



Multnomah County Oregon

Board of Commissioners & Agenda

connecting citizens with information and services

BOARD OF COMMISSIONERS

Diane Linn, Chair

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

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

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

Maria Rojo de Steffey, Commission Dist. 1

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

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

Email: district1@co.multnomah.or.us

Serena Cruz, Commission Dist. 2

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

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

Email: serena@co.multnomah.or.us

Lisa Naito, Commission Dist. 3

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

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

Email: district3@co.multnomah.or.us

Lonnie Roberts, Commission Dist. 4

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

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

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

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MAY 11 & 13, 2004

BOARD MEETINGS

FASTLOOK AGENDA ITEMS OF INTEREST

Pg 2	9:00 a.m. and 1:00 p.m. Tuesday Budget Work Sessions
Pg 2	6:00 p.m. Tuesday Public Budget Hearing
Pg 4	9:30 a.m. Thursday Opportunity for Public Comment on Non-Agenda Matters
Pg 4	9:30 a.m. Thursday Cover the Uninsured Week Proclamation
Pg 4	9:35 a.m. Thursday Resolution Adopting an Updated Strategic Investment Program Policy
Pg 4	9:45 a.m. Service Districts Budget Hearings
Pg 6	10:15 a.m. Thursday Briefing on Status of Juvenile Justice System Reforms and Issues
Pg 6	10:35 a.m. Thursday Multnomah County Personal Income Tax Update

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

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

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

Tuesday, May 11, 2004 - 9:00 AM - 12:00 PM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

BUDGET WORK SESSION

WS-1 Multnomah County 2004-2005 Budget Work Session. This meeting is open to the public however no public testimony will be taken. Budget issues for discussion in this session are as follows:

- Financial Overview Presentation
 - Central Citizen Budget Advisory Committee/Citizen Involvement Committee Presentation
 - Non-Departmental
-

Tuesday, May 11, 2004 - 1:00 PM - 4:00 PM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

BUDGET WORK SESSION

WS-2 Multnomah County 2004-2005 Budget Work Session. This meeting is open to the public however no public testimony will be taken. Budget issues for discussion in this session are as follows:

- Health Department
 - Office of School and Community Partnerships
 - Department of County Human Services
-

Tuesday, May 11, 2004 - 6:00 PM - 8:00 PM
North Portland Library, Second Floor Conference Room
512 N Killingsworth, Portland

PUBLIC BUDGET HEARING

PH-1 Public Hearing on the 2004-2005 Multnomah County Budget. Testimony is limited to three minutes per person. Fill out a speaker form available in the Conference Room and turn it into the Board Clerk.

Thursday, May 13, 2004 - 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 Appointments of Alisa Simmons, Steve Schmunk and Richelle Corbo to the CITIZEN INVOLVEMENT COMMITTEE

OFFICE OF SCHOOL AND COMMUNITY PARTNERSHIPS

- C-2 Amendment 3 to Revenue Agreement 0110876 with the City of Portland, Bureau of Water Works, for Administration of Eligibility Verification for the Water/Sewer Bill Discount and Crisis Assistance Program through June 30, 2004
- C-3 Budget Modification OSCP 07, Increasing the Office of School and Community Partnerships Fiscal Year 2004 Budget by \$298,044 in Community Services Block Grant Funding from the State of Oregon
- C-4 Budget Modification OSCP 08, Increasing the Office of School and Community Partnerships Fiscal Year 2004 Budget by \$54,730 in Homeless Stabilization Program Funding from the State of Oregon

DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES

- C-5 RESOLUTION Authorizing Private Sale of Certain Tax Foreclosed Property to George J. Blatner and Jean M. Blatner, Tenants in Common with Rights of Survivorship
- C-6 RESOLUTION Authorizing Private Sale of Certain Tax Foreclosed Property to Neil and Susan Cristofolo, Husband and Wife
- C-7 RESOLUTION Authorizing Private Sale of Certain Tax Foreclosed Property to Carla P. Lichter
- C-8 Government Revenue Contract (190 Agreement) 0410573 with the City of Gresham, for Springwater Urbanization Planning; Creation of a Rural/Urban Edge; and the West of Sandy River Rural Area Plan

SHERIFF'S OFFICE

- C-9 Amendment 1 to Government Revenue Contract (190 Agreement) 0310499 with the City of Wood Village for Sheriff's Office Patrols within the City of Wood Village

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 PROCLAMATION Proclaiming May 10 through May 16, 2004 COVER THE UNINSURED WEEK in Multnomah County, Oregon
- R-2 RESOLUTION Adopting an Updated Strategic Investment Program Policy for Multnomah County

SERVICE DISTRICTS - 9:45 AM

(Recess as the Board of County Commissioners and convene as the Budget Committee for **DUNTHORPE RIVERDALE SANITARY SERVICE DISTRICT NO. 1**)

- R-3 Appointments of Dunthorpe Riverdale Sanitary Service District Budget Committee Chair and Secretary for 2004-2005 [*2003-04 Appointments were Commissioner Cruz as Chair and Commissioner Roberts as Secretary of the Dunthorpe Riverdale Sanitary Service District Budget Committee*]
- R-4 Presentation of Budget Message Followed by PUBLIC HEARING to Consider and Approve the 2004-2005 Dunthorpe Riverdale Sanitary Service District No. 1 Proposed Budget for Submittal to the Tax Supervising and Conservation Commission. Presented by Tom Hansell.

(Recess as the Budget Committee for Dunthorpe Riverdale Sanitary Service District No. 1 and convene as the Budget Committee for **MID COUNTY STREET LIGHTING SERVICE DISTRICT NO. 14**)

R-5 Appointments of Mid County Street Lighting Service District Budget Committee Chair and Secretary for 2004-2005 [*2003-04 Appointments were Commissioner Roberts as Chair and Commissioner Rojo as Secretary of the Mid County Street Lighting Service District Budget Committee*]

R-6 Presentation of Budget Message Followed by PUBLIC HEARING to Consider and Approve the 2004-2005 Mid County Street Lighting Service District No. 14 Proposed Budget for Submittal to the Tax Supervising and Conservation Commission. Presented by Tom Hansell.

(Recess as the Budget Committee for Mid County Street Lighting Service District No. 14 and reconvene as the Board of County Commissioners)

DEPARTMENT OF HEALTH - 10:00 AM

R-7 NOTICE OF INTENT to Apply for Centers for Disease Control and Prevention Delivering Environmental Health Services Grant Funds

DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES - 10:05 AM

R-8 Second Reading and Possible Adoption of an ORDINANCE Amending MCC Chapter 33, Land Use Code, West Hills Rural Plan Area, to Update the Zoning Code to Include Changes to the Oregon Statutes and Administrative Rules Regarding Land Uses on Lands Zoned Exclusive Farm Use and Commercial Forest Use

R-9 Second Reading and Possible Adoption of an ORDINANCE Amending MCC Chapter 34, Land Use Code, Sauvie Island/Multnomah Channel Rural Plan Area, to Update the Zoning Code to Include Changes to the Oregon Statutes and Administrative Rules Regarding Land Uses on Lands Zoned Exclusive Farm Use

R-10 Second Reading and Possible Adoption of an ORDINANCE Amending MCC Chapter 35, Land Use Code, East of Sandy River Rural Plan Area, to Update the Zoning Code to Include Changes to the Oregon Statutes and Administrative Rules Regarding Land Uses on Lands Zoned Exclusive Farm Use and Commercial Forest Use

R-11 Second Reading and Possible Adoption of an ORDINANCE Amending MCC Chapter 36, Land Use Code, West of Sandy River Rural Plan Area, to Update the Zoning Code to Include Changes to the Oregon Statutes and

Administrative Rules Regarding Land Uses on Lands Zoned Exclusive Farm Use and Commercial Forest Use

- R-12 Second Reading and Possible Adoption of an ORDINANCE Amending MCC Chapter 37, Land Use Code, Administration and Procedures, to Update the Zoning Code to Include Changes to the Oregon Statutes and Administrative Rules Regarding the Expiration of Certain Land Use Approvals on Lands Zoned Exclusive Farm Use and Commercial Forest Use
- R-13 Second Reading and Possible Adoption of Proposed Ordinance Amending MCC Chapter 34, Land Use Code, Sauvie Island/Multnomah Channel Rural Plan Area, To Add Certain Transportation Land Uses, Add a Definition of "Water-Dependent Use," and Amend the Definition of "Large Fill"
- R-14 PROCLAMATION Declaring the Week of May 17 through May 22, 2004, as NATIONAL PUBLIC WORKS WEEK and Recognizing the Contributions of All Multnomah County Public Works Employees
- R-15 RESOLUTION Approving a Lease of Property Located at 4610 SE Belmont Street, Portland, Oregon, 97215, from American Property Management Corporation, as Agent for Weston Investment Company, LLC, for the Department of County Human Services, Aging and Disability Services
-

Thursday, May 13, 2004 - 10:15 AM
(OR IMMEDIATELY FOLLOWING REGULAR MEETING)
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

BOARD BRIEFINGS

- B-1 Briefing on Status of Juvenile Justice System Reforms and Issues. Presented by Joanne Fuller and Dave Koch. 20 MINUTES REQUESTED.
- B-2 Multnomah County Personal Income Tax Update. Presented by Dave Boyer, Robert Gravely and Karyne Dargan. 30 MINUTES REQUESTED.

AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:

Meeting Date: May 13, 2004

Agenda Item #: C-1

Est. Start Time: 9:30 AM

Date Submitted: 05/04/04

Requested Date: 5/13/2004

Time Requested: Consent Agenda

Department: Non-Departmental

Division: Chair's Office

Contact/s: Chair Diane Linn, Delma Farrell

Phone: 503/988-3953

Ext.:

I/O Address: 503/600

Presenters: N/A

Agenda Title: Appointments of Alisa Simmons, Steve Schmunk and Richelle Corbo to the Citizen Involvement Committee

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

- 1. What action are you requesting from the Board? What is the department/agency recommendation?** Request Board approve appointments of Alisa Simmons, Steve Schmunk and Richelle Corbo to the 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. The CIC creates meaningful citizen involvement opportunities and integrates citizens into the decision making process. The CIC has 15 volunteer members - 12 from specific commission districts and 3 recommended from County Boards and/or civic groups (at large). Nominees are passed forward by the Citizen Involvement Committee and appointed to 3-year terms by the County Chair with approval of the Board of County Commissioners. Citizen Involvement Committee members have a 2-term limit.
- 3. Explain the fiscal impact (current year and ongoing).** No current year or ongoing fiscal impact.

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

If a budget modification, explain:

- ❖ **What revenue is being changed and why?**
 - ❖ **What budgets are increased/decreased?**
 - ❖ **What do the changes accomplish?**
 - ❖ **Do any personnel actions result from this budget modification? Explain.**

 - ❖ **Is the revenue one-time-only in nature?**
 - ❖ **If a grant, what period does the grant cover?**
 - ❖ **When the grant expires, what are funding plans?**
- NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)**

If a contingency request, explain:

- ❖ **Why was the expenditure not included in the annual budget process?**

- ❖ **What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?**
- ❖ **Why are no other department/agency fund sources available?**
- ❖ **Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.**

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

If grant application/notice of intent, explain:

- ❖ **Who is the granting agency?**
- ❖ **Specify grant requirements and goals.**
- ❖ **Explain grant funding detail – is this a one time only or long term commitment?**
- ❖ **What are the estimated filing timelines?**
- ❖ **If a grant, what period does the grant cover?**
- ❖ **When the grant expires, what are funding plans?**
- ❖ **How will the county indirect and departmental overhead costs be covered?**

4. **Explain any legal and/or policy issues involved. No legal and/or policy issues involved.**

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

Required Signatures:

Department/Agency Director:



Date: 5/4/2004

AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:

Meeting Date: May 13, 2004

Agenda Item #: C-2

Est. Start Time: 9:30 AM

Date Submitted: 04/19/04

Requested Date: Next Available

Time Requested: N/A

Department: Office of School & Community Partnerships **Division:** Community Services

Contact/s: Regena Warren

Phone: 988.6295

Ext.: 84777

I/O Address: 166/2

Presenters: Consent Calendar

Agenda Title: Amendment 3 to Revenue Agreement 0110876 with the City of Portland, Bureau of Water Works, for Administration of Eligibility Verification for the Water/Sewer Bill Discount and Crisis Assistance Program through June 30, 2004

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

-
- 1. What action are you requesting from the Board? What is the department/agency recommendation?**
The Office of School and Community Partnerships (OSCP) recommends that the Board of County Commissioners approve amendment #3 to the Intergovernmental Revenue Agreement with the City of Portland, Bureau of Water Works.
 - 2. Please provide sufficient background information for the Board and the public to understand this issue.**
This amendment will add \$20,000 for administration of eligibility verification for the Water/Sewer Bill Discount and Crisis Assistance Program through June 30, 2004.
 - 3. Explain the fiscal impact (current year and ongoing).**
The County will receive \$20,000 in funding in exchange for providing administrative assistance for the Water/Sewer Bill Discount and Crisis Assistance Program.

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

If a budget modification, explain:

- ❖ **What revenue is being changed and why?**
- ❖ **What budgets are increased/decreased?**
- ❖ **What do the changes accomplish?**
- ❖ **Do any personnel actions result from this budget modification? Explain.**
- ❖ **Is the revenue one-time-only in nature?**
- ❖ **If a grant, what period does the grant cover?**
- ❖ **When the grant expires, what are funding plans?**

NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)

If a contingency request, explain:

- ❖ **Why was the expenditure not included in the annual budget process?**
- ❖ **What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?**
- ❖ **Why are no other department/agency fund sources available?**
- ❖ **Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.**
- ❖ **Has this request been made before? When? What was the outcome?**

If grant application/notice of intent, explain:

- ❖ **Who is the granting agency?**
- ❖ **Specify grant requirements and goals.**
- ❖ **Explain grant funding detail – is this a one time only or long term commitment?**
- ❖ **What are the estimated filing timelines?**
- ❖ **If a grant, what period does the grant cover?**
- ❖ **When the grant expires, what are funding plans?**
- ❖ **How will the county indirect and departmental overhead costs be covered?**

4. Explain any legal and/or policy issues.

N/A

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

Community members will benefit from the Water/Sewer Bill Discount and Crisis Assistance Program upon verification of eligibility.

Required Signatures:

Department/Agency Director:



Date: 04/15/04

Budget Analyst

By: _____

Date:

Dept/Countywide HR

By: _____

Date:

ROBERTS Sydney L

From: CREAN Christopher D
Sent: Monday, April 12, 2004 9:42 AM
To: ROBERTS Sydney L
Subject: RE: Am. 3 City of Portland Water
Sydney -

Please amend item number 1 under "Recitals" as follows: "In July 2000, the City entered into Intergovernmental Agreement No. 33299 with the County to enable to County provide eligibility verification services for the City's Water/Sewer Bill Discount and Crisis Program. The original amount provided under the Intergovernmental Agreement for these services was \$91,000."

The purpose of this revision is to clarify who is doing what under the agreement. As currently written, it's not clear who is doing eligibility for whose water program. No doubt the principles are familiar with each party's role but to the uninitiated reader (like this County Attorney) a little clarification is helpful.

Otherwise, I have reviewed the amendment to IGA No. 33299 and approve it as revised.

- Chris

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

From: ROBERTS Sydney L
Sent: Friday, April 09, 2004 11:20 AM
To: CREAN Christopher D
Subject: Am. 3 City of Portland Water Bureau

The attached documents have been reviewed by the Lead and our ready for Directors signature and routing to the board pending your review. (The original document has already been signed by the City Attorney approved as to form)

Sydney Bizzell Roberts
Contract Specialist & Insurance Compliance
Multnomah County - DCBS
503.988.6295 x22701 / 503.988.3332 fax



MULTNOMAH COUNTY CONTRACT APPROVAL FORM

(See Administrative Procedure CON-1)

Contract #: **0110876 County
33299 City**

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

Amendment #: **3**

Class I	Class II	Class III
<input type="checkbox"/> Professional Services not to exceed \$50,000 (and not awarded by RFP or Exemption) <input type="checkbox"/> Revenue not to exceed \$50,000 (and not awarded by RFP or Exemption) <input type="checkbox"/> Intergovernmental Agreement (IGA) not to exceed \$50,000 <input type="checkbox"/> Expenditure <input type="checkbox"/> Revenue <input type="checkbox"/> Architectural & Engineering not to exceed \$10,000 (for tracking purposes only)	<input type="checkbox"/> Professional Services that exceed \$50,000 or awarded by RFP or Exemption (regardless of amount) <input type="checkbox"/> PCRB Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue that exceeds \$50,000 or awarded by RFP or Exemption (regardless of amount)	<input checked="" type="checkbox"/> Intergovernmental Agreement (IGA) that exceeds \$50,000 <input type="checkbox"/> Expenditure <input checked="" type="checkbox"/> Revenue

Department: <u>Office of School and Community Partnerships</u>	Division: <u>Community Services</u>	Date: <u>April 8, 2004</u>
Originator: <u>Regena Warren</u>	Phone: <u>84777</u>	Bldg/Rm: <u>166/2</u>
Contact: <u>Sydney Bizzell Roberts</u>	Phone: <u>22701</u>	Bldg/Rm: <u>166/2</u>

Description of Contract **This amendment adds \$20,000 for administration of eligibility verification for the Water/Sewer Bill Discount and Crisis Assistance Program through June 30, 2004.**

RENEWAL: PREVIOUS CONTRACT #(S): _____

RFP/BID: N/A RFP/BID DATE: _____

EXEMPTION #/DATE: _____ EXEMPTION EXPIRATION DATE: _____ ORS/AR # _____

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

Contractor City of Portland Bureau of Water Works		Remittance Address _____	
Attn: Brad Blake		(If different) _____	
Address <u>1120 SW 5th Avenue, Room 601</u>			
City/State <u>Portland, OR</u>			
Zip Code <u>97204-1972</u>	Payment Schedule / Terms		
Phone <u>503.823.7024</u>	<input type="checkbox"/> Lump Sum \$ _____	<input type="checkbox"/> Due on Receipt	
Employer ID# or SS# <u>93.6002236</u>	<input type="checkbox"/> Monthly \$ _____	<input type="checkbox"/> Net 30	
Contract Effective Date <u>July 1, 2000</u> Term Date <u>June 30, 2004</u>	<input type="checkbox"/> Other \$ _____	<input type="checkbox"/> Other	
Amendment Effect Date <u>March 29, 2004</u> New Term Date _____	<input type="checkbox"/> Requirements Funding Info:		
Original Contract Amount \$ <u>Requirements</u>	Original Requirements Amount	\$ 91,000.00	
Total Amt of Previous Amendments \$ <u>0</u>	Total Amt of Previous Amendments	\$ 29,000.00	
Amount of Amendment \$ <u>0</u>	Requirements Amount This Amendment:	\$ 20,000.00	
Total Amount of Agreement \$ <u>Requirements</u>	Total Amount of Requirements	\$ 140,000.00	

REQUIRED SIGNATURES

Department Manager <u>Lolanga T. Poe Jr ms</u>	DATE <u>4/15/04</u>
Purchasing Manager _____	DATE _____
County Counsel <u>CBP</u>	DATE <u>4-12-04</u>
County Chair <u>Chris J</u>	DATE <u>4.13.04</u>
Sheriff _____	DATE _____
Contract Administration _____	DATE _____

SAP CUSTOMER CODE 300049	DEPT REFERENCE
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APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-2 DATE 05.13.04

**AMENDMENT NO. 3 TO INTERGOVERNMENTAL AGREEMENT
NO.33299**

This amends Intergovernmental Agreement No. 33299 between the City of Portland, (City) and Multnomah County Office of Schools and Community Partnership (County).

RECITALS

1. The City entered into Intergovernmental Agreement No. 33299 in July 2000, the City entered into Intergovernmental Agreement No. 33299 with the County to enable the County to provide eligibility verification services for the City's Water/Sewer Bill Discount and Crisis Assistance Program. The original amount of the Intergovernmental Agreement was \$91,000.
2. This Intergovernmental Agreement was amended in July 2002 to extend the termination date to June 30, 2004. The second amendment was done in August 2003 to increase the funding from \$91,000 to \$120,000.
3. This has been a successful partnership since 1995.
4. The City requires continued administration of the eligibility verification for the Water/Sewer Bill Discount Program and Crisis Assistance Program.
5. The need for financial assistance for low income families has increased more than anticipated due to the slow economy.

MODIFICATION TO AGREEMENT

1. Increase the contract amount from \$120,000 to \$140,000 to continue to provide administration of eligibility verification for the Water/Sewer bill Discount and Crisis Assistance Program through June 30, 2004.
2. All other conditions of Intergovernmental Agreement No. 33299 remain the same.

NOW, THEREFORE, in consideration of the above recitals set forth above, the parties agree to all conditions of Intergovernmental Agreement No. 33299 as amended.

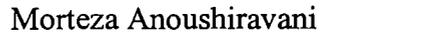
APPROVED AS TO FORM:

APPROVED AS TO FORM

City Attorney

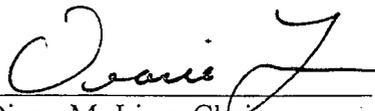

CITY ATTORNEY

CITY OF Portland Water Bureau


Morteza Anoushiravani
Administrator, Bureau of Water
Works

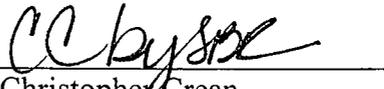
Date: _____

MULTNOMAH COUNTY

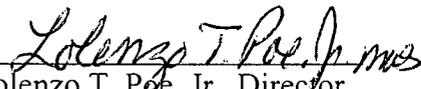
By: 
Diane M. Linn, Chair

Date: 5.13.04

REVIEWED:

By: 
Christopher Crean
Assistant County Attorney

Date: 4.12.04

By: 
Lorenzo T. Poe, Jr., Director
Office of School and Community Partnerships

Date: 4/15/04

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-2 DATE 05.13.04
DEBORAH L. BOGSTAD, BOARD CLERK

AGENDA PLACEMENT REQUEST

BUD MOD #: OSCP 07

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-3 DATE 05.13.04
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only:

Meeting Date: May 13, 2004
Agenda Item #: C-3
Est. Start Time: 9:30 AM
Date Submitted: 04/19/04

Requested Date: May 13, 2004

Time Requested: n/a

Department: Office of School and Community Partnerships

Division: Community Partnerships, Housing & Public Works

Contact/s: Kathy Tinkle, Heather McGillivray

Phone: 988-6295

Ext: 26858 (KT) **I/O Address:** 166/2
24261 (HM)

Presenters: Kathy Tinkle

Agenda Title: Budget Modification OSCP 07, Increasing the Office of School and Community Partnerships Fiscal Year 2004 Budget by \$298,044 in Community Services Block Grant Funding from the State of Oregon

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

1. What action are you requesting from the Board? What is the department/agency recommendation?

The Office of School and Community Partnerships requests the approval of Budget Modification OSCP 07. This budget modification increases the Office of School and Community Partnerships FY04 budget for the Community Services Block Grant by \$298,044. This funding is through the State of Oregon.

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

Each year, the State of Oregon awards Community Services Block Grant funding to the Office of School and Community Partnerships. The award period for each allocation is for an eighteen-month duration beginning on the first of January and ending on the last day of June in the following year.

There is a six-month period between January and June in which the awards overlap, but we are required to spend the funds out on a first-in-first-out basis. As a result, we wait until July 1st to begin spending each new award. This allows us to allocate the award over a twelve-month period that coincides with our fiscal year.

The State has recently decided to shorten the award periods to twelve-month durations, from January 1st, through December 31st. As part of the transition into the new schedule, the State has requested that we spend our normal annual allocation in nine months instead of twelve.

This budget modification is to increase the Office of School and Community Partnerships FY04 budget by \$298,044 so that we can begin spending the new award immediately, rather than delaying until July 1st. The remainder of the award will be spent in FY05, by December 31st. The State will award another renewal to begin January 1, 2005.

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

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

If a budget modification, explain:

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

This budget modification adds an additional \$298,044 in Community Services Block Grant (CSBG) funding to the FY04 budget, to bring the total FY04 CSBG budget to \$1,137,787.

The State has requested that we increase our spending in FY04 so that they can shift to a January-December grant year.

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

The Office of School and Community Partnerships FY04 budget will be increased by \$298,044.

The increase will be used for projects including a Principal Technical Assistance program for schools in the new School Age Policy Framework (\$10,000), support for implementing the new statewide Information & Referral 211 system (\$50,000), and match funding for the Housing Stabilization Program (\$54,730).

Community Services Block Grant (CSBG) funding will be used for a contract with Marilyn Miller Program Consultation to provide anti-poverty consulting (\$15,000) and a contract with Anna Foucek for Homeless Youth Evaluation consultation (\$21,952).

Self Enhancement Incorporated will receive additional funding to carry out the African-American Academic Achievement Gap Reduction Pilot Program (\$120,000), and a training curriculum will be developed for Office of School and Community Partnerships staff to optimize the integration of services and communities (\$26,362).

❖ **What do the changes accomplish?**

This increase in funding will help provide referral and consulting to approximately 25 families and 75 students.

The Anti-poverty Consulting project will complete 25-30 stakeholder interviews and reports on results, and provide recommendations for the working group and the County Chair.

The Homeless Youth consultant will develop an evaluation plan for the Homeless Youth System that will outline strategies and activities that can be accomplished to allow for ongoing evaluation of the system in the absence of internal evaluation capacity.

The Academic Achievement Gap Reduction Pilot Program provides the development of culturally specific models designed to narrow and ultimately eliminate the academic achievement gap faced by African-American, Asian, American Indian, and Latino students.

❖ **Do any personnel actions result from this budget modification? Explain.**
There are no personnel changes.

❖ **Is the revenue one-time-only in nature? No**

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

The \$298,044 will be spent by June 30, 2004. Additional funds will be available on an ongoing basis.

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

This grant is renewed annually.

NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)

If a contingency request, explain:

- ❖ **Why was the expenditure not included in the annual budget process?**
- ❖ **What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?**
- ❖ **Why are no other department/agency fund sources available?**
- ❖ **Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.**
- ❖ **Has this request been made before? When? What was the outcome?**

If grant application/notice of intent, explain:

- ❖ **Who is the granting agency?**
- ❖ **Specify grant requirements and goals.**
- ❖ **Explain grant funding detail – is this a one time only or long term commitment?**
- ❖ **What are the estimated filing timelines?**

- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?
- ❖ How will the county indirect and departmental overhead costs be covered?

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

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

Required Signatures:

Department/Agency Director:

Salvatore T. Pae

By: _____

Date: 04/14/04

Budget Analyst

Michael D. Gaspi

By: _____

Date: 04/19/04

Dept/Countywide HR

By: _____

Date:

Budget Modification or Amendment ID: OSCP 07

EXPENDITURES & REVENUES

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

Budget/Fiscal Year: 04

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center	WBS Element						
1	21-20	20710				SCPCPFCS.CSBGFFY04	60160	17,269	244,629	227,360		Pass Thru
2	21-20	20710				SCPCPFCS.CSBGFFY04	50190	(17,269)	(244,629)	(227,360)		IG-OP-Fed Thru State
3									0			
4	21-40	20710				SCPHPWHS.CSBGFFY03.M	60160	0	40,000	40,000		Pass Thru
5	21-40	20710				SCPHPWHS.CSBGFFY03.M	50190	0	(40,000)	(40,000)		IG-OP-Fed Thru State
6									0			
7	21-40	20710				SCPHPWHS.CSBGFFY04.M	60160	0	30,684	30,684		Pass Thru
8	21-40	20710				SCPHPWHS.CSBGFFY04.M	50190	0	(30,684)	(30,684)		IG-OP-Fed Thru State
9									0			
10									0			
11									0			
12									0			
13									0			
14									0			
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25									0			
26									0			
27									0			
28									0			
29									0			
									0	0		Total - Page 1
									0	0		GRAND TOTAL

AGENDA PLACEMENT REQUEST

BUD MOD #: OSCP 08

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-4 DATE 05-13-04
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only:

Meeting Date: May 13, 2004
Agenda Item #: C-4
Est. Start Time: 9:30 AM
Date Submitted: 04/19/04

Requested Date: May 13, 2004

Time Requested: n/a

Department: Office of School and Community Partnerships

Division: Housing & Public Works

Contact/s: Kathy Tinkle, Heather McGillivray

Phone: 988-6295

Ext: 26858 (KT) **I/O Address:** 166/2
24261 (HM)

Presenters: Kathy Tinkle

Agenda Title: Budget Modification OSCP 08, Increasing the Office of School and Community Partnerships Fiscal Year 2004 Budget by \$54,730 in Homeless Stabilization Program Funding from the State of Oregon

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

1. What action are you requesting from the Board? What is the department/agency recommendation?

The Office of School and Community Partnerships requests the approval of Budget Modification OSCP 08. This budget modification increases the Office of School and Community Partnerships FY04 budget for the Housing Stabilization Program grant by \$54,730. This is Federal funding through the State of Oregon.

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

The Housing Stabilization Program requires a 100% match from other State-approved funding sources. When we prepared the FY04 Adopted budget, we were not able to provide enough match funds to budget the entire amount of the Housing Stabilization Program award.

The State recently provided additional Community Services Block Grant (CSBG) funding for FY04. Budget modification OSCP 07 (in process) adds the increase to our FY04 budget. We are able to use \$54,730 of the CSBG increase to match an additional \$54,730 of the Housing Stabilization Program award.

The Housing Stabilization Program provides intensive case management services to families at risk of losing their housing.

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

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

If a budget modification, explain:

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

This budget modification adds an additional \$54,730 in Housing Stabilization Program (HSP) funding to the FY04 budget, bringing the FY04 total HSP budget to \$100,751. We were recently able to identify required match funding that we did not have when we prepared the Adopted budget.

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

The Office of School and Community Partnerships FY04 budget will be increased by \$54,730. The funds will be added to various current service contracts with Albina Ministerial Alliance, IRCO, Catholic Charities, NARA, and Portland Impact.

❖ **What do the changes accomplish?**

The Housing Stabilization Program funds are used to provide case planning, budget training, skill building, and other various intensive case management activities, and rent or mortgage assistance for families at risk of losing their housing.

This increase in funding will help provide services to approximately 14 households.

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

There are no personnel changes.

❖ **Is the revenue one-time-only in nature? No**

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

The \$54,730 will be spent by June 30, 2004. Additional funds will be available on an ongoing basis.

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

This grant is renewed annually.

NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)

If a contingency request, explain:

- ❖ Why was the expenditure not included in the annual budget process?
- ❖ What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?
- ❖ Why are no other department/agency fund sources available?
- ❖ Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.
- ❖ Has this request been made before? When? What was the outcome?

