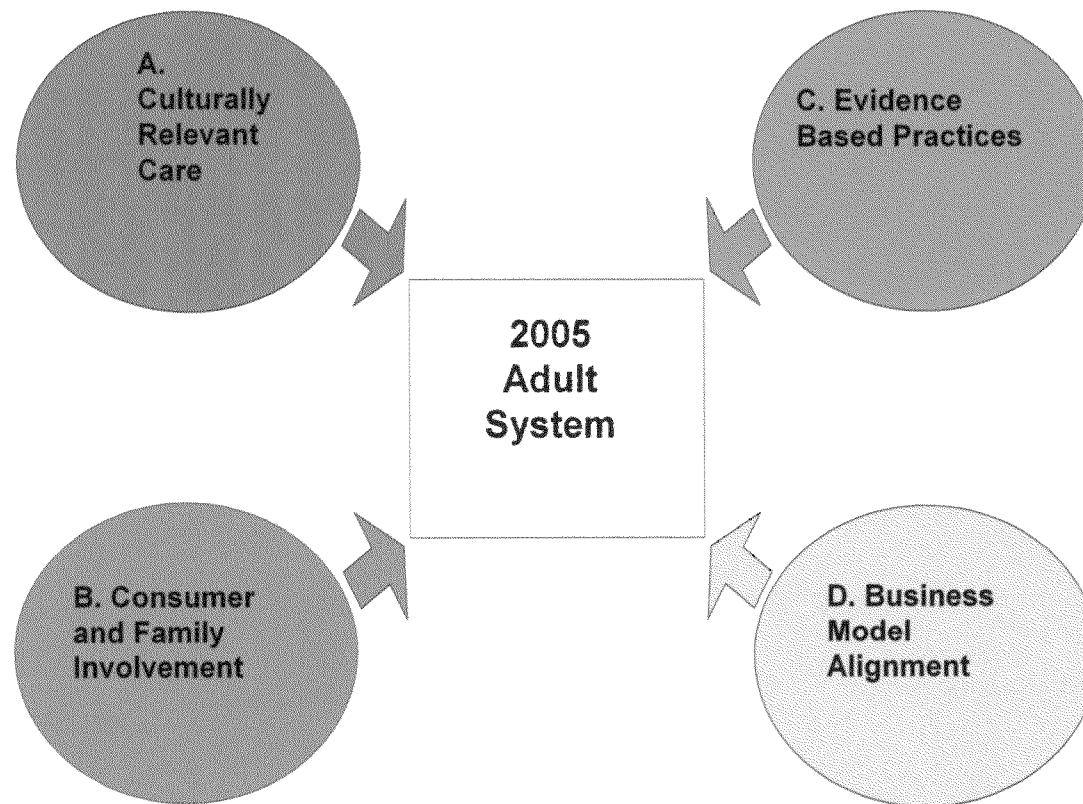
**Primary Authorization Model  
Outlasted Its Time Limited  
Benefit**



# **Adult Mental Health System of Care Design**

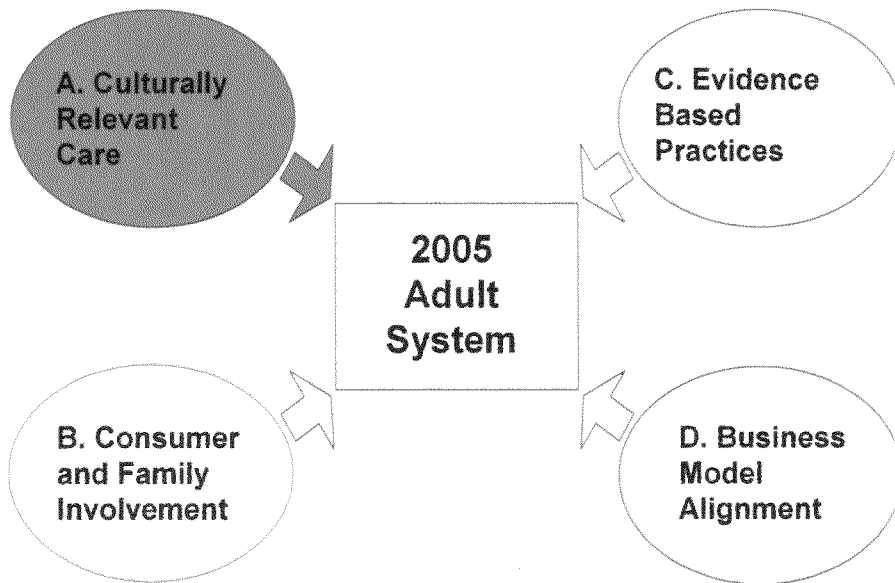
**2005 Planned Adult System Of Care And Business  
Model Improvements**

# 2005 Planned Adult System Of Care And Business Model Improvements





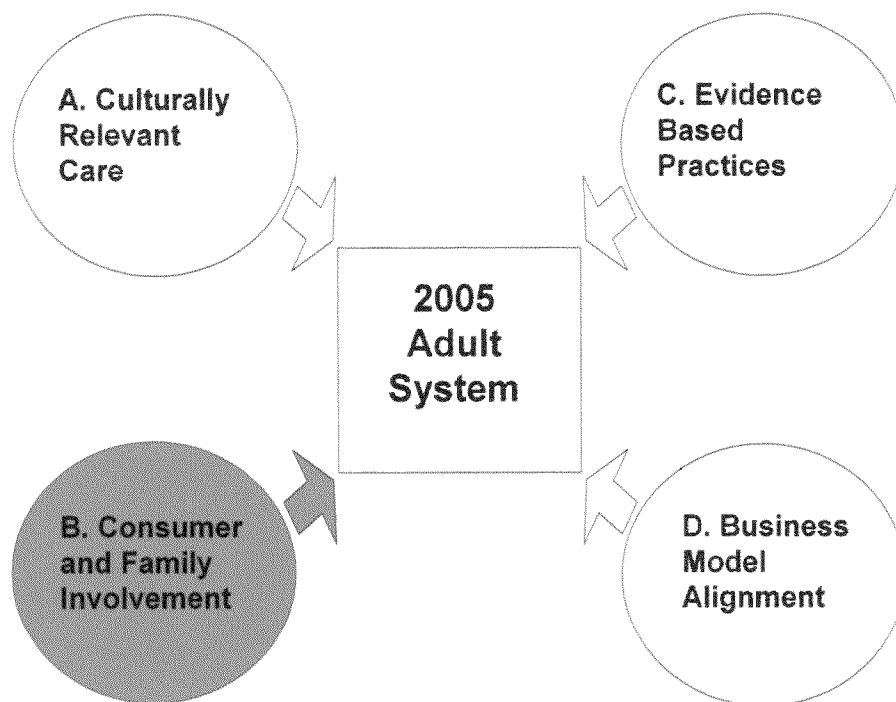
# 2005 Planned Adult System Of Care And Business Model Improvements



**Targeted Changes For Adult OHP  
Members In Ethnic or Language  
Minority Groups**

**System Changes Directed At  
Increasing Penetration Rates**

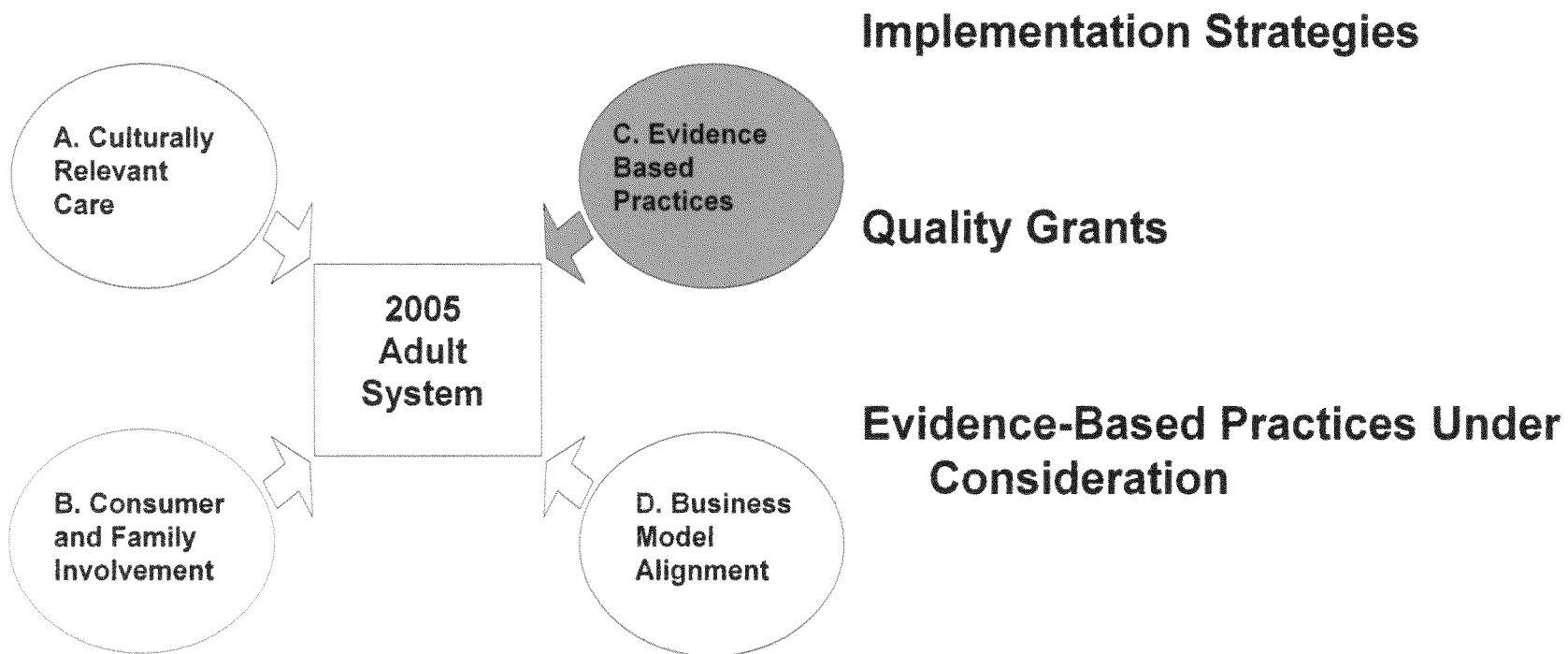
# 2005 Planned Adult System Of Care And Business Model Improvements



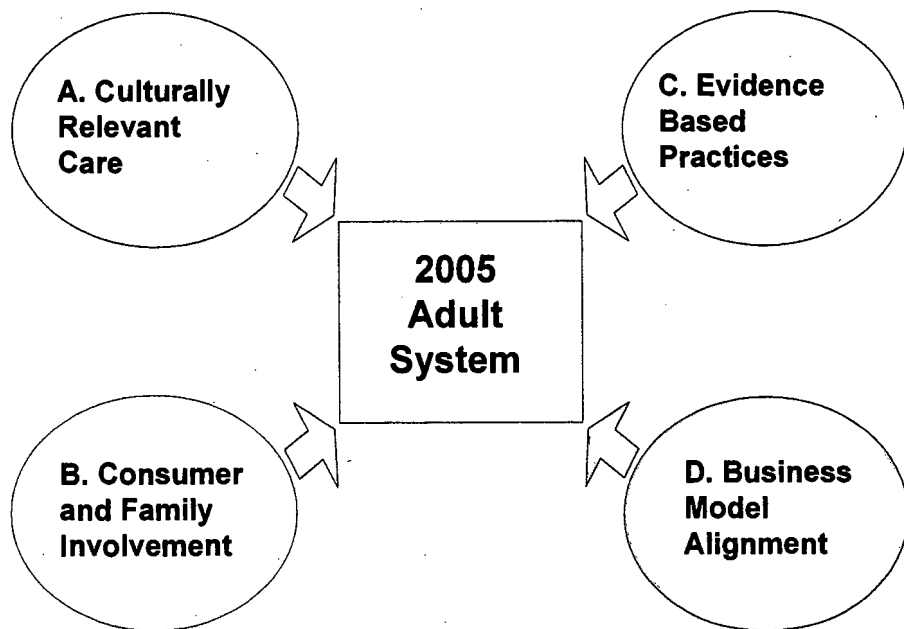
**Design Process Includes  
Involvement of Consumers and  
Advocacy Community**

**Clinical Design Consistent With  
Guiding Principles From  
Consumer Movement**

# 2005 Planned Adult System Of Care And Business Model Improvements



# 2005 Planned Adult System Of Care And Business Model Improvements



**Fee-For-Service Payments For  
Most Outpatient Services**

**Third-Party Claims Administrator**



**MULTNOMAH  
COUNTY**

Department of County Human Services  
Mental Health and Addiction Services Division

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**Multnomah County  
Department of County Human Services  
Board Briefing  
Overview of Mental Health and Addiction Services Division  
Adult System of Care  
March 17, 2005**



**Multnomah County**  
**Department of County Human Services**  
**Board Briefing**  
**Overview of Mental Health and Addiction Services Division**  
March 17, 2005  
11:00 to 12:00 noon

**AGENDA**

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- **Adult Mental Health System**
  - ❖ **Overview of Division Functions**
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  - ❖ **Financial Model Improvements**
  - ❖ **Dashboard**
- **Wrap Up**
- **Questions**



## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

### Board Clerk Use Only

Meeting Date: 03/17/05  
Agenda Item #: B-3  
Est. Start Time: 11:00 AM  
Date Submitted: 01/24/05

**BUDGET MODIFICATION:** -

**Agenda Title:** Board Briefing – Overview of Adult Mental Health and Addiction Services  
**Division:**

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

<b>Date Requested:</b>	March 17, 2005	<b>Time Requested:</b>	1 hr
<b>Department:</b>	Department of County Human Services	<b>Division:</b>	Mental Health and Addiction Services
<b>Contact(s):</b>	Nancy Wilton		
<b>Phone:</b>	503 988-3691	<b>Ext.:</b>	24776
<b>Presenter(s):</b>	I/O Address: 166/7 Patricia K. Pate, Nancy Winters, Sandy Haffey, Kathy Shumate, David Hidalgo, Ray Hudson, John Pearson and Joan Rice		

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---

**Required Signatures**

---

**Department/  
Agency Director:**



**Date:** 01/24/05

**Budget Analyst:**

**Date:** \_\_\_\_\_

**Department HR:**

**Date:** \_\_\_\_\_

**Countywide HR:**

**Date:** \_\_\_\_\_



## Inputs

## Activities

## Outputs

## Impacts

## Goals

### INCREASE BED SUPPLY

Community Structured  
Housing Bed  
Development  
*One FTE \$80,000*

Recruitment, siting,  
training and technical  
assistance

Site a minimum of 30 Community  
Structured Housing beds

Increase total  
community bed  
capacity in  
Multnomah  
County, making  
additional space  
for State Hospital  
discharges

Transitional Supported  
Housing  
(Prescott Terrace)  
*\$35K Start-Up  
One time only funding*

Purchase supplies for  
Prescott Terrace

### REDUCE BED DEMAND

Skills Training  
(Prescott Terrace)  
*Three FTE \$150,000*

Teach skills to clients  
so they can live more  
independently.

Improve functional capacity  
of 15 consumers, preparing  
them for permanent  
housing

Increase the  
likelihood that clients  
won't need  
hospitalization

Emergency Room  
Liaisons (Increased  
Project Respond  
Capacity)  
*Four FTE \$240,000*

Real-time care  
coordination, swing  
shift & weekends,  
between ED staff and  
the Mental Health  
system at ED request

Divert a minimum of 65  
individuals from  
hospitalization annually  
through appropriate  
diversions

Increase availability of  
acute care hospital  
beds in Multnomah  
County, measured by  
decreased e-holds &  
decreased Verity IP  
days PM/PM

Assertive Community  
Treatment  
*Three FTE CORE  
One FTE CAS  
\$240,000*

CAS Staff provide engagement,  
transition planning, and  
community support services to  
individuals in the State Hospital

Increase the number of  
discharges of Multnomah  
County residents from the  
State Hospital by 25

Increased turnover  
of Multnomah  
County residents  
through State  
Hospital beds as  
measured by  
decrease in average  
LOS

CORE Staff provide  
engagement, transition  
planning, and community  
support services to individuals  
in the community

Increase number of  
committed Multnomah  
County residents on the  
State Hospital list in  
acute care hospital who  
are discharged to lower  
levels of care by 50

Decrease in  
Multnomah  
County referrals  
to State Hospital

Increase Trial Visit  
Capacity  
*Two FTE \$140,000*

Provide clinical  
monitoring services

Provide a minimum of 70  
trial visits per year

Reduce the number of  
Multnomah County residents  
on the State Hospital waitlist.

Eliminate the waitlist for civilly  
committed patients awaiting  
state hospital placement

Non-Contracted Services

**MENTAL HEALTH CRISIS SERVICES  
IN MULTNOMAH COUNTY**

**Call here...**



**MULTNOMAH COUNTY  
CALL CENTER**

**503-988-4888**

**Toll-Free 1-800-716-9769**

(Available 24 hours a day)

- Mental Health Resource and Information Referral
- Crisis Support and Mental Health Emergency Assistance

**or walk in...**



**CASCADIA URGENT WALK-IN CLINIC**

Serves Adults, Children, and Families

2415 SE 43<sup>rd</sup>

(Use west entrance at SE 42<sup>nd</sup> / Division)

Hours: 7 AM – 10:30 PM, 7 days a week\*\*

Bus #4

**\*\*Note change in hours effective 2-1-05**

**or we'll come  
to you...**



**Culturally competent, expanded  
CHILD, FAMILY, AND ADULT MOBILE  
OUTREACH**

24 hours a day, 7 days a week

throughout Multnomah County

Call Project Respond at 503-988-4888

### Verity Inpatient Discharges / Days / Average Length of Stay

	Inpatient Discharges PTMPM			Inpatient Days PTMPM			Average Length of Stay	
	Adult	Child	All	Adult	Child	All	Adult	Child
Jul 00 to Jun 01	3.5	0.6	2.3	29.0	6.1	19.2	8.3	9.8
Jul 01 to Jun 02	3.6	0.5	2.3	27.9	4.6	18.0	7.7	9.0
Jul 02 to Jun 03	3.3	0.5	2.0	22.7	4.0	14.0	6.8	8.8
Jul 03 to Jun 04	3.2	0.4	1.6	24.1	3.4	12.5	7.6	7.9
Jul 04 to Sep 04	2.9	0.3	1.6	21.4	2.5	11.9	7.4	7.7
Oct 04 to Dec 04	2.4	0.4	1.4	19.4	3.4	11.5	8.2	7.8

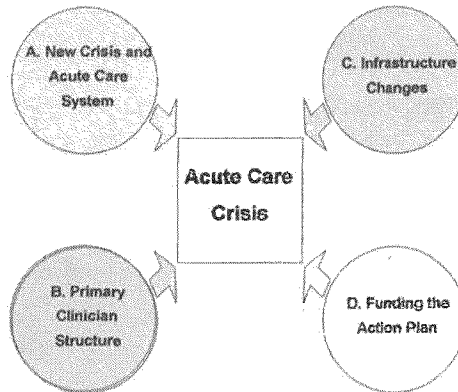
# **Adult Mental Health System of Care Design**

**Multnomah County Mental Health  
and Addiction Services Division**

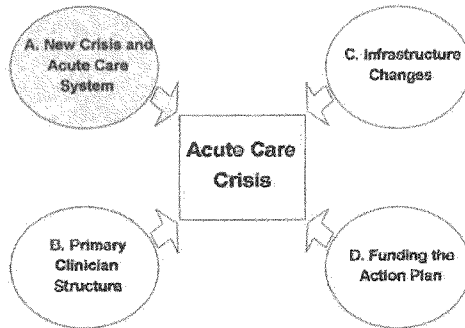
# **Adult Mental Health System of Care Design**

**2001 Plan Implemented In 2002 And Current  
Issues Associated With Continued Use**

# Acute Care Crisis Action Plan 2001



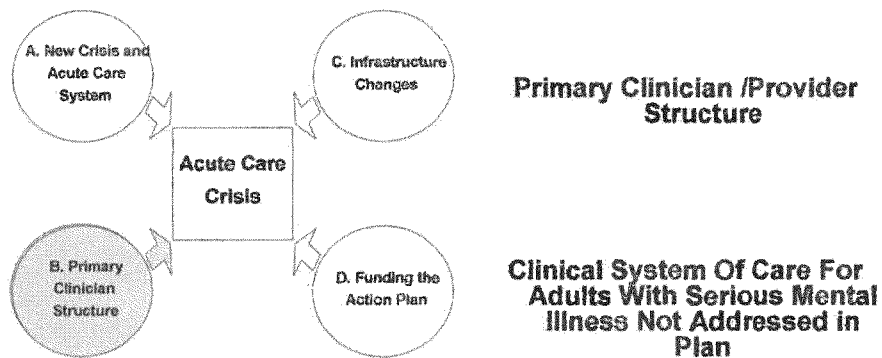
## Historic Action Plan Implementation / Current Impact



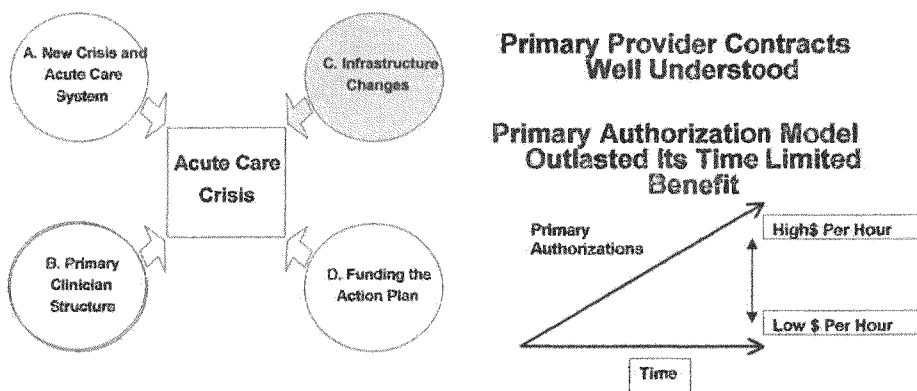
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	Inpatient Discharges PTMPM			Inpatient Days PTMPM		
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Jul 01 to Jun 02	3.6	0.5	2.3	28.0	4.8	18.1
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## Historic Action Plan Implementation / Current Impact