If grant application/notice of intent, explain:

- ❖ Who is the granting agency?
- ❖ Specify grant requirements and goals.
- ❖ Explain grant funding detail – is this a one time only or long term commitment?
- ❖ What are the estimated filing timelines?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?
- ❖ How will the county indirect and departmental overhead costs be covered?

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

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

Required Signatures:

Department/Agency Director:

Jalenz T. Poe II

By: _____

Date: 04/09/04

Budget Analyst

Michael D. Jaspis

By: _____

Date: 04/19/04

Dept/Countywide HR

By: _____

Date:

Budget Modification or Amendment ID: OSCP 08

EXPENDITURES & REVENUES

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

Budget/Fiscal Year: 04

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center	WBS Element						
1	21-40	21480				SCPHPWHS.HSP.BI05.M	60160	41,454	96,184	54,730		Pass Thru
2	21-40	21480				SCPHPWHS.HSP.BI05.M	50190	(41,454)	(96,184)	(54,730)		IG-OP-Fed Thru State
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29									0			
										0	0	Total - Page 1
										0	0	GRAND TOTAL

AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:

Meeting Date: May 13, 2004

Agenda Item #: C-5

Est. Start Time: 9:30 AM

Date Submitted: 04/19/04

Requested Date: May 13, 2004

Time Requested: Consent

Department: DBCS

Division: Tax Title

Contact/s: Gary Thomas

Phone: 503-988-3590

Ext.: 22591

I/O Address: 503/4 Tax Title

Presenters: Gary Thomas

Agenda Title: RESOLUTION Authorizing Private Sale of Certain Tax Foreclosed Property to George J Blatner and Jean M Blatner, Tenants in Common with Rights of Survivorship

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

1. What action are you requesting from the Board? What is the department/agency recommendation?

The Tax Title Section is requesting the Board to approve the private sale of one tax foreclosed property to GEORGE J BLATNER AND JEAN M BLATNER. The Department of Business and Community Services recommends that the private sale be approved.

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

The subject property is a vacant lot approximately 30' x 144' that came into Multnomah County ownership through the foreclosure of delinquent tax liens on October 3, 1994. The party, who we propose to sell the subject property to, George Blatner, lives at 6111 NE 46th Ave, which is adjacent to the parcel. In October 1979, the property at 6111 NE 46th was listed for \$79,500. Mr. Blatner and his wife made an offer of \$77,500 for the property and it was accepted by the seller. The earnest money agreement that they signed included the subject property in the description. About three weeks after the offer was made and accepted the seller changed their mind and decided that they did not

want to sell the property to the Blatners. The matter eventually went to court and the Blatners were awarded the property. However, in the legal description that came out of the court the subject 30' x 144' parcel was not included in it. Both the court and the title company missed including the subject property in the legal description. The party foreclosed on for delinquent tax liens was the original seller of the property.

The attached plat map, Exhibit A, shows the location of the property with 6411 NE 46th adjacent and to the east of it. The attached Exhibit B is an aerial photo that shows the proximity of the lot to the adjacent property and the area of the backyard that it takes up. The subject property takes up the better part of the backyard of the house. Exhibit C is two photos showing the physical characteristics of the parcel.

Written confirmation was obtained from the City of Portland stating that the subject property is unsuitable for construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.

3. **Explain the fiscal impact (current year and ongoing).**
The Private Sale will allow for a full recovery of the delinquent taxes, fees, and expenses as shown in Exhibit D. The property will also be reinstated on the tax roll.
4. **Explain any legal and/or policy issues.**
No legal issues are expected. The parcel will be sold "As Is" without guarantee of clear title.
5. **Explain any citizen and/or other government participation that has or will take place.**
No citizen or government participation is anticipated.

Required Signatures:

Department/Agency Director: *Robert A Maestre* Date: 04/19/04

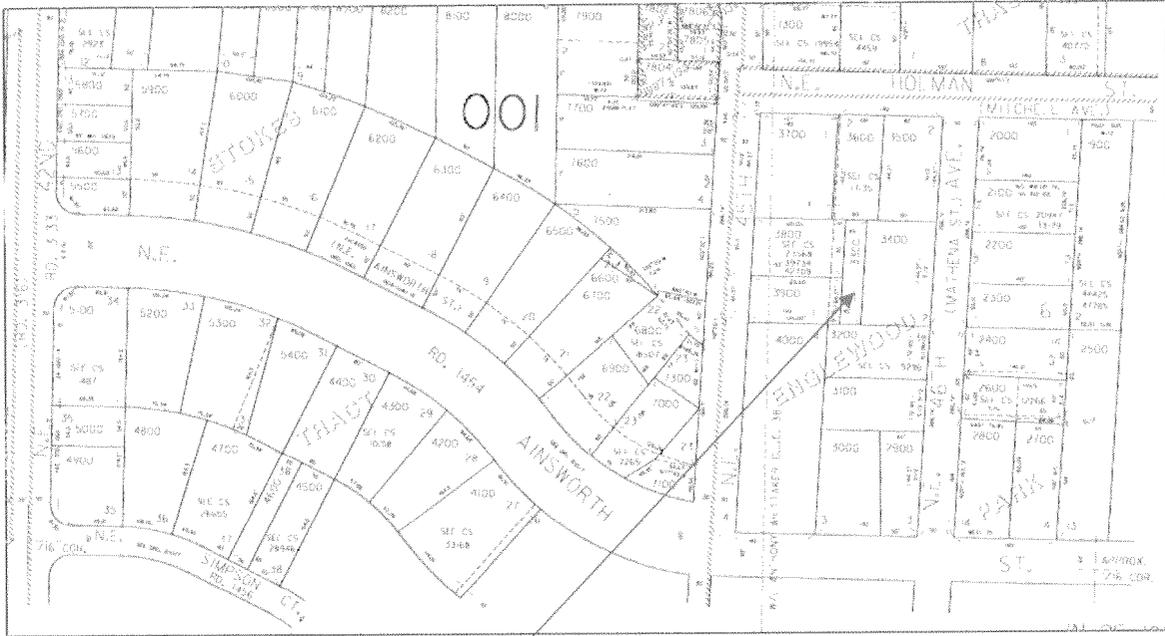
Budget Analyst

By: Date:

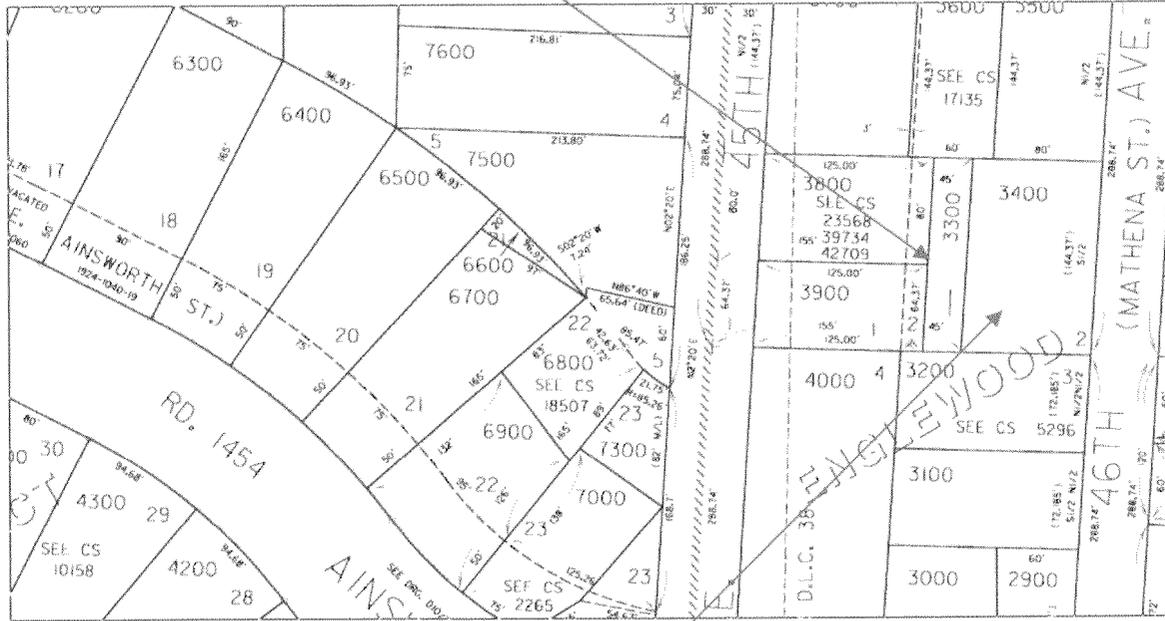
Dept/Countywide HR

By: Date:

EXHIBIT A



Subject



6411 NE 46th

EXHIBIT B

Aerial Photo

2002 / 2001 / 2000 / 1998 / 1996

6" / 2' / 4' / 10' / 20'

Streets: On / Off

Lots: On / Off

Dot: On / Off



Subject

EXHIBIT C



6111 NE 46th backyard

**EXHIBIT D
PROPOSED PROPERTY LISTED FOR PRIVATE SALE
FISCAL YEAR 2003-04**

LEGAL DESCRIPTION:

A tract of land in the Southwest One-Quarter of Section 18, Township 1N, Range 2E, of the Willamette Meridian, Multnomah County, Oregon, being a portion of Lot 2, Block 1, ENGLEWOOD PARK, described as follows:

The West 45.00 feet of the South One-Half of said Lot 2, Excepting therefrom that part lying in the Westerly 155 feet of the South One-Half of Lots 1 and 2, Block 1, ENGLEWOOD PARK.

ADJACENT PROPERTY ADDRESS:	6111 NE 46 th Ave
TAX ACCOUNT NUMBER:	R157473
GREENSPACE DESIGNATION:	None
SIZE OF PARCEL:	Approximately 30' x 144' (approx. 4,162sf)
ASSESSED VALUE:	\$3,000.00

ITEMIZED EXPENSES FOR TOTAL PRICE OF PRIVATE SALE

BACK TAXES & INTEREST:	\$1,978.43
TAX TITLE MAINTENANCE COST & EXPENSES:	\$312 .00
ADVERTISING COST:	-0-
RECORDING FEE:	\$26.00
CITY LIENS:	-0-
SUB-TOTAL	\$2,316.43
MINIMUM PRICE REQUEST OF PRIVATE SALE	\$3,000.00

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY

RESOLUTION NO. _____

Authorizing Private Sale of Certain Tax Foreclosed Property to GEORGE J BLATNER AND JEAN M BLATNER, tenants in common with rights of survivorship.

The Multnomah County Board of Commissioners Finds:

- a) Multnomah County acquired the real property described in Exhibit A through the foreclosure of liens for delinquent taxes.
- b) The property has an assessed value of \$3000.00 on the County's current tax roll.

Written confirmation was obtained from the City of Portland stating that the subject property is unsuitable for construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.

- c) GEORGE J BLATNER AND JEAN M BLATNER, have agreed to pay \$3000.00, an amount the Board finds to be a reasonable price for the property in conformity with ORS 275.225.

The Multnomah County Board of Commissioners Resolves:

- 1. Upon Tax Title's receipt of the payment of \$3000.00, the Chair on behalf of Multnomah County, is authorized to execute a deed conveying to GEORGE J BLATNER AND JEAN M BLATNER, the real property described in Exhibit A.

ADOPTED this 13th day of May 2004.

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

EXHIBIT A (RESOLUTION)

Legal Description:

A tract of land in the Southwest One-Quarter of Section 18, Township 1N, Range 2E, of the Willamette Meridian, Multnomah County, Oregon, being a portion of Lot 2, Block 1, ENGLEWOOD PARK, described as follows:

The West 45.00 feet of the South One-Half of said Lot 2, Excepting therefrom that part lying in the Westerly 155 feet of the South One-Half of Lots 1 and 2, Block 1, ENGLEWOOD PARK.

Multnomah County Deed No.: D041949

Tax Account No.: R157473

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

GEORGE J BLATNER &
JEAN M BLATNER
6111 NE 46TH AVE
PORTLAND OR 97218

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

Deed D041949

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to GEORGE J BLATNER & JEAN M BLATNER, tenants in common with rights of survivorship, Grantees, that certain real property, located in the City of Portland, Multnomah County, Oregon more particularly described in the attached Exhibit A.

The true and actual consideration paid for this transfer; stated in the terms of dollars is \$3000.00.

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 13th day of May 2004, 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. Crean, Assistant County Attorney

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Deed was acknowledged before me this 13th day of May 2004, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

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

EXHIBIT A (DEED)

Legal Description:

A tract of land in the Southwest One-Quarter of Section 18, Township 1N, Range 2E, of the Willamette Meridian, Multnomah County, Oregon, being a portion of Lot 2, Block 1, ENGLEWOOD PARK, described as follows:

The West 45.00 feet of the South One-Half of said Lot 2, Excepting therefrom that part lying in the Westerly 155 feet of the South One-Half of Lots 1 and 2, Block 1, ENGLEWOOD PARK.

Multnomah County Deed No.: D041949

Tax Account No.: R157473

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 04-057

Authorizing Private Sale of Certain Tax Foreclosed Property to GEORGE J BLATNER AND JEAN M BLATNER, Tenants in Common with Rights of Survivorship

The Multnomah County Board of Commissioners Finds:

- a) Multnomah County acquired the real property described in Exhibit A through the foreclosure of liens for delinquent taxes.
- b) The property has an assessed value of \$3000.00 on the County's current tax roll.

Written confirmation was obtained from the City of Portland stating that the subject property is unsuitable for construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.

- c) GEORGE J BLATNER AND JEAN M BLATNER, have agreed to pay \$3000.00, an amount the Board finds to be a reasonable price for the property in conformity with ORS 275.225.

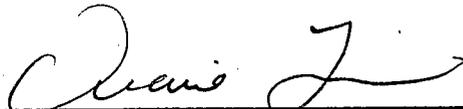
The Multnomah County Board of Commissioners Resolves:

- 1. Upon Tax Title's receipt of the payment of \$3000.00, the Chair on behalf of Multnomah County, is authorized to execute a deed conveying to GEORGE J BLATNER AND JEAN M BLATNER, the real property described in Exhibit A.

ADOPTED this 13th day of May 2004.



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

EXHIBIT A (RESOLUTION)

Legal Description:

A tract of land in the Southwest One-Quarter of Section 18, Township 1N, Range 2E, of the Willamette Meridian, Multnomah County, Oregon, being a portion of Lot 2, Block 1, ENGLEWOOD PARK, described as follows:

The West 45.00 feet of the South One-Half of said Lot 2, Excepting therefrom that part lying in the Westerly 155 feet of the South One-Half of Lots 1 and 2, Block 1, ENGLEWOOD PARK.

Multnomah County Deed No.: D041949

Tax Account No.: R157473

EXHIBIT A (DEED)

Legal Description:

A tract of land in the Southwest One-Quarter of Section 18, Township 1N, Range 2E, of the Willamette Meridian, Multnomah County, Oregon, being a portion of Lot 2, Block 1, ENGLEWOOD PARK, described as follows:

The West 45.00 feet of the South One-Half of said Lot 2, Excepting therefrom that part lying in the Westerly 155 feet of the South One-Half of Lots 1 and 2, Block 1, ENGLEWOOD PARK.

Multnomah County Deed No.: D041949

Tax Account No.: R157473

EXHIBIT A (DEED)

Legal Description:

A tract of land in the Southwest One-Quarter of Section 18, Township 1N, Range 2E, of the Willamette Meridian, Multnomah County, Oregon, being a portion of Lot 2, Block 1, ENGLEWOOD PARK, described as follows:

The West 45.00 feet of the South One-Half of said Lot 2, Excepting therefrom that part lying in the Westerly 155 feet of the South One-Half of Lots 1 and 2, Block 1, ENGLEWOOD PARK.

Multnomah County Deed No.: D041949

Tax Account No.: R157473

AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:

Meeting Date: May 13, 2004

Agenda Item #: C-6

Est. Start Time: 9:30 AM

Date Submitted: 04/19/04

Requested Date: May 13, 2004

Time Requested: Consent

Department: DBCS

Division: Tax Title

Contact/s: Gary Thomas

Phone: 503-988-3590

Ext.: 22591

I/O Address: 503/4 Tax Title

Presenters: Gary Thomas

Agenda Title: RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to NEIL AND SUSAN CRISTOFOLO

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

1. What action are you requesting from the Board? What is the department/agency recommendation?

The Tax Title Section is requesting the Board to approve the private sale of one tax foreclosed property to NEIL AND SUSAN CRISTOFOLO. The Department of Business and Community Services recommends that the private sale be approved.

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

The subject property is a vacant lot approximately 15' x 100' that came into Multnomah County ownership through the foreclosure of delinquent tax liens on December 2, 1987. The lot is located between two houses located at 2715 and 2735 SE 130th Ave. The parcel is physically used as yard area for the house at 2735 SE 130th Ave. The party whom we propose to enter into a private sale with owns this property. The attached plat map, Exhibit A, shows the location of the property with 2735 SE 130th Ave adjacent and to the north of it. The attached Exhibit B is an aerial photo that shows the proximity of

the lot to the adjacent properties. Two photos, Exhibit C, show how the parcel is currently being used and its relationship to the two adjacent properties.

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

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

The Private Sale will allow for a full recovery of the current outstanding City of Portland sewer liens against the property as shown in Exhibit D. The property will also be reinstated on the tax roll.

4. Explain any legal and/or policy issues.

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

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

No citizen or government participation is anticipated.

Required Signatures:

Department/Agency Director:

Robert A. Maestre

Date: 04/19/04

Budget Analyst

By:

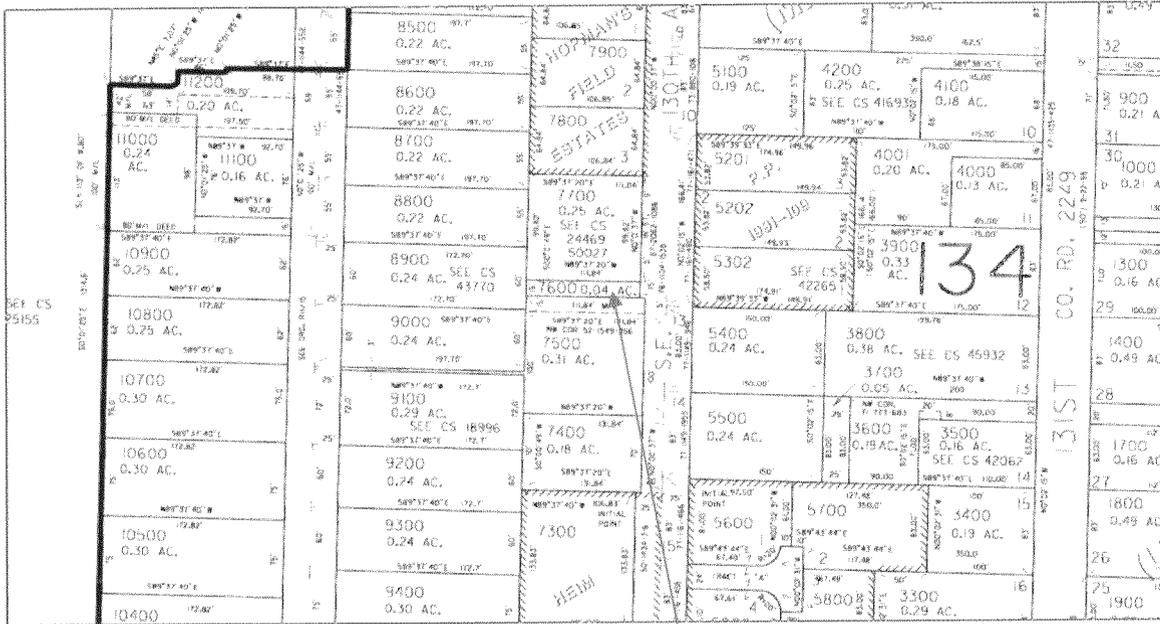
Date:

Dept/Countywide HR

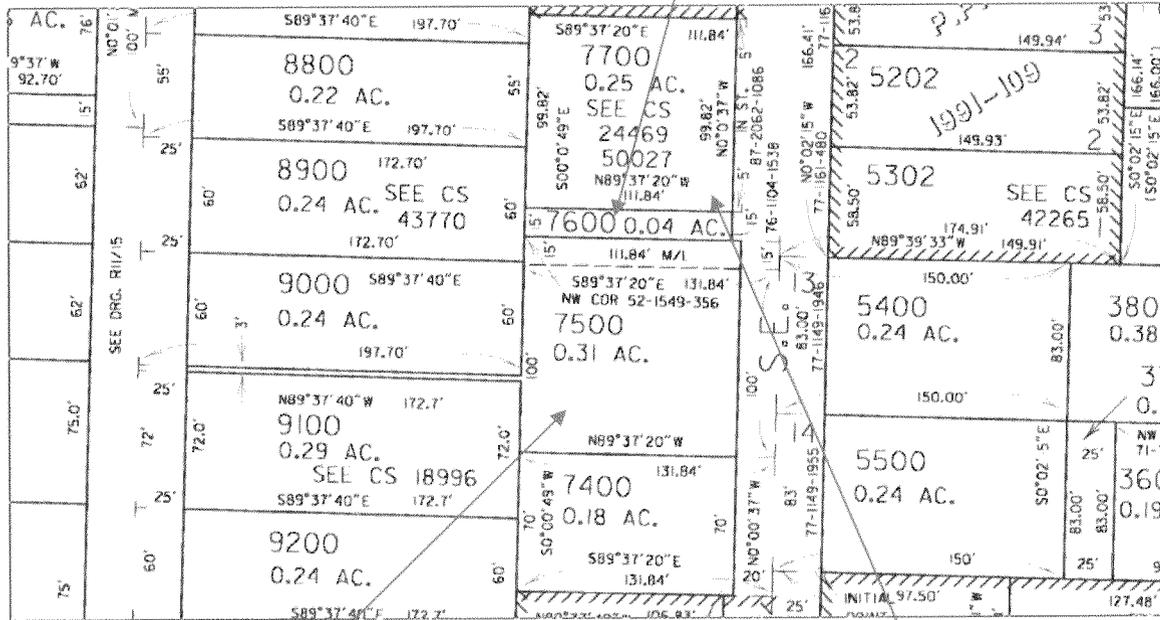
By:

Date:

EXHIBIT A



Subject



2735 SE 130th Ave

2715 SE 130th Ave

EXHIBIT B

Aerial Photo

2002 / 2001 / 2000 / 1998 / 1996

6" / 2' / 4' / 10' / 20'

Streets: On / Off

Lots: On / Off

Dot: On / Off



Subject

EXHIBIT C



2735 SE 130th Ave

2715 SE 130th Ave



Subject property SE Corner

NE Corner

EXHIBIT D

**PROPOSED PROPERTY LISTED FOR PRIVATE SALE
FISCAL YEAR 2003-04**

LEGAL DESCRIPTION:

A tract of land in the Northwest one-quarter of Section 11, Township 1 South, Range 2 East, Willamette Meridian, County of Multnomah, State of Oregon described as follows:

Commencing at the Northwest corner of the Northeast one-quarter of the Northwest one-quarter of said Section 11; thence South 89° 37' 40" East 527.52 feet; thence South 0° 00' 49" East 642.34' feet to the Northwest corner of that tract of Land conveyed to Lawrence Heim et ux in Book 1549 page 356 recorded July 25, 1952 and the true point of beginning; thence West, along the North line of said Heim tract, 111.84 feet more or less to the Northwest corner of said Heim tract; thence North 15 feet to a point 99.82 feet South of the Southwest corner of Hopman's Field Estates a recorded subdivision; thence East, parallel to the South line of said subdivision, 111.84 feet to the West line of SE 130th Avenue (20 feet wide); thence South, along said West street line, 15 feet to the point of beginning.

Subject to the rights of the public in and to that portion lying in road.

ADJACENT PROPERTY ADDRESS: 2735 SE 130th Ave
TAX ACCOUNT NUMBER: R334092
GREENSPACE DESIGNATION: None
SIZE OF PARCEL: Approximately 15' x 100' (approx. 1,500sf)
ASSESSED VALUE: \$1,660.00

ITEMIZED EXPENSES FOR TOTAL PRICE OF PRIVATE SALE

BACK TAXES & INTEREST:	\$63.02
TAX TITLE MAINTENANCE COST & EXPENSES:	-0-
ADVERTISING COST:	-0-
RECORDING FEE:	\$24.00
CITY LIENS:	\$1,595.46
SUB-TOTAL	\$1,619.46
MINIMUM PRICE REQUEST OF PRIVATE SALE	\$1,624.00

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY

RESOLUTION NO. _____

Authorizing Private Sale of Certain Tax Foreclosed Property to NEIL AND SUSAN CRISTOFOLO, Husband and Wife.

The Multnomah County Board of Commissioners Finds:

- a) Multnomah County acquired the real property described in Exhibit A through the foreclosure of liens for delinquent property taxes.
- b) The property has an assessed value of \$1660.00 on the County's current tax roll.
- c) Although no written confirmation was obtained from the City of Portland, the Tax Title Division is confident that the narrow width and size of the property make it unsuitable for construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.
- d) NEIL AND SUSAN CRISTOFOLO, have agreed to pay \$1624.00, an amount the Board finds to be a reasonable price for the property in conformity with ORS 275.225.
- e) The Tax Title Division has received payment in full from NEIL AND SUSAN CRISTOFOLO.

The Multnomah County Board of Commissioners Resolves:

1. The Chair on behalf of Multnomah County, is authorized to execute a deed conveying to NEIL AND SUSAN CRISTOFOLO, the real property described in Exhibit A.

ADOPTED this 13th day of May 2004.

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

EXHIBIT A (RESOLUTION)

Legal Description:

A tract of land in the Northwest one-quarter of Section 11, Township 1 South, Range 2 East, Willamette Meridian, County of Multnomah, State of Oregon described as follows:

Commencing at the Northwest corner of the Northeast one-quarter of the Northwest one-quarter of said Section 11; thence South 89° 37' 40" East 527.52 feet; thence South 0° 00' 49" East 642.34' feet to the Northwest corner of that tract of Land conveyed to Lawrence Heim et ux in Book 1549 page 356 recorded July 25, 1952 and the true point of beginning; thence West, along the North line of said Heim tract, 111.84 feet more or less to the Northwest corner of said Heim tract; thence North 15 feet to a point 99.82 feet South of the Southwest corner of Hopman's Field Estates a recorded subdivision; thence East, parallel to the South line of said subdivision, 111.84 feet to the West line of SE 130th Avenue (20 feet wide); thence South, along said West street line, 15 feet to the point of beginning.

Subject to the rights of the public in and to that portion lying in road.

Multnomah County Deed No.: D041950

Tax Account No.: R334092

EXHIBIT A (DEED)

Legal Description:

A tract of land in the Northwest one-quarter of Section 11, Township 1 South, Range 2 East, Willamette Meridian, County of Multnomah, State of Oregon described as follows:

Commencing at the Northwest corner of the Northeast one-quarter of the Northwest one-quarter of said Section 11; thence South 89° 37' 40" East 527.52 feet; thence South 0° 00' 49" East 642.34' feet to the Northwest corner of that tract of Land conveyed to Lawrence Heim et ux in Book 1549 page 356 recorded July 25, 1952 and the true point of beginning; thence West, along the North line of said Heim tract, 111.84 feet more or less to the Northwest corner of said Heim tract; thence North 15 feet to a point 99.82 feet South of the Southwest corner of Hopman's Field Estates a recorded subdivision; thence East, parallel to the South line of said subdivision, 111.84 feet to the West line of SE 130th Avenue (20 feet wide); thence South, along said West street line, 15 feet to the point of beginning.

Subject to the rights of the public in and to that portion lying in road.

Multnomah County Deed No.: D041950

Tax Account No.: R334092

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 04-058

Authorizing Private Sale of Certain Tax Foreclosed Property to NEIL AND SUSAN CRISTOFOLO, Husband and Wife

The Multnomah County Board of Commissioners Finds:

- a) Multnomah County acquired the real property described in Exhibit A through the foreclosure of liens for delinquent property taxes.
- b) The property has an assessed value of \$1660.00 on the County's current tax roll.
- c) Although no written confirmation was obtained from the City of Portland, the Tax Title Division is confident that the narrow width and size of the property make it unsuitable for construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.
- d) NEIL AND SUSAN CRISTOFOLO, have agreed to pay \$1624.00, an amount the Board finds to be a reasonable price for the property in conformity with ORS 275.225.
- e) The Tax Title Division has received payment in full from NEIL AND SUSAN CRISTOFOLO.

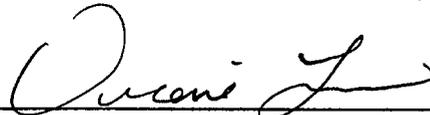
The Multnomah County Board of Commissioners Resolves:

1. The Chair on behalf of Multnomah County, is authorized to execute a deed conveying to NEIL AND SUSAN CRISTOFOLO, the real property described in Exhibit A.

ADOPTED this 13th day of May 2004.



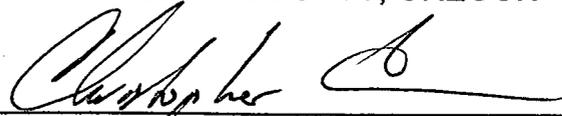
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 

Christopher D. Crean, Assistant County Attorney

EXHIBIT A (RESOLUTION)

Legal Description:

A tract of land in the Northwest one-quarter of Section 11, Township 1 South, Range 2 East, Willamette Meridian, County of Multnomah, State of Oregon described as follows:

Commencing at the Northwest corner of the Northeast one-quarter of the Northwest one-quarter of said Section 11; thence South 89° 37' 40" East 527.52 feet; thence South 0° 00' 49" East 642.34' feet to the Northwest corner of that tract of Land conveyed to Lawrence Heim et ux in Book 1549 page 356 recorded July 25, 1952 and the true point of beginning; thence West, along the North line of said Heim tract, 111.84 feet more or less to the Northwest corner of said Heim tract; thence North 15 feet to a point 99.82 feet South of the Southwest corner of Hopman's Field Estates a recorded subdivision; thence East, parallel to the South line of said subdivision, 111.84 feet to the West line of SE 130th Avenue (20 feet wide); thence South, along said West street line, 15 feet to the point of beginning.

Subject to the rights of the public in and to that portion lying in road.

Multnomah County Deed No.: D041950

Tax Account No.: R334092

EXHIBIT A (DEED)

Legal Description:

A tract of land in the Northwest one-quarter of Section 11, Township 1 South, Range 2 East, Willamette Meridian, County of Multnomah, State of Oregon described as follows:

Commencing at the Northwest corner of the Northeast one-quarter of the Northwest one-quarter of said Section 11; thence South 89° 37' 40" East 527.52 feet; thence South 0° 00' 49" East 642.34' feet to the Northwest corner of that tract of Land conveyed to Lawrence Heim et ux in Book 1549 page 356 recorded July 25, 1952 and the true point of beginning; thence West, along the North line of said Heim tract, 111.84 feet more or less to the Northwest corner of said Heim tract; thence North 15 feet to a point 99.82 feet South of the Southwest corner of Hopman's Field Estates a recorded subdivision; thence East, parallel to the South line of said subdivision, 111.84 feet to the West line of SE 130th Avenue (20 feet wide); thence South, along said West street line, 15 feet to the point of beginning.

Subject to the rights of the public in and to that portion lying in road.

Multnomah County Deed No.: D041950

Tax Account No.: R334092

EXHIBIT A (DEED)

Legal Description:

A tract of land in the Northwest one-quarter of Section 11, Township 1 South, Range 2 East, Willamette Meridian, County of Multnomah, State of Oregon described as follows:

Commencing at the Northwest corner of the Northeast one-quarter of the Northwest one-quarter of said Section 11; thence South 89° 37' 40" East 527.52 feet; thence South 0° 00' 49" East 642.34' feet to the Northwest corner of that tract of Land conveyed to Lawrence Heim et ux in Book 1549 page 356 recorded July 25, 1952 and the true point of beginning; thence West, along the North line of said Heim tract, 111.84 feet more or less to the Northwest corner of said Heim tract; thence North 15 feet to a point 99.82 feet South of the Southwest corner of Hopman's Field Estates a recorded subdivision; thence East, parallel to the South line of said subdivision, 111.84 feet to the West line of SE 130th Avenue (20 feet wide); thence South, along said West street line, 15 feet to the point of beginning.

Subject to the rights of the public in and to that portion lying in road.

Multnomah County Deed No.: D041950
Tax Account No.: R334092

AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:

Meeting Date: May 13, 2004

Agenda Item #: C-7

Est. Start Time: 9:30 AM

Date Submitted: 04/19/04

Requested Date: May 13, 2004

Time Requested: Consent

Department: DBCS

Division: Tax Title

Contact/s: Gary Thomas

Phone: 503-988-3590

Ext.: 22591

I/O Address: 503/4 Tax Title

Presenters: Gary Thomas

Agenda Title: RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to CARLA P. LICHTER

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

1. What action are you requesting from the Board? What is the department/agency recommendation?

The Tax Title Section is requesting the Board to approve the private sale of one tax foreclosed property to CARLA P. LICHTER. The Department of Business and Community Services recommends that the private sale be approved.

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

The subject property is a vacant lot approximately 35' x 40' that came into Multnomah County ownership through the foreclosure of delinquent property tax liens on September 26, 1995. The lot is located adjacent to and to the east of a property located at 7042 NE 7th PL. The parcel takes up a good portion of the backyard area of this property.

Three brothers came into ownership of the property at 7042 NE 7th PL through an inheritance. At the time they came into ownership of the house the subject property was also included in the legal description. In 1989, they sold the house but did not include

the legal of the subject parcel. The property went into foreclosure and came into county ownership in 1995.

The attached plat map, Exhibit A, shows the location of the property with 7042 NE 7th PL adjacent and to the west of it. The attached Exhibit B is an aerial photo that shows the proximity of the lot to the adjacent property and the area of the backyard that it takes up.

Written confirmation was obtained from the City of Portland stating that the subject property is unsuitable for construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.

3. **Explain the fiscal impact (current year and ongoing).**
The Private Sale will allow for a full recovery of the delinquent taxes, fees, and expenses as shown in Exhibit C. The property will also be reinstated on the tax roll.
4. **Explain any legal and/or policy issues.**
No legal issues are expected. The parcel will be sold "As Is" without guarantee of clear title.
5. **Explain any citizen and/or other government participation that has or will take place.**
No citizen or government participation is anticipated.

Required Signatures:

Department/Agency Director: *Robert A Maestre* Date: 04/19/04

Budget Analyst

By: Date:

Dept/Countywide HR

By: Date:

EXHIBIT B



Subject

EXHIBIT C

**PROPOSED PROPERTY LISTED FOR PRIVATE SALE
FISCAL YEAR 2003-04**

LEGAL DESCRIPTION:

A parcel of land lying in the Northwest quarter of Section 14, Township 1 North, Range 1 East and also being a portion of Block 6 in the duly recorded plat of El Tovar described as follows: Lot 36, except the Easterly 40 feet thereof.

ADJACENT PROPERTY ADDRESS: 7042 NE 7th Place
TAX ACCOUNT NUMBER: R155297
GREENSPACE DESIGNATION: None
SIZE OF PARCEL: Approximately 35' x 40' (approx. 1,400sf)
ASSESSED VALUE: \$1,500.00

ITEMIZED EXPENSES FOR TOTAL PRICE OF PRIVATE SALE

BACK TAXES & INTEREST:	\$233.12
TAX TITLE MAINTENANCE COST & EXPENSES:	\$128.00
ADVERTISING COST:	-0-
RECORDING FEE:	\$26.00
CITY LIENS:	-0-
SUB-TOTAL	\$387.12
MINIMUM PRICE REQUEST OF PRIVATE SALE	\$550.00

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY

RESOLUTION NO. _____

Authorizing Private Sale of Certain Tax Foreclosed Property to CARLA P. LICHTER.

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.
- b) The property has an assessed value of \$1500.00 on the County's current tax roll.
- c) Written confirmation was obtained from the City of Portland stating that the subject property is unsuitable for construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.
- d) CARLA P. LICHTER has agreed to pay \$550.00, an amount the Board finds to be a reasonable price for the property in conformity with ORS 275.225.
- e) The Tax Title Division has received payment in full from CARLA P. LICHTER.

The Multnomah County Board of Commissioners Resolves:

- 1. The Chair on behalf of Multnomah County, is authorized to execute a deed conveying to CARLA P. LICHTER, the following described real property in the City of Portland, Multnomah County, Oregon:

A parcel of land lying in the Northwest quarter of Section 14, Township 1 North, Range 1 East and also being a portion of Block 6 in the duly recorded plat of El Tovar described as follows: Lot 36, except the Easterly 40 feet thereof.

ADOPTED this 13th day of May 2004.

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. 04-059

Authorizing Private Sale of Certain Tax Foreclosed Property to CARLA P. LICHTER

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.
- b) The property has an assessed value of \$1500.00 on the County's current tax roll.
- c) Written confirmation was obtained from the City of Portland stating that the subject property is unsuitable for construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.
- d) CARLA P. LICHTER has agreed to pay \$550.00, an amount the Board finds to be a reasonable price for the property in conformity with ORS 275.225.
- e) The Tax Title Division has received payment in full from CARLA P. LICHTER.

The Multnomah County Board of Commissioners Resolves:

- 1. The Chair on behalf of Multnomah County, is authorized to execute a deed conveying to CARLA P. LICHTER, the following described real property in the City of Portland, Multnomah County, Oregon:

A parcel of land lying in the Northwest quarter of Section 14, Township 1 North, Range 1 East and also being a portion of Block 6 in the duly recorded plat of El Tovar described as follows: Lot 36, except the Easterly 40 feet thereof.

ADOPTED this 13th day of May 2004.



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

AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:

Meeting Date: May 13, 2004

Agenda Item #: C-8

Est. Start Time: 9:30 AM

Date Submitted: 04/19/04

Requested Date: May 13, 2004

Time Requested: 5 minutes

Department: DBCS

Division: Land Use and Transportation

Contact/s: Karen Schilling

Phone: 503-988-3043

Ext.: 29635

I/O Address: 455/116

Presenters: Karen Schilling

Agenda Title: Government Revenue Contract (190 Agreement) 0410573 with the City of Gresham for Springwater Urbanization Planning; Creation of a Rural/Urban Edge; and the West of Sandy River Rural Area Plan

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

1. **What action are you requesting from the Board? What is the department/agency recommendation?** Adopt the Intergovernmental Agreement attached as Exhibit A. The department recommends adoption.
2. **Please provide sufficient background information for the Board and the public to understand this issue.** The Intergovernmental Agreement (IGA) defines the actions and roles the City and County will take during their coordinated planning efforts in developing an urbanization plan for Springwater. In addition, the City and County agree to work to protect the agricultural economy of the West of Sandy River Rural Area, to coordinate development of a permanent urban/rural edge, to plan a transportation system that meets the needs of both the urban Springwater area and the nearby rural area, and to develop a program for long-term rural land conservation and protection of fish and wildlife habitat.
3. **Explain the fiscal impact (current year and ongoing).** Staff from Land Use and Transportation Planning will participate in the urbanization plan with Gresham staff. These resources are included within the budgets for fiscal years 2004 and 2005.

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

If a budget modification, explain:

- ❖ **What revenue is being changed and why?**
- ❖ **What budgets are increased/decreased?**
- ❖ **What do the changes accomplish?**
- ❖ **Do any personnel actions result from this budget modification? Explain.**

- ❖ **Is the revenue one-time-only in nature?**
- ❖ **If a grant, what period does the grant cover?**
- ❖ **When the grant expires, what are funding plans?**

NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)

If a contingency request, explain:

- ❖ **Why was the expenditure not included in the annual budget process?**

- ❖ **What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?**
- ❖ **Why are no other department/agency fund sources available?**
- ❖ **Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.**

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

If grant application/notice of intent, explain:

- ❖ **Who is the granting agency?**
- ❖ **Specify grant requirements and goals.**
- ❖ **Explain grant funding detail – is this a one time only or long term commitment?**
- ❖ **What are the estimated filing timelines?**
- ❖ **If a grant, what period does the grant cover?**
- ❖ **When the grant expires, what are funding plans?**
- ❖ **How will the county indirect and departmental overhead costs be covered?**

4. Explain any legal and/or policy issues involved. The IGA is intended to carry out the joint Resolutions adopted by the City (Resolution No. 2577) and County (Resolution 02-135) regarding inclusion of the Springwater area into the Urban Growth Boundary.

5. Explain any citizen and/or other government participation that has or will take place. The City of Gresham is scheduled to adopt the IGA April 20, 2004.

Required Signatures:

Department/Agency Director:



Date: 04/14/04

MULTNOMAH COUNTY CONTRACT APPROVAL FORM

Pre-approved Contract Boilerplate (with County Attorney signature) Attached Not Attached Contract #: 0410573
 Amendment #: _____

CLASS I	CLASS II	CLASS III A
Contracts \$75,000 and less per 12 month period	Contracts over \$75,000 per 12 month period	<input checked="" type="checkbox"/> Government Contracts (190 Agreement)
<input type="checkbox"/> Professional Services Contracts <input type="checkbox"/> PCRB Contracts <input type="checkbox"/> Maintenance Agreements <input type="checkbox"/> Licensing Agreements <input type="checkbox"/> Public Works Construction Contracts <input type="checkbox"/> Architectural & Engineering Contracts <input type="checkbox"/> Revenue Contracts <input type="checkbox"/> Grant Contracts <input type="checkbox"/> Non-Expenditure Contracts	<input type="checkbox"/> Professional Services Contracts <input type="checkbox"/> PCRB Contracts <input type="checkbox"/> Maintenance Agreements <input type="checkbox"/> Licensing Agreements <input type="checkbox"/> Public Works Construction Contracts <input type="checkbox"/> Architectural & Engineering Contracts <input type="checkbox"/> Revenue Contracts <input type="checkbox"/> Grant Contracts <input type="checkbox"/> Non-Expenditure Contracts	<input type="checkbox"/> Expenditure <input checked="" type="checkbox"/> Non-Expenditure <input type="checkbox"/> Revenue CLASS III B <input type="checkbox"/> Government Contracts (Non-190 Agreement) <input type="checkbox"/> Expenditure <input type="checkbox"/> Non-Expenditure <input type="checkbox"/> Revenue <input type="checkbox"/> Interdepartmental Contracts

Department: Business and Community Services Division: Land Use & Trans Planning Date: 4/12/04
 Originator: Karen Schilling Phone: x29635 Bldg/Rm: 455/Annex
 Contact: Cathy Kramer Phone: x22589 Bldg/Rm: 455/Annex
 Description of Contract: Intergovernmental Agreement with the City of Gresham for Springwater Urbanization Planning and the creation of a Rural/Urban Edge

RENEWAL: PREVIOUS CONTRACT #(S): _____ RFP/BID DATE: _____
 RFP/BID: _____ EXEMPTION #: _____ ORS/AR #: _____
 EFFECTIVE DATE: _____ EXPIRATION DATE: _____
 CONTRACTOR IS: MBE WBE ESB QRF State Cert# _____ or Self Cert Non-Profit N/A (Check all boxes that apply)

Contractor	<u>City of Gresham</u>		Remittance address	_____
Address	<u>1333 NW Eastman Parkway</u>		(If different)	_____
City/State	<u>Gresham OR</u>		Payment Schedule / Terms	_____
ZIP Code	<u>97030</u>		<input type="checkbox"/> Lump Sum \$ _____	<input type="checkbox"/> Due on Receipt
Phone	<u>(503) 618-2407 (Terry Vanderkooy)</u>		<input type="checkbox"/> Monthly \$ _____	<input type="checkbox"/> Net 30
Employer ID# or SS#	_____		<input type="checkbox"/> Other \$ _____	<input type="checkbox"/> Other
Contract Effective Date	<u>5/13/04</u> Term Date	<u>12/31/05</u>	<input type="checkbox"/> Requirements Funding Info:	
Amendment Effect Date	New Term Date		Original Requirements Amount	\$ _____
Original Contract Amount	\$ _____	Original Requirements Amount	Total Amt of Previous Amendments	\$ _____
Total Amt of Previous Amendments	\$ _____	Requirements Amount Amendment	Requirements Amount Amendment	\$ _____
Amount of Amendment	\$ _____	Total Amount of Requirements	Total Amount of Requirements	\$ _____
Total Amount of Agreement	\$ <u>\$ 0</u>			

REQUIRED SIGNATURES:

Department Manager <u><i>M. Cecilia Johnson</i></u>	DATE <u>4/14/04</u>
Purchasing Manager _____	DATE _____
County Attorney <u><i>Sandra Deffy</i></u>	DATE <u>4-19-04</u>
County Chair <u><i>Chris Z...</i></u>	DATE <u>4.13.04</u>
Sheriff _____	DATE _____
Contract Administration _____	DATE _____

COMMENTS: _____

APPROVED: MULTNOMAH COUNTY BOARD OF COMMISSIONERS
 AGENDA # C-8 DATE 05.13.04
 DEBORAH L. BOGSTAD, BOARD CLERK

INTERGOVERNMENTAL AGREEMENT
On Springwater Urbanization Planning, Creation of a Rural/Urban Edge,
and the West of Sandy River Rural Area Plan

I. PARTIES

This is an Intergovernmental Agreement (IGA) between the City of Gresham (City), a home rule city and a political subdivision of the State of Oregon, and Multnomah County (County), a home rule county and a political subdivision of the State of Oregon.

II. AFFECTED AREA and EXCEPTIONS

Attachment Number 1 of this agreement defines the area affected by this agreement and will be referenced in this agreement as "Springwater." The affected area, in general, includes properties located between SE 282nd and the existing Gresham city boundary within unincorporated Multnomah County.

III. RECITALS

- A. Authority is conferred upon units of local government under ORS 190.010 to enter into a written agreement for the performance of any and all functions and activities that a party to the agreement, its officers or agencies, have authority to perform;
- B. Metro Ordinance 02-969B, (Attachment Number 4 of this agreement), pursuant to Metro Code Chapter 1, requires Title 11 (of the Urban Growth Management Functional Plan [UGMFP]) planning for the Springwater area and the participation of City and County in such planning;
- C. City and County desire to establish an Implementation Program to address the opportunities and issues arising from Metro's 2002 expansion of the Urban Growth Boundary (UGB) in the West of Sandy River Rural Area to include the Springwater area;
- D. City and County are committed to a common plan of action to establish a Master Plan including a strong rural/urban edge and a thriving new regional industrial area, Springwater, along US 26 and west of SE 282nd Ave. as shown in Exhibit B of County Resolution 02-135;
- E. City and County will provide careful and coordinated joint planning for vital nursery and industrial uses in the rural/urban edge area to promote an efficient urban form, and maintain and create a buffer area between urban uses and farm operations;
- F. City and County have adopted joint resolutions (Attachments 2 and 3 respectively of this agreement) with eleven objectives that express a commitment to achieving a strong rural/urban edge, and a thriving new regional industrial area (Springwater);

- G. City and County desire to jointly engage in a coordinated planning effort for Springwater and an amended West of Sandy Rural Area Plan that achieves the objectives of the joint resolution and requirements of Metro's Ordinance 02-969B.

IV. AGREEMENT

City and County will join in a common strategy to support timely development of Springwater and the creation of a permanent and thriving urban/rural edge.

A. SPRINGWATER -- URBANIZATION PLANNING

1. City and County will develop a coordinated Urbanization Plan for Springwater consistent with Metro Title 11 UGMFP and the Conditions of Metro Ordinance 02-969B regarding Springwater.
2. City and County will coordinate development of the Urbanization Plan with Metro, Oregon Department of Transportation (ODOT), Clackamas County, TriMet, and other affected jurisdictions, and with the Damascus/Boring Concept Planning efforts.
3. City and County will address the eleven objectives in the aforementioned joint resolutions and utilize them as principles in developing the Plan.
4. City shall be the project manager for developing the Urbanization Plan. City and County will jointly develop the transportation element, and County will assign a liaison to the transportation planning team. County will also participate in developing other elements such as land use and natural resource protection, and in overall project coordination. City and County shall engage other service providers such as library, school districts, and social services in planning for Springwater.
5. City and County will pursue mutual efforts to develop and implement financial components necessary to implement the Urbanization Plan. This includes efforts to secure financial resources, to market and promote significant economic opportunities, and to create family wage job opportunities in the East Metro urban area.
6. City and County agree to pursue mutual efforts to support related amendments to the Regional Transportation Plan, and support projects for funding in the Metro Transportation Improvement Program and State Transportation Improvement Program necessary to implement the Springwater Plan, consistent with other East County priorities.
7. City and County will develop the Plan with a comprehensive public involvement process.
8. City and County will complete the Urbanization Plan no later than May 1, 2005.

B. PROTECTION OF URBAN RESERVE LANDS FOR FUTURE URBAN DEVELOPMENT

County shall continue to apply interim protection measure standards in Metro Code Title 11 UGMFP and in the Conditions of Ordinance 02-969B.

C. WEST OF SANDY RIVER RURAL AREA PLAN

1. Concurrent with the adoption of the Urbanization Plan for Springwater, County will amend as necessary the West of Sandy River Rural Area Plan to reflect the Urbanization Plan for Springwater.
2. City and County will engage in mutual efforts to ensure continued viability of the farming economy of the West of Sandy River Plan Area, and on-going efforts to minimize and reduce adverse impacts to farming by urbanization. Potential measures for minimizing conflicts may include limiting types of industrial uses, site operations and layout, hours of operation, Good Neighbor Agreements, and physical buffers.

D. RURAL/URBAN EDGE PLANNING

1. Consistent with the joint objectives of the aforementioned resolutions, City and County will coordinate development of a permanent hard rural/urban edge between the Springwater UGB boundary and the unincorporated rural Multnomah County areas to the east that are part of the West of Sandy River Rural Area Plan.
2. Actions necessary to accomplish a hard rural/urban edge will be included in the Plan for Springwater and the amended West of Sandy River Rural Area Plan.

E. TRANSPORTATION PLANNING

The joint objectives of the aforementioned resolutions state the objective: "To keep new urban industrial and residential traffic away from rural areas and manage and preserve the function of rural roads for rural traffic access and circulation." In addition to these objectives, City and County will address the following as principles to consider for the Springwater Plan and amendments to the West of Sandy River Rural Area Plan:

1. Enhance multi-modal access to the Springwater area to reduce traffic generation, including high capacity transit links to MAX and bicycle and pedestrian facilities, to East Metro urban and educational centers, and to the Springwater Trail Corridor.
2. As needed, create an Interchange Management Plan, consistent with the State Highway Plan, in cooperation with ODOT and Metro.

3. Utilize to the extent possible, existing rural roads rights-of-way to establish the urban grid for Springwater.
4. Use the existing right-of-way of US 26 to create a "Green Gateway" to the metropolitan area between the UGB and Hillyard Road, in coordination with the existing Green Corridor Agreement south of the County line, consistent with the Regional Transportation Plan.
5. Continue to implement the 1995 IGA between the County and City, pending the outcome of Multnomah County's transportation services study and any subsequent County Board direction. The City and the County agree to enter into good faith discussions and negotiations regarding road jurisdictions, if appropriate, following County Board policy direction.

F. CONSERVATION PLANNING

The joint objectives of the aforementioned joint resolutions (Attachments 2 and 3) require the City: "To maintain fish and wildlife habitat protection measures that are at least as protective as those adopted by Multnomah County upon annexation." In addition to this objective, City and County will address the following as principles to consider for the Springwater Plan and amendments to the West of Sandy River Rural Area Plan:

1. Establish a consistent and comprehensive plan for urban and rural watershed management of stormwater, stream corridors and confluences, and riparian areas for the Upper Johnson Creek Basin (upstream of the 2002 Gresham city limits). Utilize the City's Johnson Creek Master Plan, Metro Goal 5 requirements (which consider the Endangered Species Act, Clean Water Act, and Statewide Goal 5 planning provisions), and habitat protection measures that are at least equivalent in the level of protection to the County's West of Sandy River Rural Area Plan in development of the watershed plan.
2. Establish a "best practices" program for long-term rural land conservation measures. These measures may include:
 - a. Conservation or Open Space easements to maintain edge of agricultural/nursery land east of Orient Rural Center (e.g., establish West of Sandy River Land Trust).
 - b. Encourage the development of a regional public works nursery on lands east of the Orient Rural Center.
 - c. Consider a "Buy in Local Area First" program or other local farm support strategies to acquire nursery stock used on public projects and for private expenditures for nursery stock in the development of Springwater.
 - d. Ensure that the City development plan code provides for farmer markets as appropriate in Springwater and other areas.
 - e. Develop an economic linkage strategy between new Springwater industries and the nursery industry.

G. ADOPTION PROCESS

1. City and County shall mutually adopt comprehensive plan goals, policies, action measures, development codes, and maps necessary to implement the Springwater Urbanization Plan and County amendments to the West of Sandy River Rural Area Plan.
2. Urban development and provision of urban services may occur after the City has adopted the Springwater Urbanization Plan and the County has adopted the amendments to the West of Sandy River Rural Area Plan.

H. IMPLEMENTATION OF THE IGA

1. Upon both parties entering into this IGA, a scope of work will be mutually developed for City and County implementation.
2. Within two months of adoption of this IGA, City and County will administratively update work programs to include:
 - a. A joint scope of work consistent with this IGA for completion and adoption of Springwater Urbanization Plan.
 - b. Mutually engage in joint efforts and opportunities to seek legislation, at the state level, to address urbanization process within the Metro area related to urbanization of exception lands.

I. TERMINATION, AMENDMENT, DISPUTES, OR EXTENSION OF AGREEMENT AND DATES FOR PERFORMANCE

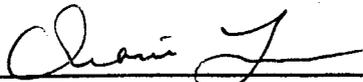
1. City and County mutually understand and agree that this agreement extends over a period of years and performance of the provisions of this agreement are dependent on the availability of adequate funds to perform the tasks set forth in this agreement. In the event that funding is unavailable, reduced, or not appropriated to any of the parties for the performance of their obligations under this agreement, each party reserves the right to negotiate a change in the scope of services, or amend the deadlines for performance.
2. **Dispute Resolution:**
To the extent possible, City and County staff will observe the rules, standards, and regulations referenced by this agreement. In the case of a dispute about the terms of this agreement or how to effectuate this agreement, the City and the County staff will immediately refer the dispute to the County Planning Director and City Community Development Director to resolve the dispute. If the Directors have not resolved the dispute within 30 days, the dispute shall be forwarded to the City Council and County Board of Commissioners for resolution.

3. Amendments:
This agreement may be amended or extended in writing upon mutual agreement of the parties to the IGA.
4. Consultation:
When questions arise relating to any provision of the IGA, the parties agree to consult, confer, and mediate, if needed, before acting on any portion of the IGA.

J. TERM OF AGREEMENT

1. This agreement shall be effective on execution by both parties and shall remain in effect until terminated by either or both parties.
2. Duplicate originals of this agreement shall be executed by both parties.

MULTNOMAH COUNTY, OREGON

By 
Diane Linn

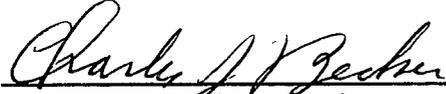
Title: Chair

Reviewed:

Agnes Sowle, County Attorney
for Multnomah County

By: 
Sandra N. Duffy
Assistant County Attorney

CITY OF GRESHAM

By 
Charles J. Becker

Title: Mayor

Approved as to form:

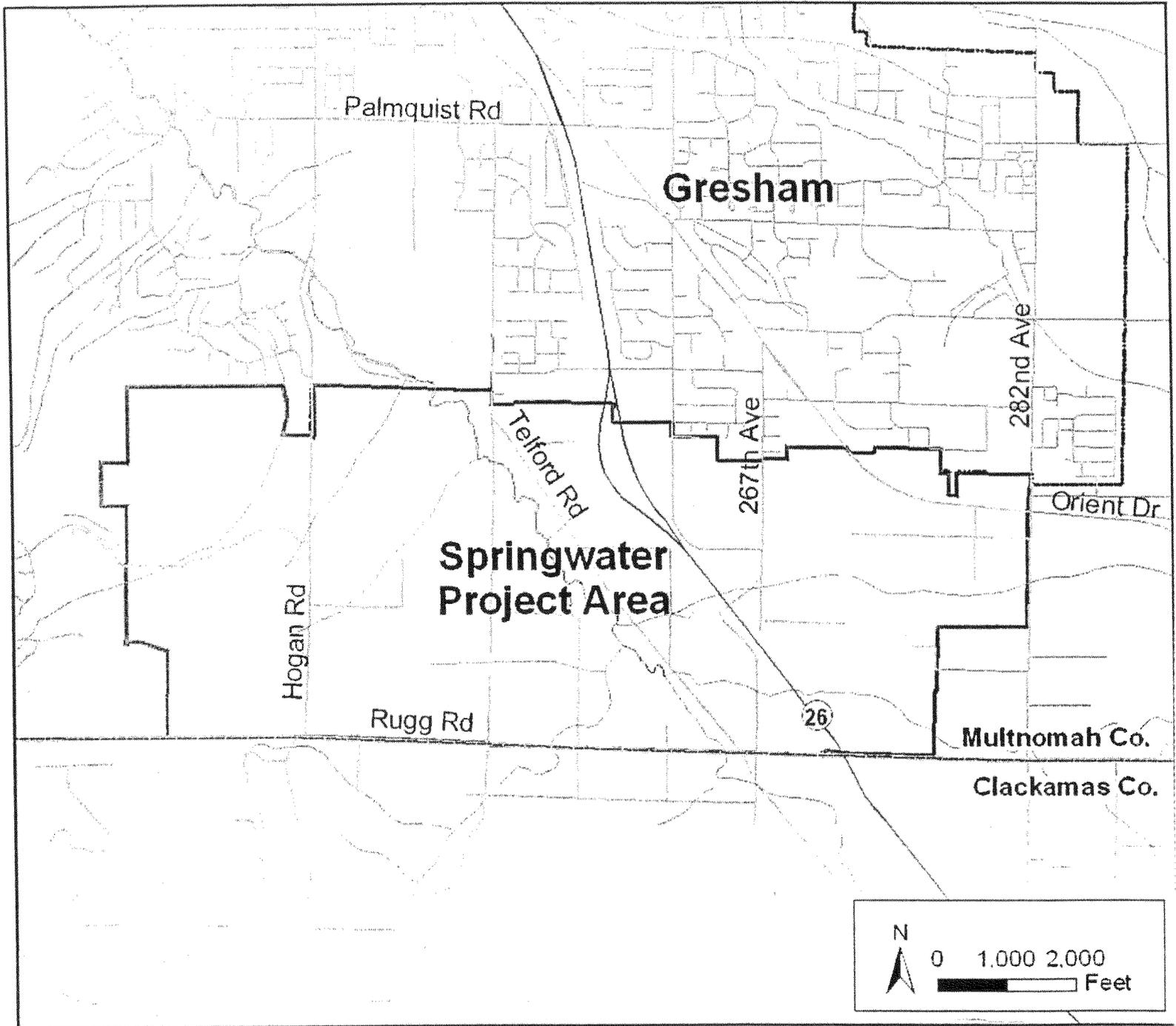

City Attorney

ATTACHMENTS:

1. Springwater Area Map
2. Gresham Resolution No. 2577
3. County Resolution No. 02-135
4. Exhibit M to Metro Ordinance 02-969B

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-8 DATE 05.13.04
DEBORAH L. BOGSTAD, BOARD CLERK

ATTACHMENT 1
Springwater Area Map



RESOLUTION NO. 2577

**A JOINT RESOLUTION WITH
MULTNOMAH COUNTY REGARDING URBAN GROWTH BOUNDARY
EXPANSION AND CREATION OF A RURAL/URBAN EDGE**

The City of Gresham Finds:

WHEREAS, the City of Gresham, hereinafter referred to as the "City" and Multnomah County, hereinafter referred to as the "County," have agreed to adopt joint resolutions dealing with the 2002 urban growth boundary expansion and the creation of a rural urban edge east of Gresham.

WHEREAS, through Springwater, the City and the County can work together to strengthen the Eastside's rural and urban communities, so that all communities are livable, safe, and prosperous.

WHEREAS, the Eastside's urban and rural economy can thrive together.

WHEREAS, the City is ready to act, with the County and other partners, to create a permanent rural urban edge in east Gresham that protects the area's vital nursery industry.

WHEREAS, the City and the County desire to prevent urban encroachment onto valuable nursery lands, promote the viability and character of the Orient Rural Center, and reinforce the vitality of the County's urban and rural economic and fiscal base.

THE CITY OF GRESHAM RESOLVES:

1. To develop a permanent hard-line UGB edge west of the Orient Rural Center/282nd Ave.
2. To Increase industrial land within the Gresham city limits both East and West of US 26.
3. To create and maintain a buffer area between conflicting urban land uses and farm operations (nursery).
4. To limit conversion of productive nursery lands or designated industrial/employment land to other uses in the respective parts of the edge area.
5. To keep new urban industrial and residential traffic away from rural area and manage and preserve the function of rural roads for rural traffic access and circulation.
6. To reinforce vitality and balance of East Multnomah County's urban and rural economy and employment base.
7. To strengthen the fiscal capacity of the City of Gresham and Multnomah County to provide needed urban and countywide services.
8. To ensure that Gresham's future urban form and services will not expand eastward, but will expand in a compact and efficient way southward from the existing city limits.