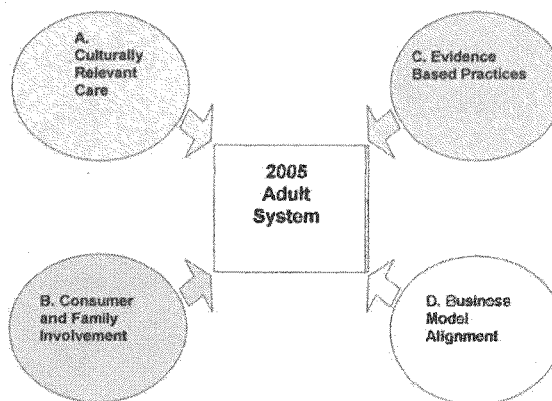
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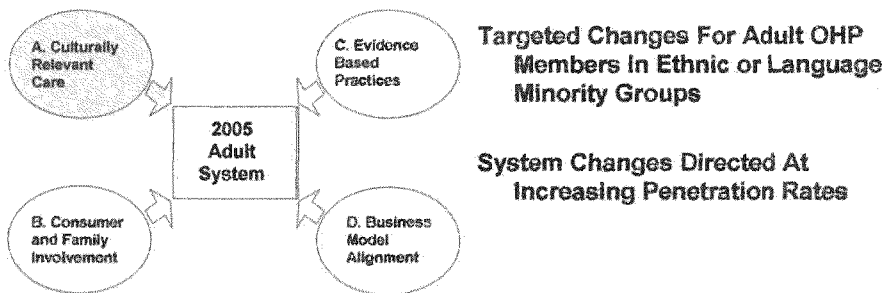
# Adult Mental Health System of Care Design

2005 Planned Adult System Of Care And Business  
Model Improvements

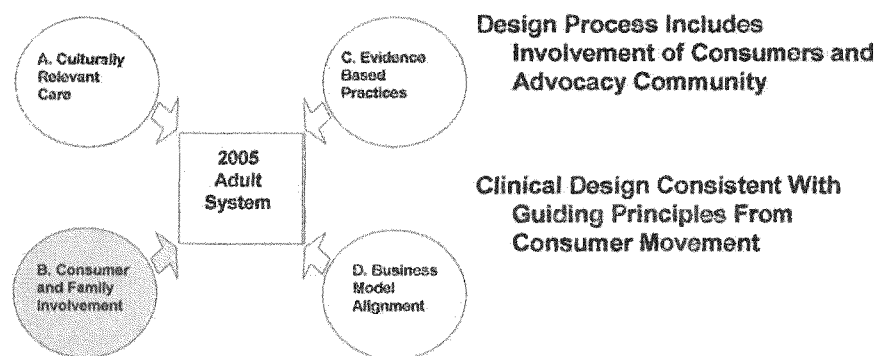
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## 2005 Planned Adult System Of Care And Business Model Improvements

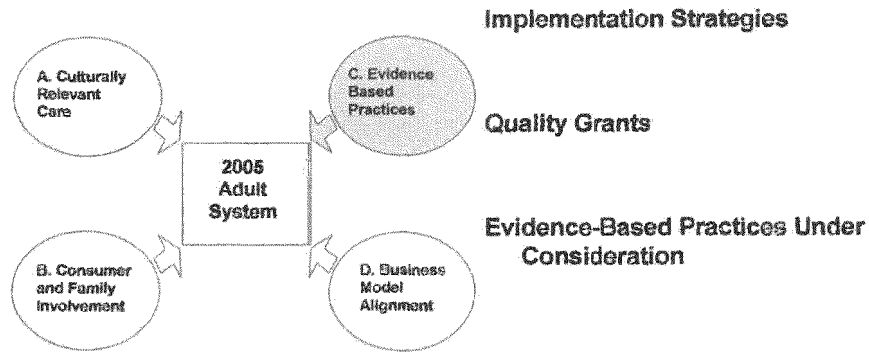


## 2005 Planned Adult System Of Care And Business Model Improvements

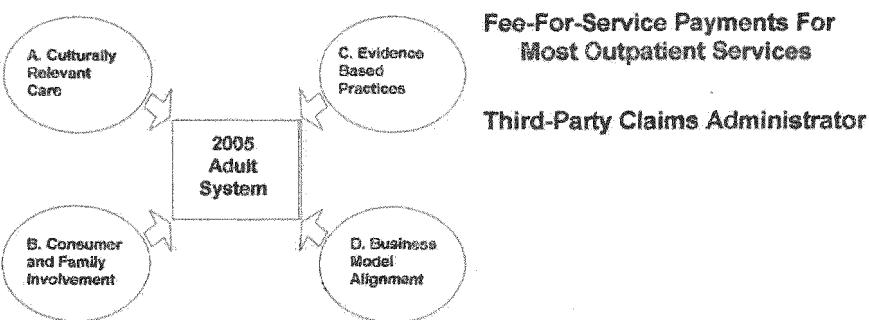




## 2005 Planned Adult System Of Care And Business Model Improvements



## 2005 Planned Adult System Of Care And Business Model Improvements

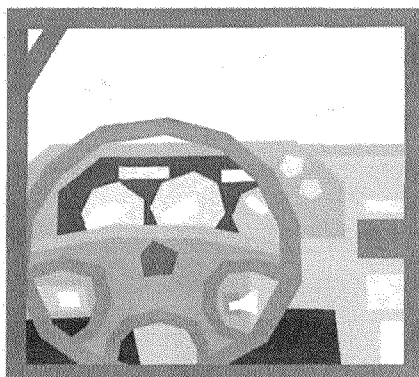




Department of County Human Services  
Mental Health and Addiction Services  
Division

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# PERFORMANCE DASHBOARD



March 2005

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Prepared by:

MHASD Quality Management Program  
Contact: Joan Rice, Director of MHASD Quality Management  
503-988-5464 ext. 29597

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## Department of County Human Services Mental Health and Addiction Services Division Performance Dashboard

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Automobile drivers rely on the car's dashboard. The gas gauge, the oil temperature, the speedometer, and the other gauges keep the driver informed about essential information needed to get to a destination without problems.

The Performance Dashboard for the Mental Health and Addiction Services Division (MHASD) works like a car's dashboard. Performance measures act as gauges providing us with information to assess the impact of mental health and addiction services in improving the quality of life and functioning for those individuals we serve. With this information we are able to determine the overall effectiveness, efficiency, and financial stability of our Division and identify any areas that require change in order to maintain a viable, effective, and sustainable continuum of mental health and addiction services for Multnomah County residents.

MHASD produces the Performance Dashboard during the last week of every quarter. Unless otherwise noted, there is a 3-month lag time in the data reported because of the time it takes to receive and analyze the information from the providers. For instance, the March 2005 dashboard reports on data that is current to December 2004.

Each item on the dashboard ties to a page with more detail about the specific measure, including a definition, a target rate, current fiscal year-to-date, and historical data for the prior two fiscal years.

To allow for an immediate assessment of the Division's performance, each month's performance measures are rated using the following system:

- ★ - Optimal Performance
- ↑ - Better Than Targeted Performance
- ✓ - Performance On Track Towards Achieving Target
- ↓ - Worse Than Targeted Performance

**NR – Not Rated** (Some types of information, such as the number of Multnomah County Residents enrolled in Oregon Health Plan, are needed to effectively provide a service but are outside of the scope of control of the Division.)

Explanations are provided for any Performance Dashboard measure that does not achieve the targeted performance.

## MHASD Performance Measure Dashboard

### OHP VERITY MENTAL HEALTH ORGANIZATION MEASURES

Category	FY 03	FY 04	FY 05 YTD	Current Month Dec 04	Rating	Comments
<b>CLINICAL</b>						
Total Member Months	825,441	683,312	399,454	67,380	NR	Adult member months returned to 81% of FY 03 levels in Aug 04 after mental health benefits were returned to OHP standard adults and have since dropped to 75% due to attrition.
Hospital Total Discharges Per Thousand Members Per Month (PTMPM)	2.0	1.6	1.5	1.4	√	Statewide approximate for FY 2003 is 1.1. Target of 1.3 is set for the last two quarters of FY05.
Hospital Total Days Per Thousand Members Per Month (PTMPM - Authorized Days Only)	14.0	12.5	11.7	9.85	√	Call Center changes in concurrent review and increased case coordination with providers since July 04 have been successful and have decreased total hospital days.
Hospital Average Length of Stay (ALOS)	7.0	7.6	7.8	8.1	√	Average length of stay in the hospital is increasing slightly. As unnecessary hospitalizations are avoided the people left in the hospital more ill and are expected to stay longer.
Hospital Readmissions in 30 Days (includes readmissions in 7 days)	17%	16%	13%	N/A	√	Statewide approximate for FY 2003 is 12%. The readmission rate continues to decrease with community changes and is expected to reach state average within this contract year
<b>FINANCIAL</b>						
Total State OHP Payment	\$33,062,894	\$26,051,860	\$14,645,523	\$2,484,323	NR	OHP revenue is directly tied to type of eligible members. We receive a much higher payment per month for the sickest adult members than for young children.

# OHP VERITY MENTAL HEALTH ORGANIZATION MEASURES

## FINANCIAL

OHP Revenue Per Member Per Month	\$40.05	\$38.18	\$36.57	\$36.89	NR	OHP payments per eligible member per month have decreased over time. MHO must continue to improve ability to operate in the most cost effective manner possible
Total OHP Expense Per Member Per Month	\$39.44	\$37.67	\$36.62	\$36.89	NR	

## INVOLUNTARY COMMITMENT PROGRAM

Category	FY 03	FY 04	FY 05 YTD	Current Month Dec 04	Rating	Comments
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## CLINICAL

Multnomah County Population	670,250	677,850	685,950	NA	NR	
Total Emergency Holds Investigated by ICP	3656	4080	1931	323	↑	ICP and the Call Center have been meeting with emergency departments to decrease the number of avoidable emergency holds.
Average Rate of Emergency Holds Per 1000 Multnomah County Residents Per Month	.51	.52	.47	.44	↑	Rate is decreasing slightly as the number of avoidable holds decreases with better care coordination.
Total Emergency Holds for Multnomah County & Transient Residents	3328	3702	1628	259	NR	
Total Emergency Holds for <u>Uninsured</u> Multnomah County & Transient Residents	NA	533	242	35	↑	Operations changes in Involuntary Commitment Program have decreased the number of emergency holds that the division is at financial risk for this fiscal year.
Percent of Emergency Holds That Are Uninsured	NA	13%	10%	9%	NR	MHASD cannot control the numbers of uninsured that we are at risk for IP payment. FY04 numbers were higher during months when OHP standard lost coverage.

# INVOLUNTARY COMMITMENT PROGRAM

Category	FY 03	FY 04	FY 05 YTD	Current Month Dec 04	Rating	Comments
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## FINANCIAL

ICP Hospital Total Paid Charges	\$883,446	\$856,054 Jul-03- Dec03 only			√	MHASD paid more in absolute dollars for emergency holds in 2003 than in 2002. The number of investigations increased when OHP Standard population lost coverage in February 2003.
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## CALL CENTER / CRISIS SERVICES

Category	FY 03	FY 04	FY 05 YTD	Current Month Dec 04	Rating	Comments
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## CLINICAL

Total Crisis Line Calls Received	30,969	44,913	31,845	4,702	★	Active work with community to increase the number of calls is showing in increased call volume.
Total Crisis Line Calls Answered	28,278	42,350	30,047	4,484	★	More calls will be answered in this fiscal year with less staff
Average Speed of Answer	14 seconds	12 seconds	12 seconds	12 seconds	★	
Abandonment Rate	8.7%	5.8%	5.6%	4.2%	★	National standard for calls abandoned by caller before the service answers is 5%.



## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

### Board Clerk Use Only

Meeting Date: 03/17/05  
Agenda Item #: R-5  
Est. Start Time: 1:30 PM  
Date Submitted: 03/09/05

### BUDGET MODIFICATION:

**Agenda Title:** PUBLIC HEARING to Consider and Possibly Act Upon a Measure 37 Claim Filed by Dorothy English, et. al., for Compensation in the Amount of \$1,150,000 or the Right to Create 8 Lots and Build 8 Homes on Property Located at 13100 NW McNamee Road

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

Date Requested:	March 17, 2005	Time Requested:	2.5 hrs
Department:	Non-Departmental	Division:	Chair's Office
Contact(s):	Karen Schilling, Derrick Tokos, Sandra Duffy and John Thomas		
Phone:	503 988-3043	Ext.	22682 I/O Address: 455/116
Presenter(s):	Derrick Tokos, Sandra Duffy and John Thomas		

### General Information

**1. What action are you requesting from the Board?**

Land Use Planning has outlined an approach to deciding this claim in a staff report dated March 9, 2005.

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

On December 2, 2004, Joe Willis, attorney, on behalf of claimants Dorothy English, Christie Verhoef, and Douglas Sellers, submitted a letter seeking \$1,150,000 or the right to divide the property into 8 parcels and develop 8 homes. Under Ballot Measure 37, the County has 180 days from this date to act on the request before the claimants can seek recourse in circuit court. This public hearing is a forum for the Board of Commissioner's to hear and possibly decide this claim.

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

The demand seeks \$1,150,000 in compensation. As discussed in the staff report, the appraisal supporting this figure is inadequate as evidence of value, meaning that additional appraisal work would be needed should compensation be the Board's desired course of action.

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

Policy and legal issues are outlined in a staff report from Land Use Planning dated March 9, 2005. The County Attorney has advised that dividing land is not use of land under Measure 37.

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

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. Notice was published in the Oregonian and was provided by mail to adjoining property owners 14 days prior to the hearing.

**NOTE:** The Land Use Summary Sheet has been included in the Agenda Packet at the request of Chair Diane Linn and is not part of the Staff Report.

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**Required Signatures**

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**Department/  
Agency Director:**



**Date:** 03/09/05

**Budget Analyst:**

**Date:**

**Department HR:**

**Date:**

**Countywide HR:**

**Date:**





**LAND USE & TRANSPORTATION  
PLANNING PROGRAM**

1600 SE 190<sup>TH</sup> Avenue Portland, OR 97233

PH: 503-988-3043 FAX: 503-988-3389

[http://www.co.multnomah.or.us/dbcs/LUT/land\\_use](http://www.co.multnomah.or.us/dbcs/LUT/land_use)

**Summary Sheet**

**Subdivision vs. No Subdivision  
Dorothy English Measure 37 Claim**

Whether or not an 8 lot subdivision is or is not allowed, depends upon how the County interprets the measure. A rationale for each choice are summarized below. The analysis that the County must follow is similar, with either approach, because in both cases the claimant is seeking the ability to develop additional homes on the property, which is not presently allowed.

**Subdivision Option:**

Rationale: Because Mrs. English was a chief petitioner of Ballot Measure 37, and had expressed an interest in further dividing her property as part of that campaign, it is appropriate to not apply County codes that would prevent the subdivision of the property into 8 lots, and construction of 8 homes. This is, notwithstanding that the measure is unclear that dividing land is a "use" of property that can be granted by not applying regulations, and that any rights to divide and develop the property gained by the claimant cannot be transferred to subsequent buyers. Because of the uncertainties surrounding this issue for both claimants and buyers, the Board does not view this action as a precedent for deciding future claims and would hope that the matter is clarified by the legislature.

**No Subdivision Option:**

Rationale: Ballot Measure 37 is directed at a landowner's ability to establish a use on an existing property, not create new properties. Accordingly, land division laws that define what is necessary to create new conveyable pieces of real property are not subject to this measure. A division of land is not a use of land. To accept otherwise harms the public, going beyond the voter mandate and creating circumstances where lots or parcels, created as a result of a modification or waiver of a land use regulation, cannot be built upon. New parcels or lots would be subject to land use laws in effect on the date they are formed because they would not have existed at the time the claim was filed. Further, a new owner is not entitled to a waiver or modification that might allow development because the measure provides that they are personal to the claimant. For these reasons the measure cannot be read to provide a right to divide land, meaning that land division laws are subject to a claim only to the extent that they prevent the establishment of a use on an existing property.

**NOTE: This Land Use Summary Sheet has been included in the Agenda Packet at the request of Chair Diane Linn and is not part of the Staff Report.**



## Staff Analysis of Measure 37 Claim

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

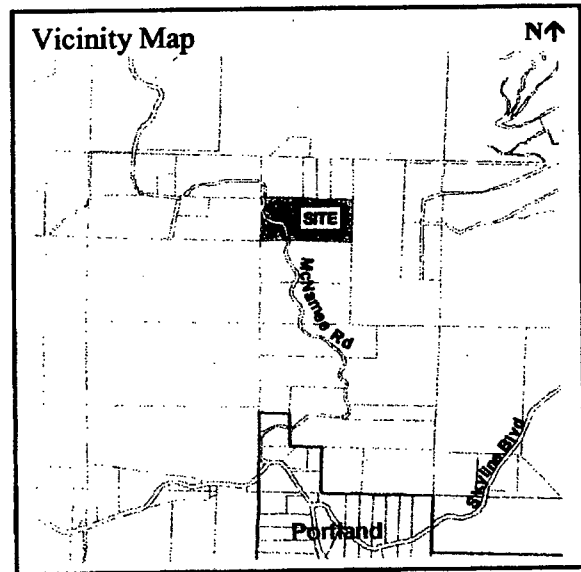
### Hearing Date, Time, & Place:

**Thursday, March 17, 2005, at 1:30 PM** or soon thereafter, in the Commissioners' Board Room of the Multnomah Building, located at 501 SE Hawthorne, Portland, Oregon.

**Case File:** T1-04-044

**Claimant:** Dorothy English, Christie Verhoef, & Douglas Sellars

**Location:** 13100 NW McNamee Road  
TL 1200, Sec 32A, T2N, R1W, W.M.  
Tax Account #R971320170



**Claim:** Demand for compensation in the amount of \$1,150,000 or right to create 8 separate parcels out of the existing parcel and build homes on each parcel.

**Zoning:** Commercial Forest Use (CFU-2) with Protected Aggregate and Mineral, Significant Environmental Concern for views and habitat, and Hillside Development overlays.

**Site Size:** 19.74 acres

### **Approach to Deciding the Claim:**

Dividing land is not a *use* of land for purposes of applying the measure, so that part of the claim must be denied. As for construction of one or more additional dwellings on the property, Christie Verhoef and Douglas Sellars acquired an interest in the land in 1999 at a time when land use regulations prohibited more than one dwelling, so they have no basis for a claim. Mrs. English; however, has established that land use regulations enacted after she purchased the property have prevented her from building additional homes. The claimant's appraisal is adequate to show that these regulations have reduced the property's value, meaning that the Board must either:

- a. Pay compensation equal to the reduction in fair market value of the property attributed to the regulations; or.
- b. Not apply land use regulations to allow Mrs. English to construct one or more additional dwellings on the property. The specific regulations are listed in Category 1, of Addendum A to this report.

The claimant's appraisal, by its own terms, is inadequate as evidence of value, so additional appraisal work would be needed if compensation is the desired course of action.

## Staff Analysis

*(The following is a step-by-step evaluation of the claim, which consists of the letter and limited appraisal submitted by Joe Willis, attorney, on behalf of the claimants. It 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 written demand under Ballot Measure 37?*

**Yes. The claimant's letter and appraisal constitute a "written demand for compensation" within the meaning of the measure.**

On December 2, 2004, Joe Willis, attorney, on behalf of claimants, Dorothy English, Christie Verhoef, and Douglas Sellers, submitted a letter seeking \$1,150,000 in compensation or the right to divide their property at 13100 NW McNamee Road into 8 parcels and construct 8 homes. An appraisal was submitted, on February 9, 2005, to substantiate the amount of compensation being sought. Copies of the claim letter and appraisal are attached (Exhibits A1 & A2).

Mr. Willis's letter was faxed to the County Attorney's Office at 12:11 am, before the Multnomah County Board of Commissioner's considered an ordinance to implement Ballot Measure 37, which was adopted later that morning. Mr. Willis also hand delivered the original letter to the County Attorney's Office on December 2, 2004, at 8:15 a.m. Since the ordinance was not in effect when the claim was received, the County is not using it to evaluate this claim. Instead, the County is applying the measure directly (Exhibit B1).

The measure requires an owner submit a written demand for compensation, but does not specify what that entails. Absent the implementing ordinance which defines what is needed for a claim, the demand must, at a minimum, describe the use being sought, identify regulations that prohibit the use, and substantiate that land use regulations have reduced the value of the property. The claimant's letter and appraisal contains this information.

### *2. Did the claimant acquire the property before the laws in question were adopted?*

**Yes, at least in terms of claimant Mrs. English who acquired the property in 1953, prior to the County adopting the ordinances challenged in the claim.**

Ballot Measure 37 exempts land use regulations enacted prior to the date the current owner acquired the property. Deed records show that claimants Christie Verhoef and Douglas Sellers acquired an interest in the property in 1999 (Instrument #99-01244). Land use regulations in effect at that time were substantially the same as they are now, providing for one single family dwelling per lawful parcel (§11.WH.2046, Ord. #916). Current assessment records show that the property is improved, with a residence built in 1948 (Exhibit B2). As there is already a dwelling on the property, no additional dwellings would have been permitted under land use regulations in effect on the date Christie Verhoef and Douglas Sellers acquired an ownership interest. Accordingly, neither has a basis for a claim.

Mr. Willis has provided evidence that Mrs. English first acquired the property with her husband in November, 1953 pursuant to a land sales contract (Book 1630, page 591).<sup>1</sup> In May of 1953 the County

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<sup>1</sup> The property at that time was 38.98 acres in size and is identified on older maps as Tax Lot 17. The current property, Tax Lot 1200, is the south half of the original piece, created when Mr. and Mrs. English sold 10.76 acres and 8.87 acres in 1974 and October 18, 1977, respectively.

adopted its first interim zoning ordinance, a code that was primarily directed at nuisance uses and would not have prohibited more than one dwelling from being established on a parcel or lot (Exhibit B3). Therefore, Mrs. English became the owner of her property prior to the County enacting land use regulations restricting the number of dwellings to one per property.

*3. Have the County codes challenged in this claim restricted the use of the property?*

**Yes. The zoning restricts the use of the property, limiting Mrs. English to one dwelling. The County Attorney's office has advised that dividing land is not a *use* of land under Measure 37. Since a land division is not a *use* of land, codes regulating how or when property can be subdivided or partitioned are beyond the scope of the measure.**

County maps show that the property is zoned Commercial Forest Use (CFU-2), with Protected Aggregate and Mineral, Significant Environmental Concern for views and streams, and Hillside Development overlays (Exhibits B4 & B5), and each is challenged in Mr. Willis's letter. These zoning rules implement both local and statewide planning policies, and either limit what the property can be used for or influence the manner in which development occurs, both of which can restrict the use of property.

The Commercial Forest Use (CFU-2) and Protected Aggregate and Mineral regulations restrict the use of land by prohibiting the construction of more dwellings on the property. The CFU-2 rules do so by prohibiting residential development that conflicts with the purpose of the district, which is to conserve and protect lands for continued commercial growing and harvesting of timber and related forest uses, consistent with Statewide Planning Goal 4 (ref: §33.2200). New dwellings are only allowed in a limited range of circumstances, such as when they are need to manage large timber holdings, are being located in an area where there is already a substantial number of dwellings, or are to occur on property that has been owned by the current owner for an extended period of time. All of these provisions are for one dwelling per parcel. Similarly, the Protected Aggregate and Mineral Overlay limits construction of dwellings because they are noise sensitive uses that are inappropriate in close proximity to aggregate sites, which are protected by this district pursuant to Statewide Planning Goal 5 (ref: §33.5700). The aggregate overlay covers all of Mrs. English's property because of its proximity to the Angel Brothers Quarry, which is approximately 630 ft to the north. If the Board determines to not apply certain regulations to allow Mrs. English to construct 8 houses it will be necessary to not apply the regulations listed in Category 1 in Addendum A.