9. To develop urban and rural plans that will support the integrity and rural commerce function of the Orient Rural Center.

10. To introduce no policies that would adversely impact industrial or agricultural uses within the city boundary and coordinate water service and supply issues for both agriculture and industrial uses.

11. To maintain fish and wildlife habitat protection measures that are at least as protective as those adopted by Multnomah County upon annexation.

Yes: BECKER, HANNA, LASSEN, BUTTS, HORNER

No: NONE

Absent: HAVERKAMP, THOMPSON

Abstain: NONE

Passed by the Gresham City Council on OCTOBER 22, 2002.



City Manger



Mayor

Approved as to Form:



Senior Assistant City Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 02-135

Regarding Expansion of the Urban Growth Boundary with Conditions to Facilitate the Springwater Addition

The Multnomah County Board of Commissioners Finds:

- a. As part of the state requirements to maintain a 20-year land supply for residential uses, Metro recently completed an assessment of approximately 75,000 acres of land around the current Urban Growth Boundary (UGB) and the Executive Officer released a recommendation to the Metro Council highlighting lands to be considered for urbanization.
- b. The City of Gresham has reported to Multnomah County that the Executive Officer Recommendation does not include enough buildable land supply to meet its needs for industrial lands.
- c. The City of Gresham has approached Multnomah County and requested support for the Springwater Prospectus, a plan to facilitate industrial development East of Highway 26 to approximately 282nd Ave. and excluding the Exclusive Farm Use zoned lands (see Exhibit B).
- d. Metro is currently in the process of obtaining comments and feedback on the Executive Officer's recommendation, conducting public meetings through the month of October 2002.
- e. The Board recognizes the need for additional industrial land and jobs, but wants to protect riparian areas and strongly support and protect the nursery industry in the West of Sandy River Rural Plan Area.

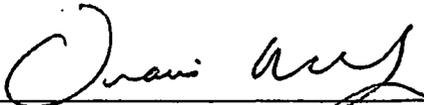
The Multnomah County Board of Commissioners Resolves:

- 1. Subject to the Conditions attached as Exhibit A, the Board will not oppose expansion of the Urban Growth Boundary as shown on the map attached as Exhibit B.

ADOPTED this 17th day of October 2002.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


 Diane M. Linn, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

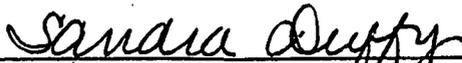
By 
 Sandra N. Duffy, Assistant County Attorney

Exhibit A

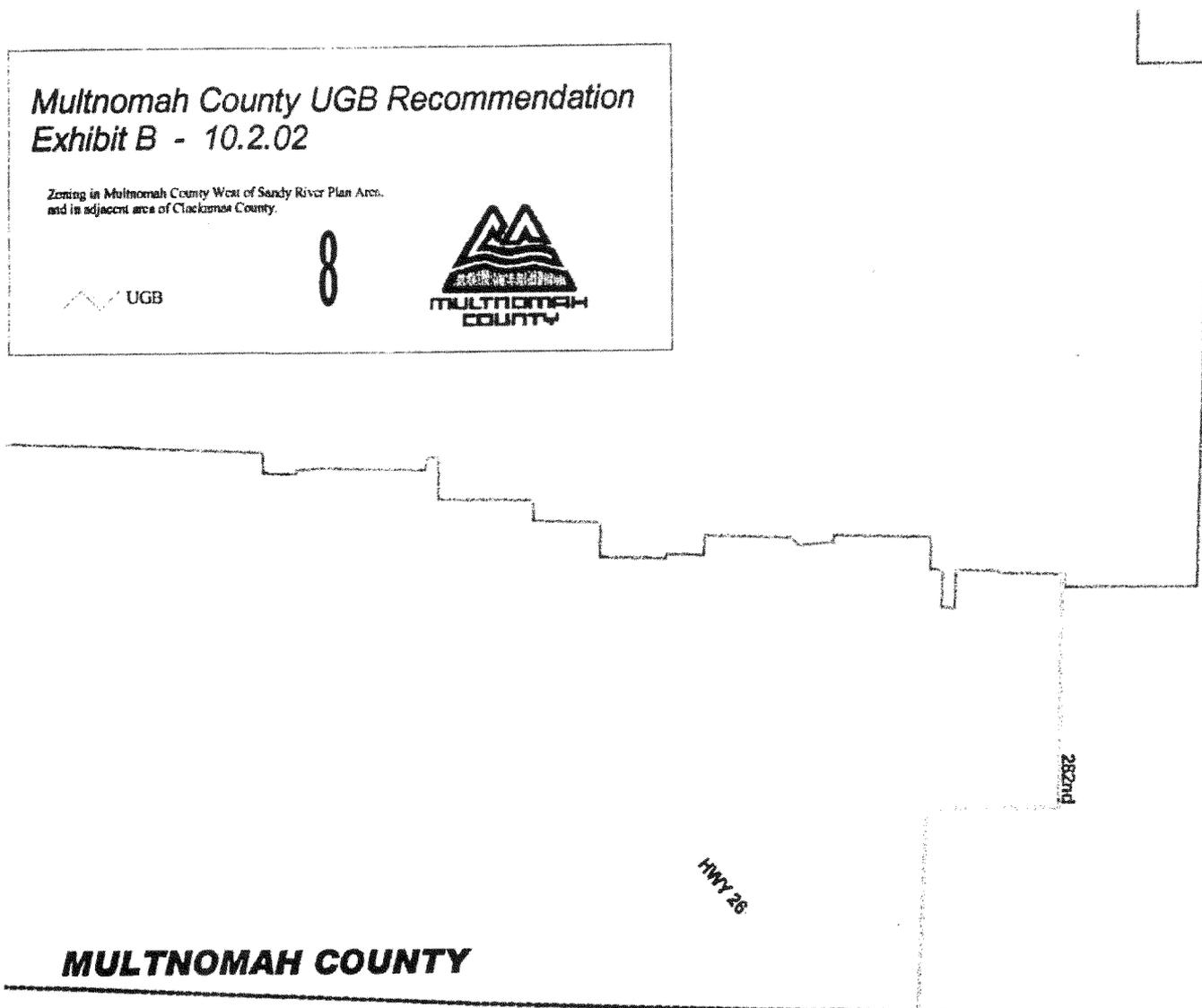
Acceptable Conditions for Springwater

1. Develop a permanent hard-line UGB edge west of the Orient Rural Center/282nd Ave.
2. Increase industrial land within the Gresham city limits both East and West of US 26.
3. Create and maintain a buffer area between conflicting urban uses and farm operations (nursery).
4. Limit conversion of productive nursery lands or designated industrial/employment land to other uses in the respective parts of the edge area.
5. Keep new urban industrial and residential traffic away from rural area. Manage and preserve the function of rural roads for rural traffic access and circulation.
6. Reinforce vitality and balance of East Multnomah County's urban and rural economy and employment base.
7. Strengthen the fiscal capacity of the City of Gresham and Multnomah County to provide needed urban and countywide services.
8. Agree that Gresham's future urban form and services will not expand eastward, but will expand in a compact and efficient way southward from the existing city limits.
9. Assure that urban and rural plans will support the integrity and rural commerce function of the Orient Rural Center.
10. Introduce no policies that would adversely impact industrial or agricultural uses within the City boundary and coordinate water service and supply issues for both agriculture and industrial uses.
11. Maintain fish and wildlife habitat protection measures that are at least as protective as those adopted by Multnomah County upon annexation.

**Multnomah County UGB Recommendation
Exhibit B - 10.2.02**

Zoning in Multnomah County West of Sandy River Plan Area,
and in adjacent area of Clackamas County.

UGB



Dodge Park

Bluff

MULTNOMAH COUNTY

CLACKAMAS COUNTY

HWY 26

282nd

ATTACHMENT 4
Metro Ordinance 02-969B

**Exhibit M to Ordinance No. 02-969B
Conditions on Addition of Land to UGB**

I. General Conditions Applicable to All Land Added to UGB

- A. The city or county with land use planning responsibility for a study area included in the UGB shall complete the planning required by Metro Code Title 11, Urban Growth Management Functional Plan ("UGMFP"), section 3.07.1120 ("Title 11 planning") for the area. Unless otherwise stated in specific conditions below, the city or county shall complete Title 11 planning within two years. Specific conditions below identify the city or county responsible for each study area.
- B. The city or county with land use planning responsibility for a study area included in the UGB, as specified below, shall apply the 2040 Growth Concept design types shown on Exhibit N of this ordinance to the planning required by Title 11 for the study area.
- C. The city or county with land use planning responsibility for a study area included in the UGB shall apply interim protection standards in Metro Code Title 11, UGMFP, section 3.07.1110, to the study area.
- D. In Title 11 planning, each city or county with land use planning responsibility for a study area included in the UGB shall recommend appropriate long-range boundaries for consideration by the Council in future expansion of the UGB or designation of urban reserves pursuant to 660 Oregon Administrative Rules Division 21.
- E. Each city or county with land use planning responsibility for a study area included in the UGB shall adopt provisions in its comprehensive plan and zoning regulations – such as setbacks, buffers and designated lanes for movement of slow-moving farm machinery - to ensure compatibility between urban uses in an included study area and agricultural practices on adjacent land outside the UGB zoned for farm or forest use.
- F. Each city or county with land use planning responsibility for a study area included in the UGB shall apply Title 4 of the UGMFP to those portions of the study area designated Regionally Significant Industrial Area ("RSIA"), Industrial Area or Employment Area on the 2040 Growth Concept Map (Exhibit N). If the Council places a specific condition on a RSIA below, the city or county shall apply the more restrictive condition.
- G. In the application of statewide planning Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces) to Title 11 planning, each city and county with land use planning responsibility for a study area included in the UGB shall comply with those provisions of Title 3 of the UGMFP acknowledged by the Land Conservation and Development Commission ("LCDC") to comply with Goal 5. If LCDC has not acknowledged those provisions of Title 3 intended to comply with Goal 5 by the deadline for completion of Title 11 planning, the city or county shall consider any inventory of regionally significant Goal 5 resources adopted by resolution of the Metro Council in the city or county's application of Goal 5 to its Title 11 planning.
- H. Each city and county with land use planning responsibility for a study area included in the UGB shall provide, in the conceptual transportation plan required by Title 11, subsection 3.07.1120F, for bicycle and pedestrian access to and within school sites from surrounding area designated to allow residential use.

II. Specific Conditions for Particular Areas

A. Study Areas 6 (partial), 10 (partial), 11, 12, 13, 14, 15, 16, 17, 18 and 19 (partial)

1. Clackamas and Multnomah Counties and Metro shall complete Title 11 planning for the portions of these study areas in the Gresham and Damascus areas as shown on Exhibit N within four years following the effective date of this ordinance. The counties shall invite the participation of the cities of Gresham and Happy Valley and all special districts currently providing or likely to provide an urban service to territory in the area. If a portion of the area incorporates or annexes to the City of Happy Valley or the City of Gresham prior to adoption by Clackamas and Multnomah Counties of the comprehensive plan provisions and land use regulations required by Title 11, the Metro Council shall coordinate Title 11 planning activities among the counties and the new city pursuant to ORS 195.025.
2. In the planning required by Title 11, subsections A and F of section 3.07.1120, Clackamas and Multnomah Counties shall provide for annexation to the TriMet district of those portions of the study areas whose planned capacity for jobs or housing is sufficient to support transit.
3. In the planning required by Title 11, Clackamas County shall ensure, through phasing or staging urbanization of the study areas and the timing of extension of urban services to the areas, that the Town Center of Damascus, as shown on the 2040 Growth Concept Map (Exhibit N) or comprehensive plan maps amended pursuant to Title 1 of the UGMFP, section 3.07.130, becomes the commercial services center of Study Areas 10 and 11 and appropriate portions of Study Areas 12, 13, 14, 17 and 19. Appropriate portions of these study areas shall be considered intended for governance by a new City of Damascus. The Damascus Town Center shall include the majority of these areas' commercial retail services and commercial office space. Title 11 planning for these areas shall ensure that the timing of urbanization of the remainder of these areas contributes to the success of the town center.
4. In the planning required by Title 11, Clackamas and Multnomah Counties shall provide for separation between the Damascus Town Center and other town centers and neighborhoods centers designated in Title 11 planning or other measures in order to preserve the emerging and intended identities of the centers using, to the extent practicable, the natural features of the landscape features in the study areas.
5. If, prior to completion by Clackamas County of Title 11 planning for the Damascus Area, the county and Metro have determined through amendment to the 2000 Regional Transportation Plan to build the proposed Sunrise Corridor, the county shall provide for the preservation of the proposed rights-of-way for the highway as part of the conceptual transportation plan required by subsection G of section 3.07.1120 of Title 11.
6. Neither Multnomah County nor, upon annexation of the area to the City of Gresham, the city shall allow the division of a lot or parcel in an area designated RSIA to create a smaller lot or parcel except as part of the lot/parcel reconfiguration plan required in Condition 7.

7. Multnomah County or, upon annexation of the area to the City of Gresham, the city, as part of Title 11 planning, shall, in conjunction with property owners and affected local governments, develop a lot/parcel reconfiguration plan for land designated RSIA that results in the largest practicable number of parcels 50 acres or larger.

B. Study Areas 24 (partial), 25 (partial), 26 (partial) and 32 (partial)

Clackamas County or, upon annexation of the area to the City of Oregon City, the city shall complete Title 11 planning for the portions of Study Areas 24, 25, 26 and 32 shown on Exhibit N within four years following the effective date of Ordinance No. 02-969B.

C. Study Area 37

Clackamas County or, upon annexation of the area to the City of West Linn, the city shall complete Title 11 planning for Study Area 37 shown on Exhibit N.

D. Study Area 45

1. Clackamas County or, upon annexation of the area to the City of Wilsonville, the city shall complete Title 11 planning for Study Area 45 as shown on Exhibit N.
2. Clackamas County or, upon annexation of the area to the City of Wilsonville, the city shall adopt provisions in its comprehensive plan and zoning regulations to limit development on the three parcels in Study Area 45 owned by the West Linn-Wilsonville School District site to public school facilities and other development necessary and accessory to public school use, and public park facilities and uses identified in the conceptual school plan required by Title 11, subsection 3.07.1120L.

E. Study Areas 47 and 49 (partial)

1. Washington County or, upon annexation of the area to the City of Tualatin, the city shall complete Title 11 planning for the portions of Study Areas 47 and 49 shown on Exhibit N within four years following the effective date of Ordinance No. 02-969B.
2. Washington County or, upon annexation of the area to the City of Tualatin, the city, as part of the planning required for the site by section 3.07.1120E of the Metro Code, shall, in conjunction with property owners and affected local governments, develop a lot/parcel reconfiguration plan for the areas that results in the largest practicable parcel.
3. Neither the county nor the city shall allow new commercial retail uses on the portions of Study Areas 47 and 49 shown on Exhibit N.

F. Study Area 49 (partial)

Washington County or, upon annexation of the area to the City of Wilsonville, the city shall complete Title 11 planning for the portion of Study Area 49 shown on Exhibit N.

G. Study Areas 54 (partial) and 55 (partial)

1. Washington County or, upon annexation of the area to the City of Sherwood, the city shall complete Title 11 planning for the portions of Study Areas 54 and 55 shown on Exhibit N within four years following the effective date of Ordinance No. 02-969.
2. In the planning required by Title 11, subsection F of section 3.07.1120, the county or the city shall include measures to protect the possible corridor identified in the 2000 Regional Transportation Plan for the Tualatin-Sherwood Connector.

H. Study Area 59 (partial)

1. Washington County or, upon annexation of the area to the City of Sherwood, the city shall complete Title 11 planning for the portion of Study Area 59 shown on Exhibit N.
2. The county or the city shall adopt provisions in its comprehensive plan and zoning regulations to limit development in this portion of Study Area 59 to public school facilities and other development necessary and accessory to public school use.

I. Study Area 61 (partial)

Washington County or, upon annexation of the area to the City of Tualatin, the city shall complete Title 11 planning for the portions of Study Area 61 shown on Exhibit N.

J. Study Areas 62 (partial), 63 and 64

Washington County or, upon annexation of the area to the cities of Tigard, King City or Beaverton, the city shall complete Title 11 planning for the portions of Study Areas 62, 63 and 64 shown on Exhibit N.

K. Study Areas 67 and 69 (partial)

Washington County or, upon annexation of the area to the City of Beaverton or the City of Hillsboro, the city shall complete Title 11 planning for the portion of Study Areas 67 and 69 shown on Exhibit N.

L. Study Areas 71 and 0

Washington County or, upon annexation of the area to the City of Hillsboro, the city shall complete Title 11 planning for Study Areas 71 and 0 shown on Exhibit N.

M. Study Areas 77 (partial)

Washington County or, upon annexation of the area to the City of Cornelius, the city shall complete Title 11 planning for the portion of Study Area 77 shown on Exhibit N.

N. Study Area 93 (partial)

Multnomah County or, upon annexation of the area to the City of Portland, the city shall complete Title 11 planning for the portion of Study Area 93 shown on Exhibit N.

O. Study Areas 89 (partial) and 94

The City of Portland shall complete Title 11 planning for the portions of Study Areas 89 and 94 shown on Exhibit N within six years after the effective date of this ordinance. The expected number of dwelling units determined in the Title 11 planning process shall reflect the City of Portland's Residential Farm/Forest zone, including Environmental Overlay Zones.

INTERGOVERNMENTAL AGREEMENT
On Springwater Urbanization Planning, Creation of a Rural/Urban Edge,
and the West of Sandy River Rural Area Plan

I. PARTIES

This is an Intergovernmental Agreement (IGA) between the City of Gresham (City), a home rule city and a political subdivision of the State of Oregon, and Multnomah County (County), a home rule county and a political subdivision of the State of Oregon.

II. AFFECTED AREA and EXCEPTIONS

Attachment Number 1 of this agreement defines the area affected by this agreement and will be referenced in this agreement as "Springwater." The affected area, in general, includes properties located between SE 282nd and the existing Gresham city boundary within unincorporated Multnomah County.

III. RECITALS

- A. Authority is conferred upon units of local government under ORS 190.010 to enter into a written agreement for the performance of any and all functions and activities that a party to the agreement, its officers or agencies, have authority to perform;
- B. Metro Ordinance 02-969B, (Attachment Number 4 of this agreement), pursuant to Metro Code Chapter 1, requires Title 11 (of the Urban Growth Management Functional Plan [UGMFP]) planning for the Springwater area and the participation of City and County in such planning;
- C. City and County desire to establish an Implementation Program to address the opportunities and issues arising from Metro's 2002 expansion of the Urban Growth Boundary (UGB) in the West of Sandy River Rural Area to include the Springwater area;
- D. City and County are committed to a common plan of action to establish a Master Plan including a strong rural/urban edge and a thriving new regional industrial area, Springwater, along US 26 and west of SE 282nd Ave. as shown in Exhibit B of County Resolution 02-135;
- E. City and County will provide careful and coordinated joint planning for vital nursery and industrial uses in the rural/urban edge area to promote an efficient urban form, and maintain and create a buffer area between urban uses and farm operations;
- F. City and County have adopted joint resolutions (Attachments 2 and 3 respectively of this agreement) with eleven objectives that express a commitment to achieving a strong rural/urban edge, and a thriving new regional industrial area (Springwater);

- G. City and County desire to jointly engage in a coordinated planning effort for Springwater and an amended West of Sandy Rural Area Plan that achieves the objectives of the joint resolution and requirements of Metro's Ordinance 02-969B.

IV. AGREEMENT

City and County will join in a common strategy to support timely development of Springwater and the creation of a permanent and thriving urban/rural edge.

A. SPRINGWATER -- URBANIZATION PLANNING

1. City and County will develop a coordinated Urbanization Plan for Springwater consistent with Metro Title 11 UGMFP and the Conditions of Metro Ordinance 02-969B regarding Springwater.
2. City and County will coordinate development of the Urbanization Plan with Metro, Oregon Department of Transportation (ODOT), Clackamas County, TriMet, and other affected jurisdictions, and with the Damascus/Boring Concept Planning efforts.
3. City and County will address the eleven objectives in the aforementioned joint resolutions and utilize them as principles in developing the Plan.
4. City shall be the project manager for developing the Urbanization Plan. City and County will jointly develop the transportation element, and County will assign a liaison to the transportation planning team. County will also participate in developing other elements such as land use and natural resource protection, and in overall project coordination. City and County shall engage other service providers such as library, school districts, and social services in planning for Springwater.
5. City and County will pursue mutual efforts to develop and implement financial components necessary to implement the Urbanization Plan. This includes efforts to secure financial resources, to market and promote significant economic opportunities, and to create family wage job opportunities in the East Metro urban area.
6. City and County agree to pursue mutual efforts to support related amendments to the Regional Transportation Plan, and support projects for funding in the Metro Transportation Improvement Program and State Transportation Improvement Program necessary to implement the Springwater Plan, consistent with other East County priorities.
7. City and County will develop the Plan with a comprehensive public involvement process.
8. City and County will complete the Urbanization Plan no later than May 1, 2005.

B. PROTECTION OF URBAN RESERVE LANDS FOR FUTURE URBAN DEVELOPMENT

County shall continue to apply interim protection measure standards in Metro Code Title 11 UGMFP and in the Conditions of Ordinance 02-969B.

C. WEST OF SANDY RIVER RURAL AREA PLAN

1. Concurrent with the adoption of the Urbanization Plan for Springwater, County will amend as necessary the West of Sandy River Rural Area Plan to reflect the Urbanization Plan for Springwater.
2. City and County will engage in mutual efforts to ensure continued viability of the farming economy of the West of Sandy River Plan Area, and on-going efforts to minimize and reduce adverse impacts to farming by urbanization. Potential measures for minimizing conflicts may include limiting types of industrial uses, site operations and layout, hours of operation, Good Neighbor Agreements, and physical buffers.

D. RURAL/URBAN EDGE PLANNING

1. Consistent with the joint objectives of the aforementioned resolutions, City and County will coordinate development of a permanent hard rural/urban edge between the Springwater UGB boundary and the unincorporated rural Multnomah County areas to the east that are part of the West of Sandy River Rural Area Plan.
2. Actions necessary to accomplish a hard rural/urban edge will be included in the Plan for Springwater and the amended West of Sandy River Rural Area Plan.

E. TRANSPORTATION PLANNING

The joint objectives of the aforementioned resolutions state the objective: "To keep new urban industrial and residential traffic away from rural areas and manage and preserve the function of rural roads for rural traffic access and circulation." In addition to these objectives, City and County will address the following as principles to consider for the Springwater Plan and amendments to the West of Sandy River Rural Area Plan:

1. Enhance multi-modal access to the Springwater area to reduce traffic generation, including high capacity transit links to MAX and bicycle and pedestrian facilities, to East Metro urban and educational centers, and to the Springwater Trail Corridor.
2. As needed, create an Interchange Management Plan, consistent with the State Highway Plan, in cooperation with ODOT and Metro.

3. Utilize to the extent possible, existing rural roads rights-of-way to establish the urban grid for Springwater.
4. Use the existing right-of-way of US 26 to create a "Green Gateway" to the metropolitan area between the UGB and Hillyard Road, in coordination with the existing Green Corridor Agreement south of the County line, consistent with the Regional Transportation Plan.
5. Continue to implement the 1995 IGA between the County and City, pending the outcome of Multnomah County's transportation services study and any subsequent County Board direction. The City and the County agree to enter into good faith discussions and negotiations regarding road jurisdictions, if appropriate, following County Board policy direction.

F. CONSERVATION PLANNING

The joint objectives of the aforementioned joint resolutions (Attachments 2 and 3) require the City: "To maintain fish and wildlife habitat protection measures that are at least as protective as those adopted by Multnomah County upon annexation." In addition to this objective, City and County will address the following as principles to consider for the Springwater Plan and amendments to the West of Sandy River Rural Area Plan:

1. Establish a consistent and comprehensive plan for urban and rural watershed management of stormwater, stream corridors and confluences, and riparian areas for the Upper Johnson Creek Basin (upstream of the 2002 Gresham city limits). Utilize the City's Johnson Creek Master Plan, Metro Goal 5 requirements (which consider the Endangered Species Act, Clean Water Act, and Statewide Goal 5 planning provisions), and habitat protection measures that are at least equivalent in the level of protection to the County's West of Sandy River Rural Area Plan in development of the watershed plan.
2. Establish a "best practices" program for long-term rural land conservation measures. These measures may include:
 - a. Conservation or Open Space easements to maintain edge of agricultural/nursery land east of Orient Rural Center (e.g., establish West of Sandy River Land Trust).
 - b. Encourage the development of a regional public works nursery on lands east of the Orient Rural Center.
 - c. Consider a "Buy in Local Area First" program or other local farm support strategies to acquire nursery stock used on public projects and for private expenditures for nursery stock in the development of Springwater.
 - d. Ensure that the City development plan code provides for farmer markets as appropriate in Springwater and other areas.
 - e. Develop an economic linkage strategy between new Springwater industries and the nursery industry.

G. ADOPTION PROCESS

1. City and County shall mutually adopt comprehensive plan goals, policies, action measures, development codes, and maps necessary to implement the Springwater Urbanization Plan and County amendments to the West of Sandy River Rural Area Plan.
2. Urban development and provision of urban services may occur after the City has adopted the Springwater Urbanization Plan and the County has adopted the amendments to the West of Sandy River Rural Area Plan.

H. IMPLEMENTATION OF THE IGA

1. Upon both parties entering into this IGA, a scope of work will be mutually developed for City and County implementation.
2. Within two months of adoption of this IGA, City and County will administratively update work programs to include:
 - a. A joint scope of work consistent with this IGA for completion and adoption of Springwater Urbanization Plan.
 - b. Mutually engage in joint efforts and opportunities to seek legislation, at the state level, to address urbanization process within the Metro area related to urbanization of exception lands.

I. TERMINATION, AMENDMENT, DISPUTES, OR EXTENSION OF AGREEMENT AND DATES FOR PERFORMANCE

1. City and County mutually understand and agree that this agreement extends over a period of years and performance of the provisions of this agreement are dependent on the availability of adequate funds to perform the tasks set forth in this agreement. In the event that funding is unavailable, reduced, or not appropriated to any of the parties for the performance of their obligations under this agreement, each party reserves the right to negotiate a change in the scope of services, or amend the deadlines for performance.
2. **Dispute Resolution:**
To the extent possible, City and County staff will observe the rules, standards, and regulations referenced by this agreement. In the case of a dispute about the terms of this agreement or how to effectuate this agreement, the City and the County staff will immediately refer the dispute to the County Planning Director and City Community Development Director to resolve the dispute. If the Directors have not resolved the dispute within 30 days, the dispute shall be forwarded to the City Council and County Board of Commissioners for resolution.

3. Amendments:
This agreement may be amended or extended in writing upon mutual agreement of the parties to the IGA.
4. Consultation:
When questions arise relating to any provision of the IGA, the parties agree to consult, confer, and mediate, if needed, before acting on any portion of the IGA.

J. TERM OF AGREEMENT

1. This agreement shall be effective on execution by both parties and shall remain in effect until terminated by either or both parties.
2. Duplicate originals of this agreement shall be executed by both parties.

MULTNOMAH COUNTY, OREGON

CITY OF GRESHAM

By _____
Diane Linn

By _____
Charles J. Becker

Title: Chair

Title: Mayor

Reviewed:

Approved as to form:

Agnes Sowle, County Attorney
for Multnomah County

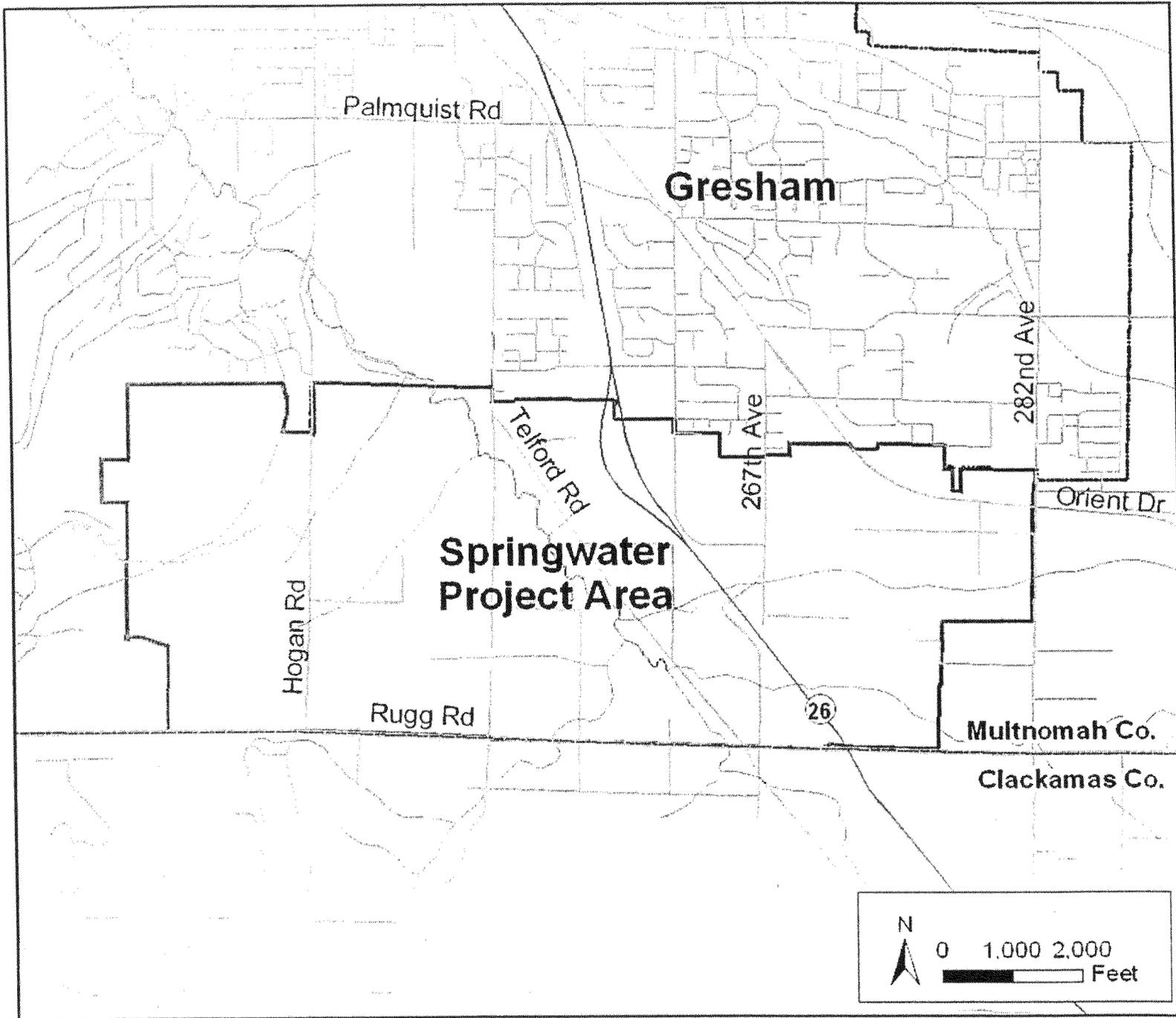
By: Sandra Duffy
Sandra N. Duffy
Assistant County Attorney

City Attorney

ATTACHMENTS:

1. Springwater Area Map
2. Gresham Resolution No. 2577
3. County Resolution No. 02-135
4. Exhibit M to Metro Ordinance 02-969B

ATTACHMENT 1
Springwater Area Map



RESOLUTION NO. 2577

**A JOINT RESOLUTION WITH
MULTNOMAH COUNTY REGARDING URBAN GROWTH BOUNDARY
EXPANSION AND CREATION OF A RURAL/URBAN EDGE**

The City of Gresham Finds:

WHEREAS, the City of Gresham, hereinafter referred to as the "City" and Multnomah County, hereinafter referred to as the "County," have agreed to adopt joint resolutions dealing with the 2002 urban growth boundary expansion and the creation of a rural urban edge east of Gresham.

WHEREAS, through Springwater, the City and the County can work together to strengthen the Eastside's rural and urban communities, so that all communities are livable, safe, and prosperous.

WHEREAS, the Eastside's urban and rural economy can thrive together.

WHEREAS, the City is ready to act, with the County and other partners, to create a permanent rural urban edge in east Gresham that protects the area's vital nursery industry.

WHEREAS, the City and the County desire to prevent urban encroachment onto valuable nursery lands, promote the viability and character of the Orient Rural Center, and reinforce the vitality of the County's urban and rural economic and fiscal base.

THE CITY OF GRESHAM RESOLVES:

1. To develop a permanent hard-line UGB edge west of the Orient Rural Center/282nd Ave.
2. To Increase industrial land within the Gresham city limits both East and West of US 26.
3. To create and maintain a buffer area between conflicting urban land uses and farm operations (nursery).
4. To limit conversion of productive nursery lands or designated industrial/employment land to other uses in the respective parts of the edge area.
5. To keep new urban industrial and residential traffic away from rural area and manage and preserve the function of rural roads for rural traffic access and circulation.
6. To reinforce vitality and balance of East Multnomah County's urban and rural economy and employment base.
7. To strengthen the fiscal capacity of the City of Gresham and Multnomah County to provide needed urban and countywide services.
8. To ensure that Gresham's future urban form and services will not expand eastward, but will expand in a compact and efficient way southward from the existing city limits.

9. To develop urban and rural plans that will support the integrity and rural commerce function of the Orient Rural Center.

10. To introduce no policies that would adversely impact industrial or agricultural uses within the city boundary and coordinate water service and supply issues for both agriculture and industrial uses.

11. To maintain fish and wildlife habitat protection measures that are at least as protective as those adopted by Multnomah County upon annexation.

Yes: BECKER, HANNA, LASSEN, BUTTS, HORNER

No: NONE

Absent: HAVERKAMP, THOMPSON

Abstain: NONE

Passed by the Gresham City Council on OCTOBER 22, 2002.



City Manger



Mayor

Approved as to Form:



Senior Assistant City Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 02-135

Regarding Expansion of the Urban Growth Boundary with Conditions to Facilitate the Springwater Addition

The Multnomah County Board of Commissioners Finds:

- a. As part of the state requirements to maintain a 20-year land supply for residential uses, Metro recently completed an assessment of approximately 75,000 acres of land around the current Urban Growth Boundary (UGB) and the Executive Officer released a recommendation to the Metro Council highlighting lands to be considered for urbanization.
- b. The City of Gresham has reported to Multnomah County that the Executive Officer Recommendation does not include enough buildable land supply to meet its needs for industrial lands.
- c. The City of Gresham has approached Multnomah County and requested support for the Springwater Prospectus, a plan to facilitate industrial development East of Highway 26 to approximately 282nd Ave. and excluding the Exclusive Farm Use zoned lands (see Exhibit B).
- d. Metro is currently in the process of obtaining comments and feedback on the Executive Officer's recommendation, conducting public meetings through the month of October 2002.
- e. The Board recognizes the need for additional industrial land and jobs, but wants to protect riparian areas and strongly support and protect the nursery industry in the West of Sandy River Rural Plan Area.

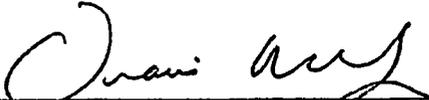
The Multnomah County Board of Commissioners Resolves:

- 1. Subject to the Conditions attached as Exhibit A, the Board will not oppose expansion of the Urban Growth Boundary as shown on the map attached as Exhibit B.

ADOPTED this 17th day of October 2002.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


 Diane M. Linn, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

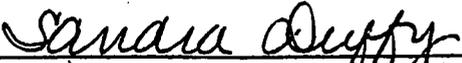
By 
 Sandra N. Duffy, Assistant County Attorney

Exhibit A

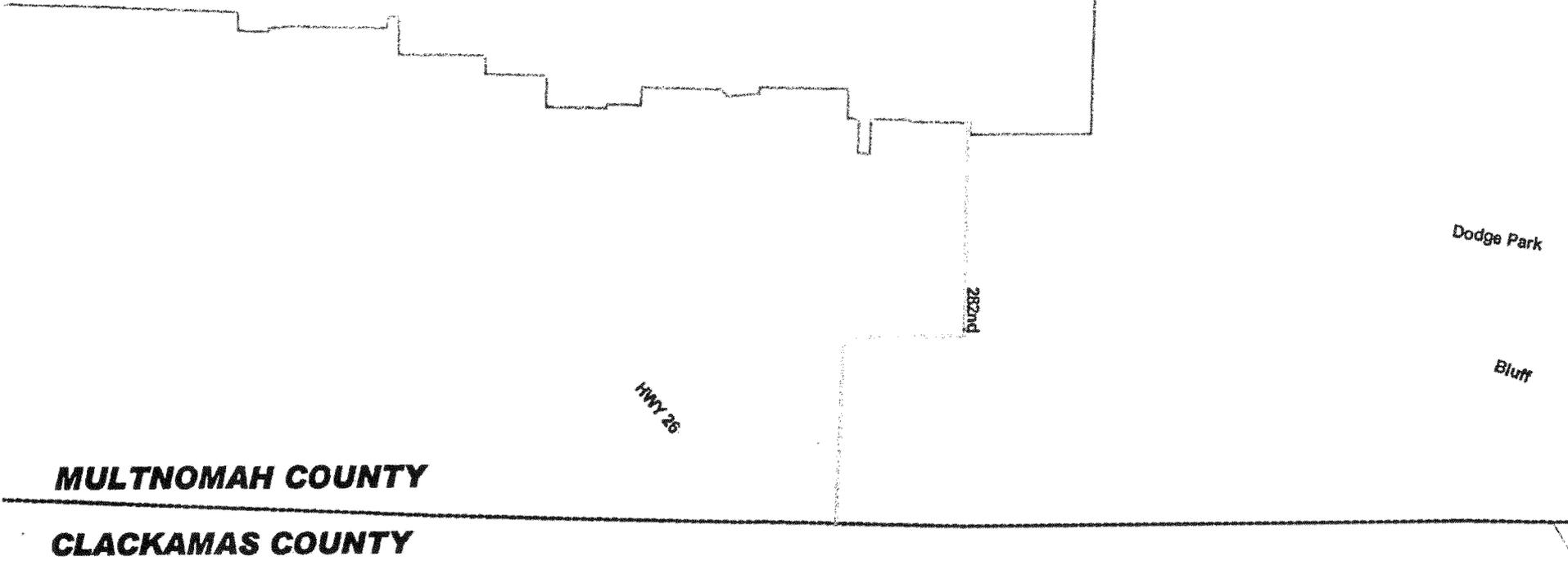
Acceptable Conditions for Springwater

1. Develop a permanent hard-line UGB edge west of the Orient Rural Center/282nd Ave.
2. Increase industrial land within the Gresham city limits both East and West of US 26.
3. Create and maintain a buffer area between conflicting urban uses and farm operations (nursery).
4. Limit conversion of productive nursery lands or designated industrial/employment land to other uses in the respective parts of the edge area.
5. Keep new urban industrial and residential traffic away from rural area. Manage and preserve the function of rural roads for rural traffic access and circulation.
6. Reinforce vitality and balance of East Multnomah County's urban and rural economy and employment base.
7. Strengthen the fiscal capacity of the City of Gresham and Multnomah County to provide needed urban and countywide services.
8. Agree that Gresham's future urban form and services will not expand eastward, but will expand in a compact and efficient way southward from the existing city limits.
9. Assure that urban and rural plans will support the integrity and rural commerce function of the Orient Rural Center.
10. Introduce no policies that would adversely impact industrial or agricultural uses within the City boundary and coordinate water service and supply issues for both agriculture and industrial uses.
11. Maintain fish and wildlife habitat protection measures that are at least as protective as those adopted by Multnomah County upon annexation.

**Multnomah County UGB Recommendation
Exhibit B - 10.2.02**

Zoning in Multnomah County West of Sandy River Plan Area,
and its adjacent area of Clackamas County.

UGB



ATTACHMENT 4
Metro Ordinance 02-969B

**Exhibit M to Ordinance No. 02-969B
Conditions on Addition of Land to UGB**

I. General Conditions Applicable to All Land Added to UGB

- A. The city or county with land use planning responsibility for a study area included in the UGB shall complete the planning required by Metro Code Title 11, Urban Growth Management Functional Plan ("UGMFP"), section 3.07.1120 ("Title 11 planning") for the area. Unless otherwise stated in specific conditions below, the city or county shall complete Title 11 planning within two years. Specific conditions below identify the city or county responsible for each study area.
- B. The city or county with land use planning responsibility for a study area included in the UGB, as specified below, shall apply the 2040 Growth Concept design types shown on Exhibit N of this ordinance to the planning required by Title 11 for the study area.
- C. The city or county with land use planning responsibility for a study area included in the UGB shall apply interim protection standards in Metro Code Title 11, UGMFP, section 3.07.1110, to the study area.
- D. In Title 11 planning, each city or county with land use planning responsibility for a study area included in the UGB shall recommend appropriate long-range boundaries for consideration by the Council in future expansion of the UGB or designation of urban reserves pursuant to 660 Oregon Administrative Rules Division 21.
- E. Each city or county with land use planning responsibility for a study area included in the UGB shall adopt provisions in its comprehensive plan and zoning regulations – such as setbacks, buffers and designated lanes for movement of slow-moving farm machinery – to ensure compatibility between urban uses in an included study area and agricultural practices on adjacent land outside the UGB zoned for farm or forest use.
- F. Each city or county with land use planning responsibility for a study area included in the UGB shall apply Title 4 of the UGMFP to those portions of the study area designated Regionally Significant Industrial Area ("RSIA"), Industrial Area or Employment Area on the 2040 Growth Concept Map (Exhibit N). If the Council places a specific condition on a RSIA below, the city or county shall apply the more restrictive condition.
- G. In the application of statewide planning Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces) to Title 11 planning, each city and county with land use planning responsibility for a study area included in the UGB shall comply with those provisions of Title 3 of the UGMFP acknowledged by the Land Conservation and Development Commission ("LCDC") to comply with Goal 5. If LCDC has not acknowledged those provisions of Title 3 intended to comply with Goal 5 by the deadline for completion of Title 11 planning, the city or county shall consider any inventory of regionally significant Goal 5 resources adopted by resolution of the Metro Council in the city or county's application of Goal 5 to its Title 11 planning.
- H. Each city and county with land use planning responsibility for a study area included in the UGB shall provide, in the conceptual transportation plan required by Title 11, subsection 3.07.1120F, for bicycle and pedestrian access to and within school sites from surrounding area designated to allow residential use.

II. Specific Conditions for Particular Areas

A. Study Areas 6 (partial), 10 (partial), 11, 12, 13, 14, 15, 16, 17, 18 and 19 (partial)

1. Clackamas and Multnomah Counties and Metro shall complete Title 11 planning for the portions of these study areas in the Gresham and Damascus areas as shown on Exhibit N within four years following the effective date of this ordinance. The counties shall invite the participation of the cities of Gresham and Happy Valley and all special districts currently providing or likely to provide an urban service to territory in the area. If a portion of the area incorporates or annexes to the City of Happy Valley or the City of Gresham prior to adoption by Clackamas and Multnomah Counties of the comprehensive plan provisions and land use regulations required by Title 11, the Metro Council shall coordinate Title 11 planning activities among the counties and the new city pursuant to ORS 195.025.
2. In the planning required by Title 11, subsections A and F of section 3.07.1120, Clackamas and Multnomah Counties shall provide for annexation to the TriMet district of those portions of the study areas whose planned capacity for jobs or housing is sufficient to support transit.
3. In the planning required by Title 11, Clackamas County shall ensure, through phasing or staging urbanization of the study areas and the timing of extension of urban services to the areas, that the Town Center of Damascus, as shown on the 2040 Growth Concept Map (Exhibit N) or comprehensive plan maps amended pursuant to Title 1 of the UGMFP, section 3.07.130, becomes the commercial services center of Study Areas 10 and 11 and appropriate portions of Study Areas 12, 13, 14, 17 and 19. Appropriate portions of these study areas shall be considered intended for governance by a new City of Damascus. The Damascus Town Center shall include the majority of these areas' commercial retail services and commercial office space. Title 11 planning for these areas shall ensure that the timing of urbanization of the remainder of these areas contributes to the success of the town center.
4. In the planning required by Title 11, Clackamas and Multnomah Counties shall provide for separation between the Damascus Town Center and other town centers and neighborhoods centers designated in Title 11 planning or other measures in order to preserve the emerging and intended identities of the centers using, to the extent practicable, the natural features of the landscape features in the study areas.
5. If, prior to completion by Clackamas County of Title 11 planning for the Damascus Area, the county and Metro have determined through amendment to the 2000 Regional Transportation Plan to build the proposed Sunrise Corridor, the county shall provide for the preservation of the proposed rights-of-way for the highway as part of the conceptual transportation plan required by subsection G of section 3.07.1120 of Title 11.
6. Neither Multnomah County nor, upon annexation of the area to the City of Gresham, the city shall allow the division of a lot or parcel in an area designated RSIA to create a smaller lot or parcel except as part of the lot/parcel reconfiguration plan required in Condition 7.

7. Multnomah County or, upon annexation of the area to the City of Gresham, the city, as part of Title 11 planning, shall, in conjunction with property owners and affected local governments, develop a lot/parcel reconfiguration plan for land designated RSIA that results in the largest practicable number of parcels 50 acres or larger.

B. Study Areas 24 (partial), 25 (partial), 26 (partial) and 32 (partial)

Clackamas County or, upon annexation of the area to the City of Oregon City, the city shall complete Title 11 planning for the portions of Study Areas 24, 25, 26 and 32 shown on Exhibit N within four years following the effective date of Ordinance No. 02-969B.

C. Study Area 37

Clackamas County or, upon annexation of the area to the City of West Linn, the city shall complete Title 11 planning for Study Area 37 shown on Exhibit N.

D. Study Area 45

1. Clackamas County or, upon annexation of the area to the City of Wilsonville, the city shall complete Title 11 planning for Study Area 45 as shown on Exhibit N.
2. Clackamas County or, upon annexation of the area to the City of Wilsonville, the city shall adopt provisions in its comprehensive plan and zoning regulations to limit development on the three parcels in Study Area 45 owned by the West Linn-Wilsonville School District site to public school facilities and other development necessary and accessory to public school use, and public park facilities and uses identified in the conceptual school plan required by Title 11, subsection 3.07.1120I.

E. Study Areas 47 and 49 (partial)

1. Washington County or, upon annexation of the area to the City of Tualatin, the city shall complete Title 11 planning for the portions of Study Areas 47 and 49 shown on Exhibit N within four years following the effective date of Ordinance No. 02-969B.
2. Washington County or, upon annexation of the area to the City of Tualatin, the city, as part of the planning required for the site by section 3.07.1120E of the Metro Code, shall, in conjunction with property owners and affected local governments, develop a lot/parcel reconfiguration plan for the areas that results in the largest practicable parcel.
3. Neither the county nor the city shall allow new commercial retail uses on the portions of Study Areas 47 and 49 shown on Exhibit N.

F. Study Area 49 (partial)

Washington County or, upon annexation of the area to the City of Wilsonville, the city shall complete Title 11 planning for the portion of Study Area 49 shown on Exhibit N.

G. Study Areas 54 (partial) and 55 (partial)

1. Washington County or, upon annexation of the area to the City of Sherwood, the city shall complete Title 11 planning for the portions of Study Areas 54 and 55 shown on Exhibit N within four years following the effective date of Ordinance No. 02-969.
2. In the planning required by Title 11, subsection F of section 3.07.1120, the county or the city shall include measures to protect the possible corridor identified in the 2000 Regional Transportation Plan for the Tualatin-Sherwood Connector.

H. Study Area 59 (partial)

1. Washington County or, upon annexation of the area to the City of Sherwood, the city shall complete Title 11 planning for the portion of Study Area 59 shown on Exhibit N.
2. The county or the city shall adopt provisions in its comprehensive plan and zoning regulations to limit development in this portion of Study Area 59 to public school facilities and other development necessary and accessory to public school use.

L. Study Area 61 (partial)

Washington County or, upon annexation of the area to the City of Tualatin, the city shall complete Title 11 planning for the portions of Study Area 61 shown on Exhibit N.

J. Study Areas 62 (partial), 63 and 64

Washington County or, upon annexation of the area to the cities of Tigard, King City or Beaverton, the city shall complete Title 11 planning for the portions of Study Areas 62, 63 and 64 shown on Exhibit N.

K. Study Areas 67 and 69 (partial)

Washington County or, upon annexation of the area to the City of Beaverton or the City of Hillsboro, the city shall complete Title 11 planning for the portion of Study Areas 67 and 69 shown on Exhibit N.

L. Study Areas 71 and 0

Washington County or, upon annexation of the area to the City of Hillsboro, the city shall complete Title 11 planning for Study Areas 71 and 0 shown on Exhibit N.

M. Study Areas 77 (partial)

Washington County or, upon annexation of the area to the City of Cornelius, the city shall complete Title 11 planning for the portion of Study Area 77 shown on Exhibit N.

N. Study Area 93 (partial)

Multnomah County or, upon annexation of the area to the City of Portland, the city shall complete Title 11 planning for the portion of Study Area 93 shown on Exhibit N.

O. Study Areas 89 (partial) and 94

The City of Portland shall complete Title 11 planning for the portions of Study Areas 89 and 94 shown on Exhibit N within six years after the effective date of this ordinance. The expected number of dwelling units determined in the Title 11 planning process shall reflect the City of Portland's Residential Farm/Forest zone, including Environmental Overlay Zones.

AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:

Meeting Date: May 13, 2004

Agenda Item #: C-9

Est. Start Time: 9:30 AM

Date Submitted: 05/05/04

Requested Date: May 13, 2004

Time Requested: N/A

Department: Sheriff's Office

Division: Enforcement

Contact/s: Brad Lynch

Phone: 503-988-4336

Ext.: 84336

I/O Address: 503/350

Presenters: Consent Calendar

Agenda Title: Amendment 1 to Government Revenue Contract (190 Agreement) 0310499 between the Multnomah County Sheriff's Office and the City of Wood Village for Patrols within the City of Wood Village

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

1. **What action are you requesting from the Board? What is the department/agency recommendation?** Approval of Government Contract.
2. **Please provide sufficient background information for the Board and the public to understand this issue.** The Sheriff's Office provides patrols within the city limits of Wood Village. In turn, Wood Village reimburses the Sheriff's Office for the cost of patrol deputies. This amendment renews agreement 0310499 for fiscal year 2005. The Sheriff's Office has been providing this service to Wood Village since at least 1988.
3. **Explain the fiscal impact (current year and ongoing).** The city will pay MCSO \$262,685.00 for this service. The revenue has been anticipated and is part of the 04/05 budget.

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

If a budget modification, explain:

- ❖ **What revenue is being changed and why?**
- ❖ **What budgets are increased/decreased?**
- ❖ **What do the changes accomplish?**
- ❖ **Do any personnel actions result from this budget modification? Explain.**
- ❖ **Is the revenue one-time-only in nature?**
- ❖ **If a grant, what period does the grant cover?**
- ❖ **When the grant expires, what are funding plans?**

NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)

If a contingency request, explain:

- ❖ **Why was the expenditure not included in the annual budget process?**
- ❖ **What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?**
- ❖ **Why are no other department/agency fund sources available?**
- ❖ **Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.**
- ❖ **Has this request been made before? When? What was the outcome?**

If grant application/notice of intent, explain:

- ❖ **Who is the granting agency?**
- ❖ **Specify grant requirements and goals.**
- ❖ **Explain grant funding detail – is this a one time only or long term commitment?**
- ❖ **What are the estimated filing timelines?**
- ❖ **If a grant, what period does the grant cover?**
- ❖ **When the grant expires, what are funding plans?**
- ❖ **How will the county indirect and departmental overhead costs be covered?**

4. **Explain any legal and/or policy issues.** The County Attorney has reviewed this agreement.
5. **Explain any citizen and/or other government participation that has or will take place.** None other than stated above.

Required Signatures:

Department/Agency Director:



Date: 04/21/04

MULTNOMAH COUNTY CONTRACT APPROVAL FORM

Pre-approved Contract Boilerplate (with County Attorney signature) Attached Not Attached Contract #: 0310499
 Amendment #: 1

CLASS I	CLASS II	CLASS III A
Contracts \$75,000 and less per 12 month period	Contracts over \$75,000 per 12 month period	<input checked="" type="checkbox"/> Government Contracts (190 Agreement)
<input type="checkbox"/> Professional Services Contracts <input type="checkbox"/> PCRB Contracts <input type="checkbox"/> Maintenance Agreements <input type="checkbox"/> Licensing Agreements <input type="checkbox"/> Public Works Construction Contracts <input type="checkbox"/> Architectural & Engineering Contracts <input type="checkbox"/> Revenue Contracts <input type="checkbox"/> Grant Contracts <input type="checkbox"/> Non-Expenditure Contracts	<input type="checkbox"/> Professional Services Contracts <input type="checkbox"/> PCRB Contracts <input type="checkbox"/> Maintenance Agreements <input type="checkbox"/> Licensing Agreements <input type="checkbox"/> Public Works Construction Contracts <input type="checkbox"/> Architectural & Engineering Contracts <input type="checkbox"/> Revenue Contracts <input type="checkbox"/> Grant Contracts <input type="checkbox"/> Non-Expenditure Contracts	<input type="checkbox"/> Expenditure <input type="checkbox"/> Non-Expenditure <input checked="" type="checkbox"/> Revenue CLASS III B <input type="checkbox"/> Government Contracts (Non-190 Agreement) <input type="checkbox"/> Expenditure <input type="checkbox"/> Non-Expenditure <input type="checkbox"/> Revenue <input type="checkbox"/> Interdepartmental Contracts

Department: Sheriff's Office Division: Enforcement Date: 04/20/04
 Originator: Captain Garr Nielsen Phone: 503-251-2514 Bldg/Rm: 313
 Contact: Brad Lynch Phone: 503-988-4336 Bldg/Rm: 503/350

Description of Contract: Government contract to provide patrol services to the city of Wood Village.

RENEWAL: PREVIOUS CONTRACT #(S): 0111023, 0010303,
 RFP/BID: _____ RFP/BID DATE: _____
 EXEMPTION #: _____ ORS/AR #: _____
 Effective DATE: _____ EXPIRATION DATE: _____
 CONTRACTOR IS: MBE WBE ESB QRF State Cert# _____ or Self Cert Non-Profit N/A (Check all boxes that apply)

Contractor <u>Wood Village</u> Address <u>2055 NE 238th Drive</u> City/State <u>Wood Village OR</u> ZIP Code <u>97060</u> Phone <u>503-667-6211</u> ATTN: <u>Sheila Ritz</u>	Remittance address _____ (If different) _____ Payment Schedule / Terms <input type="checkbox"/> Lump Sum \$ _____ <input type="checkbox"/> Due on Receipt <input type="checkbox"/> Monthly \$ _____ <input type="checkbox"/> Net 30 <input type="checkbox"/> Other \$ _____ <input type="checkbox"/> Other <input type="checkbox"/> Requirements Funding Info:
Employer ID# or SS# _____ Contract Effective Date <u>07/01/03</u> Term Date <u>06/30/04</u> Amendment Effect Date <u>07/01/04</u> New Term <u>06/30/05</u>	Original Requirements Amount \$ _____ Total Amt of Previous Amendments \$ _____ Requirements Amount Amendment: \$ _____ Total Amount of Requirements \$ _____
Original Contract Amount \$ <u>220,000.00</u> Total Amt of Previous Amendments \$ _____ Amount of Amendment \$ <u>262,685.00</u> Total Amount of Agreement \$ <u>482,685.00</u>	Original Requirements Amount \$ _____ Total Amt of Previous Amendments \$ _____ Requirements Amount Amendment: \$ _____ Total Amount of Requirements \$ _____

REQUIRED SIGNATURES:

Department Manager _____	DATE _____
Purchasing Manager _____	DATE _____
County Attorney <u>S.A.</u>	DATE <u>4-26-04</u>
County Chair <u>Chene L.</u>	DATE <u>4-13-04</u>
Sheriff <u>Bernie Giusto by LAG</u>	DATE <u>5-4-04</u>
Contract Administration _____	DATE _____

COMMENTS: _____

APPROVED: MULTNOMAH COUNTY BOARD OF COMMISSIONERS
 AGENDA # C-9 DATE 05-13-04
 DEBORAH L. BOGSTAD, BOARD CLERK

MULTNOMAH COUNTY GOVERNMENT CONTRACT AMENDMENT
(Renewal of ORS 190 Government Agreement)
CONTRACT NO. 0310499

This is a renewal of Multnomah County contract # 0310499 effective July 1, 2003 between Multnomah County Sheriff's Office, hereinafter referred to as MCSO, and the City of Wood Village, hereinafter referred to as CITY.

The parties agree:

1. Contract # 0310499 shall be extended for an additional period commencing July 1, 2004 and ending June 30, 2005.
2. The following changes are made to Contract No 0310499: Section 2, **CITY RESPONSIBILITIES**, Subsection C shall be changed to read:

Upon receipt of quarterly billing, CITY agrees to compensate the MCSO for partial costs of delivering the above stated law enforcement services. The remittance for the term of this contract shall be \$262,685.00.

3. All other terms and conditions of the contract shall remain the same.
-

This space left intentionally blank.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on their behalf by their duly authorized representatives on the dates indicated under their signature on this page.

MULTNOMAH COUNTY, OREGON

CITY OF WOOD VILLAGE

By Bernie Giusto by LAG
Bernie Giusto, Sheriff

By _____
David Fuller, Mayor

Date 5-4-04

Date _____

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

By _____
Sheila M. Ritz, City Administrator

Diane M. Linn
Diane M. Linn Chair

Date: 5.13.04

Reviewed:
Agnes Sowle, County Counsel
For Multnomah County

Approved as to form:

By S.A.
Scott Asphaug, Assistant County Attorney

City Attorney

Date 4-26-04

Date: _____

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C9 DATE 05.13.04
DEBORAH L. BOGSTAD, BOARD CLERK

AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:

Meeting Date: May 13, 2004

Agenda Item #: R-1

Est. Start Time: 9:30 AM

Date Submitted: 05/05/04

Requested Date: May 13, 2004

Time Requested: 5 mins.

Department: Non-Departmental

Division: Cruz/Dist. 2

Contact/s: Mary Carroll

Phone: 503.988.5275

Ext.: x85275

I/O Address: 501/600

Presenters: Representatives from the Cover the Uninsured Week Coalition

Agenda Title: Proclaiming May 10 through May 16, 2004 as Cover the Uninsured Week in Multnomah County, Oregon

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

1. What action are you requesting from the Board? What is the department/agency recommendation? Approve Proclamation naming May 10- may 16 as "Cover the Uninsured Week" in Multnomah County.
2. Please provide sufficient background information for the Board and the public to understand this issue.
3. Explain the fiscal impact (current year and ongoing).

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

If a budget modification, explain:

- ❖ What revenue is being changed and why?
- ❖ What budgets are increased/decreased?
- ❖ What do the changes accomplish?

- ❖ Do any personnel actions result from this budget modification? Explain.
- ❖ Is the revenue one-time-only in nature?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?

NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)

If a contingency request, explain:

- ❖ Why was the expenditure not included in the annual budget process?
- ❖ What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?
- ❖ Why are no other department/agency fund sources available?
- ❖ Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.
- ❖ Has this request been made before? When? What was the outcome?

If grant application/notice of intent, explain:

- ❖ Who is the granting agency?
- ❖ Specify grant requirements and goals.
- ❖ Explain grant funding detail – is this a one time only or long term commitment?
- ❖ What are the estimated filing timelines?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?
- ❖ How will the county indirect and departmental overhead costs be covered?

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

Required Signatures:

Department/Agency Director:



Date: 05/05/04

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

PROCLAMATION NO. _____

Proclaiming May 10 through May 16, 2004 **Cover the Uninsured Week** in Multnomah County, Oregon

The Multnomah County Board of Commissioners Finds:

- a. There were 44 million people in the United States who did not have health insurance coverage in all of 2002. Of these, 8.5 million were children. These included 472,000 people in Oregon and over 200,000 people in Multnomah, Washington and Clackamas Counties.
- b. Most of the uninsured work at least part-time and have at least a high school diploma.
- c. People of color are twice as likely to be uninsured.
- d. People without health insurance are less healthy than those that have medical coverage, and miss more days of work or school.
- e. The uninsured have higher rates of diseases that go untreated and place greater demands on the health care system when they do finally receive care.
- f. The uninsured are more likely to leave bills unpaid, leading to bankruptcy and resulting in increased insurance premiums for all.
- g. People without health insurance may receive routine care in hospital emergency rooms, leading to overcrowding and delays in urgently needed services.
- h. The high rate of unemployment in Oregon and cuts in the Oregon Health Plan leave more people uninsured daily.
- i. Multnomah County is a major provider of care, delivering over 330,000 health visits on an annual basis.

The Multnomah County Board of Commissioners Proclaims:

The week of May 10 through May 16, 2004 is **Cover the Uninsured Week** in Multnomah County, Oregon. The Board recognizes the urgency of seeking solutions to the issue of uninsurance and declares support for **Cover the Uninsured Week**.