Other regulations do not prohibit uses, rather they influence how development occurs on property to meet policy objectives, the specifics of which are briefly explored in the addendum to this report. The claim letter and appraisal focus on what Mrs. English wants to build, not how she intends to do it. While it is possible that these rules can restrict the use of property, it is impossible to know the degree to which they will do so without knowing how the claimant will develop the property. The same can be said for the transportation codes challenged in the letter. For these reasons, it is recommended that these regulations (described in Category 2 in Addendum A) not be addressed at this time until further information is provided about the development.

Regulations that concern public health and safety are not subject to Measure 37. It is recommended that the request to not apply the regulations listed in Category 3 (Hillside Development and Erosion Control Standards) be denied.

Finally some regulations cited in the claim letter have no bearing on development of the English property. It is recommended that these regulations (described in Category 4 in Addendum A) not be addressed at this time subject to the claimant providing information to show that they do, in fact, apply.

*4. Have the restrictions reduced the fair market value of the property?*

**Yes, insofar as they prohibit Mrs. English from constructing one or more additional homes on her property. Since no information has been provided as to how Mrs. English intends to develop the property or what their concerns are with the challenged regulations, it is impossible to discern if regulations that influence the manner in which development occurs actually reduce the property's value. The same applies to transportation regulations that require certain public/private improvements depending upon the nature of the development.**

In his letter, Mr. Willis lists more than 60 sections of the County code that, in his opinion, restrict the use of the property and reduce its value. No explanation is given as to why he believes this to be the case and he acknowledges that it is unclear as to whether every provision cited would even apply to Mrs. English's ability to develop her property. The appraisal, which is the other piece of evidence submitted in support of this claim, is by its own terms inadequate for valuation purposes and limited to the question of what the property might be worth as one home site (\$600,000), versus an 8 lot subdivision with 8 homes (\$1,750,000), assuming restrictions are lifted on Mrs. English's property but remain in effect on all other similarly zoned properties. There is no discussion regarding the feasibility of development (e.g. septic suitability, roads, etc.), nor has any information been provided regarding how Mrs. English intends to develop the property other than that they want to incrementally divide the land (two lots at a time) over several years and are prepared to build homes on the parcels, and associated non-public infrastructure prior to the parcels being sold or transferred. Consideration of these factors will influence the value. The appraisal indicates that comparable sales data was considered, presumably of parcels and homes similar to what they want to develop, however, none of the comparables were provided.

Given this limited amount of information, regulations that definitively prohibit the construction of 8 homes, are the only rules that we know have reduced the property values. Regulations that influence the manner in which development occurs (e.g. size, height and location of dwellings, configuration of lots, vehicle access, etc.) cannot be waived or modified at this time because there is no evidence on which to base such a decision. In fact, it could be that they enhance the value of the property or are at least value neutral (e.g. safer more durable roads, homes that blend in with the landscape and other development in the area, more desirable lot configurations, etc.). Without an idea as to how they actually want to develop the property or an explanation of what their concerns are with these regulations, there is no way to know for sure. Some of the challenged regulations are exempt from claims under the measure or are unrelated to the development a hand. An Addendum to this report lists each of the challenged regulations and identifies where they fit within these various scenarios. It is organized into four (4) categories, with Category 1 being those land use regulations that would need to be set aside (i.e. "not applied") to allow the development of additional dwellings; Category 2 being those that are premature to set aside because the claim lacks sufficient information to show that they have reduced the fair market value of the property; Category 3 being those that are exempt under the measure; and Category 4 being those that have no relationship to the development being sought.<sup>2</sup> A brief description of the each regulation is also included to provide perspective as to why they are appropriate to the particular category.

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<sup>2</sup> County Comprehensive Framework Plan, West Hills Rural Area Plan, and other policy documents challenged in Mr. Willis's letter are implemented by the zoning and transportation codes, many of which are also challenged. To the extent it is necessary to waive these codes the corresponding plan policies that necessitated the codes would also have to be waived. As such, it is not necessary to independently evaluate the plan policies.

5. *Have those regulations that reduce the fair market value of the property been enforced?*

**Yes. The plain language of the Commercial Forest Use (CFU-2) and Protected Aggregate and Mineral zoning prohibit additional permanent dwellings.**

Land use regulations enacted prior to the date the owner acquires the property must be enforced for the measure to be operative. The Commercial Forest Use (CFU-2) and Protected Aggregate and Mineral zoning rules effectively prohibit additional permanent dwellings, reducing the value of the property. There is no application that they can apply for that could lead to the approval of additional homes, so on their face these regulations have been enforced.

### **Conclusion**

Considering the above, Mrs. English has established that land use regulations enacted after she purchased the property in 1953 have prevented her from building additional homes. To allow Mrs. English to construct additional homes the Board would need to grant the request to not apply the regulations in Category 1, Addendum A.

Claimant's request to not apply the regulations in Category 2 of Addendum A should be denied because the request is premature.

Claimant's request to not apply the regulations in Category 3 of Addendum A should be denied because the regulations concern public health and safety.

Claimant's request to not apply the regulations in Category 4 of Addendum A should be denied because the regulations have no bearing on development of the property.

If the Board of Commissioner's chooses to not apply the regulations listed, Land Use Planning would recommend that the Board of Commissioners address the following in the Board Order:

1. Include a statement that any waiver or modification of the county land use regulations does not constitute a waiver or modification of corresponding state laws, or administrative rules.
2. Action by the Board of Commissioner to not apply regulations does not authorize immediate construction of the dwellings. Rules that still apply require that land use and building permits be approved by the County before development can proceed.

Issued by:

By:   
Derrick Tokos, Principal Planner

For: Karen Schilling- Planning Director

Date: Wednesday, March 9, 2005

## **Exhibits**

Copies of the exhibits, referenced herein, are included with this report. 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.

### **Applicant Exhibits**

- A1. Letter from Joe Willis, attorney, dated December 2, 2004
- A2. Appraisal prepared by Robert Gill and Associates, submitted February 9, 2005

### **Staff Exhibits**

- B1. Text of Ballot Measure 37
- B2. Assessment & Taxation Records
- B3. 1953 Interim Ordinance
- B4. Current Zoning Map w/o Hillside Development Overlay
- B5. Map showing the Hillside Development Overlay

**Category #1: Regulations that would not be applied to allow up to eight dwellings to be established on the property.**

- §33.2215, Uses. Requires that any building, structure, or land be used in compliance with the Commercial Forest Use rules, which prohibit the creation of small lots and limit new dwellings because of the inherent conflict between residential and commercial timber uses.
- §33.2220, Allowed Uses. Lists the uses allowed without County review in the Commercial Forest Use zone, pursuant to the Forest Practices Act and Statewide Planning Goal 4. Developing more than one permanent dwelling on a parcel is not listed as allowed.
- §33.2225, Review Uses. Although not listed in the claim letter, this category of uses in the Commercial Forest Zone would also need to be set aside, as it lists those activities that are allowed subject to administrative review by the County and the subdivision or development proposed is not listed as allowed.
- §33.2230, Conditional Uses. Lists the uses allowed when approved through a hearings process and found to meet specific approval criteria. The development rights being sought are not listed in this section, and like other sections of the Commercial Forest Use code that list uses that are allowed, this one should not be applied to avoid any confusion as to whether or not Mrs. English can proceed to develop the property.
- §33.2235, Large Acreage Dwelling. This is a conditional use process for qualifying one dwelling on a large forested property. The argument for not applying this is the same as that for §33.2230.
- §33.2240, Template and Heritage Tract Dwellings. This is a conditional use process for qualifying one dwelling where the undeveloped property is in an area where there are already several dwellings or the property has been held in the same ownership for a long period of time. It would be §33.2230. The argument for not applying this is the same as that for §33.2230.
- §33.2245, Use Compatibility Standards. These rules require that development not force changes in, or significantly increase the costs of accepted forestry or farming practices on surrounding properties nor increase fire hazards or fire suppression costs on those properties. Dividing the property into 8 lots or developing 8 homes necessarily conflicts with adjoining farm and forest operations (that is why it is not allowed), thus this section of the code would have to be set aside.
- §33.5700 et. seq., Protected Aggregate and Mineral Sites. These rules prohibit or severely limit new noise sensitive uses, such as dwellings, in close proximity to aggregate sites. The aggregate overlay covers all of Ms. English's property because of its proximity to the Angel Brothers Quarry, which is approximately 630 ft to the north.

**Category #2: Regulations that would be premature to waive given the available evidence.**

This includes regulations that influence the manner in which development can occur or that require certain improvements, public or private, depending upon the nature of the development.



- §33.2255, Single Family Dwelling Condition of Approval, Prohibition on Claims Alleging Injury From Farm or Forest Practices. This standard requires that deed restrictions be recorded putting owners on notice that they are prohibited from taking legal action against *adjacent* property owners who are farming or conducting timber harvest or other forest management activities on their properties.
- §33.2260, Dimensional Requirements. The 80 acre minimum lot size requirement would not be an issue for development of additional homes on the parcel. The 130' setbacks might be a problem for a large number of dwellings considering that the property is approximately 640 feet wide; however, we cannot say for certain considering that we do not know how they intend to develop the property. Building heights are limited to 35' in height. It is unclear as to whether or not this will be an issue, since we do not know the type of homes that they want to build.
- §33.2285 and §33.4100 et. seq., Off-Street Parking and Loading. These standards require that sufficient area be provided on each lot for off-street parking (typically two spaces per dwelling).
- §33.2290, Access. Requires that the lots or parcels possess street frontage or other access that is safe and convenient. Might qualify as a health and safety requirement, exempt from the measure.
- §33.2305, Development Standards for Dwellings and Structures. Includes road grade, clearance and improvement standards to ensure that emergency equipment can access property and includes requirements for fire breaks and other similar measures to limit fire hazards in forested areas. Parts of these codes might qualify as health and safety requirements.
- §33.2310, Exception to Secondary Fire Safety Zones and Forest Practice Setbacks. Alternative to fire break requirement, relying instead on certain fire resistant building materials, sprinkler systems, alarms, etc. Might also qualify as a health and safety requirement, exempt from the measure.
- §33.4500 et. seq., Significant Environmental Concern. These standards are designed to ensure that significant natural features are protected during development, consistent with Statewide Planning Goal 5. They require development be clustered and located close to roads to provide for wildlife movement throughout the greater forest park area. Alternative protection standards are available if these standards cannot be achieved. These rules also require development to ensure that views of the ridge as seen from certain vantage points on Sauvie Island, the Multnomah Channel, and Highway 30 are as natural as possible. This influences dwelling location, height, color, etc. None of these standards prohibit the development of homes or the creation of lots.
- §4.000 et. seq., Access to County Roads. Regulates access onto County roads, primarily to ensure that it is safe. Will not, on its face, prevent the creation of 8 lots or 8 homes.
- §5.000 et. seq., Transportation Impact. Sets thresholds as to what constitutes a traffic impact that might warrant a traffic study. Does not, in itself, dictate whether or not 8 lots or 8 homes can be built.
- §6.000, Improvement Requirements. Could require certain public improvements depending upon the nature of the development that is proposed (e.g. culverts, paved approach, etc.). Might qualify as health and safety requirement.
- §7.000, Transportation Impact Studies. Includes requirements for studies. The need for a study is dependant upon the nature of the development that is proposed.

- §8.000, Off-Site Improvements. Would be limited to improvements along McNamee Road. Unlikely that they would be sought unless necessary for health and safety purposes and impossible to identify without having some ideas as to how the property is to be developed.
- §9.000, Compliance Method. Relates to how infrastructure improvements are guaranteed (e.g. developer constructs them, they pay the County to build, non-remonstrance, etc.). Dependant upon development that is proposed.
- §16.000 et. seq., Variances from County Standards and Requirements. Contains rules for obtaining a variance to road rules. Impossible to know if any are needed without some idea as to how the property would be divided and developed.
- §29.506, Permits Required. Regulates work within the right-of-way. Whether or not improvements are needed within the road right-of-way depends upon the development that is proposed.
- §29.508, Acceptance of Deeds and Easements for Road Purposes. Regulates how these legal instruments must be structured. Impossible to know if dedications are needed without an idea as to how they intend to develop the property.
- §29.560, Street Standards, Rules and Guidelines. Explains that street standards implement established rules and policies and that access requirements are based upon the functional classification of a road. Largely a policy statement that may not be directly applicable to a subdivision or development. If directly applicable, impossible to say how it would impact this claim because no information has been provided as to how they intend to develop the property.
- §29.571, Right-of-Way and Improvement Standards. Requires road frontage within public rights-of-way to be improved where it is presently substandard and adjoining private development is adding a significant amount of traffic to the road segment. Might not be an issue with this section of McNamee Road.
- §29.572, Rules for Streets, Roads and Rights-of Way. Contains requirements for construction of public streets and roads, and the dedication of right-of-way for road purposes. It is unclear whether or not this will be an issue, since we do not know how they intend to develop the property.
- §29.573, Rules for Drainage Facilities. Includes standards for managing drainage across properties. It is unclear as to the extent to which these standards apply since we do not know how they intend to develop the property.
- §29.574, Rules for Traffic Control and Traffic Control Devices. Includes standards for stop signs and signalization. If it is at all applicable, its provisions are likely health and safety related and therefore exempt.
- §29.577, Utility Locations. Regulates how utilities are installed within the public right-of-way. Standards are typically applied to utility providers, not developers, so it is possible that they might not even apply.
- §29.578, Rules for Right-of-Way Use. Regulates location and number of accesses onto public roads. Might be exempt as necessary for health and safety, considering the curvature and grade of McNamee Road. The extent to which these standards apply though is unknown.

- §29.582, Rules for Accessways. Contains standards for the size and configuration of certain private roads. Impossible to know how these standards relate to this claim, since no information has been provided as to how the property is to be developed and access provided.
- §12.000 et. seq., Public Roads. Standards are generally tailored to ensure that roads are safe and passable for emergency vehicles. Impossible to know how these standards relate to this claim, since no information has been provided as to how the property is to be developed.
- §18.000 et. seq., Right-of-way Permits. Includes rules regulating how and where approaches onto a County Road are constructed. Largely health and safety related. Since no information has been provided as to where new approaches would be constructed onto the property, it is impossible to know how these standards relate to this claim.

### **Category #3: Regulations exempt from Measure 37 claims.**

Regulations that fall under this category include those that are listed under subsection (3) of the Measure, which includes those necessary to protect public health and safety, such as fire and building codes, health and sanitation, solid or hazardous waste regulations, pollution control regulations. Rules that are necessary to comply with federal law or that were enacted prior to acquisition date of the owner are also exempt.

- §33.5500 et. seq., Hillside Development and Erosion Control. This is a health and safety regulation, the purpose of which is to protect the public and minimize property losses due to earth movement in known hazard areas, consistent with Statewide Planning Goal 7. It applies to steeply sloped terrain or areas that have been mapped as susceptible to landslides, debris flows, etc.
- §29.350 West of Sandy River Grading and Erosion Control Code. This code citation is an error as it is applicable to the West of Sandy area. The Grading code applicable to this area is §29.330. Grading and erosion control rules have no bearing on whether or not 8 homes can be built or 8 lots created. They are structured to ensure that soil erosion attributed to development is minimized and storm run-off attributed to development is properly managed. These standards are necessary for health and safety and implement federal law, such as the Clean Water Act.

### **Category #4: Regulations that have no bearing on this claim.**

- §33.2265, Lot of Exception. These rules allow the creation of small lots in certain circumstances, such as if there are 2 dwellings on a lot as of a certain date, assuming all other rules apply. They would have no bearing on Mrs. English's ability to divide or develop the property through waiver of other provisions of the Commercial Forest Use code.
- §33.2270, Lot Line Adjustment. The requirement is relevant to when a land owner wants to move a line common to two lots or parcels.
- §33.2275, Lot of Record. These provisions explain what a legal, developable property is within the Commercial Forest Zone. Given deed information, Mrs.
- §33.2280, Lot Sizes for Conditional Uses. This claim is not seeking to establish a use that is conditionally allowed in the Commercial Forest zone, so this provision is irrelevant to the request.

- §33.4300 et. seq., Planned Development. These standards allow the creation of lots smaller than would otherwise be allowed if remaining land is, for example, preserved as a common area for the residents. Its applicability is largely limited to urban areas.
- §33.7000 et. seq., Design Review. Not applicable to single family development.
- §33.7200 et. seq., Nonconforming Uses. Applies to the alteration or replacement of an existing non-conforming use. To our knowledge this claim does not involve any existing non-conforming uses; therefore, these provisions are not applicable.
- §33.7400 et. seq., Signs. This claim is not seeking to place signs on the property so these provisions are not applicable.
- §10.000 et. seq., Road. Corridor Specific Cross-Section Overlay. Applies to unique roadways such as freight corridors, Boulevards, etc. Is not applicable to McNamee Road.
- §11.000 et. seq., Local Access Roads. Establishes minimum standards for roads that are not maintained by the public but are located within publicly dedicated rights-of-way. No such rights-of-ways presently exist on, or in close proximity to the site.
- §13.000 et. seq., Temporary Road Closures. Requirements for when and how temporary road closures are to occur. Not applicable to a request to subdivide and develop property.
- §15.000 et. seq., Truck and Transit Restrictions. Restricts movement of large trucks and transit vehicles on certain roadways. Since the development sought does not generate either, it is not applicable.
- §17.000 et. seq., Appeals. Process for challenging how the County applies road standards. County processes, in themselves, are not land use regulations that are subject to Measure 37 claims.
- §22.000 et. seq., Property Owner Maintenance Requirements. Applies to maintenance of sidewalks and curbs within the right-of-way.
- §29.500, Street Standards. Title of the chapter. This section is not directly applicable to land divisions or development.
- §29.530, Street Standards, Adoption of Rules. Contains language explaining how the street standards can be amended. The provisions are procedural and outside the scope of the measure.
- §29.562, Local Street Category. Defines what constitutes a local street and is, in itself, not a standard that would be directly applicable to the subdivision of the property or the construction of homes.
- §29.563, Land Use Category. Rules are crafted for urban areas where site specific zoning is at odds with the classification of the roadway. Is not applicable to rural areas.
- §29.565, Scenic Route Category. Applies to scenic routes such Skyline Boulevard. Not applicable to McNamee Road.

- §29.575, Rules for Pedestrian Paths and Bikeways. Rules for when new paths and bikeways are required. Not applicable to rural local roadways, such as McNamee Road.
- §29.576, Rules for Sanitary Sewer. Contains standards for constructing sewer infrastructure within public roadways. State law prohibits new sewer systems outside Urban Growth Boundaries; therefore, this section of the code is not applicable. Any new lots or parcels would need to be served by on-site septic systems.
- §29.579, Rules for Street Lighting. Street lighting is required with urban subdivisions where districts exist or are formed to pay for on-going maintenance and utility costs. These provisions are not applicable to rural areas.
- §29.580, Rules for Street Trees. Street trees are required in conjunction with urban subdivisions and are not applicable to this request.
- §29.581, Rules for Development Support and Financing. Rules relate to the formation of local improvement districts and cost sharing of improvements by the County. None of these standards appear to be directly applicable to this claim.
- §29.620, West of Sandy River Flood Hazard Regulations. This code citation is an error as it is applicable to the West of Sandy area. The Flood Hazard code applicable to this area is §29.600. The property is not within a mapped Flood Hazard Area so these standards are not applicable.
- §33.7000, Land Divisions. The code section listed appears to be an error. Land division rules are listed under §33.7700 et. seq. and contain standards that must be followed to create new conveyable properties in accordance ORS 92. They are only relevant to the partitioning or subdivision of property and are; therefore, outside the scope of the measure.



**SCHWABE, WILLIAMSON & WYATT, P.C.**  
ATTORNEYS AT LAW

PACWEST CENTER, SUITES 1600-1900 • 1211 SOUTHWEST FIFTH AVENUE • PORTLAND, OREGON 97204-3795  
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DONALD JOE WILLIS  
Direct Line: (503) 796-2929  
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December 2, 2004

**BY FACSIMILE AND HAND DELIVERY**

Multnomah County  
c/o Agnes Sowle  
Multnomah County Attorney  
501 SE Hawthorne Blvd., Suite 500  
Portland, OR 97214

Re: ***Measure 37 Claim for Dorothy English, Christie Verhoef and Douglas Sellers  
Property Located in Multnomah County Commonly Known as 13100 NW  
McNamee Road, Multnomah County, Portland, Oregon 97231 (Tax Lot 1200)***

Dear Ms. Sowle:

This firm, through D. Joe Willis and Jill Gelineau, represents Dorothy English, Christie Verhoef, and Douglas Sellers and is submitting this written demand for just compensation on their behalf pursuant to Measure 37.

Mrs. English first acquired the property, commonly known as 13100 NW McNamee Road, Multnomah County, Portland, Oregon 97231 (Tax Lot 1200) with her husband, who is now deceased, on November 4, 1953, pursuant to a land sale contract. The property is located in unincorporated Multnomah County, but has a Portland address. In 1999, Mrs. English executed a quitclaim deed to her daughter, Christie Verhoef, and her grandson, Douglas Sellers, with the intent to transfer an interest in the property to them upon Mrs. English's death. She was told by representatives of Multnomah County that the deed was ineffective. Whether or not the quitclaim deed effectively transferred any legal interest in the property to Christie Verhoef and Douglas Sellers, Mrs. English, together with her family members, have been in continuous ownership of the property since November 4, 1953.

Mrs. English's plan for the property is to create 8 separate legal parcels out of the existing parcel through a series of partitions, not to exceed two partition parcels per year, without creating any type of public road. To the extent necessary to avail herself fully of her family's rights under Measure 37, she is prepared to build single family homes on those parcels and provide the necessary nonpublic infrastructure required for them, so that the homes would lawfully exist on lawfully created parcels prior to their sale or transfer.

We have identified a number of Multnomah County land use regulations currently in effect which were enacted subsequent to November 4, 1953, and which restrict the use and

**EXHIBIT**

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reduce the value of the property. These land use regulations are listed in Exhibit A to this letter. These land use regulations, and perhaps others, have been enforced against this property. Most recently, on November 30, 2004, Multnomah County Planning Staff informed Mrs. English's representative, Joseph Schaefer, a land use planner in this office, that no partitions would be allowed on the property. To our knowledge, the only applicable County land use regulation in effect on November 4, 1953, was the Multnomah County Interim Zoning Ordinance dated May 25, 1953. This Ordinance contains no prohibition against the partitions Mrs. English and her family intend to carry out.