ADOPTED this 13th day of May, 2004.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

PROCLAMATION NO. 04-060

Proclaiming May 10 through May 16, 2004 **Cover the Uninsured Week** in Multnomah County, Oregon

The Multnomah County Board of Commissioners Finds:

- a. There were 44 million people in the United States who did not have health insurance coverage in all of 2002. Of these, 8.5 million were children. These included 472,000 people in Oregon and over 200,000 people in Multnomah, Washington and Clackamas Counties.
- b. Most of the uninsured work at least part-time and have at least a high school diploma.
- c. People of color are twice as likely to be uninsured.
- d. People without health insurance are less healthy than those that have medical coverage, and miss more days of work or school.
- e. The uninsured have higher rates of diseases that go untreated and place greater demands on the health care system when they do finally receive care.
- f. The uninsured are more likely to leave bills unpaid, leading to bankruptcy and resulting in increased insurance premiums for all.
- g. People without health insurance may receive routine care in hospital emergency rooms, leading to overcrowding and delays in urgently needed services.
- h. The high rate of unemployment in Oregon and cuts in the Oregon Health Plan leave more people uninsured daily.
- i. Multnomah County is a major provider of care, delivering over 330,000 health visits on an annual basis.

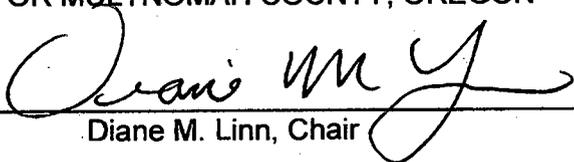
The Multnomah County Board of Commissioners Proclaims:

The week of May 10 through May 16, 2004 is **Cover the Uninsured Week** in Multnomah County, Oregon. The Board recognizes the urgency of seeking solutions to the issue of uninsurance and declares support for **Cover the Uninsured Week**.

ADOPTED this 13th day of May, 2004.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:

Meeting Date: May 13, 2004

Agenda Item #: R-2

Est. Start Time: 9:35 AM

Date Submitted: 05/05/04

Requested Date: May 13, 2004

Time Requested: 10 minutes

Department: Non-Departmental

Division: Strategic Investment Program

Contact/s: Lisa Goldberg, Duke Shepard

Phone: 503 988-4765

Ext.: 84765

I/O Address: 503/6

Presenters: Duke Shepard, Lisa Goldberg

Agenda Title: Resolution Adopting an Updated Strategic Investment Program Policy for Multnomah County

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

1. What action are you requesting from the Board? What is the department/agency recommendation?

We request that the Board consider adoption of the new Strategic Investment Program Policy in accordance with the recommendation from the November 2003 Multnomah County Auditor's report.

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

The Strategic Investment Program (SIP) is an economic development instrument created by the Oregon Legislature in 1993 for the purpose of attracting large-scale high-technology investments that will result in local job creation and other economic benefits. While the program was established by State statute, its implementation occurs at the county level.

The main features of the program are that a participating firm pays property taxes only on the first \$100 million dollars of assessed property. Valuations above this \$100 million threshold are exempted. A Community Service Fee equal to 25 percent of the abated

taxes (up to a maximum of \$2 million per year) is paid by the participating company and distributed based on an agreement between the County and the City in which the project is located.

The SIP was created in response to the disproportionately high property taxes levied on capital-intensive businesses under Oregon's tax structure, and also in recognition of the high level of competition between jurisdictions for attracting large-scale technology-related development. In Oregon, the program specifically seeks to target the semiconductor industry and has been successful in doing so. The proposed SIP Policy provides guidelines and criteria for the County Board to use when considering an application to the SIP program, ensuring consistency in the program's use and aligning any future SIP agreements with those already in place.

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

Adoption of this policy does not result in any fiscal impacts.

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

If a budget modification, explain:

- ❖ **What revenue is being changed and why?**
- ❖ **What budgets are increased/decreased?**
- ❖ **What do the changes accomplish?**
- ❖ **Do any personnel actions result from this budget modification? Explain.**
- ❖ **Is the revenue one-time-only in nature?**
- ❖ **If a grant, what period does the grant cover?**
- ❖ **When the grant expires, what are funding plans?**

NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)

If a contingency request, explain:

- ❖ **Why was the expenditure not included in the annual budget process?**
- ❖ **What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?**
- ❖ **Why are no other department/agency fund sources available?**
- ❖ **Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.**
- ❖ **Has this request been made before? When? What was the outcome?**

If grant application/notice of intent, explain:

- ❖ **Who is the granting agency?**
- ❖ **Specify grant requirements and goals.**
- ❖ **Explain grant funding detail – is this a one-time only or long-term commitment?**
- ❖ **What are the estimated filing timelines?**
- ❖ **If a grant, what period does the grant cover?**
- ❖ **When the grant expires, what are funding plans?**
- ❖ **How will the county indirect and departmental overhead costs be covered?**

4. Explain any legal and/or policy issues.

The County is not required by law to adopt a policy governing the Strategic Investment Program. However, the Board had previously adopted a policy, which has since expired. The County Auditor recommended in a November 2003 report that the County adopt a new policy for future SIP applications.

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

N/A

Required Signatures:

Department/Agency Director:



May 5, 2004

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Adopting an Updated Strategic Investment Program Policy for Multnomah County

The Multnomah County Board of Commissioners Finds:

- a. Industries using advanced technology are especially desirable to a region because they invest heavily in developing the skill levels of their employees, pay their employees well, and contribute in other ways to the economic development of a region.
- b. Such industries usually require extensive capital outlays to establish their operations; under Oregon's tax structure, such capital-intensive businesses are subject to disproportionately high property taxes when compared to typical production facilities and this tax burden is a factor in such industries' consideration of location and expansion in Oregon.
- c. The Portland Metropolitan Region has developed a globally competitive and renowned semiconductor industry cluster, which continues to benefit thousands of Oregonians through direct employment, supplier relationships, and secondary jobs and investment which grow from this specialization.
- d. ORS 285C.600 et. seq. was originally passed by the Oregon Legislature in 1993 (House Bill 3686) in order to encourage additional investment and employment within the State by capital-intensive firms, particularly those in the semiconductor industry, through the Strategic Investment Program.
- e. ORS 285C.609(5) specifies that the governing body in an Oregon county may impose any other requirements related to the project for an SIP application, and the County has created a policy setting out those additional requirements which will ensure that SIP tax abatements are granted only to firms that share the County's goals.
- f. Multnomah County has previously implemented the Strategic Investment Program with great success through agreements with LSI Logic and Microchip Technology Inc. that are built upon the premises of exemplary corporate citizenship and performance-based public/private partnership.
- g. Based on these successes, and the recent recommendation of the Multnomah County Auditor, it is prudent for Multnomah County to adopt a policy that sets the standards and goals for such SIP agreements.

The Multnomah County Board of Commissioners Resolves:

1. The attached MULTNOMAH COUNTY STRATEGIC INVESTMENT PROGRAM POLICY shall be the guiding document used by the County to review applications from firms seeking SIP tax abatements.
2. An application for an SIP tax abatement will only be approved if it demonstrates that the proposed investment will promote the goals set out therein.

ADOPTED this 13th day of May 2004.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By *Sandra N. Duffy*
Sandra N. Duffy, Assistant County Attorney

MULTNOMAH COUNTY STRATEGIC INVESTMENT PROGRAM POLICY

I. Background

The Strategic Investment Program (SIP) is an economic development instrument created by the Oregon Legislature in 1993 for the purpose of attracting large-scale high-technology investments that will result in local job creation and other economic benefits. While the program was established by State statute, its implementation occurs at the county level. It is incumbent on the County Board of Commissioners to recognize that competition between jurisdictions for attracting large-scale development is strong both within our national borders and at the global level. Nonetheless, when any firm makes an application to the SIP, the Multnomah County Board of Commissioners must thoughtfully and responsibly consider how granting the SIP request furthers its goals for the County and its citizens.

II. Purpose

The purpose of this Strategic Investment Program (SIP) Policy is to ensure that:

- a consistent set of standards and criteria are employed when the County considers any application to the SIP;
- the procedures for evaluating an application to the SIP are clearly outlined and that this process is undertaken in a fair and open manner;
- the goals of the County as they relate to employment, transportation, infrastructure and public services, environmental protection, and local procurement and the standards that any company entering into an SIP agreement is expected to meet are clearly delineated and are used as the basis for decision making when considering any firm's SIP application;
- the appropriate deliberation and formal analysis of the potential impacts to the County are made.

III. Limits

The Board will not approve SIP contracts based upon applications that fail to meet the standards set forth in this SIP Policy. The Board may also refuse to ratify an SIP contract that, in its judgment, would not meet the goals set forth in this policy or because the extent to which it meets the goals does not justify the value of the abatement. Section IV of this policy describes the process by which the Board reviews and makes decisions on SIP tax abatements.

The Board will grant SIP tax abatements only to companies that have demonstrated a commitment to obeying all applicable laws and regulations including, but not limited to, environmental laws, labor laws, laws requiring notice before layoffs, land use laws, and tax laws.

Each and every provision of an SIP contract entered into under this policy is binding on any and all successors-in-interest to the applicant by virtue of sale, lease, assignment, merger, or any other transfer of any interests in the applicant corporation to any other person or entity.

In the event of a corporate dissolution or a bankruptcy proceeding under Chapter 7, the full real market value of the development project shall be placed on the tax roll as taxable property.

IV. Procedures for Review and Negotiation

A. Application Fee and Deposit

A deposit of \$10,000, to cover the actual cost of review and processing by all public agencies and consultants may be collected at the time of application at the discretion of the County. The prospective applicant may choose to expedite the review process by paying the deposit in advance of making application. The deposit will be collected by the Multnomah County Budget Office. If a deposit is collected, any amount collected in excess of actual cost will be reimbursed. Actual costs in excess of the deposit collected will be billed and paid by the applicant.

B. Summary of the Application Procedure

- A pre-application exchange of information between prospective applicants and relevant agencies is expected. State and local economic development agencies may facilitate this exchange. The prospective applicant will inform Multnomah County as soon as possible of the date it intends to submit an application.
- Multnomah County may retain independent consultants to coordinate the review of the application for compliance with this Policy and perform other analyses as deemed appropriate by the County, including fiscal and economic analyses. Local agencies may evaluate the application in light of the consultants' reports and make recommendations to the Board.
- A negotiating team consisting of a representative from the Chair's Office, the County SIP Coordinator, a representative from the County Attorney's Office, and the County's Chief Financial Officer will be established. Upon receipt of the completed application, the County's negotiating team will work

with any consultant retained to determine the completeness of the application and develop a negotiation strategy, taking into consideration the results of any fiscal and economic impact analyses performed.

- The Multnomah County SIP negotiating team will work in partnership with representatives of the affected City who have been designated by that City for purposes of negotiating a SIP agreement.
- Multnomah County will maintain strict confidentiality, unless explicitly waived by all parties, during both the application and negotiation process until such time as an agreement has been reached.
- The team will then begin the negotiating process, which will be complete upon the creation of a draft contract that meets the approval of both the County's negotiating team and the SIP applicant. The negotiating team will then submit a draft of the contract between the County, City, and the applicant, along with the consultants' report, to the Board. The contract document will follow the process for a Class II contract as outlined in the County's Administrative Manual except that Board approval will be required. The Board will forward a copy to the City Council of the affected City. Public notice will be given.

C. Public Review and County Approval

No less than 14 days after public notice, a joint City/County public hearing will be held. The County Board will take action on the contract within seven days after the hearing. The Board may vote to

- accept the contract as submitted.
- accept the contract with conditions that, if agreed to by the applicant, will not require further negotiations.
- refer the contract back for further negotiations with instructions to the negotiators.
- reject the contract and provide reasons for rejection.

V. Contents of Application

A. General Information

The applicant will describe itself and the proposed project.

B. Compliance with Standards and Consistency with Goals

Section VIII of this policy lists categories of concern for Multnomah County and one or more goals and related standards for each category. The standards are clear and measurable and must be met in advance of an application being approved. The applicant will demonstrate that it meets every standard by including sufficient evidence in the application.

The goals are less clearly defined and, in many cases, progress toward their attainment cannot be measured until after a project is operational. The applicant will describe how the proposed project will advance each of the County's goals. Statements made in the application regarding the applicant's commitment to meeting these goals may become a part of the SIP contract. The SIP contract will contain negotiated terms and conditions that specify performance measures appropriate to the applicant's operations, as well as sanctions that will be applied should agreed-upon performance not be achieved, including possible repayment of abated taxes.

C. Past Practices

Multnomah County is interested in encouraging the location of companies that will help the County to achieve its goals and will bring benefits to the community. Learning about the applicant's experience in other communities will allow the County to have confidence that the applicant will be a beneficial addition to the community.

The applicant will report any sanctions or consent agreements related to violations of U.S. federal or state laws or rules relating to environmental protection, worker safety, or labor relations. The applicant also will report all prior and existing tax abatement agreements in other U.S. jurisdictions so that the County may verify that the applicant has upheld the terms of those agreements.

VI. Reporting, Compliance Auditing, Noncompliance, and Changes to the Contract

Once an SIP contract is in place, the applicant will report annually on how it is meeting each of the terms and conditions of the contract. Performance measures for each of these will have been agreed to as part of the contract and the contract will specify which terms and conditions of the contract must be reported on in the annual report. The County's SIP Coordinator or another designated County staff will report annually to the Board and the public at a regularly scheduled Board meeting on the performance of each SIP contract.

If the County receives information indicating a potential violation of the contract terms, it may ask the applicant for a written response. In the event that the applicant's written response fails to satisfy the County, the County may retain an outside firm or the County Auditor to verify compliance. The City in which the

project is located may also investigate complaints. The applicant will provide access to necessary records.

In the event a violation is found, the costs of such verification would be billed and paid by the applicant, over and above the application fee and community service fee. If no violation is found, the County and City will pay for the investigation.

In the event of noncompliance, repayment of abated taxes (i.e. penalties) must be equal to or greater than the savings the company would realize by not meeting the requirement. Specific terms for repayment will be negotiated for each standard and condition and included in the SIP contract. In any case, total repayment for noncompliance will not exceed 75 percent of the total abatement for the year the penalty is cited.

Conditions beyond the control of the parties may lead to renegotiation of the contract upon agreement of both parties.

VII. Community Service Fee

Consistent with State law, a Community Service Fee (CSF) equal to the lesser of \$2 million or 25 percent of the abated taxes will be paid to the County by the firm receiving an SIP tax abatement or its successors each year an abatement is in effect. If the property is located in a rural area, the CSF is limited to an amount of no more than \$500,000. State statute requires the CSF to be distributed based on an agreement between the County, City, and other local taxing districts that meet the criteria established in the statute.

It is the policy of Multnomah County to establish an administrative allocation for management of its SIP Agreements as part of the distribution formula for the CSF. This allocation shall be consistent with previously negotiated administrative fees for prior SIP agreements and shall diminish over time.

In addition to the CSF, the County may ask for financial contributions from the applicant to address the goals of this policy as part of the terms and conditions of the contract negotiated under this policy.

VIII. SIP Goals and Standards

The County currently maintains two SIP contracts: one with LSI Logic that was signed in 1995, and one signed with Microchip Technology in 2002. The County will make every effort to approach any future SIP agreements in a manner consistent with its previous practices, both while engaging in the review and negotiation process and in monitoring compliance with the contracts once in place. As it has in the past, the County will make every effort to ensure that the

benefits received by the community are proportionate to the size of the abatement granted.

The County also seeks to grant SIP tax abatements only to projects that would otherwise not locate in Multnomah County. However, by approving a firm's SIP application, and thus granting an abatement, the County necessarily removes the conditions that would make it possible to determine such a fact. Nonetheless, a SIP applicant must describe in sufficient detail why an abatement is needed.

The following goals and standards are established for the County's SIP:

A. Employment (Hiring, Wages, Benefits, Training, and Retention)

Multnomah County Goals:

- Create long-term jobs with competitive wages and benefits and excellent working conditions for residents of Multnomah County.
- Provide educational opportunities to enhance upward mobility for both technical and management roles.
- Minimize the number of contracted on-site jobs, particularly those performing core business functions.

Standards:

Multnomah County wishes to attract firms that will offer stable employment to County residents and offer attractive pay and benefits for residents of different education and skill levels. The applicant will agree to a minimum number of jobs to be created at the project as part of the terms and conditions of the SIP contract.

- The applicant will demonstrate that a clear path exists for advancement from entry-level positions to positions that provide higher pay, including positions that pay more than the average annual wage in the County.
- The applicant will describe its wage scale for occupations with entry-level positions and describe how an entry-level employee might typically move through pay levels and job classifications.
- The applicant will describe how their employment practices facilitate the retention of employees and will agree to negotiate contract terms that specify appropriate measures and standards for employee retention, as well as mechanisms for achieving retention, such as an Employee Assistance Program.

- The applicant will describe a credible program to assist employees who need child care, taking into account the hours and shifts that employees will work, and will make assurance that such a program will be implemented.
- The applicant will describe by category (e.g., entry-level production, skilled production, technical and professional, management, administrative and support, sales, clerical, maintenance, security, shipping and receiving, food service, etc.) the number of jobs and wage scales of those jobs that will be created at the project. The applicant also will specify which of these are regular full time, part time, temporary, or contract positions.
- As required by State statute, the applicant will agree to enter into an exclusive full-service First Source agreement with Multnomah County or its designated contract agency. Consistent with prior SIP agreements, Multnomah County shall establish a fee-based system for First Source services.
- In the event that an applicant has an established fee-based referral system with a local, County-approved first source service provider, that agreement shall not be diminished or adversely affected by the SIP First Source agreement.
- The applicant will describe training and education programs available to entry-level employees and training and education programs available to other employees. In-house programs, tuition assistance for job-related training and education, or contracts directly with community colleges or universities would meet this standard.
- The applicant will demonstrate its commitment to its employees by describing company benefits (specifying which parts are employer-paid and which employees qualify), which may include: health insurance, dental insurance, life insurance, accidental death insurance, disability insurance, retirement plans, profit sharing, employee ownership/stock purchase, educational assistance, day care, and transportation assistance. As a part of these benefits, the applicant must permit members of employees' families to purchase health insurance at or below cost, to the extent that the applicant's health-insurance carrier will write coverage for such persons.

B. Transportation

Multnomah County Goals:

- To encourage conservation of natural resources through the use of transit, car pools, van pools, or alternative modes of transportation.

Standards:

- The applicant will describe a credible program to encourage employees to use transit, car pools, van pools, or alternative modes of transportation and will make assurance that such a program will be implemented.

C. Infrastructure and Public Services

Multnomah County Goal:

- Any development project undertaken in the County should produce no unmitigated adverse impacts on the level of services provided to existing residents of Multnomah County and the region.

Standards:

As part of its application, the applicant will describe impacts in the following areas and what it has committed to do to mitigate negative impacts. The applicant will provide statements from the relevant agencies that there will be no unmitigated adverse impacts on the level of service or infrastructure or describe what unmitigated adverse impacts will result from the project. Remedies for unmitigated adverse impacts will be negotiated as part of the terms and conditions of the SIP contract.

- Transportation infrastructure (including traffic and congestion, transit, port, rail, air, multimodal).
- Utility infrastructure (water and sewer capacity; solid and hazardous waste disposal).
- Public safety (police, fire, emergency medical services, disaster preparedness).

D. Environmental Protection, Land Use, and Development

Multnomah County Goals:

- To promote responsible stewardship of the environment by all businesses and individuals doing business or living in the County.
- To ensure implementation of leading sustainability practices in all phases of the project including design, construction, resource utilization, and land use.

Standards:

The applicant will demonstrate its commitment to achieving a “no impact” environmental goal. The applicant will describe an exemplary environmental management system (EMS) to include credible resource approaches in each of the following areas, will present verification by the relevant regulatory authorities

that the EMS and specific resource approaches are reasonable, and will demonstrate a commitment to ongoing monitoring and continuous improvement.

- Reducing the use of toxic and hazardous materials.
- Water conservation, reuse, and waste water discharge.
- Maintaining or improving air quality.
- Waste reduction and recycling.
- Energy conservation and efficiency

E. Stimulation of Local Economy

Multnomah County Goal:

- To encourage the purchase of goods and services produced or sold by businesses in Multnomah County and the region.

Standards:

- The applicant will have a plan for the procurement of locally produced or sold goods and services and to solicit bids from local suppliers. This plan shall include demonstrable outreach to minority, women, and emerging small businesses (MWESBs), and will include a good-faith commitment to procurement for construction, installation, and equipment maintenance which recognizes and rewards responsible contractors based on the following factors: necessary technical requirements (including licensure), past performance record (including safety and cost effectiveness), and business location.

IX. Impact Analysis

The impact analysis will be assembled and included in the application. It will address the following points:

- A. Fiscal Impacts (impacts on revenues and capacity constraints). This analysis will show projected property-tax revenues under each of three scenarios and will calculate their differences from each other: (1) without the project, (2) with the project with an abatement. Community service fees will be shown separately and will not be counted as property tax revenue.

1. Education Districts.

2. County.
3. City.
4. Special Districts.
5. Projected impacts on existing property taxpayers (tax bills relative to no development).
6. Projected cumulative fiscal impacts including those of SIP tax abatements already granted.

B. Economic Impacts

1. Labor market impacts (number and types of jobs; incomes; impacts on other employers).
2. Indirect and induced business activity (additional demand for locally produced goods and services; resulting changes in employment and income).
3. Competitive impacts on existing businesses (would abatements give a new firm an unfair advantage over direct competitors already located here?)
4. Dollars of abated taxes per job created.

X. Glossary of Terms

Actual Cost of Review and Processing includes the cost of administrative time expended by personnel of relevant agencies (defined below) to investigate, review, and report on the applicant's compliance with adopted County policies. Those costs are to be calculated based on the number of hours expended by each employee at a rate representing actual gross salary per hour plus benefits at the time the service is provided. Other costs, including but not limited to reproduction, fax, telephone, and experts, are to be calculated at the actual cost to the relevant agency.

Board means the Multnomah County Board of Commissioners.

Complete Application means an application that addresses each and every policy in this policy document as adopted by resolution by the Board of County Commissioners. The application must identify each goal separately and describe with particularity how the proposed project is consistent with that specific goal. Additionally, every standard which is set out in the policy document which is designed to meet a specific goal must be addressed in the application. The Budget Office director will determine whether the application is complete, i.e., if every policy, goal, and standard has been addressed and whether it is supported by sufficient detail or documentation to allow an analysis of compliance with the policies. A County representative can request additional information upon the sole discretion of the consultant and will notify the applicant in writing of the date the application was determined to be complete.

Average Annual Wage means the figure computed by the Oregon Employment Department by dividing total wages earned by employees who are covered by unemployment insurance within the County by average annual covered employment within the County. This figure is adjusted annually; for 2002 it was \$38,239.

Repayment means the payment due by the applicant to the unsegregated property tax fund of Multnomah County on account of a breach of the negotiated agreement setting the special provisions which induced the County's, and City's, if any, approval of and request for applicant's project to be funded by revenue bonds pursuant to ORS 285.330, resulting in property tax abatement.

SIP Contract means the contract between the applicant and the County that specifies the terms and conditions under which property taxes will be abated.

SIP Tax Abatement means the exemption of real or personal property from taxation for key industry development projects under ORS 307.123.

BOGSTAD Deborah L

From: GOLDBERG Lisa
Sent: Wednesday, May 12, 2004 4:40 PM
To: BOGSTAD Deborah L; SOWLE Agnes; DUFFY Sandra N; LINN Diane M; NAITO Lisa H; ROBERTS Lonnie J; ROJO DE STEFFEY Maria; CRUZ Serena M
Cc: SMITH Andy J; WESSINGER Carol M; COMITO Charlotte A; MARTIN Chuck T; MARTINEZ David; FARRELL Delma D; SHEPARD Duke; WILSON Gail E; WALKER Gary R; BELL Iris D; BAUMAN Judith C; GORDON Kathy; WEST Kristen; CARROLL Mary P; LASHUA Matthew; GRAVELY Robert M; PAINE Robert E; IBARRA Ruby M; ROMERO Shelli D; NAITO Terri W; SIMPSON Thomas G
Subject: RE: R-2 on tomorrow's Board meeting agenda (5/13)

I would like just to clarify that the changes to the SIP Policy to be considered tomorrow are small and are as follows:

1. In response to the Auditor's suggestion, Under "Section VI: Reporting, Compliance Auditing, Noncompliance and Changes to the Contract," paragraph 2, the word "ask" was added to the second sentence so it now reads, more appropriately:

In the event that the applicant's written response fails to satisfy the County, the County may retain an outside firm or ask the County Auditor to verify compliance.

2. An typographical error in "Section IX. Impact Analysis" was corrected - the word "three" was changed to "two" - so subsection A reads:

A. Fiscal Impacts (impacts on revenues and capacity constraints). This analysis will show projected property-tax revenues under each of two scenarios and will calculate their differences from each other: (1) without the project, (2) with the project with an abatement. Community service fees will be shown separately and will not be counted as property tax revenue.

3. In "Section X: Glossary of Terms," under the definition for "Complete Application," the last two sentences were revised to clarify the role of County staff and any consultants it may retain. So it now reads:

The County's SIP negotiating team or any consultant it retains will determine whether the application is complete, i.e., if every policy, goal, and standard has been addressed and whether it is supported by sufficient detail or documentation to allow an analysis of compliance with the policies. The SIP negotiating team or any consultant it retains may request additional information and will notify the applicant in writing of the date the application was determined to be complete.

Thank you and my apologies for the late notice of these changes. Deb will have the revised document shortly.

Lisa

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

From: BOGSTAD Deborah L
Sent: Wednesday, May 12, 2004 4:14 PM
To: SOWLE Agnes; DUFFY Sandra N; Diane Linn; Lisa Naito; Lonnie Roberts; Maria ROJO DE STEFFEY; Serena Cruz
Cc: Andy Smith; Carol WESSINGER; Charlotte Comito; Chuck Martin; David Martinez; Delma FARRELL; Duke Shepard; Gail WILSON; Gary Walker; Iris BELL; Judith Bauman; Kathryn GORDON; Kristen WEST; Lisa Goldberg; Mary Carroll; Matthew LASHUA; Robert Gravely; Robert Walker; Ruby IBARRA; Shelli Romero; Terri Naito; Thomas Simpson
Subject: R-2 on tomorrow's Board meeting agenda (5/13)

5/12/2004

I don't have it yet, but Lisa Goldberg informed me this afternoon that she will be bringing a substitute/amended Multnomah County Strategic Investment Program Policy. I'll get it to you as soon as I have it. Meanwhile, I am attaching the submitted resolution and policy documents as well as a sample script for tomorrow morning.

COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF R-2

DUKE SHEPARD, LISA GOLDBERG
EXPLANATION, RESPONSE TO QUESTIONS -
THEY HAVE A SUBSTITUTE AMENDED
MULTNOMAH COUNTY STRATEGIC
INVESTMENT PROGRAM POLICY

COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF SUBSTITUTE MULTNOMAH
COUNTY STRATEGIC INVESTMENT PROGRAM
POLICY

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
<http://www.co.multnomah.or.us/cc/index.shtml>

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 04-061

Adopting an Updated Strategic Investment Program Policy for Multnomah County

The Multnomah County Board of Commissioners Finds:

- a. Industries using advanced technology are especially desirable to a region because they invest heavily in developing the skill levels of their employees, pay their employees well, and contribute in other ways to the economic development of a region.
- b. Such industries usually require extensive capital outlays to establish their operations; under Oregon's tax structure, such capital-intensive businesses are subject to disproportionately high property taxes when compared to typical production facilities and this tax burden is a factor in such industries' consideration of location and expansion in Oregon.
- c. The Portland Metropolitan Region has developed a globally competitive and renowned semiconductor industry cluster, which continues to benefit thousands of Oregonians through direct employment, supplier relationships, and secondary jobs and investment which grow from this specialization.
- d. ORS 285C.600 et. seq. was originally passed by the Oregon Legislature in 1993 (House Bill 3686) in order to encourage additional investment and employment within the State by capital-intensive firms, particularly those in the semiconductor industry, through the Strategic Investment Program.
- e. ORS 285C.609(5) specifies that the governing body in an Oregon county may impose any other requirements related to the project for an SIP application, and the County has created a policy setting out those additional requirements which will ensure that SIP tax abatements are granted only to firms that share the County's goals.
- f. Multnomah County has previously implemented the Strategic Investment Program with great success through agreements with LSI Logic and Microchip Technology Inc. that are built upon the premises of exemplary corporate citizenship and performance-based public/private partnership.
- g. Based on these successes, and the recent recommendation of the Multnomah County Auditor, it is prudent for Multnomah County to adopt a policy that sets the standards and goals for such SIP agreements.

The Multnomah County Board of Commissioners Resolves:

1. The attached MULTNOMAH COUNTY STRATEGIC INVESTMENT PROGRAM POLICY shall be the guiding document used by the County to review applications from firms seeking SIP tax abatements.
2. An application for SIP tax abatement will only be approved if it demonstrates that the proposed investment will promote the goals set out therein.

ADOPTED this 13th day of May 2004.

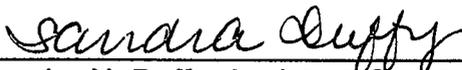
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 

Sandra N. Duffy, Assistant County Attorney

MULTNOMAH COUNTY STRATEGIC INVESTMENT PROGRAM POLICY

I. Background

The Strategic Investment Program (SIP) is an economic development instrument created by the Oregon Legislature in 1993 for the purpose of attracting large-scale high-technology investments that will result in local job creation and other economic benefits. While the program was established by State statute, its implementation occurs at the county level. It is incumbent on the County Board of Commissioners to recognize that competition between jurisdictions for attracting large-scale development is strong both within our national borders and at the global level. Nonetheless, when any firm makes an application to the SIP, the Multnomah County Board of Commissioners must thoughtfully and responsibly consider how granting the SIP request furthers its goals for the County and its citizens.

II. Purpose

The purpose of this Strategic Investment Program (SIP) Policy is to ensure that:

- a consistent set of standards and criteria are employed when the County considers any application to the SIP;
- the procedures for evaluating an application to the SIP are clearly outlined and that this process is undertaken in a fair and open manner;
- the goals of the County as they relate to employment, transportation, infrastructure and public services, environmental protection, and local procurement and the standards that any company entering into an SIP agreement is expected to meet are clearly delineated and are used as the basis for decision making when considering any firm's SIP application;
- the appropriate deliberation and formal analysis of the potential impacts to the County are made.

III. Limits

The Board will not approve SIP contracts based upon applications that fail to meet the standards set forth in this SIP Policy. The Board may also refuse to ratify an SIP contract that, in its judgment, would not meet the goals set forth in this policy or because the extent to which it meets the goals does not justify the value of the abatement. Section IV of this policy describes the process by which the Board reviews and makes decisions on SIP tax abatements.