We have, on behalf of Mrs. English and her family, engaged a licensed MAI appraiser to assist in determining the amount of just compensation due to them pursuant to Measure 37, which is equal to the reduction in the fair market value of the affected property interest resulting from enactment or enforcement of the land use regulations as of the date of written demand for compensation under Measure 37. Based on this appraisal, the just compensation figure is \$1,150,000. Mrs. English, Christie Verhoef and Douglas Sellers respectfully demand that this compensation be paid to them pursuant to Measure 37.

Please note that the land use regulations listed in Exhibit A are those which we have been able to identify at this time. It is not clear that every provision of these land use regulations would apply to Mrs. English's ability to use the land by partitioning and selling discrete portions as stated herein. We believe that the list in Exhibit A is an adequate characterization of the land use regulations causing the restriction of use and reduction in value for the property, though it is possible that additional land use regulations apply. To the extent that the land use regulations listed in Exhibit A do not fully capture all land use regulations preventing Mrs. English's family from enjoying all uses available at the time of acquisition, Mrs. English reserves the right to seek relief from, or base her compensation claim on, additional applicable land use regulations. Additionally, due to the novelty of Measure 37 and the claims of Mrs. English and her family thereunder, we reserve the right to amend or supplement this claim as necessary to satisfy the construction and application of Measure 37. Our position is that any land use regulation (as defined in Measure 37) that prohibits or impairs a property owner's ability to use the property by partitioning, as set forth herein, would reduce the value of the property. Under Measure 37, the compensation claim must be paid or ultimately the owner shall be allowed to use the property as permitted at the time of acquisition (in this case, 1953).

The claimants are aware that Multnomah County has a public hearing scheduled to adopt an Ordinance that it claims is pursuant to Measure 37. The drafts we have seen of that Ordinance indicate that it is oppressive and outrageous in the extreme. This claim is not made pursuant to that Ordinance, which we note has not been adopted. Even if the Ordinance were presently effective, Measure 37 claimants are provided a cause of action for compensation if a land use regulation continues to apply to the subject property more than 180 days after the present owner of the property has made written demand for compensation. Under subsection 7 of Measure 37, the procedures adopted by Multnomah County cannot act as a prerequisite to filing a compensation claim in Circuit Court pursuant to subsection 6 of Measure 37.



Agnes Sowle  
December 2, 2004  
Page 3

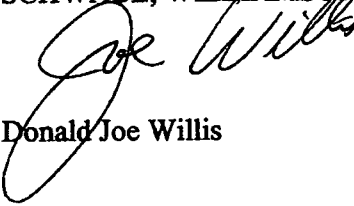
The property may be subject to land use regulations enacted or enforced by other governmental entities. Appropriate written demands for just compensation will be or have been submitted to those entities as well. We intend to coordinate resolution of those claims with this claim, and encourage Multnomah County to contact us at the earliest possible time to discuss possible resolution of this claim.

Multnomah County is well aware of Mrs. English and her efforts to obtain fair and just treatment concerning these matters, and we do hope that Multnomah County will act promptly, fairly and responsibly to provide her the clear benefit she is entitled to under Measure 37.

Please let me hear from you at your earliest convenience.

Yours very truly,

SCHWABE, WILLIAMSON & WYATT, P.C.



Donald Joe Willis

JW:led  
Enclosure  
cc: Client





EXHIBIT A TO ENGLISH MEASURE 37 CLAIM – MULTNOMAH COUNTY

- Multnomah County Comprehensive Framework Plan

West Hills Rural Area Plan

Urban-Rural Growth Management Policies:

Policy 11 – Commercial Forest Land Area

Policy 33 – Transportation System

- Multnomah County Zoning Regulations:

MCC Chapter 33, West Hills Rural Plan Area

§33.2215 Uses

§33.2220 Allowed Uses

§33.2230 Conditional Uses

§33.2235 Large Acreage Dwelling

§33.2240 Template and Heritage Tract Dwellings

§33.2245 Use Compatibility Standards

§33.2255 Single Family Dwelling Condition of Approval – Prohibition on Claims

Alleging Injury From Farm or Forest Practices

§33.2260 Dimensional Requirements

§33.2265 Lots of Exception

§33.2270 Lot Line Adjustment

§33.2275 Lot of Record

§33.2280 Lot Size for Conditional Uses

§33.2285 Off-Street Parking and Loading

§33.2290 Access

§33.2305 Development Standards for Dwellings and Structures

§33.2310 Exceptions to Secondary Fire Safety Zones and Forest Practices

Setbacks

§33.4100 et seq Off-Street Parking and Loading

§33.4300 et seq Planned Development

§33.4500 et seq Significant Environmental Concern

§33.5500 et seq Hillside Development and Erosion Control

§33.5700 et seq Protected Aggregate and Mineral Sites

§33.7000 et seq Design Review

§33.7200 et seq Nonconforming Uses

§33.7400 et seq Signs

§33.7000 et seq Land Divisions

- Multnomah County Road Rules

4.000 et seq Access to county Roads

EXHIBIT A  
PAGE 1 OF 2

5.000 et seq Transportation Impact  
6.000 Improvement Requirements  
7.000 Transportation Impact Studies  
8.000 Off-site Improvement Requirements  
9.000 Compliance Method  
10.000 et seq Road/Corridor Specific Cross-Section Overlay  
11.000 et seq Local Access Roads – Improvement Requirements  
12.000 et seq Private Roads  
13.000 et seq Temporary Road Closures  
15.000 et seq Truck and Transit Restrictions  
16.000 et seq Variance from County Standards and Requirements  
17.000 et seq Appeals  
18.000 et seq Right-of-Way Permits  
22.000 et seq Property Owner Maintenance Requirements

- MCC – Chapter 29: Building Regulations

§29.350 West of Sandy River Grading and Erosion Control  
§29.500 Street Standards – **Part 1: General Provisions**  
    §29.506 Permits Required  
    §29.508 Acceptance of Deeds and Easements for Road Purposes  
§29.530 Street Standards – **Part 2: Adoption of Rules**  
§29.560 Street Standards – **Part 3: Rule Guidelines**  
    §29.562 Local Streets Category  
    §29.563 Land Use Category  
    §29.565 Scenic Route Category  
    §29.571 Right-of-Way and Improvement Standards  
    §29.572 Rules for Streets, Roads and Rights-of-Way  
    §29.573 Rules for Drainage Facilities  
    §29.574 Rules for Traffic Control and Traffic Control Devices  
    §29.575 Rules for Pedestrian Paths and Bikeways  
    §29.576 Rules for Sanitary Sewer  
    §29.577 Rules for Utility Locations  
    §29.578 Rules for Right-of-Way Use  
    §29.579 Rules for Street Lighting  
    §29.580 Rules for Street Trees  
    §29.581 Rules for Development Support and Financing  
    §29.582 Rules for Accessways  
§29.620 West of Sandy River Flood Hazard Regulations

**ROBERT GILL & ASSOCIATES**  
REAL ESTATE APPRAISAL AND CONSULTING SERVICES

November 29, 2004

Mr. Joe Willis  
Schwabe, Williamson & Wyatt  
1211 SW Fifth Avenue, Suite 1600  
Portland, OR 97204-3795

RE: Dorothy English Property

We have prepared a limited and preliminary appraisal of the real estate known as

13100 NW McNamee Rd., Portland, OR 97231  
Multnomah County Parcel Number 2N 1W 32A 1200, ~19.74 acres (R325388 & R325389)

to express an opinion of the market value of the fee simple interest, as of November 19, 2004, based on its highest and best use under current zoning and on its highest and best use exclusive of zoning restrictions. The intended function of the appraisal is for consideration, by you or your assigns, in an application for relief or compensation under Oregon Measure 57.

The scope of the appraisal analysis included only an inspection of the property on November 19, 2004, selection comparable sales data from RMLS and CoStar databases, and analysis by the Sales Comparison Approach. Many of the comparable sales were not inspected. As requested, we have presented our conclusions in this restricted appraisal report. While it is appropriate to rely on these conclusions in reporting the value of the property, this report is not appropriate if evidence of value is to be submitted. This report does not contain sufficient information to be relied on by others, and should be relied on only by you, or your assigns that are familiar with the property and fully understand the report's limitations. We have prepared a file memorandum that documents our investigation and analysis in support of our conclusions. This memorandum is our personal property and is not available for publication or inspection, except by authorized representatives of the state or Appraisal Institute in the enforcement of appraisal standards. If a more detailed report is required, we will use this memorandum to prepare a summary or self-contained report only upon your request and payment of an additional fee.

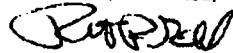
Based on our limited investigation, it is our preliminary opinion that the market value of property was:

<u>Premise</u>	<u>Highest and Best Use</u>	<u>Market Value</u>
Under Current Zoning	One home site	\$600,000
Excluding Zoning Restrictions	Subdivision into 8 or more home sites	\$1,750,000

It is noted that the existing improvements have little or no value considering the highest and best use of the land. We have assumed an exposure period of three to six months, which is the appropriate period indicated by market analysis. To the best of our knowledge and belief, this appraisal has been prepared in accordance with the Uniform Standards of Professional Appraisal Practice and with the requirements of the Code of Professional Ethics and the Standards of Professional Practice of the Appraisal Institute.

Our conclusions are subject to the attached Assumptions and Limiting Conditions. We made no investigation of, and we assume no responsibility for, title to or liabilities against the property.

Respectfully submitted,



Robert R. Gill, MAI

Certified Appraiser, Oregon C000058; Washington 27011 1100702

12076 NW Vallueus Place, Portland, OR 97229 • Phone 503.626.2706 • Fax 503.626.6214

EXHIBIT

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**Robert Gill & Associates**

**Definitions**

Market Value

"Market Value" means the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- (1) buyer and seller are typically motivated;
- (2) both parties are well informed or well advised, and acting in what they consider their own best interests;
- (3) a reasonable time is allowed for exposure in the open market;
- (4) payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
- (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

The definition of market value is from the most recent Uniform Standards of Professional Appraisal Standards of the Appraisal Standards Board, The Appraisal Foundation, Washington, DC.

Fee Simple

A fee simple estate is "the absolute ownership unencumbered by any other interest or estate subject only to the four powers of government". (The Dictionary of Real Estate Appraisal, 2nd Edition, by American Institute of Real Estate Appraisers, 1989.) The four governmental powers include eminent domain, escheat, police power, and taxation.

**Robert Gill & Associates**

### **CERTIFICATE OF APPRAISER**

It is hereby certified that, to the best of my knowledge and belief:

The statements of fact contained in this report are true and correct.

The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and they are my personal, unbiased professional analyses, opinions, and conclusions.

I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest with respect to the parties involved.

I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.

My engagement in this assignment was not contingent upon developing or reporting predetermined results.

My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.

My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.

I have made a personal inspection of the property that is the subject of this report, including an interior inspection as described in the report. I have NOT inspected the comparable sales considered in the analysis.

No one provided significant real property appraisal assistance to the undersigned in preparation of this report.

My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Code of Professional Ethics and the Standards of Professional Appraisal Practice of the Appraisal Institute.

Use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.

As of the date of this report, Robert R. Gill has completed the requirements under the continuing education program of the Appraisal Institute.

November 29, 2004

Date

Robert R. Gill, MAI

Certified Appraiser, Oregon No. C000058,  
Washington No. 27011 1100702

**Robert Gill & Associates**

**UNDERLYING ASSUMPTIONS AND LIMITING CONDITIONS**

Acceptance of, reliance upon, or use of this appraisal report constitutes acceptance of the following Limiting Conditions and Underlying Assumptions.

The appraisers' duties, pursuant to the employment to make the appraisal, are complete upon delivery and acceptance of the appraisal report. In the event that the report contains typographical errors, or errors in data provided by others, we reserve the right to provide a corrected report and to revise our conclusion of value if appropriate. This report should be reviewed as soon as possible, and any errors should be called to the attention of the appraisers within 60 days of the delivery of the report.

Liability of Robert Gill & Associates and its employees for errors and omissions, if any, in this work is limited to the amount of its compensation for the work performed in this assignment.

Testimony or attendance in court or at any other hearing, meeting or presentation is not required by reason of rendering this appraisal unless such arrangements are made a reasonable time in advance, and reasonable compensation is provided.

The opinions expressed in this report pertain to conditions as of the effective date of the appraisal. Any known factor that is likely to affect the value of the subject in the near future has been disclosed. However, market and economic conditions change over time and the opinion of value expressed in this report should not be relied upon as an indication of the probable value of the property as of a future date. It should not be assumed that the market value represents the probable lesser value realizable on forced sale or liquidation.

The rights appraised are presumed to be good and marketable and no opinion as to title is rendered. Data on ownership and the legal description were obtained from sources generally considered reliable. Title is assumed to be marketable and free and clear of all liens and encumbrances, easements, and restrictions except those specifically discussed in the report.

The property is appraised assuming it to be under responsible ownership and competent management and available for its highest and best use.

No opinion is intended to be expressed for legal matters or that would require specialized investigation or knowledge beyond that ordinarily employed by real estate appraisers, although such matters may be discussed in the report.

All files, work papers or documents developed during the course of the engagement are our property. We will retain these data for at least six years.

No guarantee is made nor liability assumed for the accuracy of any data, opinions, or estimates identified as being furnished by others which have been used in formulating this appraisal. However, the data, opinions, and estimates are presumed to be correct and reasonably accurate.

The analyses and values stated in this report have not taken into account any environmental damage conditions that may exist. Therefore, should such environmental damage conditions exist or should an environmental impact study reveal detrimental factors, we accept no liability for its effect on the opinions or values set forth in this appraisal report.

**Robert Gill & Associates**

The appraiser is not qualified to detect the existence of potentially hazardous material, which may or may not be present on or near the property. The existence of such substances may have an effect on the value of the property. No consideration has been given in our analysis to any potential diminution in value should such hazardous materials be found. We reserve the right to alter, amend, revise, or rescind any of the value opinions based upon any subsequent studies, discoveries, or investigations.

No soil analyses or geological studies were ordered or made in conjunction with this report, nor was an investigation made of any water, oil, gas, coal, or other subsurface mineral and use rights or conditions. No opinion is expressed as to the value of subsurface oil, gas, or mineral rights. It is assumed that the property is not subject to surface entry for the exploration or removal of such materials except as is expressly stated.

No engineering survey has been made by the appraiser. Except as specifically stated, data relative to size and area were taken from sources considered reliable, and no encroachment of real property improvements is assumed to exist.

The report is to be used only for the function identified therein, and no one may rely on the report for any other function. Our report may be shown only in its entirety to those third parties who need to review the information contained therein. Robert Gill & Associates shall be held harmless from any liability, including attorney's fees, damages or costs that may result from any improper use or reliance on this appraisal.

The physical condition of the property described herein was observed by individuals generally familiar with real estate and building construction, but are not architectural engineers who would have detailed knowledge of building design and structural integrity. Accordingly, we do not opine on nor are we responsible for the structural integrity of the property and any physical defects that were not readily apparent to the appraisers during their inspection. No responsibility for hidden defects or conformity to specific governmental requirements, such as fire, building and safety, earthquake, or occupancy codes, can be assumed without provision of specific professional or governmental inspections.

Disclosure of the contents of this report is governed by the By-Laws and Regulations of the Appraisal Institute. Out-of-context quoting from or partial reprinting of this appraisal report is not authorized. Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraisers or the firm with which they are connected, or any reference to the Appraisal Institute or to the appraisal designations) shall be disseminated to the public through advertising media, public relations media, news media, sales media, or any other public means of communication without the prior consent and approval of the authors.

MEASURE 37 TEXT

The following provisions are added to and made a part of ORS chapter 197:

- (1) If a public entity enacts or enforces a new land use regulation or enforces a land use regulation enacted prior to the effective date of this amendment that restricts the use of private real property or any interest therein and has the effect of reducing the fair market value of the property, or any interest therein, then the owner of the property shall be paid just compensation.
- (2) 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 act.
- (3) Subsection (1) of this act shall not apply to land use regulations:
  - (A) Restricting or prohibiting activities commonly and historically recognized as public nuisances under common law. This subsection shall be construed narrowly in favor of a finding of compensation under this act;
  - (B) Restricting or prohibiting activities for the protection of public health and safety, such as fire and building codes, health and sanitation regulations, solid or hazardous waste regulations, and pollution control regulations;
  - (C) To the extent the land use regulation is required to comply with federal law;
  - (D) Restricting or prohibiting the use of a property for the purpose of selling pornography or performing nude dancing. Nothing in this subsection, however, is intended to affect or alter rights provided by the Oregon or United States Constitutions; or
  - (E) Enacted prior to the date of acquisition of the property by the owner or a family member of the owner who owned the subject property prior to acquisition or inheritance by the owner, whichever occurred first.
- (4) Just compensation under subsection (1) of this act shall be due the owner of the property if the land use regulation continues to be enforced against the property 180 days after the owner of the property makes written demand for compensation under this section to the public entity enacting or enforcing the land use regulation.
- (5) For claims arising from land use regulations enacted prior to the effective date of this act, written demand for compensation under subsection (4) shall be made within two years of the effective date of this act, or the date the public entity applies the land use regulation as an approval criteria to an application submitted by the owner of the property, whichever is later. For claims arising from land

EXHIBIT

B1



mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, or grandchild of the owner of the property, an estate of any of the foregoing family members, or a legal entity owned by any one or combination of these family members or the owner of the property.

(B) "Land use regulation" shall include:

- (i) Any statute regulating the use of land or any interest therein;
- (ii) Administrative rules and goals of the Land Conservation and Development Commission;
- (iii) Local government comprehensive plans, zoning ordinances, land division ordinances, and transportation ordinances;
- (iv) Metropolitan service district regional framework plans, functional plans, planning goals and objectives; and
- (v) Statutes and administrative rules regulating farming and forest practices.

(C) "Owner" is the present owner of the property, or any interest therein.

(D) "Public entity" shall include the state, a metropolitan service district, a city, or a county.

(12) The remedy created by this act is in addition to any other remedy under the Oregon or United States Constitutions, and is not intended to modify or replace any other remedy.

(13) If any portion or portions of this act are declared invalid by a court of competent jurisdiction, the remaining portions of this act shall remain in full force and effect.

RECEIVED  
03 MAR 14 PM 3 34  
BILL BRADBURY  
SECRETARY OF STATE

**Multnomah Assessor  
PROPERTY INFORMATION**

**Owner Name**

ENGLISH,DOROTHY P  
ADD: ENGLISH,DOROTHY P  
ADD: VERHOEF,CHRISTIE A  
ADD: SELLERS,DOUGLAS J

**Property ID #**

R325398

**Owner Address**

P O BOX 83222  
PORTLAND, OR 97283

**Map Tax Lot #**

2N1W32A -01200

**Situs Address**

13100 NW MCNAMEE RD  
PORTLAND, OR 97231

**Neighborhood**

R220

**Alternate Account Number**

R971320170

**Levy Code Area**

278

**Deed**

ERROR (DEED ERROR)  
INST

**Instrument**

99201244  
17912348

**Year**

1999

**Exemption****Tax Roll Description**

SECTION 32 2N 1W; TL 1200 19.74 ACRES SEE R325399  
(R97132-0171) FOR BALANCE OF VALUE & FIRE PATROL  
ASSMNT

**Expiration Date****Map Number**

322N1W OLD

2N1W32A -01200

**Parcel****Property Use**

B - RESIDENTIAL  
IMPROVED

**Split/Merge Account Message****Split/Merge Account****Acreage**

19.74

**Special Account Information****Year Built**

1948

**Account Status**

A - Active

**Related Accounts**

M353884, M358099, R325399

**Linked Accounts**

R325399

**Last Certified Year (2004) Information for R325398**

Taxable Assessed Value	Real Market Value	Land Value	Improvement Value
\$301,860	\$446,770	\$317,000	\$129,770

**Important Information About R325398**

If applicable, the described property is receiving special valuation based upon its use. Additional rollback taxes which may become due based on the provisions of the special valuation are not indicated in this listing.

**Total Tax Payoff Amount**

Current Year Tax Owed	Interest Date	Total Tax Payoff Amount
\$1,562.17	03/09/2005	\$1,562.17

**Current Property Tax**

Third	Begin Balance	Amount	Taxes Paid	Interest	Discount	Date Paid
-------	---------------	--------	------------	----------	----------	-----------

EXHIBIT

B2

		Paid		Paid		
1st	1,541.63	1,541.63	1,541.63	0.00	0.00	11/15/04
2nd	1,541.62	1,541.62	1,521.34	20.28	0.00	Unpaid
3rd	1,541.62	0.00	0.00	0.00	0.00	Unpaid

Information Subject to Disclaimer - See Home Page

Tax Summary							
Year	Total Levied	Ad Valorem	Special Assessments	Principal	Interest	Date Paid	Total Owed
2004	4,624.87	4,624.87	0.00	1,561.90	0.27	Unpaid	1,562.17
2003	4,207.14	4,207.14	0.00	0.00	0.00	11/15/04	0.00
2002	4,167.84	4,167.84	0.00	0.00	0.00	05/14/03	0.00
2001	4,112.93	4,112.93	0.00	0.00	0.00	06/21/02	0.00

Property Tax History Summary						
Tax Year	Taxes Levied	Total Paid	Taxes Paid	Interest Paid	Date Paid	Total Owed
2004	4,624.87	3,083.25	3,062.97	20.28	Unpaid	1,562.17
2003	4,207.14	4,246.52	4,207.14	39.38	11/15/04	0.00
2002	4,167.84	4,167.84	4,167.84	0.00	05/14/03	0.00
2001	4,112.93	4,277.44	4,112.92	164.52	06/21/02	0.00

Assessment History						
Year	Improvements	Land	Special Mkt/Use	RMV	Exemptions	Assessed
2004	\$129,770	\$317,000	\$0 / \$0	\$446,770		\$301,860
2003	\$119,460	\$219,500	\$0 / \$0	\$338,960		\$293,070
2002	\$147,680	\$201,860	\$0 / \$0	\$349,540		\$284,540
2001	\$152,110	\$207,920	\$0 / \$0	\$360,030		\$276,260
2000	\$146,260	\$199,920	\$0 / \$0	\$346,180		\$268,220
1999	\$142,000	\$194,100	\$0 / \$0	\$336,100		\$260,410
1998	\$131,500	\$179,700	\$0 / \$0	\$311,200		\$252,830
1997	\$131,500	\$179,700	\$0 / \$0	\$311,200		\$245,470
1996	\$116,400	\$159,000	\$0 / \$0	\$275,400		\$275,400
1995	\$126,700	\$77,600	\$0 / \$0	\$204,300		\$204,300

**2005 Land Information (Unedited and Uncertified)**

ID	Type	Acres	Sq Ft	Market Value
L1	RES - RESIDENTIAL LAND	5.00		

**2005 Improvement Information (Unedited and Uncertified)**

ID	Type	Class	Area	Year Built Actual/Effective	Market Value
1	(SFR) SINGLE FAMILY RESIDENTIAL	G			
1.1	(MA) MAIN	3P	2061	1948 / 1948	
1.2	(FS) FIN SECOND	3P	600		
1.3	(FRM) FARM BLDG	3P	1152		
1.4	(CON) CONCRETE	3P	300		
1.5	(FRM) FARM BLDG	3P	1152		
				TOTAL	

# COUNTY OF MULTNOMAH

PC-7

## COUNTY PLANNING COMMISSION

### INTERIM ZONING ORDINANCE

Under Chapter 537, Laws of 1947 and as amended by Chapter 137, and 441, Laws of 1949, Section 3, provides for the formation of zoning districts.

Such development pattern, with the accompanying maps, plats, charts and descriptive matter shall show the Commission's recommendations for the development of the county, and may include among other things the creation of or division of the county into districts within some of which it shall be lawful and within others of which it shall be unlawful to erect, construct, alter or maintain certain buildings, or to carry on certain trades, industries or callings.

Section 4 provides that adoption by the Commission of the development, pattern, or any change therein, may be in whole or in part, but must be by the affirmative vote of a majority of the whole Commission; provided, however, that prior to any such adoption, a public hearing shall have been held not less than 15 days after notice thereof shall have been posted in at least three public places within the area affected.

Section 8 provides that the governing body of a county hereby is empowered to authorize and provide for the issuance of permits as a prerequisite to construction, alteration or enlargement of any building or structure otherwise subject to the provisions of this act, and may establish and collect reasonable fees therefor.

Under the above provisions of this Act, the following zoning district shall be established, known as the 'Interim Zoning District'.

**SECTION I. Area:** This zoning district shall be established in unincorporated areas not now in existing zoning districts in Multnomah County. It shall be bounded on the West by the Multnomah County line, on the South by the Multnomah County line; on the East by the Sandy River; on the North by the Columbia River.

**SECTION II.** The express purpose of this district is to provide protection of property not now in zoning district until such time as a comprehensive development pattern has been established in Multnomah County.

**SECTION III.** Regulations of the 'Interim Zoning District'.

All structures or buildings to be moved onto land within this district shall require the issuance of a building permit by Multnomah

EXHIBIT

B3

County. The issuance of this permit shall require the circulation of a petition among the abutting property owners within 100 feet of the boundaries of the petitioner's property lines where the structure is to be located. For residential buildings erected on a parcel of land, a permit shall also be required which shall be circulated among the abutting property owners. (A parcel of land is defined as a lot or lots contiguous to each other in one ownership.)

SECTION IV. For commercial and other use not specified above or in the 'special permit' section, the requirements shall be the same as for structures moved onto land unless the abutting use is of a similar nature, (i.e. commercial). If of a similar use, the petitioner may circulate the petition among abutting property owners only.

This petition shall state the specific use and plot plan and shall provide space for an expression of approval or disapproval by the signers of the petition. These signatures shall be validated by Multnomah County. If all the abutting property owners approve the proposed use, the building permit will be approved by Multnomah County. If there is an expression of disapproval of the proposed structure or building to be erected or located, an appeal may be made to the County Commissioners, who may review the case and issue or deny the permit. In this case, a site inspection of the area shall be made by the County and a report made to the County Commissioners recommending approval or disapproval of the new structure or building.

SECTION V. Special Uses: The following uses are defined as special uses and will be permitted in the 'Interim Zoning District', provided they meet these conditions:

1. Petition circulated within 300' of the property line with 70% approval of the property owners.
2. Validation of signatures by Multnomah County.
3. Provide such protective measures as may be deemed necessary by the Planning Commission to protect the best interests of the neighborhood and community.
4. Posting of three notices on premises in conspicuous places.
5. A public hearing at which time owner must show why this use will be an asset to the area.

#### USES REQUIRING SPECIAL PERMIT:

Acid manufacture...Alcoholic beverage manufacture...Alcohol manufacture  
...Ammonia manufacture...Asbestos manufacture...Asphalt roofing or  
waterproofing manufacture.

Blast furnace...Bleaching powder manufacture...Boiler works...Bone distillation.

Carbon black manufacture...Carborundum manufacture...Caustic soda manufacture...Celluloid manufacture...Cement manufacture...Clay products manufacture...Coal distillation...Creosote manufacture or treatment.

Dextrine manufacture...Disinfectants manufacture...Dyestuff manufacture. Emery cloth manufacture...Enamel manufacture...Explosives manufacture or storage.

Fat rendering...Fertilizer manufacture...Fish canning, curing, packing, or storage...Forge shop...Foundry.

Gas manufacture...Gelatin manufacture...Glucose manufacture...Glue manufacture...Graphite manufacture...Grease manufacture...Gypsum manufacture.

Incineration or reduction of dead animals, garbage, refuse, or rubbish ...Inflammable cellulose manufacture...Insecticide manufacture.

Junk, scrap iron, paper, rags, or other salvage materials, storage, processing, or treatment...Junked auto storage, wrecking or salvage.

Lamp black manufacture...Lard refining...Lime or lime products manufacture...Linoleum manufacture.

Match manufacture...Meat packing or commercial animal slaughtering excessive noise or vibration.

Nylon manufacture.

Oiled cloth manufacture...Oiled clothing manufacture...Open dumps for ashes, dead animals, garbage, refuse, or rubbish...Ore reduction.

Paint manufacture...Paper pulp manufacture...Patent leather manufacture ...Petroleum or its products refining...Pickle manufacture...Plastics manufacture...Poisons manufacture...Potash refining...Printing ink manufacture...Pyroxyline manufacture or manufacture of products therefrom.

Rayon manufacture...Raw hides or skins storage, curing, tanning or dressing...Rolling or blooming mills...Rubber manufacture.

Sandpaper manufacture...Sawmills...Sauerkraut manufacture...Shellac manufacture...Shoddy manufacture...Shoe black manufacture...Shoe polish manufacture...Size manufacture...Smelting...Soda Ash manufacture... Soap manufacture...Starch manufacture...Steel manufacture...Stock yards ...Stove polish manufacture...Structural steel fabrication...Sugar refining.

Tank works...Tar distillation...Tar roofing or waterproofing manufacture  
...Turpentine manufacture.

Varnish manufacture...Vinegar manufacture.

Washing compound...Window shade manufacture...Wood distillation...  
Wool pulling or scouring.

Yeast manufacture.

SECTION VI. Any other land use which by its nature may be unsightly, noisy or has other obnoxious characteristics in the opinion of the Multnomah County Commissioners shall fulfill the conditions as outlined above.

SECTION VII. In the issuance of two or more permits to a builder, no petition need be circulated, provided the builder agrees in writing to build the structure or structures to FHA building standards.

SECTION VIII. The Interim Zoning District shall not include Railroad Rights-of-Way or improvements thereon.

SECTION IX. Fee: The fee for the building of all non-commercial structures shall be \$5.00 for each separate structure or unit. The fee for commercial construction shall be \$10.00.

SECTION X. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

**SZM80**

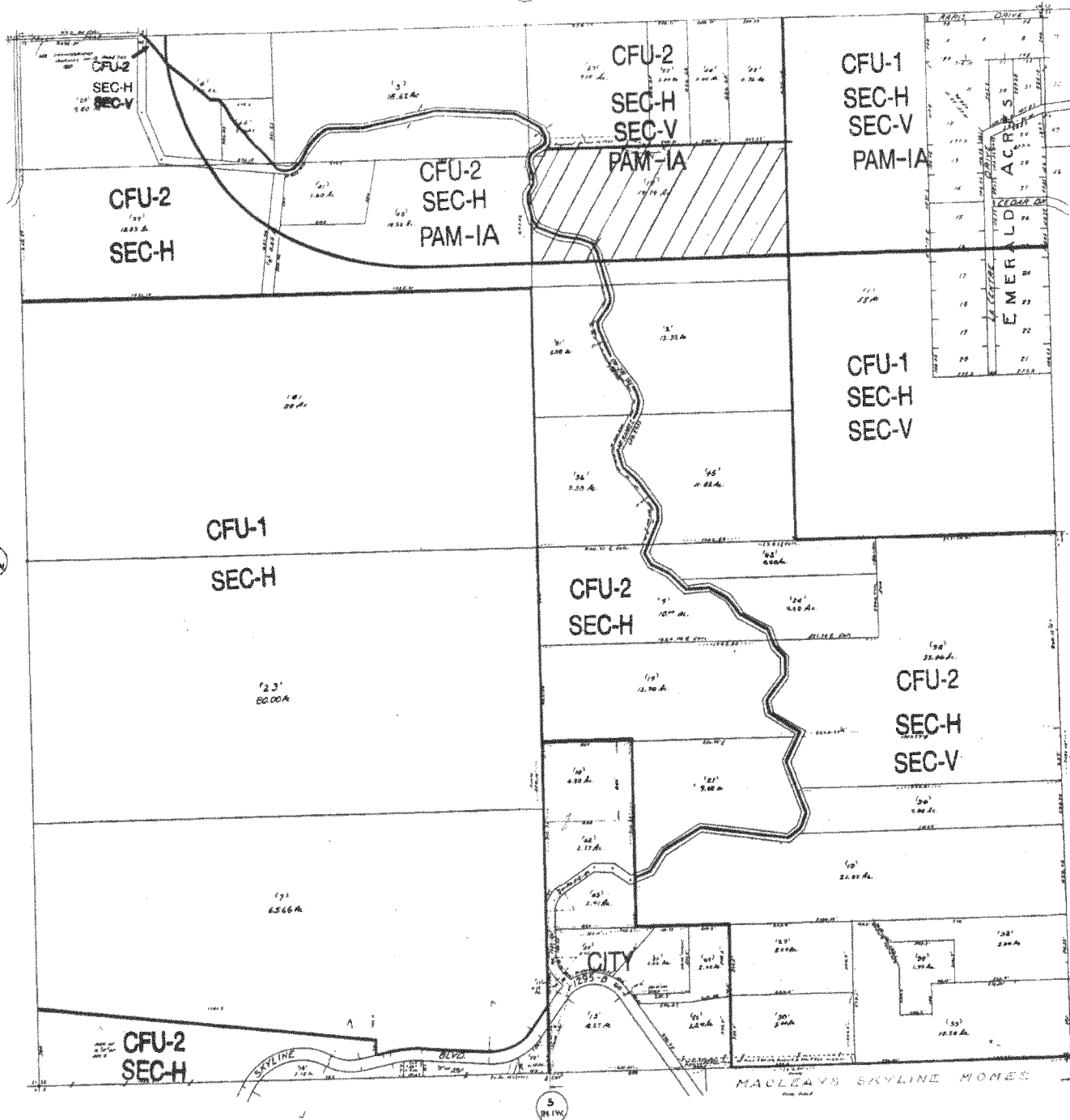
SEE MAPS IN ORD.  
830, 863, & 882 FOR  
SEC-STREAMS INFO

**SZM82**

SEE MAPS IN ORD.  
830, 863, & 882 FOR  
SEC-STREAMS INFO

**SZM81**

**SZM83**



**32-2N.IW**

**B4**

**EXHIBIT**





Land Use  
Planning  
Division

## English Property

Base Zoning,  
Aggregate Overlay,  
& Hillside Overlay

### Legend

#### PAM

- Extraction Area
- Impact Area
- Slope Hazard
- UGB

#### Rural Zoning

- CFU
- CFU1
- CFU2
- CFU3
- CFU4
- CFU5
- EFU
- MUA20
- MUF19
- RC
- RR

0 375 750 1125 1500 Feet

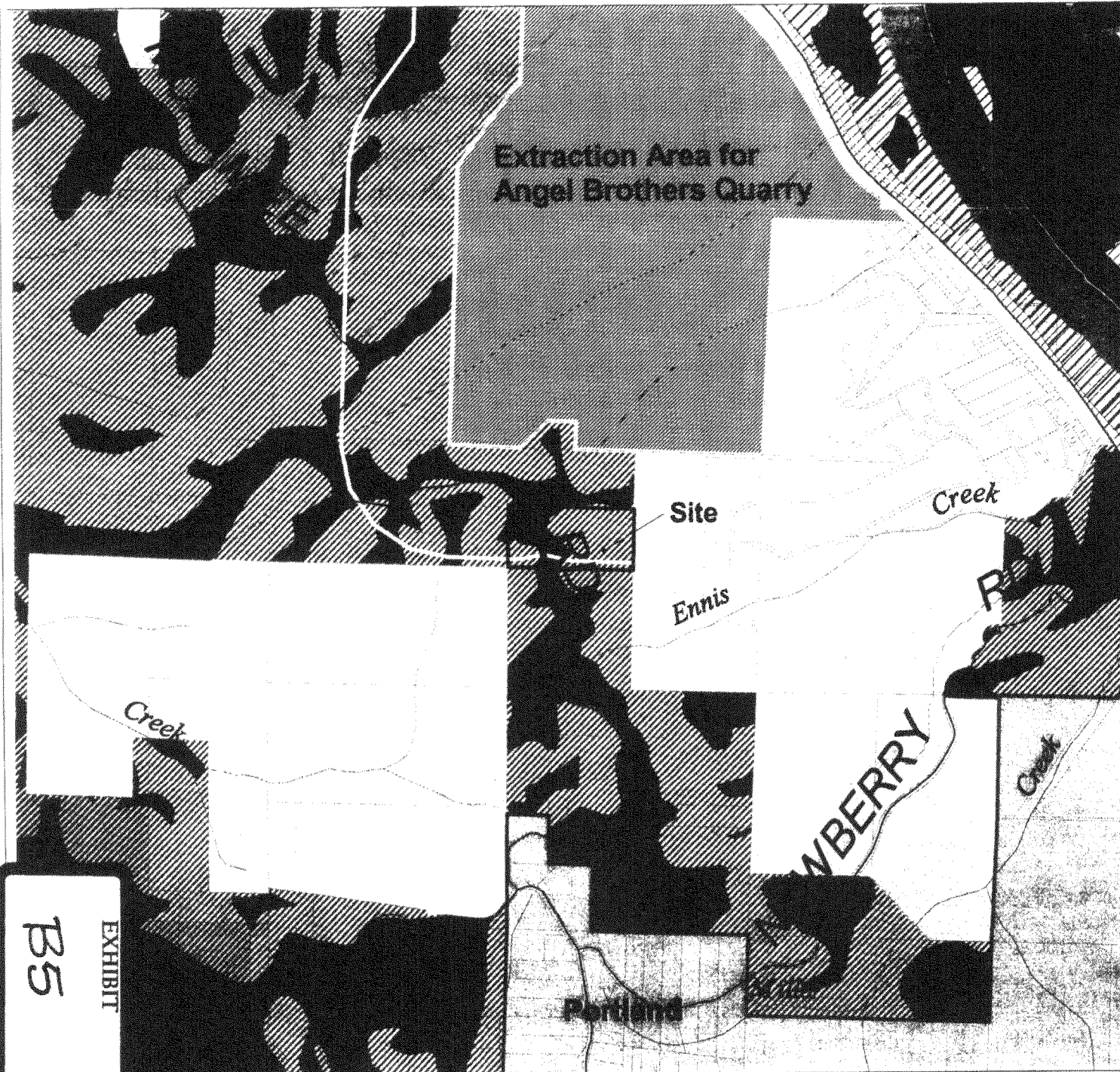
1" = 1500 feet



1600 SE 190th Ave.  
Portland, OR 97233  
503.248.3043 Fax 503.248.3389  
Email: [land.use.planning@co.multnomah.or.us](mailto:land.use.planning@co.multnomah.or.us)

This map is based on data from Metro.  
Multnomah County cannot accept responsibility  
for errors, omissions or positional accuracy.  
There are no warranties expressed or implied.

Plot date: Feb 23, 2005; c:\arcdata\arc\_eprcounter\_new.apr



BS

EXHIBIT

**BOGSTAD Deborah L**

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**From:** THOMAS John S  
**Sent:** Wednesday, March 02, 2005 9:47 AM  
**To:** BOGSTAD Deborah L  
**Subject:** RE: Cable coverage info for March 17, 2005 - extended afternoon session

Sorry, I should have remembered. Please tell Diane that you shared her email with me and that I advised you of the following:

- Last week I contacted the lawyer for Mrs. English and told him that her hearing would be held on March 17 at 1:30.
- We have a notice that is to appear in the newspaper tomorrow about the hearing – we don't know if we can stop publication.
- Notice of the meeting must go out to neighbors no later than tomorrow under the procedure set forth in our ordinance.

-----Original Message-----

**From:** BOGSTAD Deborah L  
**Sent:** Wednesday, March 02, 2005 9:39 AM  
**To:** THOMAS John S  
**Cc:** FARMER Stuart L  
**Subject:** RE: Cable coverage info for March 17, 2005 - extended afternoon session

I'm downstairs in the budget work session – it's supposed to go until noon, but may end early, so I'll call you.

**Deb Bogstad, Board Clerk**  
**Multnomah County Commissioners**  
**501 SE Hawthorne Boulevard, Suite 600**  
**Portland, Oregon 97214-3587**  
**(503) 988-3277 phone**  
**(503) 988-3013 fax**  
**[deborah.l.bogstad@co.multnomah.or.us](mailto:deborah.l.bogstad@co.multnomah.or.us)**  
**<http://www.co.multnomah.or.us/cc/index.shtml>**

-----Original Message-----

**From:** THOMAS John S  
**Sent:** Wednesday, March 02, 2005 9:34 AM  
**To:** BOGSTAD Deborah L  
**Cc:** FARMER Stuart L  
**Subject:** RE: Cable coverage info for March 17, 2005 - extended afternoon session

I don't know what this is about. Deb – please call me. I tried to call you and got your voicemail. If I am not at my desk, have Rita find me.

-----Original Message-----

**From:** BOGSTAD Deborah L  
**Sent:** Wednesday, March 02, 2005 9:08 AM  
**To:** FARMER Stuart L; THOMAS John S  
**Subject:** RE: Cable coverage info for March 17, 2005 - extended afternoon session

3/2/2005

## BOGSTAD Deborah L

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**From:** BOGSTAD Deborah L  
**Sent:** Wednesday, March 02, 2005 8:53 AM  
**To:** LINN Diane M  
**Cc:** BALL John  
**Subject:** RE: Cable coverage info for March 17, 2005 - extended afternoon session

Okay – that week's agenda doesn't need to go out until after noon, Wednesday, March 9.

**Deb Bogstad, Board Clerk**  
**Multnomah County Commissioners**  
**501 SE Hawthorne Boulevard, Suite 600**  
**Portland, Oregon 97214-3587**  
**(503) 988-3277 phone**  
**(503) 988-3013 fax**  
**[deborah.l.bogstad@co.multnomah.or.us](mailto:deborah.l.bogstad@co.multnomah.or.us)**  
**<http://www.co.multnomah.or.us/cc/index.shtml>**

-----Original Message-----

**From:** LINN Diane M  
**Sent:** Wednesday, March 02, 2005 8:48 AM  
**To:** BOGSTAD Deborah L  
**Cc:** BALL John  
**Subject:** RE: Cable coverage info for March 17, 2005 - extended afternoon session

Deb – please wait to post this until John Ball approves – we are considering a couple options for going forward. Thanks, Diane

-----Original Message-----

**From:** BOGSTAD Deborah L  
**Sent:** Wednesday, March 02, 2005 7:54 AM  
**To:** FARMER Stuart L; SCHILLING Karen C; JOHNSON Cecilia; TOKOS Derrick I; THOMAS John S; DUFFY Sandra N; SOWLE Agnes; Andy Smith; Carol WESSINGER; Chuck Martin; Darcy Miles; Delma FARRELL; Gary Walker; Iris BELL; John Ball; Joseph BAESSLER; Judith Shiprack; Kathryn GORDON; Kristen WEST; Laura BAUM; Mary Carroll; Matthew LASHUA; Rob FUSSELL; Robert Gravely; Robert Walker; Shelli Romero; Tara BOWEN-BIGGS; Terri Naito; Diane Linn; Lisa Naito; Lonnie Roberts; Maria ROJO DE STEFFEY; Serena Cruz  
**Subject:** Cable coverage info for March 17, 2005 - extended afternoon session  
**Importance:** High

This information will also be posted on the weekly agenda. Since staff has not yet submitted the agenda placement materials, the title and presenters may change.

Thursday, March 17, 2005 - 1:30 PM  
Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

**CONTINUED REGULAR MEETING**

**DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES - 1:30 PM**

R-2 Consideration of Ballot Measure 37 Claim of Dorothy English et al. Presented by John Thomas, Sandra Duffy, Derrick Tokos and Invited Others. 2.5 HOURS REQUESTED. This session will be cable-cast live and taped and may be seen by Cable subscribers in Multnomah County at the following times:

Thursday, 3/17/05 at 1:30 PM (LIVE) on Channel 29

Saturday, 3/19/05 at 12:30 PM on Channel 29

Sunday, 3/20/05 at 2:30 PM on Channel 29

Wednesday, 3/23/05 at 8:00 PM on Channel 29

Produced through Multnomah Community Television

(503) 491-7636, ext. 332 for further info

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

**Deb Bogstad, Board Clerk**  
**Multnomah County Commissioners**  
**501 SE Hawthorne Boulevard, Suite 600**  
**Portland, Oregon 97214-3587**  
**(503) 988-3277 phone**  
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**[deborah.l.bogstad@co.multnomah.or.us](mailto:deborah.l.bogstad@co.multnomah.or.us)**  
**<http://www.co.multnomah.or.us/cc/index.shtml>**

**BOGSTAD Deborah L**

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**From:** MATTIODA Gina M  
**Sent:** Monday, March 07, 2005 9:56 PM  
**To:** NAITO Lisa H; BOGSTAD Deborah L  
**Cc:** BAESSLER Joseph E; NAITO Terri W; SODEN Stephanie A  
**Subject:** Deb - a question from Commissioner Naito

Gina's cell number 503.708.5692. Stephanie, please add any additional and/or corrected information to this email.

Hi Deb (I hope you are doing well)

The below email from Commissioner Naito asks what time the staff report for M37 (public hearing March 17) will be released to the public. Would you send an email to all of us with that information? Please let me know if you have questions. Thanks in advance.

Lisa,

The DEnglish bill is in House Land Use the Chair is Rep. Bill Garrard (Grrr instead of Jer) from Klamath Falls. His number is 503.986.1456. Lisa, if possible, it would be helpful to Stephanie and me if you would let us know the content and result of your conversation. If you need additional information I can be reached at 503.708.5692

Terri and Joe,

Is it still your intent to send out a news release? If so, when (day/time) will it be?