The Board will grant SIP tax abatements only to companies that have demonstrated a commitment to obeying all applicable laws and regulations including, but not limited to, environmental laws, labor laws, laws requiring notice before layoffs, land use laws, and tax laws.

Each and every provision of an SIP contract entered into under this policy is binding on any and all successors-in-interest to the applicant by virtue of sale, lease, assignment, merger, or any other transfer of any interests in the applicant corporation to any other person or entity.

In the event of a corporate dissolution or a bankruptcy proceeding under Chapter 7, the full real market value of the development project shall be placed on the tax roll as taxable property.

IV. Procedures for Review and Negotiation

A. Application Fee and Deposit

A deposit of \$10,000, to cover the actual cost of review and processing by all public agencies and consultants, may be collected at the time of application at the discretion of the County. The prospective applicant may choose to expedite the review process by paying the deposit in advance of making application. The deposit will be collected by the Multnomah County Budget Office. If a deposit is collected, any amount collected in excess of actual cost will be reimbursed. Actual costs in excess of the deposit collected will be billed and paid by the applicant.

B. Summary of the Application Procedure

- A pre-application exchange of information between prospective applicants and relevant agencies is expected. State and local economic development agencies may facilitate this exchange. The prospective applicant will inform Multnomah County as soon as possible of the date it intends to submit an application.
- Multnomah County may retain independent consultants to coordinate the review of the application for compliance with this policy and perform other analyses as deemed appropriate by the County, including fiscal and economic analyses. Local agencies may evaluate the application in light of the consultants' reports and make recommendations to the Board.
- A negotiating team consisting of a representative from the Chair's Office, the County SIP Coordinator, a representative from the County Attorney's Office, and the County's Chief Financial Officer will be established. Upon receipt of the completed application, the County's negotiating team will work

with any consultant retained to determine the completeness of the application and develop a negotiation strategy, taking into consideration the results of any fiscal and economic impact analyses performed.

- The Multnomah County SIP negotiating team will work in partnership with representatives of the affected City who have been designated by that City for purposes of negotiating a SIP agreement.
- Multnomah County will maintain strict confidentiality, unless explicitly waived by all parties, during both the application and negotiation process until such time as an agreement has been reached.
- The team will then begin the negotiating process, which will be complete upon the creation of a draft contract that meets the approval of both the County's negotiating team and the SIP applicant. The negotiating team will then submit a draft of the contract between the County, City, and the applicant, along with the consultants' report, to the Board. The contract document will follow the process for a Class II contract as outlined in the County's Administrative Manual except that Board approval will be required. The Board will forward a copy to the City Council of the affected City. Public notice will be given.

C. Public Review and County Approval

No less than 14 days after public notice, a joint City/County public hearing will be held. The County Board will take action on the contract within seven days after the hearing. The Board may vote to

- accept the contract as submitted.
- accept the contract with conditions that, if agreed to by the applicant, will not require further negotiations.
- refer the contract back for further negotiations with instructions to the negotiators.
- reject the contract and provide reasons for rejection.

V. Contents of Application

A. General Information

The applicant will describe itself and the proposed project.

B. Compliance with Standards and Consistency with Goals

Section VIII of this policy lists categories of concern for Multnomah County and one or more goals and related standards for each category. The standards are clear and measurable and must be met in advance of an application being approved. The applicant will demonstrate that it meets every standard by including sufficient evidence in the application.

The goals are less clearly defined and, in many cases, progress toward their attainment cannot be measured until after a project is operational. The applicant will describe how the proposed project will advance each of the County's goals. Statements made in the application regarding the applicant's commitment to meeting these goals may become a part of the SIP contract. The SIP contract will contain negotiated terms and conditions that specify performance measures appropriate to the applicant's operations, as well as sanctions that will be applied should agreed-upon performance not be achieved, including possible repayment of abated taxes.

C. Past Practices

Multnomah County is interested in encouraging the location of companies that will help the County to achieve its goals and will bring benefits to the community. Learning about the applicant's experience in other communities will allow the County to have confidence that the applicant will be a beneficial addition to the community.

The applicant will report any sanctions or consent agreements related to violations of U.S. federal or state laws or rules relating to environmental protection, worker safety, or labor relations. The applicant also will report all prior and existing tax abatement agreements in other U.S. jurisdictions so that the County may verify that the applicant has upheld the terms of those agreements.

VI. Reporting, Compliance Auditing, Noncompliance, and Changes to the Contract

Once an SIP contract is in place, the applicant will report annually on how it is meeting each of the terms and conditions of the contract. Performance measures for each of these will have been agreed to as part of the contract and the contract will specify which terms and conditions of the contract must be reported on in the annual report. The County's SIP Coordinator or another designated County staff will report annually to the Board and the public at a regularly scheduled Board meeting on the performance of each SIP contract.

If the County receives information indicating a potential violation of the contract terms, it may ask the applicant for a written response. In the event that the applicant's written response fails to satisfy the County, the County may retain an outside firm or ask the County Auditor to verify compliance. The City in which the

project is located may also investigate complaints. The applicant will provide access to necessary records.

In the event a violation is found, the costs of such verification would be billed and paid by the applicant, over and above the application fee and community service fee. If no violation is found, the County and City will pay for the investigation.

In the event of noncompliance, repayment of abated taxes (i.e. penalties) must be equal to or greater than the savings the company would realize by not meeting the requirement. Specific terms for repayment will be negotiated for each standard and condition and included in the SIP contract. In any case, total repayment for noncompliance will not exceed 75 percent of the total abatement for the year the penalty is cited.

Conditions beyond the control of the parties may lead to renegotiation of the contract upon agreement of both parties.

VII. Community Service Fee

Consistent with State law, a Community Service Fee (CSF) equal to the lesser of \$2 million or 25 percent of the abated taxes will be paid to the County by the firm receiving an SIP tax abatement or its successors each year an abatement is in effect. If the property is located in a rural area, the CSF is limited to an amount of no more than \$500,000. State statute requires the CSF to be distributed based on an agreement between the County, City, and other local taxing districts that meet the criteria established in the statute.

It is the policy of Multnomah County to establish an administrative allocation for management of its SIP Agreements as part of the distribution formula for the CSF. This allocation shall be consistent with previously negotiated administrative fees for prior SIP agreements and shall diminish over time.

In addition to the CSF, the County may ask for financial contributions from the applicant to address the goals of this policy as part of the terms and conditions of the contract negotiated under this policy.

VIII. SIP Goals and Standards

The County currently maintains two SIP contracts: one with LSI Logic that was signed in 1995, and one signed with Microchip Technology in 2002. The County will make every effort to approach any future SIP agreements in a manner consistent with its previous practices, both while engaging in the review and negotiation process and in monitoring compliance with the contracts once in place. As it has in the past, the County will make every effort to ensure that the

benefits received by the community are proportionate to the size of the abatement granted.

The County also seeks to grant SIP tax abatements only to projects that would otherwise not locate in Multnomah County. However, by approving a firm's SIP application, and thus granting an abatement, the County necessarily removes the conditions that would make it possible to determine such a fact. Nonetheless, a SIP applicant must describe in sufficient detail why an abatement is needed.

The following goals and standards are established for the County's SIP:

A. Employment (Hiring, Wages, Benefits, Training, and Retention)

Multnomah County Goals:

- Create long-term jobs with competitive wages and benefits and excellent working conditions for residents of Multnomah County.
- Provide educational opportunities to enhance upward mobility for both technical and management roles.
- Minimize the number of contracted on-site jobs, particularly those performing core business functions.

Standards:

Multnomah County wishes to attract firms that will offer stable employment to County residents and offer attractive pay and benefits for residents of different education and skill levels. The applicant will agree to a minimum number of jobs to be created at the project as part of the terms and conditions of the SIP contract.

- The applicant will demonstrate that a clear path exists for advancement from entry-level positions to positions that provide higher pay, including positions that pay more than the average annual wage in the County.
- The applicant will describe its wage scale for occupations with entry-level positions and describe how an entry-level employee might typically move through pay levels and job classifications.
- The applicant will describe how their employment practices facilitate the retention of employees and will agree to negotiate contract terms that specify appropriate measures and standards for employee retention, as well as mechanisms for achieving retention, such as an Employee Assistance Program.

- The applicant will describe a credible program to assist employees who need child care, taking into account the hours and shifts that employees will work, and will make assurance that such a program will be implemented.
- The applicant will describe by category (e.g., entry-level production, skilled production, technical and professional, management, administrative and support, sales, clerical, maintenance, security, shipping and receiving, food service, etc.) the number of jobs and wage scales of those jobs that will be created at the project. The applicant also will specify which of these are regular full time, part time, temporary, or contract positions.
- As required by State statute, the applicant will agree to enter into an exclusive full-service First Source agreement with Multnomah County or its designated contract agency. Consistent with prior SIP agreements, Multnomah County shall establish a fee-based system for First Source services.
- In the event that an applicant has an established fee-based referral system with a local, County-approved first source service provider, that agreement shall not be diminished or adversely affected by the SIP First Source agreement.
- The applicant will describe training and education programs available to entry-level employees and training and education programs available to other employees. In-house programs, tuition assistance for job-related training and education, or contracts directly with community colleges or universities would meet this standard.
- The applicant will demonstrate its commitment to its employees by describing company benefits (specifying which parts are employer-paid and which employees qualify), which may include: health insurance, dental insurance, life insurance, accidental death insurance, disability insurance, retirement plans, profit sharing, employee ownership/stock purchase, educational assistance, day care, and transportation assistance. As a part of these benefits, the applicant must permit members of employees' families to purchase health insurance at or below cost, to the extent that the applicant's health-insurance carrier will write coverage for such persons.

B. Transportation

Multnomah County Goal:

- To encourage conservation of natural resources through the use of transit, car pools, van pools, or alternative modes of transportation.

Standards:

- The applicant will describe a credible program to encourage employees to use transit, car pools, van pools, or alternative modes of transportation and will make assurance that such a program will be implemented.

C. Infrastructure and Public Services

Multnomah County Goal:

- Any development project undertaken in the County should produce no unmitigated adverse impacts on the level of services provided to existing residents of Multnomah County and the region.

Standards:

As part of its application, the applicant will describe impacts in the following areas and what it has committed to do to mitigate negative impacts. The applicant will provide statements from the relevant agencies that there will be no unmitigated adverse impacts on the level of service or infrastructure or describe what unmitigated adverse impacts will result from the project. Remedies for unmitigated adverse impacts will be negotiated as part of the terms and conditions of the SIP contract.

- Transportation infrastructure (including traffic and congestion, transit, port, rail, air, multimodal).
- Utility infrastructure (water and sewer capacity; solid and hazardous waste disposal).
- Public safety (police, fire, emergency medical services, disaster preparedness).

D. Environmental Protection, Land Use, and Development

Multnomah County Goals:

- To promote responsible stewardship of the environment by all businesses and individuals doing business or living in the County.
- To ensure implementation of leading sustainability practices in all phases of the project including design, construction, resource utilization, and land use.

Standards:

The applicant will demonstrate its commitment to achieving a “no impact” environmental goal. The applicant will describe an exemplary environmental management system (EMS) to include credible resource approaches in each of the following areas, will present verification by the relevant regulatory authorities

that the EMS and specific resource approaches are reasonable, and will demonstrate a commitment to ongoing monitoring and continuous improvement.

- Reducing the use of toxic and hazardous materials.
- Water conservation, reuse, and waste water discharge.
- Maintaining or improving air quality.
- Waste reduction and recycling.
- Energy conservation and efficiency

E. Stimulation of Local Economy

Multnomah County Goal:

- To encourage the purchase of goods and services produced or sold by businesses in Multnomah County and the region.

Standards:

- The applicant will have a plan for the procurement of locally produced or sold goods and services and to solicit bids from local suppliers. This plan shall include demonstrable outreach to minority, women, and emerging small businesses (MWESBs), and will include a good-faith commitment to procurement for construction, installation, and equipment maintenance which recognizes and rewards responsible contractors based on the following factors: necessary technical requirements (including licensure), past performance record (including safety and cost effectiveness), and business location.

IX. Impact Analysis

The impact analysis will be assembled and included in the application. It will address the following points:

- A. Fiscal Impacts (impacts on revenues and capacity constraints). This analysis will show projected property-tax revenues under each of two scenarios and will calculate their differences from each other: (1) without the project, (2) with the project with an abatement. Community service fees will be shown separately and will not be counted as property tax revenue.

1. Education Districts.

2. County.
3. City.
4. Special Districts.
5. Projected impacts on existing property taxpayers (tax bills relative to no development).
6. Projected cumulative fiscal impacts including those of SIP tax abatements already granted.

B. Economic Impacts

1. Labor market impacts (number and types of jobs; incomes; impacts on other employers).
2. Indirect and induced business activity (additional demand for locally produced goods and services; resulting changes in employment and income).
3. Competitive impacts on existing businesses (would abatements give a new firm an unfair advantage over direct competitors already located here?)
4. Dollars of abated taxes per job created.

X. Glossary of Terms

Actual Cost of Review and Processing includes the cost of administrative time expended by personnel of relevant agencies (defined below) to investigate, review, and report on the applicant's compliance with adopted County policies. Those costs are to be calculated based on the number of hours expended by each employee at a rate representing actual gross salary per hour plus benefits at the time the service is provided. Other costs, including but not limited to reproduction, fax, telephone, and experts, are to be calculated at the actual cost to the relevant agency.

Board means the Multnomah County Board of Commissioners.

Complete Application means an application that addresses each and every policy in this policy document as adopted by resolution by the Board of County Commissioners. The application must identify each goal separately and describe with particularity how the proposed project is consistent with that specific goal. Additionally, every standard which is set out in the policy document which is designed to meet a specific goal must be addressed in the application. The County's SIP negotiating team or any consultant it retains will determine whether the application is complete, i.e., if every policy, goal, and standard has been addressed and whether it is supported by sufficient detail or documentation to allow an analysis of compliance with the policies. The SIP negotiating team or any consultant it retains may request additional information and will notify the applicant in writing of the date the application was determined to be complete.

Average Annual Wage means the figure computed by the Oregon Employment Department by dividing total wages earned by employees who are covered by unemployment insurance within the County by average annual covered employment within the County. This figure is adjusted annually; for 2002 it was \$38,239.

Repayment means the payment due by the applicant to the unsegregated property tax fund of Multnomah County on account of a breach of the negotiated agreement setting the special provisions which induced the County's, and City's, if any, approval of and request for applicant's project to be funded by revenue bonds pursuant to ORS 285.330, resulting in property tax abatement.

SIP Contract means the contract between the applicant and the County that specifies the terms and conditions under which property taxes will be abated.

SIP Tax Abatement means the exemption of real or personal property from taxation for key industry development projects under ORS 307.123.

AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:

Meeting Date: May 13, 2004

Agenda Item #: R-3

Est. Start Time: 9:45 AM

Date Submitted: 04/19/04

Requested Date: May 13, 2004

Time Requested: 5 minutes

Department: DBCS

Division: Land Use & Trans Program

Contact/s: Tom Hansell

Phone: (503) 988-5050

Ext.: 29833

I/O Address: 425/Trans

Presenters: Tom Hansell

Agenda Title: Appointments of Dunthorpe Riverdale Sanitary Service District Budget Committee Chair and Secretary for 2004-2005 [*2003-04 Appointments were Commissioner Cruz as Chair and Commissioner Roberts as Secretary of the Dunthorpe Riverdale Sanitary Service District Budget Committee*]

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

1. What action are you requesting from the Board? What is the department/agency recommendation?

Convene as the governing body of the Dunthorpe-Riverdale Service District to:

- Select budget committee chair and secretary from presiding members;
- Hear budget message;
- Open Public Hearings to hear and consider any testimony presented by the public about the budget, and
- Vote and approve on the budget.

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

Multnomah County's Service Districts have been created under the provisions of the Oregon Revised Statutes, Chapter 451, to provide construction and operation of sanitary sewer systems and to provide street lighting in particular areas of the County. The Multnomah County Board of Commissioners serves as the governing body of each district. The budget committee for each district consists of the members of the Board and residents of the district appointed by the Board for terms of three years.

The annual budget for each district is prepared under the direction of a budget officer designated by the Board. Tom Hansell from the Department of Business and Community Services' Land Use and Transportation Program serves as the budget officer for the district. The budget committee reviews the annual budget and approves it, either as submitted by the budget officer, or with revisions requested by the committee.

These procedures fulfill the requirements of Oregon's Local Budget Law (ORS 294), which provides specific methods for obtaining public review and comment on the financial and administrative policies of the districts.

Multnomah County's Department of Business and Community Services provides administrative and financial services, respectively, to the district. The district is, however, a separate and independent financial entity. Expenses incurred, such as administration and engineering review provided by the Department of Business and Community Services, are met with revenue from sewer user charges, connection fees, and/or assessments to real property within the service district.

This district was formed in the middle 1960's and by 1970 had removed a significant source of pollution from the Willamette River. Its 560 clients are mainly located in unincorporated Multnomah County with a few customers in northern Clackamas County and the City of Portland. District growth has stabilized due to substantial completion of municipal annexations.

The City of Portland's Bureau of Environmental Services maintains the district's lines and treats the sewage flow at Portland's Tryon Creek Treatment Plant. It also provides design and engineering services for construction, reconstruction, and/or improvement of the district's facilities.

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

The district has requested a total budget of \$591,500 for FY 2005. This proposed budget is \$85,000, or a 12% decrease from the current year budget. The change is inherent with a smaller planned capital program for FY 2005 and an exhausted unappropriated fund balance. The system maintenance and disposal rates from the city of Portland are continuing to increase. The district has forecasted a 6.5% increase from the City of Portland for treatment services for next year.

The current service charge is \$50.00 per month for line connections to the district system. To sustain the current operations, maintenance, and planned capital for FY 2005, the district rate is proposed to move to \$62.00 per month. Due to a limited customer base, the cost fluctuations between maintenance and capital prompts consideration of this action.

The district's proposed FY 2005 budget will provide the necessary resources to meet the FY 2005 capital program. Looking toward the FY 2006 capital program, the district will need to identify short term funding to start the planned capital work at the Riverview Pump Station, the district's last pump site requiring improvements. To plan for the FY 2006 capital funding shortfall, the district will begin to coordinate with the County Finance Manager to identify a lending source to regulate future rate increases to customers.

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

If a budget modification, explain:

- ❖ **What revenue is being changed and why?**
- ❖ **What budgets are increased/decreased?**
- ❖ **What do the changes accomplish?**

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

- ❖ Is the revenue one-time-only in nature?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?

NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)

If a contingency request, explain:

- ❖ Why was the expenditure not included in the annual budget process? Test
 - ❖ What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?
 - ❖ Why are no other department/agency fund sources available?
 - ❖ Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.
- ❖ Has this request been made before? When? What was the outcome?

If grant application/notice of intent, explain:

- ❖ Who is the granting agency?
- ❖ Specify grant requirements and goals.
- ❖ Explain grant funding detail – is this a one time only or long term commitment?
- ❖ What are the estimated filing timelines?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?
- ❖ How will the county indirect and departmental overhead costs be covered?

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

The district is a separate legal entity. Because of its size, it requires a budget committee. The actions requested of the Board of County Commissioners and District Budget Committee, are consistent in meeting the requirements of Tax Supervising Conservation Commission and statewide local budget law.

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

Published Notice of Public Hearing for the Budget Committee Meeting

Required Signatures:

Department/Agency Director: Robert A Maestre

Date: 04/19/04

Budget Analyst

By: 

Date: 04/19/04

Dept/Countywide HR

By: _____

Date:

Service District Hearings: Dunthorpe-Riverdale Sewer District

Chair announces that the Board will recess as the Board of County Commissioners and convene as the Budget Committee of the Dunthorpe-Riverdale Service District.

Chair: We are now convened as the Budget Committee of the Dunthorpe-Riverdale service District. I would like to welcome our fellow budget committee member, Mrs. Marilyn Dodge and thank her for her volunteer service to the district.

Chair: Our first piece of business is to appoint a committee chair and a secretary.

- *Nominate _____ . (Last year Comm. Cruz served as Chair and Comm. Roberts served as Secretary)*
- *Vote to approve the appointments*

Chair: we will now hear the Budget Message from Tom Hansell.

- *Tom presents budget message.*

Chair: we will now open up for public testimony on this budget.

Chair: any discussion from the Board? We will now vote to approve this budget for submission to Tax Supervising.

Chair: *gavel out as Dunthorpe-Riverdale service district and convene as the Budget Committee for the Mid-County Street Lighting Service District.*

BOGSTAD Deborah L

From: BOGSTAD Deborah L
Sent: Thursday, May 06, 2004 4:45 PM
To: Diane Linn; Lisa Naito; Lonnie Roberts; Maria ROJO DE STEFFEY; Serena Cruz
Cc: HANSELL Tom J; SOWLE Agnes; NEBURKA Julie Z; DARGAN Karyne A
Subject: May 13, 2004 Board Meeting

Tom Hansell has added the appointment of Ginger Nielsen to the Mid-County Street Lighting Service District No. 14 to next week's service district matters before the Board. (To be considered between R-4 and R-5.) To clarify the requested actions, we have prepared the following script for both service districts for your assistance. Thank you.

SERVICE DISTRICTS - 9:45 AM

(Recess as the Board of County Commissioners and convene as the Budget Committee for DUNTHORPE RIVERDALE SANITARY SERVICE DISTRICT NO. 1)

Chair: I WOULD LIKE TO WELCOME OUR FELLOW BUDGET COMMITTEE MEMBER, MRS. MARILYN DODGE AND THANK HER FOR HER VOLUNTEER SERVICE TO THE DISTRICT

R-3 Appointments of Dunthorpe Riverdale Sanitary Service District Budget Committee Chair and Secretary for 2004-2005 [*2003-04 Appointments were Commissioner Cruz as Chair and Commissioner Roberts as Secretary of the Dunthorpe Riverdale Sanitary Service District Budget Committee*]

**COMMISSIONER _____ MOVES
 COMMISSIONER _____ SECONDS
 APPOINTMENT OF COMMISSIONER LISA NAITO AS CHAIR AND COMMISSIONER MARIA ROJO AS SECRETARY OF THE DUNTHORPE RIVERDALE SANITARY SERVICE DISTRICT NO. 1 BUDGET COMMITTEE FOR 2004-2005**

ALL IN FAVOR, VOTE AYE, OPPOSED ___?

**THE MOTION FAILS
 OR
THE APPOINTMENTS ARE APPROVED**

Chair: WE WILL NOW HEAR THE BUDGET MESSAGE FROM

5/6/2004

TOM HANSELL.

R-4 Presentation of Budget Message Followed by PUBLIC HEARING to Consider and Approve the 2004-2005 Dunthorpe Riverdale Sanitary Service District No. 1 Proposed Budget for Submittal to the Tax Supervising and Conservation Commission. Presented by Tom Hansell.

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF R-4**

**TOM HANSELL EXPLANATION AND RESPONSE TO
QUESTIONS**

OPPORTUNITY FOR PUBLIC TESTIMONY

OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

THE MOTION FAILS

OR

**THE DUNTHORPE RIVERDALE SANITARY SERVICE
DISTRICT NO. 1 BUDGET IS APPROVED**

(Recess as the Budget Committee for Dunthorpe Riverdale Sanitary Service District No. 1 and convene as the Budget Committee for MID COUNTY STREET LIGHTING SERVICE DISTRICT NO. 14)

**Chair: I WOULD LIKE TO WELCOME OUR SOON TO BE
NEWEST BUDGET COMMITTEE MEMBER, MRS.
GINGER NIELSON, AND THANK HER FOR HER
WILLINGNESS TO SERVE ON THE COMMITTEE**

**Chair: OUR FIRST PIECE OF BUSINESS IS TO OFFICIALLY
APPOINT MRS. NIELSEN TO THE BUDGET
COMMITTEE FOR A THREE YEAR TERM**

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPOINTMENT OF GINGER NIELSON TO A THREE
YEAR TERM ON THE MID COUNTY STREET
LIGHTING SERVICE DISTRICT NO. 14 BUDGET
COMMITTEE**

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

THE MOTION FAILS

OR

THE APPOINTMENT IS APPROVED

R-5 Appointments of Mid County Street Lighting Service District Budget Committee Chair and Secretary for 2004-2005 [*2003-04 Appointments were Commissioner Roberts as Chair and Commissioner Rojo as Secretary of the Mid County Street Lighting Service District Budget Committee*]

COMMISSIONER _____ MOVES

COMMISSIONER _____ SECONDS

APPOINTMENT OF COMMISSIONER MARIA ROJO AS CHAIR AND COMMISSIONER SERENA CRUZ AS SECRETARY OF THE MID COUNTY STREET LIGHTING SERVICE DISTRICT NO. 14 BUDGET COMMITTEE FOR 2004-2005

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

THE MOTION FAILS

OR

THE APPOINTMENTS ARE APPROVED

Chair:

WE WILL NOW HEAR THE BUDGET MESSAGE FROM TOM HANSELL.

R-6 Presentation of Budget Message Followed by PUBLIC HEARING to Consider and Approve the 2004-2005 Mid County Street Lighting Service District No. 14 Proposed Budget for Submittal to the Tax Supervising and Conservation Commission. Presented by Tom Hansell.

COMMISSIONER _____ MOVES

COMMISSIONER _____ SECONDS

APPROVAL OF R-6

TOM HANSELL EXPLANATION AND RESPONSE TO QUESTIONS

OPPORTUNITY FOR PUBLIC TESTIMONY

OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

THE MOTION FAILS

OR

**THE MID COUNTY STREET LIGHTING SERVICE
DISTRICT NO. 14 BUDGET IS APPROVED**

**(Recess as the Budget Committee for Mid County Street Lighting Service
District No. 14 and reconvene as the Board of County Commissioners)**

**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
<http://www.co.multnomah.or.us/cc/index.shtml>**

AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:

Meeting Date: May 13, 2004

Agenda Item #: R-4

Est. Start Time: 9:50 AM

Date Submitted: 04/19/04

Requested Date: May 13, 2004

Time Requested: 5 minutes

Department: DBCS

Division: Land Use & Trans Program

Contact/s: Tom Hansell

Phone: (503) 988-5050

Ext.: 29833

I/O Address: 425/Trans

Presenters: Tom Hansell

Agenda Title: Presentation of Budget Message Followed by PUBLIC HEARING to Consider and Approve the 2004-2005 Dunthorpe-Riverdale Sanitary Service District No. 1 Proposed Budget for Submittal to the Tax Supervising and Conservation Commission

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

1. What action are you requesting from the Board? What is the department/agency recommendation?

Convene as the governing body of the Dunthorpe-Riverdale Service District to:

- Select budget committee chair and secretary from presiding members;
- Hear budget message;
- Open Public Hearings to hear and consider any testimony presented by the public about the budget, and
- Vote and approve on the budget.

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

Multnomah County's Service Districts have been created under the provisions of the Oregon Revised Statutes, Chapter 451, to provide construction and operation of sanitary sewer systems and to provide street lighting in particular areas of the County. The Multnomah County Board of Commissioners serves as the governing body of each district. The budget committee for each district consists of the members of the Board and residents of the district appointed by the Board for terms of three years.

The annual budget for each district is prepared under the direction of a budget officer designated by the Board. Tom Hansell from the Department of Business and Community Services' Land Use and Transportation Program serves as the budget officer for the district. The budget committee reviews the annual budget and approves it, either as submitted by the budget officer, or with revisions requested by the committee.

These procedures fulfill the requirements of Oregon's Local Budget Law (ORS 294), which provides specific methods for obtaining public review and comment on the financial and administrative policies of the districts.

Multnomah County's Department of Business and Community Services provides administrative and financial services, respectively, to the district. The district is, however, a separate and independent financial entity. Expenses incurred, such as administration and engineering review provided by the Department of Business and Community Services, are met with revenue from sewer user charges, connection fees, and/or assessments to real property within the service district.

This district was formed in the middle 1960's and by 1970 had removed a significant source of pollution from the Willamette River. Its 560 clients are mainly located in unincorporated Multnomah County with a few customers in northern Clackamas County and the City of Portland. District growth has stabilized due to substantial completion of municipal annexations.

The City of Portland's Bureau of Environmental Services maintains the district's lines and treats the sewage flow at Portland's Tryon Creek Treatment Plant. It also provides design and engineering services for construction, reconstruction, and/or improvement of the district's facilities.

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

The district has requested a total budget of \$591,500 for FY 2005. This proposed budget is \$85,000, or a 12% decrease from the current year budget. The change is inherent with a smaller planned capital program for FY 2005 and an exhausted unappropriated fund balance. The system maintenance and disposal rates from the city of Portland are continuing to increase. The district has forecasted a 6.5% increase from the City of Portland for treatment services for next year.

The current service charge is \$50.00 per month for line connections to the district system. To sustain the current operations, maintenance, and planned capital for FY 2005, the district rate is proposed to move to \$62.00 per month. Due to a limited customer base, the cost fluctuations between maintenance and capital prompts consideration of this action.

The district's proposed FY 2005 budget will provide the necessary resources to meet the FY 2005 capital program. Looking toward the FY 2006 capital program, the district will need to identify short term funding to start the planned capital work at the Riverview Pump Station, the district's last pump site requiring improvements. To plan for the FY 2006 capital funding shortfall, the district will begin to coordinate with the County Finance Manager to identify a lending source to regulate future rate increases to customers.

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

If a budget modification, explain:

- ❖ **What revenue is being changed and why?**
- ❖ **What budgets are increased/decreased?**
- ❖ **What do the changes accomplish?**

- ❖ Do any personnel actions result from this budget modification? Explain.
- ❖ Is the revenue one-time-only in nature?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?

NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)

If a contingency request, explain:

- ❖ Why was the expenditure not included in the annual budget process? Test
- ❖ What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?
- ❖ Why are no other department/agency fund sources available?
- ❖ Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.

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

If grant application/notice of intent, explain:

- ❖ Who is the granting agency?
- ❖ Specify grant requirements and goals.
- ❖ Explain grant funding detail – is this a one time only or long term commitment?
- ❖ What are the estimated filing timelines?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?
- ❖ How will the county indirect and departmental overhead costs be covered?

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

The district is a separate legal entity. Because of its size, it requires a budget committee. The actions requested of the Board of County Commissioners and District Budget Committee, are consistent in meeting the requirements of Tax Supervising Conservation Commission and statewide local budget law.