Would you email Stephanie and me a copy of the news release prior to its release? I believe Stephanie and Joe spoke about Stephanie and me reviewing and providing suggested comments prior to its distribution. It will be helpful for the BCC and PAO to be speaking the same language regarding the staff report et al.

Also, is the rest of the BCC aware of this news release? Again, it would be helpful to us if they were aware of the news release.

Thanks  
Gina Mattioda  
cell: 503.708.5692

Stephanie Soden  
cell: 503.805.5259

-----Original Message----- **From:** NAITO Lisa H  
**Sent:** Mon 3/7/2005 7:54 PM  
**To:** MATTIODA Gina M  
**Cc:** BAESSLER Joseph E; NAITO Terri W; SODEN Stephanie A  
**Subject:** RE: Governor Kulongoski Releases Guidance on Implementation of Measure 37

3/8/2005

Gina,

I'd like to call the Chair of House Judiciary when our staff report is public....can you give me the information and let me know the expected time-West Coast time- we will release the information to the public? Lisa

-----Original Message-----

**From:** MATTIODA Gina M

**Sent:** Fri 3/4/2005 9:50 AM

**To:** NAITO Lisa H

**Cc:** BAESSLER Joseph E; NAITO Terri W; SODEN Stephanie A

**Subject:** FW: Governor Kulongoski Releases Guidance on Implementation of Measure 37

Lisa, you may have already received this information, but just in case.

Gina Mattioda

Director, Public Affairs Office

501 SE Hawthorne Blvd., Suite 600

Portland, Oregon 97214

phone: 503.988.5766

fax: 503.988.6801

cell phone: 503.708.5692

email: gina.m.mattioda@co.multnomah.or.us

-----Original Message-----

**From:** GOVERNORS Press \* Governor's Office [mailto:Governors.Press@state.or.us]

**Sent:** Tuesday, March 01, 2005 11:15 AM

**Subject:** Governor Kulongoski Releases Guidance on Implementation of Measure 37

Theodore R. Kulongoski

Governor



**NEWS RELEASE**

**FOR IMMEDIATE RELEASE**

**March 1, 2005**

### **Governor Kulongoski Releases Guidance on Implementation of Measure 37**

(Salem, OR) – The Office of the Governor and the Department of Land Conservation and Development (DLCD) today released additional guidance for state agency directors, local governments and legislators on the implementation of Ballot Measure 37.

The guidance includes advice from the Attorney General on two questions relating to: the transferability of government decisions to modify, remove or not apply land use regulations;

3/8/2005

and “blanket waivers.” The information also includes an initial set of questions and answers relating to other issues about the measure, also based on advice from the Attorney General’s Office.

Governor Kulongoski, Attorney General Myers and Lane Shetterly will continue to apprise Oregonians of the state’s progress toward implementation of Measure 37 as additional questions around the measure can be answered.

Text of letter to local governments and legislators:  
<http://governor.oregon.gov/Gov/pdf/DLCD.pdf>

Q&A: <http://governor.oregon.gov/Gov/pdf/m37qa.pdf>

Text of letter of advice from Attorney General:  
<http://governor.oregon.gov/Gov/pdf/m37doj.pdf>

- 30 -

**Media Contact:**

Anna Richter Taylor, 503-378-6496

Kevin Neely, DOJ, 503-378-6002

Lane Shetterly, DLCD, 503-373-0050 x271

**BOGSTAD Deborah L**

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**From:** TOKOS Derrick I  
**Sent:** Wednesday, March 16, 2005 5:33 PM  
**To:** sandyduffy@comcast.net; DUFFY Sandra N  
**Cc:** SCHILLING Karen C; BOGSTAD Deborah L; THOMAS John S  
**Subject:** RE: Script

Sandy,

I pulled language out of your Board Order and put it into the format for making a motion that we last used with the Board on land use cases (several years ago). It doesn't include a specific discussion about the land division issue or claimants Verhoef and Sellers. Those findings can be pulled into the motion as well, if you think it appropriate.

I am not sure about the flow of a scripted motion listed below. I would think that they would want to open the hearing, take testimony (staff, claimant, and public) and then offer the motion, deliberate, and vote.

Derrick

-----Original Message-----

**From:** THOMAS John S  
**Sent:** Wednesday, March 16, 2005 3:21 PM  
**To:** sandyduffy@comcast.net  
**Cc:** TOKOS Derrick I; SCHILLING Karen C; BOGSTAD Deborah L  
**Subject:** FW: Script

Sandy: Can you fit this in the script where it should go?

-----Original Message-----

**From:** BOGSTAD Deborah L  
**Sent:** Wednesday, March 16, 2005 2:45 PM  
**To:** THOMAS John S; TOKOS Derrick I; SCHILLING Karen C  
**Cc:** DUFFY Sandra N  
**Subject:** RE: Script

They actually like to be scripted for motions – since we don't have a specific order title on the agenda, the action/option that you want the Board to approve should be spelled out for them below

**COMMISSIONER \_\_\_\_\_ MOVES**  
**COMMISSIONER \_\_\_\_\_ SECONDS**  
**APPROVAL OF (write in the specific motion)**

**EXPLANATION, RESPONSE TO QUESTIONS**

**OPPORTUNITY FOR PUBLIC TESTIMONY**



***OPPORTUNITY FOR BOARD COMMENTS***

***ALL IN FAVOR, VOTE AYE, OPPOSED \_\_\_\_?***

***THE MOTION FAILS***

***OR***

***THE ORDER IS ADOPTED***

**Deb Bogstad, Board Clerk  
Multnomah County Commissioners  
501 SE Hawthorne Boulevard, Suite 600  
Portland, Oregon 97214-3587  
(503) 988-3277 phone  
(503) 988-3013 fax  
[deborah.l.bogstad@co.multnomah.or.us](mailto:deborah.l.bogstad@co.multnomah.or.us)  
<http://www.co.multnomah.or.us/cc/index.shtml>**

-----Original Message-----

**From:** THOMAS John S  
**Sent:** Wednesday, March 16, 2005 2:20 PM  
**To:** TOKOS Derrick I; SCHILLING Karen C  
**Cc:** DUFFY Sandra N; BOGSTAD Deborah L  
**Subject:** Script

Here is the script I prepared. Derrick correctly notes that it does not take them through the process for adopting an order – motion, second etc. Do you think we need to amend the script to add that process?

3/17/2005

## **DRAFT MOTION FOR ENGLISH CLAIM**

---

**In the matter of:**

**Case File: T1-04-044**

**A Measure 37 Claim filed by Dorothy English, Christie Verhoef, and Douglas Sellers for \$1,150,000 or the right to create 8 lots and build 8 homes on property located at 13100 NW McNamee Road.**

**I hereby move that, based on the record before us today, we accept the Land Use Planning staff analysis dated March 9, 2005 and County Attorney Opinion dated March 14, 2005 finding:**

- (1) Claimants made a minimally adequate 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 Dorothy English provided substantial evidence to prove that she acquired the property in 1953, before the regulations challenged in the claim;**
- (3) There is substantial evidence in the record to show that land use regulations now in place on the property restrict the use of real property, specifically the ability to place up to 8 dwellings on the parcel;**
- (4) The appraisal submitted by Claimant Dorothy English is substantial evidence that the land use restrictions now in place on the property have the effect of reducing the fair market value of the property;**
- (5) The land use regulations that reduce the fair market value of the property have been enforced in that the plain language of the CFU-2 and Protected Aggregate and Mineral zoning prohibit additional permanent dwellings in the zone; and**
- (6) The Board elects not to pay the compensation demanded by Claimant Dorothy English.**

## Script for Dorothy English Measure 37 Hearing

### INTRODUCTION:

**Chair:** This is the time set for public hearing on the claim of Dorothy English, Christie Verhoef and Douglas Sellers 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:** [Any ex parte contacts or conflicts of interest should be disclosed at this time.]

**Chair:** I have no ex parte contacts or conflicts of interest to disclose.

*or if the Chair has disclosures to make*

I have the following disclosures to make: \_\_\_\_\_

**Chair:** Commissioner Rojo de Steffey? Commissioner Naito? Commission Cruz? Commission Roberts? [If there are **none**, each Commissioner should say “**none**” on the record.]

[If there are disclosures of ex parte contacts, participants should be given an opportunity to rebut the substance of any disclosure. “Does anyone have any rebuttal testimony relating to any disclosure?”]

[If there are any disclosures of conflicts of interest, the Commissioner in question shall state whether he/she can still be fair in conducting the hearing and making a decision.]

**Chair:** Have any of the Commissioners been on a site visit to the subject property? [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. Then hearing participants should be invited to rebut any facts adduced in the disclosure.]

## **CONDUCT OF THE HEARING:**

**Chair:** I will ask for testimony and other evidence in the following order:

1. Staff report
2. Claimants
3. Others who wish to be heard on the claim
4. Commission discussion, questions, deliberation
5. Future scheduling if necessary

## **HOW TO PRESENT TESTIMONY:**

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

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




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



**Land Use  
Planning  
Division**

**13100 NW  
McNamee Rd**  
(2002 Aerial Photograph)

### Legend

-  English Property
-  UGB
-  Tax Lots

0 375 750 1125 1500 Feet

Not To Scale



1600 SE 190th Ave.  
Portland, OR 97233  
503.988.3043 Fax: 503.988.3389  
Email: [land.use.planning@co.multnomah.or.us](mailto:land.use.planning@co.multnomah.or.us)

This map is based on data from Metro.  
Multnomah County cannot accept responsibility  
for errors, omissions or positional accuracy.  
There are no warranties expressed or implied.

## Script for Dorothy English Measure 37 Hearing

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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.

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**Chair:** I have no ex parte contacts or conflicts of interest to disclose.

*or if the Chair has disclosures to make*

I have the following disclosures to make: \_\_\_\_\_

**Chair:** Commissioner Rojo de Steffey? Commissioner Naito? Commission Cruz? Commission Roberts? [If there are *none*, each Commissioner should say “none” on the record.]

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**Chair:** Have any of the Commissioners been on a site visit to the subject property? [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. Then hearing participants should be invited to rebut any facts adduced in the disclosure.]

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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 following order]

1. Staff report
2. Claimants
3. Others who wish to be heard on the claim

## **AFTER TESTIMONY:**

COMMISSIONER \_\_\_\_\_ I move approval of the Order prepared by the County Attorney which is in accord with the staff report except that the order permits the partition and subdivision of the English property.

COMMISSIONER \_\_\_\_\_ SECONDS

**Chair:** Discussion?

**Chair:** [after discussion]      ALL IN FAVOR?  
   OPPOSED?  
   THE ORDER IS ADOPTED

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

**ORDER NO. \_\_\_\_\_**

<b>Dorothy English, Christie Anne</b>	)	
<b>Verhoef, and Douglas James</b>	)	<b>ORDER TO NOT APPLY LAND USE</b>
<b>Sellers,</b>	)	<b>REGULATIONS TO 13100 N.W.</b>
	)	<b>McNAMEE ROAD UNDER BALLOT</b>
	)	<b>MEASURE 37</b>
<b>Claimants.</b>	)	
	)	

**The Multnomah County Board of Commissioners Findings are as follows:**

**Parties:** Dorothy Pauline English, Christie Anne Verhoef and Douglas James Sellers are Ballot Measure 37 claimants who filed a demand for compensation under Ballot Measure 37 (2004) to Multnomah County on December 2, 2004, 12:11 a.m.

**Subject Real Property:** This claim relates to real property commonly known as 13100 N.W. McNamee Road, Multnomah County, Portland, Oregon 97231, and more specifically described as:

Section 32A, T2N, R.1W, Willamette Meridian, consisting of 19.74 acres in Multnomah County, Oregon; Tax Account #R971320170 (Tax Lot 1200).

**Adequacy of Demand for Compensation:** On December 2, 2004, a demand for compensation was filed with the County on behalf of claimants, Dorothy English, Christie Verhoef, and Douglas Sellers. The demand letter sought \$1,150,000 in compensation or the right to divide their property at 13100 NW McNamee Road into 8 parcels and construct 8 homes. An appraisal was submitted, on February 9, 2005, to substantiate the amount of compensation being sought.

The demand for compensation was faxed to the County Attorney's Office at 12:11 am, and the original was hand delivered to the same office at 8:15 a.m., before the adoption of the County's Ballot Measure 37 implementing ordinance that same date. The County is not applying the ordinance, but is instead, applying Ballot Measure 37 directly.

The measure requires an owner submit a written demand for compensation, but does not specify what that entails. The demand must, at a minimum, describe the use being sought, identify regulations that prohibit the use, and substantiate that land use regulations have reduced the value of the property. The Board finds that the claimants' letter and appraisal contain this minimal information.



**Relevant Dates of Property Ownership:** Ballot Measure 37 exempts land use regulations enacted prior to the date the current owner acquired the property. Deed records show that claimants Christie Verhoef and Douglas Sellers acquired an interest in the property in 1999 (Instrument #99-01244). Land use regulations in effect at that time were substantially the same as they are now, providing for one single family dwelling per lawful parcel (Section 11.WH.2046, Ord. #916). Current assessment records show that the property is improved, with a residence built in 1948. As there is already a dwelling on the property, no additional dwellings would have been permitted under land use regulations in effect on the date Christie Verhoef and Douglas Sellers acquired an ownership interest. Accordingly, neither has a basis for a Ballot Measure 37 claim.

Claimant Dorothy English has provided evidence that she first acquired the property with her husband in November, 1953 pursuant to a land sales contract (Book, 1630, page 591). The current parcel is the south half of the original parcel in which Claimant Dorothy English has held a continuous ownership interest. In May of 1953 the County adopted its first interim zoning ordinance, a code that was primarily directed at nuisance uses and would not have prohibited more than one dwelling from being established on a parcel or lot. The Board finds that Claimant Dorothy English became the owner of her property prior to the County enacting land use regulations restricting the number of dwellings to one per property.

**County Codes as a Restriction on Use of the Property:** Claimant Dorothy English asserts that these regulations and others (together totaling 61 regulations) restrict the use of land by prohibiting the construction of 8 dwellings on 8 lots. Claimant Dorothy English requests that these regulations not be applied to the property pursuant to the provisions of Ballot Measure 37.

The property is zoned Commercial Forest Use (CFU-2) with Protected Aggregate and Mineral, Significant Environmental Concern (SEC) for views and streams, and Hillside Development overlays (HDP). The Board finds that these regulations, and all other County codes challenged in the claim letter, can be placed in four separate categories and treats each of them differently.

Category 1 regulations include those which must not be applied in order for Claimant Dorothy English to construct up to 8 houses on her property. The Board finds that it is appropriate to not apply the regulations in Category 1 to claimant Dorothy English in lieu of paying compensation.

Category 2 regulations are regulations which guide the manner in which development can occur. It is not possible to know at this time whether or to what degree they will restrict the development of the property. None of these regulations in and of themselves prevent construction of 8 homes on 8 parcels. Claimants may resubmit to the Board any

land use regulation listed in Category 3 for reconsideration under Ballot Measure 37, if, during the development process, enforcement of the county's codes will result in a restriction in use that has the effect of reducing the fair market value of the property. The Board finds that it would be premature to order that the regulations in Category 2 not be applied.

Category 2 regulations include land division codes (partitions and subdivisions), which is the mechanism to create new parcels of land. The Board finds that land division codes can be regulations restricting the use of Claimant Dorothy English's property to the extent that it may prohibit her from partitioning or subdividing her parcel. We have made this finding because Mrs. English was a chief petitioner of Ballot Measure 37, and had expressed an interest in further dividing her property as part of that campaign. It is appropriate to not apply County codes that would prevent the subdivision of the property into a maximum of 8 lots, and construct up to 8 homes.

This is, notwithstanding that the measure is unclear that dividing land is a "use" of property that can be granted by not applying regulations, and that any rights to divide and develop the property gained by the claimant cannot be transferred to subsequent buyers. Because of the uncertainties surrounding this issue for both claimants and buyers, the Board does not view this action as a precedent for deciding future claims and would hope that the matter is clarified by the legislature.

Until more information is known about how they intend to partition or subdivide the property, the Board cannot determine which land division provisions will need to not be applied to allow up to 8 houses on up to 8 lots. The board intends that partitions or a subdivision be allowed on the subject property, but the determination of which code provisions not be applied is premature.

Category 3 regulations are exempt from Ballot Measure 37 claims because they are necessary to protect public health and safety, are necessary to comply with federal law or they were enacted prior to acquisition date of the owner. The Board finds that the regulations in Category 3 should continue to apply to the claimants and the property.

Category 4 regulations have no bearing on the claim. The Board finds that the regulations in Category 4 are not relevant to the claim and should therefore continue to apply.

The Board's Order, below, lists each regulation that Claimant Dorothy English requests not be applied, in the appropriate category.

**County Code Restrictions Reduce Fair Market Value:** The Board finds that land use restrictions prohibit Claimant Dorothy English from constructing one or more additional homes on her property and that the appraisal she submitted to the County is evidence to support a finding of diminution in value.

**Enforcement of County Code Restrictions:** Land use regulations enacted after the date the owner acquires the property must be enforced for the measure to be operative. The CFU-2 and Protected Aggregate and Mineral zoning rules effectively prohibit additional permanent dwellings, reducing the value of the property. There is no application that Claimant Dorothy. English can apply for that could lead to the approval of additional homes on her property and Board finds that the regulations, on their face, have been enforced.

**Validity of Claim for Compensation:** The Board finds that:

- (1) Claimants 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. Dorothy English provided evidence to prove that she acquired the property in 1953, before the regulations challenged in the claim;
- (3) There is evidence in the record to show that land use regulations now in place on the property restrict the use of real property, specifically the ability to place up to 8 dwellings on up to 8 lots on the subject parcel;
- (4) The appraisal submitted by Claimant Dorothy. English is evidence that the land use restrictions now in place on the property have the effect of reducing the fair market value of the property;
- (5) The land use regulations that reduce the fair market value of the property have been enforced in that the plain language of the CFU-2 and Protected Aggregate and Mineral zoning prohibit additional permanent dwellings in the zone; and
- (6) The Board elects not to pay the compensation demanded by Claimant Dorothy English.

**The Multnomah County Board of Commissioners Orders:**

- (1) **Claimant Dorothy English's request be granted and the land use regulations restricting the use of her property not be applied in order to allow up to 8 dwellings on up to 8 lots on the subject property. Category 1 regulations which will not be applied are listed below:**
  - §33.2215, Uses. Requires that any building, structure, or land be used in compliance with the Commercial Forest Use rules, which prohibit the creation of small lots and limit new dwellings because of the inherent conflict between residential and commercial timber uses.
  - §33.2220, Allowed Uses. Lists the uses allowed without County review in the Commercial Forest Use zone, pursuant to the Forest Practices Act and Statewide Planning Goal 4. Developing more than one permanent dwelling on a parcel is not listed as allowed.

- §33.2225, Review Uses. Although not listed in the claim letter, this category of uses in the Commercial Forest Zone would also need to be set aside, as it lists those activities that are allowed subject to administrative review by the County and the subdivision or development proposed is not listed as allowed.
- §33.2230, Conditional Uses. Lists the uses allowed when approved through a hearings process and found to meet specific approval criteria. The development rights being sought are not listed in this section, and like other sections of the Commercial Forest Use code that list uses that are allowed, this one should not be applied to avoid any confusion as to whether or not Claimant Dorothy English can proceed to develop the property.
- §33.2235, Large Acreage Dwelling. This is a conditional use process for qualifying one dwelling on a large forested property. The argument for not applying this section is the same as that for §33.2230.
- §33.2240, Template and Heritage Tract Dwellings. This is a conditional use process for qualifying one dwelling where the undeveloped property is in an area where there are already several dwellings or the property has been held in the same ownership for a long period of time. It would be §33.2230. The argument for not applying this section is the same as that for §33.2230.
- §33.2245, Use Compatibility Standards. These rules require that development not force changes in, or significantly increase the costs of accepted forestry or farming practices on surrounding properties nor increase fire hazards or fire suppression costs on those properties. Developing up to 8 homes on 8 lots necessarily conflicts with adjoining farm and forest operations (that is why it is not allowed), thus this section of the code would have to be set aside.
- §33.2260, Dimensional Requirements. The 80 acre minimum lot size requirement prevents further division of the property and needs to be set aside. The 130' setback is a problem for smaller lots, therefore it should not be applied.
- §33.5700 et. seq., Protected Aggregate and Mineral Sites. These rules prohibit or severely limit new noise sensitive uses, such as dwellings, in close proximity to aggregate sites. The aggregate overlay covers all of Claimant Dorothy English's property because of its proximity to the Angel Brothers Quarry, which is approximately 630 ft to the north.

**(2) Claimant Dorothy Mrs. English's request be denied relating to the land use regulations listed below. It would be premature to not apply those regulations given the available evidence. Claimants may resubmit to the Board any land use regulation for reconsideration under Ballot Measure 37, if enforcement of the county's codes during development will result in a restriction in use that**

**has the effect of reducing the fair market value of the property. This section of the order applies to the following Category 2 regulations:**

- §33.2255, Single Family Dwelling Condition of Approval, Prohibition on Claims Alleging Injury From Farm or Forest Practices. This standard requires that deed restrictions be recorded putting owners on notice that they are prohibited from taking legal action against *adjacent* property owners who are farming or conducting timber harvest or other forest management activities on their properties.
- §33.2260, Dimensional Requirements. Building heights are limited to 35' in height and lots must be at least 50 feet wide. It is unclear whether or not these will be an issue since the claimant has not provided information regarding how they intend to divide the property or the type of homes that they want to build. Remaining standards in this section relate to non-conforming structures and agricultural structures, neither of which are the subject of this claim.
- §33.2285 and §33.4100 et. seq., Off-Street Parking and Loading. These standards require that sufficient area be provided on each lot for off-street parking (typically two spaces per dwelling).
- §33.2290, Access. Requires that the lots or parcels possess street frontage or other access that is safe and convenient. Might qualify as a health and safety requirement, exempt from the measure.
- §33.2305, Development Standards for Dwellings and Structures. Includes road grade, clearance and improvement standards to ensure that emergency equipment can access property and includes requirements for fire breaks and other similar measures to limit fire hazards in forested areas. Parts of these codes might qualify as health and safety requirements.
- §33.2310, Exception to Secondary Fire Safety Zones and Forest Practice Setbacks. Alternative to fire break requirement, relying instead on certain fire resistant building materials, sprinkler systems, alarms, etc. Might also qualify as a health and safety requirement, exempt from the measure.
- §33.4500 et. seq., Significant Environmental Concern. These standards require development be clustered and located close to roads to provide for wildlife movement throughout the greater forest park area. Alternative protection standards are available if these standards cannot be achieved. These rules also require development to ensure that views of the ridge as seen from certain vantage points on Sauvie Island, the Multnomah Channel, and Highway 30 are as natural as possible. This influences dwelling location, height, color, etc. None of these standards prohibit the development of homes or the creation of lots.
- §33.7000, Land Divisions. The code section listed appears to be in error. Land division rules are listed under §33.7700 et. seq. and contain standards that are not

expressly required under ORS 92. None of them; however, would prevent a further land division. These standards influence the form that the subdivision takes, and since the claimant has not provided any information as to how they intend to divide the property it would be premature to not apply them.

- §4.000 et. seq., Access to County Roads. Regulates access onto County roads, primarily to ensure that it is safe. Will not, on its face, prevent the development of up to 8 homes on up to 8 lots on the subject property.
- §5.000 et. seq., Transportation Impact. Sets thresholds as to what constitutes a traffic impact that might warrant a traffic study. Does not, in itself, dictate whether or not up to 8 homes on up to 8 lots can be built on the subject property.
- §6.000, Improvement Requirements. Could require certain public improvements depending upon the nature of the development that is proposed (e.g. culverts, paved approach, etc.). Might qualify as health and safety requirement.
- §7.000, Transportation Impact Studies. Includes requirements for studies. The need for a study is dependant upon the nature of the development that is proposed.
- §8.000, Off-Site Improvements. Would be limited to improvements along McNamee Road. Unlikely that they would be sought unless necessary for health and safety purposes and impossible to identify without having some ideas as to how the property is to be developed.
- §9.000, Compliance Method. Relates to how infrastructure improvements are guaranteed (e.g. developer constructs them, they pay the County to build, non-remonstrance, etc.). Dependant upon development that is proposed.
- §16.000 et. seq., Variances from County Standards and Requirements. Contains rules for obtaining a variance to road rules. Impossible to know if any are needed without some idea as to how the property would be divided and developed.
- §29.506, Permits Required. Regulates work within the right-of-way. Whether or not improvements are needed within the road right-of-way depends upon the development that is proposed.
- §29.508, Acceptance of Deeds and Easements for Road Purposes. Regulates how these legal instruments must be structured. Impossible to know if dedications are needed without an idea as to how they intend to develop the property.
- §29.560, Street Standards, Rules and Guidelines. Explains that street standards implement established rules and policies and that access requirements are based upon the functional classification of a road. Largely a policy statement that may not be directly applicable to a subdivision or development. If directly applicable,

impossible to say how it would impact this claim because no information has been provided as to how they intend to develop the property.

- §29.571, Right-of-Way and Improvement Standards. Requires road frontage within public rights-of-way to be improved where it is presently substandard and adjoining private development is adding a significant amount of traffic to the road segment. Might not be an issue with this section of McNamee Road.
- §29.572, Rules for Streets, Roads and Rights-of Way. Contains requirements for construction of public streets and roads, and the dedication of right-of-way for road purposes. It is unclear whether or not this will be an issue, since we do not know how they intend to develop the property.
- §29.573, Rules for Drainage Facilities. Includes standards for managing drainage across properties. It is unclear as to the extent to which these standards apply since we do not know how they intend to develop the property.
- §29.574, Rules for Traffic Control and Traffic Control Devices. Includes standards for stop signs and signalization. If it is at all applicable, its provisions are likely health and safety related and therefore exempt.
- §29.577, Utility Locations. Regulates how utilities are installed within the public right-of-way. Standards are typically applied to utility providers, not developers, so it is possible that they might not even apply.
- §29.578, Rules for Right-of-Way Use. Regulates location and number of accesses onto public roads. Might be exempt as necessary for health and safety, considering the curvature and grade of McNamee Road. The extent to which these standards apply though is unknown.
- §29.582, Rules for Accessways. Contains standards for the size and configuration of certain private roads. Impossible to know how these standards relate to this claim, since no information has been provided as to how the property is to be developed and access provided.
- §12.000 et. seq., Public Roads. Standards are generally tailored to ensure that roads are safe and passable for emergency vehicles. Impossible to know how these standards relate to this claim, since no information has been provided as to how the property is to be developed.
- §18.000 et. seq., Right-of-way Permits. Includes rules regulating how and where approaches onto a County Road are constructed. Largely health and safety related. Since no information has been provided as to where new approaches would be constructed onto the property, it is impossible to know how these standards relate to this claim.

**(3) Claimant Dorothy English's request be denied because the regulations are exempt from Ballot Measure 37. These regulations are necessary to protect public health and safety or to comply with federal law. This section of the order applies to the following Category 3 regulations:**

- §33.5500 et. seq., Hillside Development and Erosion Control. A zoning overlay that applies to steeply sloped terrain or areas that have been mapped as susceptible to landslides, debris flows, etc. Its purpose is to ensure that proposed development is safe, and that the earthwork will not destabilize the slopes.
- §29.350 West of Sandy River Grading and Erosion Control Code. This code citation is an error as it is applicable to the West of Sandy area. The Grading code applicable to this area is §29.330. Grading and erosion control rules have no bearing on whether or not up to 8 homes can be built on the subject property. They are structured to ensure that soil erosion attributed to development is minimized and storm run-off attributed to development is properly managed. These standards are necessary for health and safety and implement federal law, such as the Clean Water Act.

**(4) Claimant Dorothy English's request be denied because the regulations she seeks to have the County not apply have no bearing on the claim. This section of the order applies to the following Category 4 regulations:**

- §33.2265, Lot of Exception. These rules allow the creation of small lots in certain circumstances, such as if there are 2 dwellings on a lot as of a certain date, assuming all other rules apply. They would have no bearing on Claimant Dorothy English's ability to divide or develop the property through waiver of other provisions of the Commercial Forest Use code.
- §33.2270, Lot Line Adjustment. The requirement is relevant to when a land owner wants to move a line common to two lots or parcels.
- §33.2275, Lot of Record. These provisions explain what a legal, developable property is within the Commercial Forest Zone.
- §33.2280, Lot Sizes for Conditional Uses. This claim is not seeking to establish a use that is conditionally allowed in the Commercial Forest zone, so this provision is irrelevant to the request.
- §33.4300 et. seq., Planned Development. These standards allow the creation of lots smaller than would otherwise be allowed if remaining land is, for example, preserved as a common area for the residents. Its applicability is largely limited to urban areas.
- §33.7000 et. seq., Design Review. Not applicable to single family development.



- §33.7200 et. seq., Nonconforming Uses. Applies to the alteration or replacement of an existing non-conforming use. To our knowledge this claim does not involve any existing non-conforming uses; therefore, these provisions are not applicable.
- §33.7400 et. seq., Signs. This claim is not seeking to place signs on the property so these provisions are not applicable.
- §33.7000, Land Divisions. The code section listed appears to be in error. Land division rules are listed under §33.7000 et. seq. and contain standards that must be followed to create new conveyable properties in accordance with ORS 92. This statute is not referenced in Ballot Measure 37, so rules implementing it are outside the scope of this claim.
- §10.000 et. seq., Road. Corridor Specific Cross-Section Overlay. Applies to unique roadways such as freight corridors, Boulevards, etc. Is not applicable to McNamee Road.
- §11.000 et. seq., Local Access Roads. Establishes minimum standards for roads that are not maintained by the public but are located within publicly dedicated rights-of-way. No such rights-of-ways presently exist on, or in close proximity to the site.
- §13.000 et. seq., Temporary Road Closures. Requirements for when and how temporary road closures are to occur. Not applicable to a request to subdivide and develop property.
- §15.000 et. seq., Truck and Transit Restrictions. Restricts movement of large trucks and transit vehicles on certain roadways. Since the development sought does not generate either, it is not applicable.
- §17.000 et. seq., Appeals. Process for challenging how the County applies road standards. County processes, in themselves, are not land use regulations that are subject to Measure 37 claims.
- §22.000 et. seq., Property Owner Maintenance Requirements. Applies to maintenance of sidewalks and curbs within the right-of-way.
- §29.500, Street Standards. It contains no language that would be directly applicable to land divisions or development.
- §29.530, Street Standards, Adoption of Rules. Contains language explaining how the street standards can be amended. The provisions are procedural and outside the scope of the measure.

- §29.562, Local Street Category. Defines what constitutes a local street and is, in itself, not a standard that would be directly applicable to the subdivision of the property or the construction of homes.
- §29.563, Land Use Category. Rules are crafted for urban areas where site specific zoning is at odds with the classification of the roadway. Is not applicable to rural areas.
- §29.565, Scenic Route Category. Applies to scenic routes such Skyline Boulevard. Not applicable to McNamee Road.
- §29.575, Rules for Pedestrian Paths and Bikeways. Rules for when new paths and bikeways are required. Not applicable to rural local roadways, such as McNamee Road.
- §29.576, Rules for Sanitary Sewer. Contains standards for constructing sewer infrastructure within public roadways. State law prohibits new sewer systems outside Urban Growth Boundaries; therefore, this section of the code is not applicable. Any new lots or parcels would need to be served by on-site septic systems.
- §29.579, Rules for Street Lighting. Street lighting is required with urban subdivisions where districts exist or are formed to pay for on-going maintenance and utility costs. These provisions are not applicable to rural areas.
- §29.580, Rules for Street Trees. Street trees are required in conjunction with urban subdivisions and are not applicable to this request.
- §29.581, Rules for Development Support and Financing. Rules relate to the formation of local improvement districts and cost sharing of improvements by the County. None of these standards appear to be directly applicable to this claim.
- §29.620, West of Sandy River Flood Hazard Regulations. This code citation is an error as it is applicable to the West of Sandy area. The Flood Hazard code applicable to this area is §29.600. The property is not within a mapped Flood Hazard Area so these standards are not applicable.
- §33.7000, Land Divisions. The code section listed appears to be an error. Land division rules are listed under §33.7700 et. seq. and contain standards that must be followed to create new conveyable properties in accordance ORS 92. They are only relevant to the partitioning or subdivision of property and are; therefore, outside the scope of the measure.

**Conditions of Approval:**

- (1) This Board Order allows certain County code provisions not to be applied by the County to Claimant Dorothy English's property as set out in Category 1 above. This does not constitute a waiver or modification of corresponding state law, or administrative rules.
- (2) This action by the Board, to not apply certain regulations to Claimant Dorothy English's property, does not authorize immediate construction of the dwellings. Rules that still apply to the property require that land use and building permits be approved by the County before development can proceed.
- (3) Any plat must include a note that this plat must record pursuant to Ballot Measure 37.

ADOPTED this 17th day of March, 2005.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

---

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Sandra Duffy, OSB# 82044  
Assistant County Attorney

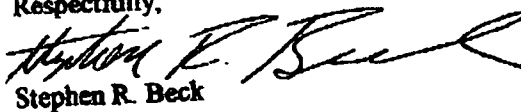
To: Adam Barber  
From Stephen R. Beck, 12803 NW McNamee Rd., Portland, Or.  
R: Case T1-04-044

Dear Adam,

I would like to go on record as being against Mrs. English's proposal to subdivide her land at 13100 NW McNamee Rd.. The reasons for this are 1) it would have an very negative environmental impact on the area ( I doubt that the land could support 8 functioning septic systems, or the water table 8 wells) 2) the current zoning and land use plan, MUF, has been in effect for a very long time and it works (and it is something that we all abide by and have bought into a a social contract when we bought - or when we held on to our land and chose not to buy another piece) 3) developing her property in the manner she suggest would lower the property values of surrounding properties 4) developing her property would interfere with wildlife flows and also would increase the potential fire danger to the area.

I like and respect Mrs. English. She has shown me nothing but kindness since I bought my property in 85. What is suggested here represent poor thinking, it is socially and environmentally irresponsible, it is fiscally opportunistic and unrealistic ( as the county does not have this kind of money) so in essence it is sort of a blackmail. It is probably also fair to say that the impact of granting Mrs. English the solution she request would benefit the long term corporate interest of timber companies and developers who have little or no interest in the quality of the land, or environmental or social priorities - such as promoted by the current zoning and urban growth plans. So no to this request to devide her land. And no to her request to be reimbursed.

Respectfully,

  
Stephen R. Beck

CLATSOP COUNTY  
PLANNING SECTION

03 MAR 10 AM 9:22

RECEIVED

P.O. Box 10221  
Portland, Oregon 97296

March 14, 2005

Multnomah County  
Land Use and Transportation Program  
1600 SE 190<sup>th</sup> Avenue  
Portland, Oregon 97233

RE: Case File: T1-04-044  
Hearing Date: March 17, 2005

RECEIVED  
05 MAR 15 PM 2:30  
MULTNOMAH COUNTY  
PLANNING SECTION

To Whom It May Concern:

I live next door to Dorothy English. My property will be affected by the decision in this case. Ms. English is a good neighbor and a close friend. She and I agree about many things, but this land use issue is not one of them.

I have no objection to Ms. English's desire to have her grandson build a house close to her on the subject property. I sympathized with Ms. English some years ago when, after her husband's death, Multnomah County required her to remove the mobile home on her property where her daughter and son-in-law had lived. However, I strongly oppose the creation of 8 parcels from the existing parcel. My concerns relate to fire danger, drinking water, septic systems and loss of enjoyment of my property.

The area of the subject parcel has no public water supply or sewers. Ten acres of my thirteen acre parcel is forested; it borders the subject property. Ms. English's house, and mine, sit on a ridge top above steep, wooded slopes. Every summer we are at risk of a forest fire. More houses entail more vehicles, more matches, more sparks, more fires waiting to happen. In the event of a fire, the nearest hydrant is approximately one mile away. The local fire department has no resources to protect houses in this setting.

My well is 695 feet deep. Neighbors' wells are of similar depth. Ms. English, herself, has no well, but collects water in a cistern. I fear that if more wells are drilled in this vicinity, existing wells would go dry. If that were to happen, we would have no alternative but to drill a new well, at enormous cost. I would likely be unable to prove that new wells on the subject property had, in fact, caused my well to go dry, and would be without recourse. Yet this outcome is foreseeable now, and is avoidable.

The soil in this area is heavy, deep clay; it does not perk well. Behind Ms. English's house, the land slopes steeply to the east and south, into a small canyon which is partly on my land. There is simply no way that the soil could absorb the human waste of 7 new septic systems. Rather, the effluent would run with the slope of the land, out the sides of the hills, and run off into the bottom of the canyon, creating a stinking, septic bog.

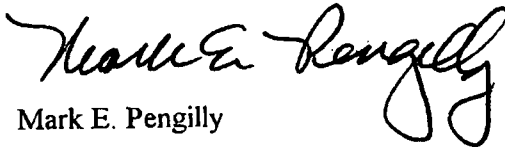
I have built trails through the woods on my property, on which I walk every day. My wife and I rejected other potential sites, and chose this property 17 years ago precisely because it was *not* zoned for intensive development next door. We wanted the forest, the quiet, of this very place. We relied on the R19 zoning in effect at the time we purchased our property.

If eight parcels are created on the subject property, we will have lost what we thought we had purchased. Our daily walks through the woods will be subjected to the stench of sewage and the noise and visual intrusion of development. Our water supply will be threatened, and would likely become vastly more expensive. Everything we own would be at increased risk for disastrous wild fire.

Forcing Ms. English to move her daughter and son-in-law's mobile home when her husband died was excessive. The creation of eight lots in this quiet, forested area without water, sewers and adequate fire protection is excessive as well.

Please reject the application for eight lots and instead grant approval for two or three lots, which the resources and neighbors in this area can bear. If you find that compensation is warranted over and above the creation of one or two additional parcels, that would avoid irreversible damage to this rather fragile area.

Very truly yours,



Mark E. Pengilly

MEP:s

PLANNING SECTION  
COUNTY

05 MAR 15 PM 2:30

RECEIVED

RE: The Dorothy English land use matter before the board of commissioners  
March 17, 2005.

Good After noon, My name is Brian Lightcap, 13342 NW Newberry Rd., Portland, OR.

The right to subdivide just one of the 19 acre parcels owned by Ms. English, after several other parcels have partitioned off and sold by Ms English, go contrary to the logic that in most cases families should have only have an opportunity to have a house on the property and, hopefully learn to manage and develop natural resources. Her pattern of return on her investment has been established by what she has already done. Her wanting to further subdivide lots begs the social questions that those that already bought parcels from her ought to, VIA SOME FUTURE POLITICAL PROCESS, subdivide just like Ms. English. But, for now it's only Ms English that benefits. In the long term erosion of interest in farm and forest resources continues to erode. AND, this area is a long, long ways from being urban lands or even being in the urban growth boundary.

Ms. English is trying to cash in on the economic and social livability of this area that has brought with it thousands of folks who are very occupied with their professional lives, but who can easily buy 2 acres for \$100,000-200,000 then build a house for \$500,000 or more. Ironically, this livability, including good mass transportation has resulted from a core of people who continuously provided for the development and implementation of land use policy and laws.

My wife and I and many of us in this community fought hard, using land use policies to keep a regional landfill from being located right near the English property. So, now it looks like when it comes to private rights, which benefited from land use rules applied in this area, that there is now supposed to be something less rigorous than what protected us from the regional landfill.

I can only support one house on 19 acres in this instance, and note that the English's had due notice years ago of action that they needed to that to adjust to implementation of commercial forest policy.

My final concern is that since the English's haven't provided an example of natural resource stewardship so far, exactly how will Ms. English and her legal entourage figure out how to subdivide 19 acres into 8 lots. Once you Commissioners decide to allow subdivision, you will be wedded to fighting with English on how to set the lot lines so that water quality, and many other natural resource issues, (including location of working wells) for home sites will be addressed.

It is unfortunate that on rural, forest farm lands that people can be totally focused on solely investment than stewardship of the natural resources on lands. If support of Oregon were solely up to these folks there would be no forestry and farm stewardship ethics at all.

Since 1940, what have the English's done to learn and practice the art of producing and sustaining food, fiber and forest resources on their lands. From what I see the whole ethic is based on the view from the properties and potential lots. My wife and I bought 53 acres in the 70's and we and our children have felt it our social duty to provide an example of farm and forest stewardship. We don't feel the government or society owes us anything for privilege of practicing natural resource management, for profit and enjoyment, nor do we feel we have inherent rights to carelessly subdivide our farm for solely our own personal gain.

GOOD LUCK,

Brian Lightcap

Lightcap8@aol.com [mailto:Lightcap8@aol.com]



**BOGSTAD Deborah L**

---

**From:** Bev and Jack Vonfeld [pil158@cnnw.net]  
**Sent:** Wednesday, March 16, 2005 10:02 AM  
**To:** BOGSTAD Deborah L  
**Subject:** Testimony re: Dorothy English Ballot Measure 37 claim  
**Importance:** High

Dear Deborah,

I was instructed by your office that I could submit written testimony regarding this claim. The hearing before the board is scheduled for Thursday, March 17th at 1:30 pm. I am unable to attend, but attached is my written testimony.

If you have questions or concerns about it, please feel free to contact me by email or telephone at 503-621-3362.

Thank you,

Bev Vonfeld

3/16/2005

Testimony for the Multnomah County Commissioners  
Regarding Dorothy English Measure 37 Claim.

March 16, 2005

My name is Beverly Vonfeld, and while I am not an adjacent property owner to Mrs. English, I have lived on McNamee Road for almost 20 years. If the commissioners are not familiar with this road, it is a 6-mile steep, narrow, winding, county road with no shoulder. There is a one-way section towards the bottom of the hill where it goes under a train trestle. There are many residences along the road, but no subdivisions. There are no water or sewer services. Everyone is on a septic system and a well. The wells are deep. Mine is over 500'. The properties are of various sizes, but none smaller than approximately 5 acres. The properties are on a steep hill, subject to erosion when the trees are removed and the ground disturbed.

This area is not appropriate for a subdivision. Nine houses (including the current English residence) on 19 acres means lots that would be 2 acres each or less. When compared to the rest of the area, this develop just doesn't fit.

If you approve this claim and allow this development, I can assure you that several additional property owners on McNamee Road will be petitioning you for the same type of approval. And in all fairness how could you deny them? Then what happens when our wells dry up or becomes contaminated because of the increase development? Will the county come and rescue us when our properties becomes worthless?

The attorney statement regarding this claim states, "Ballot Measure 37 is directed at a landowner's ability to establish a use on an existing property, not create new properties." Mrs. English has owned her property for many years and has lived on it, and had the *use* of it. She had close to 20 years to divide it under the previous land use rules and she chose not to. Now that she has changed her mind, we are supposed to change the rules just for her? I think this would set a very dangerous precedent for the County.

Plus, Mrs. English cannot say she has been harmed by the current rules. Her property has continued to increase in value over the years. My own property is now worth 5 times what I paid for it in 1986. If she were to sell her property today, my guess is she could receive 20 to 50 times what she originally paid for it.

For all the reasons stated above, and more, I urge the County Commissioner to deny this claim.

Thank you,

Beverly Vonfeld  
15510 NW McNamee Rd.  
Portland, Oregon 97231

#1 Attorney for MS ENGLISH, et al

**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: 03.17.05

SUBJECT: \_\_\_\_\_

AGENDA NUMBER OR TOPIC: R-5

FOR: ☒ AGAINST: \_\_\_\_\_ THE ABOVE AGENDA ITEM

NAME: JOE WILLIS

ADDRESS: 1211 J. C. 5th

CITY/STATE/ZIP: BERKELEY CA

PHONE: \_\_\_\_\_

DAYS: FCB 796 2939

EVES: \_\_\_\_\_

EMAIL: jwillis@SCHWABE.COM

FAX: \_\_\_\_\_

SPECIFIC ISSUE: \_\_\_\_\_

WRITTEN TESTIMONY: no

**IF YOU WISH TO ADDRESS THE BOARD:**

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

**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

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

#2

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

\*\*\*This form is a public record\*\*\*

MEETING DATE: 3/17/05

SUBJECT: English

AGENDA NUMBER OR TOPIC: R-5

FOR: ☒ AGAINST: ☐ THE ABOVE AGENDA ITEM

NAME: Jim McGrew

ADDRESS: 13154 NW McNamara Rd

CITY/STATE/ZIP: Portland OR

PHONE: DAYS: 503 232 2117

EVES: \_\_\_\_\_

EMAIL: \_\_\_\_\_

FAX: \_\_\_\_\_

SPECIFIC ISSUE: \_\_\_\_\_

WRITTEN TESTIMONY: \_\_\_\_\_

**IF YOU WISH TO ADDRESS THE BOARD:**

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

**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

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

#3

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

\*\*\*This form is a public record\*\*\*

MEETING DATE: 3/17/07

SUBJECT: D. Eng 3rd Matter

AGENDA NUMBER OR TOPIC: R-5

FOR: \_\_\_\_\_ AGAINST: X THE ABOVE AGENDA ITEM

NAME: HANK MACCUDY

ADDRESS: 14250 N.W. 14th Avenue Rd.

CITY/STATE/ZIP: Portland, OR 97231

PHONE: \_\_\_\_\_ DAYS: \_\_\_\_\_ EVES: \_\_\_\_\_

EMAIL: DMACCUDY@EASYSPEED.COM FAX: \_\_\_\_\_

SPECIFIC ISSUE: \_\_\_\_\_

WRITTEN TESTIMONY: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**IF YOU WISH TO ADDRESS THE BOARD:**

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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. 05-041**

**ORDER TO NOT APPLY LAND USE REGULATIONS TO 13100 N.W. McNAMEE ROAD  
UNDER BALLOT MEASURE 37**

**The Multnomah County Board of Commissioners Finds:**

- a. **Parties:** Dorothy Pauline English, Christie Anne Verhoef and Douglas James Sellers are Ballot Measure 37 claimants who filed a demand for compensation under Ballot Measure 37 (2004) to Multnomah County on December 2, 2004, 12:11 a.m.
- b. **Subject Real Property:** This claim relates to real property commonly known as 13100 N.W. McNamee Road, Multnomah County, Portland, Oregon 97231, and more specifically described as:

Section 32A, T2N, R.1W, Willamette Meridian, consisting of 19.74 acres in Multnomah County, Oregon; Tax Account #R971320170 (Tax Lot 1200).

- c. **Adequacy of Demand for Compensation:** On December 2, 2004, a demand for compensation was filed with the County on behalf of claimants, Dorothy English, Christie Verhoef, and Douglas Sellers. The demand letter sought \$1,150,000 in compensation or the right to divide their property at 13100 NW McNamee Road into 8 parcels and construct 8 homes. An appraisal was submitted, on February 9, 2005, to substantiate the amount of compensation being sought.

The demand for compensation was faxed to the County Attorney's Office at 12:11 am, and the original was hand delivered to the same office at 8:15 a.m., before the adoption of the County's Ballot Measure 37 implementing ordinance that same date. The County is not applying the ordinance, but is instead, applying Ballot Measure 37 directly.

The measure requires an owner submit a written demand for compensation, but does not specify what that entails. The demand must, at a minimum, describe the use being sought, identify regulations that prohibit the use, and substantiate that land use regulations have reduced the value of the property. The Board finds that the claimants' letter and appraisal contain this minimal information.

- d. **Relevant Dates of Property Ownership:** Ballot Measure 37 exempts land use regulations enacted prior to the date the current owner acquired the property. Deed records show that claimants Christie Verhoef and Douglas Sellers acquired an interest in the property in 1999 (Instrument #99-01244). Land use regulations in effect at that time were substantially the same as they are now, providing for one single family dwelling per lawful parcel (Section 11.WH.2046, Ord. #916). Current assessment records show that the property is improved, with a residence built in 1948. As there is already a dwelling on the property, no additional dwellings would have been permitted under land use regulations in effect on the date Christie Verhoef and Douglas Sellers acquired an ownership interest. Accordingly, neither has a basis for a Ballot Measure 37 claim.

Claimant Dorothy English has provided evidence that she first acquired the property with her husband in November, 1953 pursuant to a land sales contract (Book, 1630, page 591). The current parcel is the south half of the original parcel in which Claimant Dorothy English has held a continuous ownership interest. In May of 1953 the County adopted its first interim zoning ordinance, a code that was primarily directed at nuisance uses and would not have prohibited more than one dwelling from being established on a parcel or lot. The Board finds that Claimant Dorothy English became the owner of her property prior to the County enacting land use regulations restricting the number of dwellings to one per property.

- e. **County Codes as a Restriction on Use of the Property:** Claimant Dorothy English asserts that these regulations and others (together totaling 61 regulations) restrict the use of land by prohibiting the construction of 8 dwellings on 8 lots. Claimant Dorothy English requests that these regulations not be applied to the property pursuant to the provisions of Ballot Measure 37.

The property is zoned Commercial Forest Use (CFU-2) with Protected Aggregate and Mineral, Significant Environmental Concern (SEC) for views and streams, and Hillside Development overlays (HDP). The Board finds that these regulations, and all other County codes challenged in the claim letter, can be placed in four separate categories and treats each of them differently.

Category 1 regulations include those which must not be applied in order for Claimant Dorothy English to construct up to 8 houses on her property. The Board finds that it is appropriate to not apply the regulations in Category 1 to claimant Dorothy English in lieu of paying compensation.

Category 2 regulations are regulations which guide the manner in which development can occur. It is not possible to know at this time whether or to what degree they will restrict the development of the property. None of these regulations in and of themselves prevent construction of 8 homes on 8 parcels. Claimants may resubmit to the Board any land use regulation listed in Category 3 for reconsideration under Ballot Measure 37, if, during the development process, enforcement of the county's codes will result in a restriction in use that has the effect of reducing the fair market value of the property. The Board finds that it would be premature to order that the regulations in Category 2 not be applied.

Category 2 regulations include land division codes (partitions and subdivisions), which is the mechanism to create new parcels of land. The Board finds that land division codes can be regulations restricting the use of Claimant Dorothy English's property to the extent that it may prohibit her from partitioning or subdividing her parcel. We have made this finding because Mrs. English was a chief petitioner of Ballot Measure 37, and had expressed an interest in further dividing her property as part of that campaign. It is appropriate to not apply County codes that would prevent the subdivision of the property into a maximum of 8 lots, and construct up to 8 homes.

This is, notwithstanding that the measure is unclear that dividing land is a "use" of property that can be granted by not applying regulations, and that any rights to divide and develop the property gained by the claimant cannot be transferred to subsequent buyers.

Because of the uncertainties surrounding this issue for both claimants and buyers, the Board does not view this action as a precedent for deciding future claims and would hope that the matter is clarified by the legislature.

Until more information is known about how they intend to partition or subdivide the property, the Board cannot determine which land division provisions will need to not be applied to allow up to 8 houses on up to 8 lots. The board intends that partitions or a subdivision be allowed on the subject property, but the determination of which code provisions not be applied is premature.

Category 3 regulations are exempt from Ballot Measure 37 claims because they are necessary to protect public health and safety, are necessary to comply with federal law or they were enacted prior to acquisition date of the owner. The Board finds that the regulations in Category 3 should continue to apply to the claimants and the property.

Category 4 regulations have no bearing on the claim. The Board finds that the regulations in Category 4 are not relevant to the claim and should therefore continue to apply.

The Board's Order, below, lists each regulation that Claimant Dorothy English requests not be applied, in the appropriate category.

- f. **County Code Restrictions Reduce Fair Market Value:** The Board finds that land use restrictions prohibit Claimant Dorothy English from constructing one or more additional homes on her property and that the appraisal she submitted to the County is evidence to support a finding of diminution in value.
- g. **Enforcement of County Code Restrictions:** Land use regulations enacted after the date the owner acquires the property must be enforced for the measure to be operative. The CFU-2 and Protected Aggregate and Mineral zoning rules effectively prohibit additional permanent dwellings, reducing the value of the property. There is no application that Claimant Dorothy English can apply for that could lead to the approval of additional homes on her property and Board finds that the regulations, on their face, have been enforced.
- h. **Validity of Claim for Compensation:** The Board finds that:
  - (1) Claimants 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 Dorothy English provided evidence to prove that she acquired the property in 1953, before the regulations challenged in the claim;
  - (3) There is evidence in the record to show that land use regulations now in place on the property restrict the use of real property, specifically the ability to place up to 8 dwellings on up to 8 lots on the subject parcel;



- (4) The appraisal submitted by Claimant Dorothy English is evidence that the land use restrictions now in place on the property have the effect of reducing the fair market value of the property;
- (5) The land use regulations that reduce the fair market value of the property have been enforced in that the plain language of the CFU-2 and Protected Aggregate and Mineral zoning prohibit additional permanent dwellings in the zone; and
- (6) The Board elects not to pay the compensation demanded by Claimant Dorothy English.

**The Multnomah County Board of Commissioners Orders:**

**1. Claimant Dorothy English's request be granted and the land use regulations restricting the use of her property not be applied in order to allow up to 8 dwellings on up to 8 lots on the subject property. Category 1 regulations which will not be applied are listed below:**

- §33.2215, Uses. Requires that any building, structure, or land be used in compliance with the Commercial Forest Use rules, which prohibit the creation of small lots and limit new dwellings because of the inherent conflict between residential and commercial timber uses.
- §33.2220, Allowed Uses. Lists the uses allowed without County review in the Commercial Forest Use zone, pursuant to the Forest Practices Act and Statewide Planning Goal 4. Developing more than one permanent dwelling on a parcel is not listed as allowed.
- §33.2225, Review Uses. Although not listed in the claim letter, this category of uses in the Commercial Forest Zone would also need to be set aside, as it lists those activities that are allowed subject to administrative review by the County and the subdivision or development proposed is not listed as allowed.
- §33.2230, Conditional Uses. Lists the uses allowed when approved through a hearings process and found to meet specific approval criteria. The development rights being sought are not listed in this section, and like other sections of the Commercial Forest Use code that list uses that are allowed, this one should not be applied to avoid any confusion as to whether or not Claimant Dorothy English can proceed to develop the property.
- §33.2235, Large Acreage Dwelling. This is a conditional use process for qualifying one dwelling on a large forested property. The argument for not applying this section is the same as that for §33.2230.
- §33.2240, Template and Heritage Tract Dwellings. This is a conditional use process for qualifying one dwelling where the undeveloped property is in an area where there are already several dwellings or the property has been held in the same ownership for a long period of time. It would be §33.2230. The argument for not applying this section is the same as that for §33.2230.

- §33.2245, Use Compatibility Standards. These rules require that development not force changes in, or significantly increase the costs of accepted forestry or farming practices on surrounding properties nor increase fire hazards or fire suppression costs on those properties. Developing up to 8 homes on 8 lots necessarily conflicts with adjoining farm and forest operations (that is why it is not allowed), thus this section of the code would have to be set aside.
- §33.2260, Dimensional Requirements. The 80 acre minimum lot size requirement prevents further division of the property and needs to be set aside. The 130' setback is a problem for smaller lots, therefore it should not be applied.
- §33.5700 et. seq., Protected Aggregate and Mineral Sites. These rules prohibit or severely limit new noise sensitive uses, such as dwellings, in close proximity to aggregate sites. The aggregate overlay covers all of Claimant Dorothy English's property because of its proximity to the Angel Brothers Quarry, which is approximately 630 ft to the north.

**2. Claimant Dorothy Mrs. English's request be denied relating to the land use regulations listed below. It would be premature to not apply those regulations given the available evidence. Claimants may resubmit to the Board any land use regulation for reconsideration under Ballot Measure 37, if enforcement of the county's codes during development will result in a restriction in use that has the effect of reducing the fair market value of the property. This section of the order applies to the following Category 2 regulations:**

- §33.2255, Single Family Dwelling Condition of Approval, Prohibition on Claims Alleging Injury From Farm or Forest Practices. This standard requires that deed restrictions be recorded putting owners on notice that they are prohibited from taking legal action against *adjacent* property owners who are farming or conducting timber harvest or other forest management activities on their properties.
- §33.2260, Dimensional Requirements. Building heights are limited to 35' in height and lots must be at least 50 feet wide. It is unclear whether or not these will be an issue since the claimant has not provided information regarding how they intend to divide the property or the type of homes that they want to build. Remaining standards in this section relate to non-conforming structures and agricultural structures, neither of which are the subject of this claim.
- §33.2285 and §33.4100 et. seq., Off-Street Parking and Loading. These standards require that sufficient area be provided on each lot for off-street parking (typically two spaces per dwelling).
- §33.2290, Access. Requires that the lots or parcels possess street frontage or other access that is safe and convenient. Might qualify as a health and safety requirement, exempt from the measure.

- §33.2305, Development Standards for Dwellings and Structures. Includes road grade, clearance and improvement standards to ensure that emergency equipment can access property and includes requirements for fire breaks and other similar measures to limit fire hazards in forested areas. Parts of these codes might qualify as health and safety requirements.
- §33.2310, Exception to Secondary Fire Safety Zones and Forest Practice Setbacks. Alternative to fire break requirement, relying instead on certain fire resistant building materials, sprinkler systems, alarms, etc. Might also qualify as a health and safety requirement, exempt from the measure.
- §33.4500 et. seq., Significant Environmental Concern. These standards require development be clustered and located close to roads to provide for wildlife movement throughout the greater forest park area. Alternative protection standards are available if these standards cannot be achieved. These rules also require development to ensure that views of the ridge as seen from certain vantage points on Sauvie Island, the Multnomah Channel, and Highway 30 are as natural as possible. This influences dwelling location, height, color, etc. None of these standards prohibit the development of homes or the creation of lots.
- §33.7000, Land Divisions. The code section listed appears to be in error. Land division rules are listed under §33.7700 et. seq. and contain standards that are not expressly required under ORS 92. None of them; however, would prevent a further land division. These standards influence the form that the subdivision takes, and since the claimant has not provided any information as to how they intend to divide the property it would be premature to not apply them.
- §4.000 et. seq., Access to County Roads. Regulates access onto County roads, primarily to ensure that it is safe. Will not, on its face, prevent the development of up to 8 homes on up to 8 lots on the subject property.
- §5.000 et. seq., Transportation Impact. Sets thresholds as to what constitutes a traffic impact that might warrant a traffic study. Does not, in itself, dictate whether or not up to 8 homes on up to 8 lots can be built on the subject property.
- §6.000, Improvement Requirements. Could require certain public improvements depending upon the nature of the development that is proposed (e.g. culverts, paved approach, etc.). Might qualify as health and safety requirement.
- §7.000, Transportation Impact Studies. Includes requirements for studies. The need for a study is dependant upon the nature of the development that is proposed.
- §8.000, Off-Site Improvements. Would be limited to improvements along McNamee Road. Unlikely that they would be sought unless necessary for health and safety purposes and impossible to identify without having some ideas as to how the property is to be developed.

- §9.000, Compliance Method. Relates to how infrastructure improvements are guaranteed (e.g. developer constructs them, they pay the County to build, non-remonstrance, etc.). Dependant upon development that is proposed.
- §16.000 et. seq., Variances from County Standards and Requirements. Contains rules for obtaining a variance to road rules. Impossible to know if any are needed without some idea as to how the property would be divided and developed.
- §29.506, Permits Required. Regulates work within the right-of-way. Whether or not improvements are needed within the road right-of-way depends upon the development that is proposed.
- §29.508, Acceptance of Deeds and Easements for Road Purposes. Regulates how these legal instruments must be structured. Impossible to know if dedications are needed without an idea as to how they intend to develop the property.
- §29.560, Street Standards, Rules and Guidelines. Explains that street standards implement established rules and policies and that access requirements are based upon the functional classification of a road. Largely a policy statement that may not be directly applicable to a subdivision or development. If directly applicable, impossible to say how it would impact this claim because no information has been provided as to how they intend to develop the property.
- §29.571, Right-of-Way and Improvement Standards. Requires road frontage within public rights-of-way to be improved where it is presently substandard and adjoining private development is adding a significant amount of traffic to the road segment. Might not be an issue with this section of McNamee Road.
- §29.572, Rules for Streets, Roads and Rights-of Way. Contains requirements for construction of public streets and roads, and the dedication of right-of-way for road purposes. It is unclear whether or not this will be an issue, since we do not know how they intend to develop the property.
- §29.573, Rules for Drainage Facilities. Includes standards for managing drainage across properties. It is unclear as to the extent to which these standards apply since we do not know how they intend to develop the property.
- §29.574, Rules for Traffic Control and Traffic Control Devices. Includes standards for stop signs and signalization. If it is at all applicable, its provisions are likely health and safety related and therefore exempt.
- §29.577, Utility Locations. Regulates how utilities are installed within the public right-of-way. Standards are typically applied to utility providers, not developers, so it is possible that they might not even apply.
- §29.578, Rules for Right-of-Way Use. Regulates location and number of accesses onto public roads. Might be exempt as necessary for health and safety, considering the curvature and grade of McNamee Road. The extent to which these standards apply though is unknown.

- §29.582, Rules for Accessways. Contains standards for the size and configuration of certain private roads. Impossible to know how these standards relate to this claim, since no information has been provided as to how the property is to be developed and access provided.
- §12.000 et. seq., Public Roads. Standards are generally tailored to ensure that roads are safe and passable for emergency vehicles. Impossible to know how these standards relate to this claim, since no information has been provided as to how the property is to be developed.
- §18.000 et. seq., Right-of-way Permits. Includes rules regulating how and where approaches onto a County Road are constructed. Largely health and safety related. Since no information has been provided as to where new approaches would be constructed onto the property, it is impossible to know how these standards relate to this claim.

**3. Claimant Dorothy English's request be denied because the regulations are exempt from Ballot Measure 37. These regulations are necessary to protect public health and safety or to comply with federal law. This section of the order applies to the following Category 3 regulations:**

- §33.5500 et. seq., Hillside Development and Erosion Control. A zoning overlay that applies to steeply sloped terrain or areas that have been mapped as susceptible to landslides, debris flows, etc. Its purpose is to ensure that proposed development is safe, and that the earthwork will not destabilize the slopes.
- §29.350 West of Sandy River Grading and Erosion Control Code. This code citation is an error as it is applicable to the West of Sandy area. The Grading code applicable to this area is §29.330. Grading and erosion control rules have no bearing on whether or not up to 8 homes can be built on the subject property. They are structured to ensure that soil erosion attributed to development is minimized and storm run-off attributed to development is properly managed. These standards are necessary for health and safety and implement federal law, such as the Clean Water Act.

**4. Claimant Dorothy English's request be denied because the regulations she seeks to have the County not apply have no bearing on the claim. This section of the order applies to the following Category 4 regulations:**

- §33.2265, Lot of Exception. These rules allow the creation of small lots in certain circumstances, such as if there are 2 dwellings on a lot as of a certain date, assuming all other rules apply. They would have no bearing on Claimant Dorothy English's ability to divide or develop the property through waiver of other provisions of the Commercial Forest Use code.
- §33.2270, Lot Line Adjustment. The requirement is relevant to when a land owner wants to move a line common to two lots or parcels.

- §33.2275, Lot of Record. These provisions explain what a legal, developable property is within the Commercial Forest Zone.
- §33.2280, Lot Sizes for Conditional Uses. This claim is not seeking to establish a use that is conditionally allowed in the Commercial Forest zone, so this provision is irrelevant to the request.
- §33.4300 et. seq., Planned Development. These standards allow the creation of lots smaller than would otherwise be allowed if remaining land is, for example, preserved as a common area for the residents. Its applicability is largely limited to urban areas.
- §33.7000 et. seq., Design Review. Not applicable to single family development.
- §33.7200 et. seq., Nonconforming Uses. Applies to the alteration or replacement of an existing non-conforming use. To our knowledge this claim does not involve any existing non-conforming uses; therefore, these provisions are not applicable.
- §33.7400 et. seq., Signs. This claim is not seeking to place signs on the property so these provisions are not applicable.
- §33.7000, Land Divisions. The code section listed appears to be in error. Land division rules are listed under §33.7000 et. seq. and contain standards that must be followed to create new conveyable properties in accordance with ORS 92. This statute is not referenced in Ballot Measure 37, so rules implementing it are outside the scope of this claim.
- §10.000 et. seq., Road. Corridor Specific Cross-Section Overlay. Applies to unique roadways such as freight corridors, Boulevards, etc. Is not applicable to McNamee Road.
- §11.000 et. seq., Local Access Roads. Establishes minimum standards for roads that are not maintained by the public but are located within publicly dedicated rights-of-way. No such rights-of-ways presently exist on, or in close proximity to the site.
- §13.000 et. seq., Temporary Road Closures. Requirements for when and how temporary road closures are to occur. Not applicable to a request to subdivide and develop property.
- §15.000 et. seq., Truck and Transit Restrictions. Restricts movement of large trucks and transit vehicles on certain roadways. Since the development sought does not generate either, it is not applicable.
- §17.000 et. seq., Appeals. Process for challenging how the County applies road standards. County processes, in themselves, are not land use regulations that are subject to Measure 37 claims.
- §22.000 et. seq., Property Owner Maintenance Requirements. Applies to maintenance of sidewalks and curbs within the right-of-way.

- §29.500, Street Standards. It contains no language that would be directly applicable to land divisions or development.
- §29.530, Street Standards, Adoption of Rules. Contains language explaining how the street standards can be amended. The provisions are procedural and outside the scope of the measure.
- §29.562, Local Street Category. Defines what constitutes a local street and is, in itself, not a standard that would be directly applicable to the subdivision of the property or the construction of homes.
- §29.563, Land Use Category. Rules are crafted for urban areas where site specific zoning is at odds with the classification of the roadway. Is not applicable to rural areas.
- §29.565, Scenic Route Category. Applies to scenic routes such Skyline Boulevard. Not applicable to McNamee Road.
- §29.575, Rules for Pedestrian Paths and Bikeways. Rules for when new paths and bikeways are required. Not applicable to rural local roadways, such as McNamee Road.
- §29.576, Rules for Sanitary Sewer. Contains standards for constructing sewer infrastructure within public roadways. State law prohibits new sewer systems outside Urban Growth Boundaries; therefore, this section of the code is not applicable. Any new lots or parcels would need to be served by on-site septic systems.
- §29.579, Rules for Street Lighting. Street lighting is required with urban subdivisions where districts exist or are formed to pay for on-going maintenance and utility costs. These provisions are not applicable to rural areas.
- §29.580, Rules for Street Trees. Street trees are required in conjunction with urban subdivisions and are not applicable to this request.
- §29.581, Rules for Development Support and Financing. Rules relate to the formation of local improvement districts and cost sharing of improvements by the County. None of these standards appear to be directly applicable to this claim.
- §29.620, West of Sandy River Flood Hazard Regulations. This code citation is an error as it is applicable to the West of Sandy area. The Flood Hazard code applicable to this area is §29.600. The property is not within a mapped Flood Hazard Area so these standards are not applicable.
- §33.7000, Land Divisions. The code section listed appears to be an error. Land division rules are listed under §33.7700 et. seq. and contain standards that must be followed to create new conveyable properties in accordance ORS 92. They are only

relevant to the partitioning or subdivision of property and are; therefore, outside the scope of the measure.

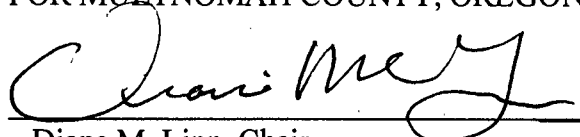
**5. Conditions of Approval:**

- (a) This Board Order allows certain County code provisions not to be applied by the County to Claimant Dorothy English's property as set out in Category 1 above. This does not constitute a waiver or modification of corresponding state law, or administrative rules.
- (b) This action by the Board, to not apply certain regulations to Claimant Dorothy English's property, does not authorize immediate construction of the dwellings. Rules that still apply to the property require that land use and building permits be approved by the County before development can proceed.
- (c) Any plat must include a note that this plat must record pursuant to Ballot Measure 37.

ADOPTED this 17th day of March, 2005.

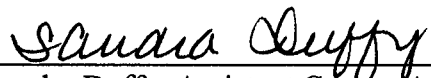


BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Sandra Duffy, Assistant County Attorney