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

Published Notice of Public Hearing for the Budget Committee Meeting

Required Signatures:

Department/Agency Director: Robert A Maestre

Date: 04/19/04

Budget Analyst

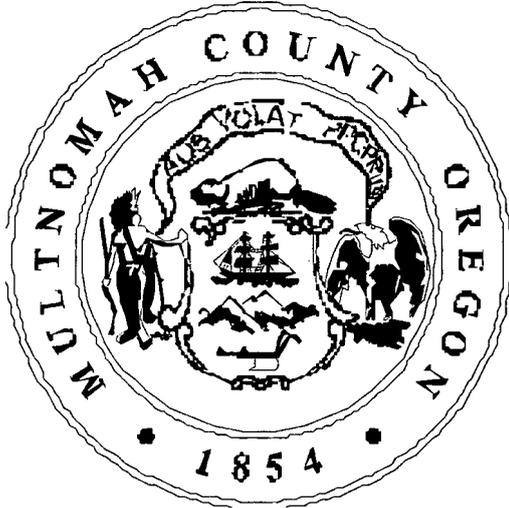
By: 

Date: 04/19/04

Dept/Countywide HR

By: _____

Date:



Multnomah County

Service Districts' Budgets Fiscal Year 2004-2005

**Mid-County Street Lighting District No. 14 - Proposed
Dunthorpe-Riverdale Service District No. 1 - Proposed**

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MULTNOMAH COUNTY SERVICE DISTRICTS' BUDGETS FOR FISCAL YEAR 2004-2005

Introduction

Multnomah County's Service Districts have been created under the provisions of the Oregon Revised Statutes, Chapter 451, to provide construction and operation of sanitary sewer systems and to provide street lighting in particular areas of the County.

The Multnomah County Board of Commissioners serves as the governing body of each district. The budget committee for each district consists of the members of the Board and residents of the district appointed by the Board for terms of three years.

The annual budget for each district is prepared under the direction of a budget officer designated by the Board. The budget committee reviews the annual budget and approves it, either as submitted by the budget officer or with revisions requested by the committee.

These procedures fulfill the requirements of Oregon's Local Budget Law (ORS 294), which provides specific methods for obtaining public review and comment on the financial and administrative policies of the districts.

Explanation of the Budget Document

This document consists of a detailed schedule of the resources and requirements of each of the two districts in Multnomah County.

Preceding the financial information for each district is a brief budget message, which discusses special items pertaining to the individual district, including any major changes in either resources or requirements.

Service Districts' Financial Policies

Multnomah County's Department of Business and Community Services provides administrative and financial services, respectively, to the two districts. Each district is, however, a separate and independent financial entity. Expenses incurred, such as administration and engineering provided by the Land Use and Transportation Program, are met with revenue from sewer user charges, connection fees and/or assessments to real property within the street lighting or sanitary sewer service district.

For the purposes of countywide financial reporting, each district is treated as an Enterprise Fund and accounted for on the accrual basis of accounting. This practice conforms to generally accepted accounting principles (GAAP). Under the accrual basis of accounting, all revenues are recorded at the time they are earned and expenditures are recorded at the time they are incurred. Budgets and comparative historical cost summaries are prepared using these bases. This practice conforms to Oregon's Local Budget Law.

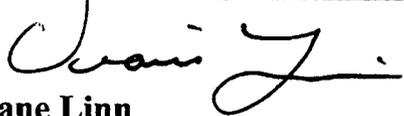
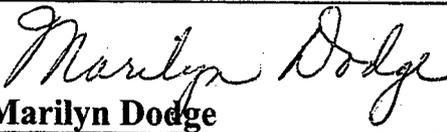
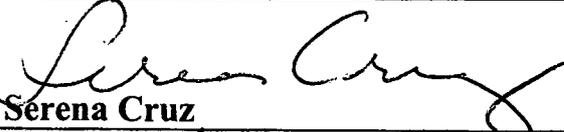
Summary of Service Districts' Requirements

SERVICE DISTRICT	ACTUAL 01-02	ACTUAL 02-03	BUDGET 03-04	PROPOSED 04-05
Dunthorpe-Riverdale Service District No. 1	\$759,739	711,196	685,440	591,500
Mid-County Service District No. 14	\$1,089,363	1,084,240	920,000	718,000
TOTAL	\$1,849,102	1,795,436	1,605,440	1,309,500

**Summary of Administrative Reimbursements
(Charges by Multnomah County to Service Districts)**

SERVICE DISTRICT	ACTUAL 01-02	ACTUAL 02-03	BUDGET 03-04	PROPOSED 04-05
Dunthorpe-Riverdale Service District No. 1	21,782	30,340	18,285	30,500
Mid-County Service District No. 14	20,015	32,723	37,833	38,000
TOTAL	41,797	63,063	56,118	68,500

MULTNOMAH COUNTY SERVICE DISTRICTS' BUDGETS FOR FISCAL YEAR 2004-2005

DUNTHORPE-RIVERDALE SEWER DISTRICT NO. 1 Budget Committee Approval	
The following members of the budget committee for the Dunthorpe-Riverdale Sewer District met on May 13, 2004 and approved the proposed budget for Fiscal Year 2004-2005:	
 Diane Linn	 Marilyn Dodge
 Serena Cruz	
 Lisa Naito	
 Lonnie Roberts	
 Maria Rojo de Steffey	

MULTNOMAH COUNTY SERVICE DISTRICTS' BUDGETS FOR FISCAL YEAR 2004-2005

Budget Message — Dunthorpe-Riverdale Service District No. 1

This District was formed in the middle 1960's and by 1970 had removed a significant source of pollution from the Willamette River. Its 560 clients are mainly located in unincorporated Multnomah County with a few customers in northern Clackamas County. District growth has stabilized due to substantial completion of municipal annexations.

The City of Portland's Bureau of Environmental Services maintains the District's lines and treats the sewage flow at Portland's Tryon Creek Treatment Plant. It also provides design and engineering services for construction, reconstruction, and/or improvement of the district's facilities. The District continues to coordinate planned capital maintenance projects with the City of Portland Water Bureau's capital program. The FY 2005 capital program is estimated at \$200,000. The capital work will focus improvements at the Tryon pump station to ensure the District continues to provide reliable service to its users.

The current service charge is \$50.00 per month for line connections to the District system. To sustain the current operations, maintenance and planned capital for FY 2005 the District rate will move to \$62.00 per month. Due to a limited customer base, the cost fluctuations between maintenance and capital prompts consideration of this action.

The District's proposed FY 2005 budget will provide the necessary resources to meet the FY 2005 capital program. Looking toward the FY 2006 capital program, the District will need to identify short term funding to start the planned capital work at the Riverview Pump Station, the District's last site requiring improvements. To plan for the FY 2006 capital funding shortfall, the District will begin to identify a lending source to regulate future rate increases to customers.

**FORM
LB-20**

RESOURCES

GENERAL

DUNTHORPE-RIVERDALE DITRICT No. 1

Fund

(Name of Municipal Corporation)

	Historical Data			RESOURCE DESCRIPTION	Budget for Next Year <u>2004-2005</u>			
	Actual		Adopted Budget This Year 2003-2004		Proposed By Budget Officer	Approved By Budget Committee	Adopted By Governing Body	
	Second Preceding Year <u>2001-2002</u>	First Preceding Year <u>2002-2003</u>						
				Beginning Fund Balance:				
1				1. Available cash on hand* (cash basis), or				1
2	\$482,786	\$441,644	\$350,000	2. Net working capital* (accrual basis)	\$182,500			2
3				3. Previously levied taxes estimated to be received				3
4	\$25,082	\$12,236	\$13,000	4. Interest	\$5,500			4
5				5. OTHER RESOURCES				5
6	\$2,500	\$7,500	\$5,000	6. Connection fee contributions	\$2,500			6
7	\$249,160	\$249,728	\$317,440	7. Sewer user assessments	\$401,000			7
8	\$211	\$88		8. Other				8
9				9.				9
10				10.				10
11				11.				11
12				12.				12
13				13.				13
14				14.				14
15				15.				15
16				16.				16
17				17.				17
18				18.				18
19				19.				19
20				20.				20
21				21.				21
22				22.				22
23				23.				23
24				24.				24
25				25.				25
26				26.				26
27				27.				27
28				28.				28
29	\$759,739	\$711,196	\$685,440	29. Total resources, except taxes to be levied	\$591,500			29
30				30. Taxes necessary to balance				30
31				31. Taxes collected in year levied				31
32	\$759,739	\$711,196	\$685,440	32. TOTAL RESOURCES	\$591,500			32

FORM
LB-30

EXPENDITURE SUMMARY
BY FUND, ORGANIZATIONAL UNIT OR PROGRAM
GENERAL

DUNTHORPE-RIVERDALE DISTRICT No.1

Name of Organizational Unit—Fund

Name of Municipal Corporation

	HISTORICAL DATA			EXPENDITURE DESCRIPTION	Budget For Next Year <u>2004-2005</u>			
	Actual		Adopted Budget This Year 2003-2004		Proposed By Budget Officer	Approved By Budget Committee	Adopted By Governing Body	
	Second Preceding Year 2001-2002	First Preceding Year 2002-2003						
				PERSONAL SERVICES				
1				1.				1
2				2.				2
3				3.				3
4				4.				4
5				5.				5
6				6.				6
7				7. TOTAL PERSONAL SERVICES				7
				MATERIALS AND SERVICES				
8	\$246,352	\$269,535	\$280,000	8. System maintenance and disposal	\$330,000			8
9	\$21,782	\$30,340	\$18,285	9. Administrative cost	\$30,500			9
10	\$378	\$167	\$3,000	10. Other District Expenses	\$6,000			10
11				11.				11
12				12.				12
13				13.				13
14	\$268,512	\$300,042	\$301,285	14. TOTAL MATERIALS AND SERVICES	\$366,500			14
				CAPITAL OUTLAY				
15	\$49,583	\$73,119	\$322,800	15. Pump Station Maintenance	\$200,000			15
16				16.				16
17				17.				17
18				18.				18
19				19.				19
20				20.				20
21	\$49,583	\$73,119	\$322,800	21. TOTAL CAPITAL OUTLAY	\$200,000			21
				TRANSFERRED TO OTHER FUNDS				
22				22.				22
23				23.				23
24				24.				24
25			\$40,000	25. General Operating Contingency	\$25,000			25
26	\$0		\$40,000	26. TOTAL TRANSFERS & CONTINGENCIES	\$25,000			26
27	\$318,095	\$373,161	\$664,085	27. TOTAL EXPENDITURES	\$591,500			27
28	\$441,644	\$338,035	\$21,355	28. UNAPPROPRIATED ENDING FUND BALANCE	\$0			28
29	\$759,739	\$711,196	\$685,440	29. TOTAL	\$591,500			29

MULTNOMAH COUNTY SERVICE DISTRICTS' BUDGETS FOR FISCAL YEAR 2004-2005

MID-COUNTY LIGHTING DISTRICT NO. 14 Budget Committee Approval	
The following members of the budget committee for the Mid-County Lighting District met on May 13, 2004 and approved the proposed budget for Fiscal Year 2004-2005:	

MULTNOMAH COUNTY SERVICE DISTRICTS' BUDGETS FOR FISCAL YEAR 2004-2005

Budget Message — Mid-County Service District No. 14

This County Service District (originally known as Tulip Acres Lighting District when formed in 1967) now includes most of the unincorporated urban area of Multnomah County as well as the cities of Fairview, Maywood Park, and Troutdale. District growth has stabilized due to the substantial completion of municipal annexations. However, the District continues to experience mild increases in growth because of urban development.

Portland General Electric (PGE) provides energy and maintenance services for the District. The county's Department of Business and Community Service's Land Use and Transportation Program provides illumination, engineering, and design.

The District is set to complete a \$390,000 phase of ongoing light pole and fixture replacement program in the current program budget. In the FY 2005 budget, the District plans to continue with a \$200,000 capital program to address an accumulation of deteriorated lighting poles and equipment.

The current service charge of \$35.00 per property per year for District residents is proposed to be increased to \$42.00 in this proposed budget. The move to \$42.00 will more closely align program operations maintenance costs to annual assessment collections.

RESOURCES

GENERAL

MID-COUNTY DISTRICT No. 14

Fund

(Name of Municipal Corporation)

	Historical Data			RESOURCE DESCRIPTION	Budget for Next Year <u>2004-2005</u>			
	Actual		Adopted Budget This Year 2003-2004		Proposed By Budget Officer	Approved By Budget Committee	Adopted By Governing Body	
	Second Preceding Year <u>2001-2002</u>	First Preceding Year <u>2002-2003</u>						
				Beginning Fund Balance:				
1				1. Available cash on hand* (cash basis), or				1
2	\$823,065	\$830,376	\$695,000	2. Net working capital* (accrual basis)	\$435,925			2
3	\$6,268	\$5,075		3. Previously levied taxes estimated to be received				3
4	\$32,653	\$20,596	\$22,000	4. Interest	\$7,500			4
5				5. OTHER RESOURCES				5
6	\$227,192	\$228,107	\$203,000	6. Assessments	\$274,575			6
7	\$185	\$86		7. Other				7
8				8.				8
9				9.				9
10				10.				10
11				11.				11
12				12.				12
13				13.				13
14				14.				14
15				15.				15
16				16.				16
17				17.				17
18				18.				18
19				19.				19
20				20.				20
21				21.				21
22				22.				22
23				23.				23
24				24.				24
25				25.				25
26				26.				26
27				27.				27
28				28.				28
29	\$1,089,363	\$1,084,240	\$920,000	29. Total resources, except taxes to be levied	\$718,000			29
30				30. Taxes necessary to balance				30
31				31. Taxes collected in year levied				31
32	\$1,089,363	\$1,084,240	\$920,000	32. TOTAL RESOURCES	\$718,000			32

EXPENDITURE SUMMARY

BY FUND, ORGANIZATIONAL UNIT OR PROGRAM

**FORM
LB-30**

GENERAL

MID-COUNTY DISTRICT No. 14

Name of Organizational Unit—Fund

Name of Municipal Corporation

	HISTORICAL DATA			EXPENDITURE DESCRIPTION	Budget For Next Year <u>2004-2005</u>			
	Actual		Adopted Budget This Year <u>2003-2004</u>		Proposed By Budget Officer	Approved By Budget Committee	Adopted By Governing Body	
	Second Preceding Year <u>2001-2002</u>	First Preceding Year <u>2002-2003</u>						
				PERSONAL SERVICES				
1				1.				1
2				2.				2
3				3.				3
4				4.				4
5				5.				5
6				6.				6
7				7. TOTAL PERSONAL SERVICES				7
				MATERIALS AND SERVICES				
8	\$231,217	\$224,961	\$260,00	8. Energy, maintenance and rental	\$220,000			8
9				9. expenses (service provided by				9
10				10. (Portland General Electric)				10
11	\$20,015	\$32,723	\$37,833	11. Admin. costs (service reimbursement	\$38,000			11
12				12. to county general fund and road fund				12
13	\$2,259	\$262	\$25,000	13. Other expenses	\$25,000			13
14	\$253,491	\$257,946	\$322,833	14. TOTAL MATERIALS AND SERVICES	\$283,000			14
				CAPITAL OUTLAY				
15	\$5,496	\$2,200	\$390,000	15. Equipment Replacement	\$200,000			15
16				16.				16
17				17.				17
18				18.				18
19				19.				19
20				20.				20
21	\$5,496	\$2,200	\$390,000	21. TOTAL CAPITAL OUTLAY	\$200,000			21
				TRANSFERRED TO OTHER FUNDS				
22				22.				22
23				23.				23
24				24.				24
25			\$25,000	25. General Operating Contingency	\$25,000			25
26	\$0	\$0	\$25,000	26. TOTAL TRANSFERS & CONTINGENCIES	\$25,000			26
27	\$258,987	\$260,146	\$737,833	27. TOTAL EXPENDITURES	\$508,000			27
28	\$830,376	\$824,094	\$182,167	28. UNAPPROPRIATED ENDING FUND BALANCE	\$210,000			28
29	\$1,089,363	\$1,084,240	\$920,000	29. TOTAL	\$718,000			29

Service District Hearings: Dunthorpe-Riverdale Sewer District

Chair announces that the Board will recess as the Board of County Commissioners and convene as the Budget Committee of the Dunthorpe-Riverdale Service District.

Chair: We are now convened as the Budget Committee of the Dunthorpe-Riverdale service District. I would like to welcome our fellow budget committee member, Mrs. Marilyn Dodge and thank her for her volunteer service to the district.

Chair: Our first piece of business is to appoint a committee chair and a secretary.

- *Nominate _____.* (Last year Comm. Cruz served as Chair and Comm. Roberts served as Secretary)
- *Vote to approve the appointments*

Chair: we will now hear the Budget Message from Tom Hansell.

- *Tom presents budget message.*

Chair: we will now open up for public testimony on this budget.

Chair: any discussion from the Board? We will now vote to approve this budget for submission to Tax Supervising.

Chair: *gavel out as Dunthorpe-Riverdale service district and convene as the Budget Committee for the Mid-County Street Lighting Service District.*

AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:

Meeting Date: May 13, 2004

Agenda Item #: R-5

Est. Start Time: 9:55 AM

Date Submitted: 04/19/04

Requested Date: May 13, 2004

Time Requested: 5 Minutes

Department: DBCS

Division: Land Use and Trans Program

Contact/s: Tom Hansell

Phone: (503) 988-5050

Ext.: 29833

I/O Address: 425/Trans

Presenters: Tom Hansell

Agenda Title: Appointments of Mid County Street Lighting Service District Budget Committee Chair and Secretary for 2004-2005 [*2003-04 Appointments were Commissioner Roberts as Chair and Commissioner Rojo as Secretary of the Mid County Street Lighting Service District Budget Committee*]

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

1. What action are you requesting from the Board? What is the department/agency recommendation?

Convene as the governing body of the Mid-County Service District to:

- Appointment of new budget committee member to serve a three-year term,
- Select budget committee chair and secretary from presiding members;
- Hear budget message;
- Open Public Hearings to hear and consider any testimony presented by the public about the budget, and
- Vote and approve the budget.

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

Multnomah County's Service Districts have been created under the provisions of the Oregon Revised Statutes, Chapter 451, to provide construction and operation of sanitary sewer systems and to provide street lighting in particular areas of the County. The Multnomah County Board of

Commissioners serves as the governing body of each district. The budget committee for each district consists of the members of the Board of County Commissioners and resident(s) of the district appointed by the Board for terms of three years.

The annual budget for each district is prepared under the direction of a budget officer designated by the Board. Tom Hansell from the Department of Business and Community Services' Land Use and Transportation Program serves as the Budget Officer for the district. The budget committee reviews the annual budget and approves it either as submitted by the budget officer or with revisions requested by the committee.

These procedures fulfill the requirements of Oregon's Local Budget Law (ORS 294), which provides specific methods for obtaining public review and comment on the financial and administrative policies of the districts.

Multnomah County's Department of Business and Community Services provides administrative and financial services, respectively, to the district. The district is, however, a separate and independent financial entity. Expenses incurred, such as administration and engineering provided by the Department of Business and Community Services, are met with revenue from fees and/or assessments to real property within the street lighting service district.

The district was organized in 1968 as Tulip Acres Lighting District to provide street lighting in the unincorporated areas of Multnomah County and the cities of Maywood Park, Troutdale, and Fairview. The district's operating budget has stabilized with the completion of the majority of annexations. Assessment growth is budgeted due to updates in property lists and building development within the district's boundaries.

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

The district has requested a total budget of \$718,000 for FY 2005. This requested budget is \$202,000, or a 22% decrease from the current year's adopted budget. The reduction is associated with a reduced capital replacement program. The district plan for FY 2005 is to continue with a \$200,000 capital program targeting deteriorating poles and equipment.

The revenues necessary to support the operations of the district are collected through user fees and special assessments collected through the property tax system. The district's current assessment of \$35.00 per property is proposed for an increase to \$42.00 in this proposed budget. The \$7.00 increase will provide sufficient resources to more closely match annual operations and maintenance costs to customer assessment revenues.

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

If a budget modification, explain:

- ❖ **What revenue is being changed and why?**
- ❖ **What budgets are increased/decreased?**
- ❖ **What do the changes accomplish?**
- ❖ **Do any personnel actions result from this budget modification? Explain.**
- ❖ **Is the revenue one-time-only in nature?**
- ❖ **If a grant, what period does the grant cover?**
- ❖ **When the grant expires, what are funding plans?**

NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)

If a contingency request, explain:

- ❖ Why was the expenditure not included in the annual budget process?
- ❖ What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?
- ❖ Why are no other department/agency fund sources available?
- ❖ Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.
- ❖ Has this request been made before? When? What was the outcome?

If grant application/notice of intent, explain:

- ❖ Who is the granting agency?
- ❖ Specify grant requirements and goals.
- ❖ Explain grant funding detail – is this a one time only or long term commitment?
- ❖ What are the estimated filing timelines?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?
- ❖ How will the county indirect and departmental overhead costs be covered?

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

The district is a separate legal entity. Because of its size, it requires a budget committee. The actions requested of the Board of County Commissioners and District Budget Committee are consistent with meeting the requirements of the Tax Supervising Conservation Commission and statewide local budget law.

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

Published Notice of Public Hearing for the Budget Committee Meeting

Required Signatures:

Department/Agency Director: Robert A Maestre

Date: 04/19/04

Budget Analyst

By: 

Date: 04/19/04

Dept/Countywide HR

By: _____

Date:

Service District Hearings: Mid-County Street Lighting District

Chair: We are now convened as the Budget Committee of the Mid-County Street Lighting service District. I would like to welcome our fellow newest budget committee member, Mrs. Ginger Nielsen, and thank her for her volunteer service to the district.

Chair: Our first piece of business is to make the appointment of Mrs. Nielsen to serve as a budget committee member of the district for a three year term.

- *Vote to approve the appointment*

Chair: Appoint a committee chair and a secretary.

- *Nominate _____.* (Last year Comm. Roberts served as Chair and Comm. Rojo de Steffey served as Secretary)
- *Vote to approve the appointments*

Chair: we will now hear the Budget Message from Tom Hansell

- *Tom presents budget message.*

Chair: we will now open up for public testimony on this budget.

Chair: any discussion from the Board? We will now vote to approve this budget for submission to Tax Supervising.

Chair: *gavel out as Mid-County Street Lighting service district and re-convene as the Board of County Commissioners.*

AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:

Meeting Date: May 13, 2004

Agenda Item #: R-6

Est. Start Time: 9:55 AM

Date Submitted: 04/19/04

Requested Date: May 13, 2004

Time Requested: 5 Minutes

Department: DBCS

Division: Land Use and Trans Program

Contact/s: Tom Hansell

Phone: (503) 988-5050

Ext.: 29833

I/O Address: 425/Trans

Presenters: Tom Hansell

Agenda Title: Presentation of Budget Message Followed by PUBLIC HEARING to Consider and Approve the 2004-2005 Mid County Street Lighting Service District No. 14 Proposed Budget for Submittal to the Tax Supervising and Conservation Commission

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

1. What action are you requesting from the Board? What is the department/agency recommendation?

Convene as the governing body of the Mid-County Service District to:

- Appointment of new budget committee member to serve a three-year term,
- Select budget committee chair and secretary from presiding members;
- Hear budget message;
- Open Public Hearings to hear and consider any testimony presented by the public about the budget, and
- Vote and approve the budget.

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

Multnomah County's Service Districts have been created under the provisions of the Oregon Revised Statutes, Chapter 451, to provide construction and operation of sanitary sewer systems and to provide street lighting in particular areas of the County. The Multnomah County Board of Commissioners serves as the governing body of each district. The budget committee for each

district consists of the members of the Board of County Commissioners and resident(s) of the district appointed by the Board for terms of three years.

The annual budget for each district is prepared under the direction of a budget officer designated by the Board. Tom Hansell from the Department of Business and Community Services' Land Use and Transportation Program serves as the Budget Officer for the district. The budget committee reviews the annual budget and approves it either as submitted by the budget officer or with revisions requested by the committee.

These procedures fulfill the requirements of Oregon's Local Budget Law (ORS 294), which provides specific methods for obtaining public review and comment on the financial and administrative policies of the districts.

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The district was organized in 1968 as Tulip Acres Lighting District to provide street lighting in the unincorporated areas of Multnomah County and the cities of Maywood Park, Troutdale, and Fairview. The district's operating budget has stabilized with the completion of the majority of annexations. Assessment growth is budgeted due to updates in property lists and building development within the district's boundaries.

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

The district has requested a total budget of \$718,000 for FY 2005. This requested budget is \$202,000, or a 22% decrease from the current year's adopted budget. The reduction is associated with a reduced capital replacement program. The district plan for FY 2005 is to continue with a \$200,000 capital program targeting deteriorating poles and equipment.

The revenues necessary to support the operations of the district are collected through user fees and special assessments collected through the property tax system. The district's current assessment of \$35.00 per property is proposed for an increase to \$42.00 in this proposed budget. The \$7.00 increase will provide sufficient resources to more closely match annual operations and maintenance costs to customer assessment revenues.

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

If a budget modification, explain:

- ❖ **What revenue is being changed and why?**
- ❖ **What budgets are increased/decreased?**
- ❖ **What do the changes accomplish?**
- ❖ **Do any personnel actions result from this budget modification? Explain.**
- ❖ **Is the revenue one-time-only in nature?**
- ❖ **If a grant, what period does the grant cover?**
- ❖ **When the grant expires, what are funding plans?**

NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)

If a contingency request, explain:

- ❖ Why was the expenditure not included in the annual budget process?
- ❖ What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?
- ❖ Why are no other department/agency fund sources available?
- ❖ Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.
- ❖ Has this request been made before? When? What was the outcome?

If grant application/notice of intent, explain:

- ❖ Who is the granting agency?
- ❖ Specify grant requirements and goals.
- ❖ Explain grant funding detail – is this a one time only or long term commitment?
- ❖ What are the estimated filing timelines?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?
- ❖ How will the county indirect and departmental overhead costs be covered?

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

The district is a separate legal entity. Because of its size, it requires a budget committee. The actions requested of the Board of County Commissioners and District Budget Committee are consistent with meeting the requirements of the Tax Supervising Conservation Commission and statewide local budget law.

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

Published Notice of Public Hearing for the Budget Committee Meeting

Required Signatures:

Department/Agency Director: Robert A Maestre

Date: 04/19/04

Budget Analyst

By: [Signature]

Date: 04/19/04

Dept/Countywide HR

By: _____

Date:



Multnomah County

Service Districts' Budgets Fiscal Year 2004-2005

**Mid-County Street Lighting District No. 14 - Proposed
Dunthorpe-Riverdale Service District No. 1 – Proposed**

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MULTNOMAH COUNTY SERVICE DISTRICTS' BUDGETS FOR FISCAL YEAR 2004-2005

Introduction

Multnomah County's Service Districts have been created under the provisions of the Oregon Revised Statutes, Chapter 451, to provide construction and operation of sanitary sewer systems and to provide street lighting in particular areas of the County.

The Multnomah County Board of Commissioners serves as the governing body of each district. The budget committee for each district consists of the members of the Board and residents of the district appointed by the Board for terms of three years.

The annual budget for each district is prepared under the direction of a budget officer designated by the Board. The budget committee reviews the annual budget and approves it, either as submitted by the budget officer or with revisions requested by the committee.

These procedures fulfill the requirements of Oregon's Local Budget Law (ORS 294), which provides specific methods for obtaining public review and comment on the financial and administrative policies of the districts.

Explanation of the Budget Document

This document consists of a detailed schedule of the resources and requirements of each of the two districts in Multnomah County.

Preceding the financial information for each district is a brief budget message, which discusses special items pertaining to the individual district, including any major changes in either resources or requirements.

Service Districts' Financial Policies

Multnomah County's Department of Business and Community Services provides administrative and financial services, respectively, to the two districts. Each district is, however, a separate and independent financial entity. Expenses incurred, such as administration and engineering provided by the Land Use and Transportation Program, are met with revenue from sewer user charges, connection fees and/or assessments to real property within the street lighting or sanitary sewer service district.

For the purposes of countywide financial reporting, each district is treated as an Enterprise Fund and accounted for on the accrual basis of accounting. This practice conforms to generally accepted accounting principles (GAAP). Under the accrual basis of accounting, all revenues are recorded at the time they are earned and expenditures are recorded at the time they are incurred. Budgets and comparative historical cost summaries are prepared using these bases. This practice conforms to Oregon's Local Budget Law.

Summary of Service Districts' Requirements

SERVICE DISTRICT	ACTUAL 01-02	ACTUAL 02-03	BUDGET 03-04	PROPOSED 04-05
Dunthorpe-Riverdale Service District No. 1	\$759,739	711,196	685,440	591,500
Mid-County Service District No. 14	\$1,089,363	1,084,240	920,000	718,000
TOTAL	\$1,849,102	1,795,436	1,605,440	1,3095,500

**Summary of Administrative Reimbursements
(Charges by Multnomah County to Service Districts)**

SERVICE DISTRICT	ACTUAL 01-02	ACTUAL 02-03	BUDGET 03-04	PROPOSED 04-05
Dunthorpe-Riverdale Service District No. 1	21,782	30,340	18,285	30,500
Mid-County Service District No. 14	20,015	32,723	37,833	38,000
TOTAL	41,797	63,063	56,118	68,500

MULTNOMAH COUNTY SERVICE DISTRICTS' BUDGETS FOR FISCAL YEAR 2004-2005

DUNTHORPE-RIVERDALE SEWER DISTRICT NO. 1 Budget Committee Approval	
The following members of the budget committee for the Dunthorpe-Riverdale Sewer District met on May 13, 2004 and approved the proposed budget for Fiscal Year 2004-2005:	

MULTNOMAH COUNTY SERVICE DISTRICTS' BUDGETS FOR FISCAL YEAR 2004-2005

Budget Message — Dunthorpe-Riverdale Service District No. 1

This District was formed in the middle 1960's and by 1970 had removed a significant source of pollution from the Willamette River. Its 560 clients are mainly located in unincorporated Multnomah County with a few customers in northern Clackamas County. District growth has stabilized due to substantial completion of municipal annexations.

The City of Portland's Bureau of Environmental Services maintains the District's lines and treats the sewage flow at Portland's Tryon Creek Treatment Plant. It also provides design and engineering services for construction, reconstruction, and/or improvement of the district's facilities. The District continues to coordinate planned capital maintenance projects with the City of Portland Water Bureau's capital program. The FY 2005 capital program is estimated at \$200,000. The capital work will focus improvements at the Tryon pump station to ensure the District continues to provide reliable service to its users.

The current service charge is \$50.00 per month for line connections to the District system. To sustain the current operations, maintenance and planned capital for FY 2005 the District rate will move to \$62.00 per month. Due to a limited customer base, the cost fluctuations between maintenance and capital prompts consideration of this action.

The District's proposed FY 2005 budget will provide the necessary resources to meet the FY 2005 capital program. Looking toward the FY 2006 capital program, the District will need to identify short term funding to start the planned capital work at the Riverview Pump Station, the District's last site requiring improvements. To plan for the FY 2006 capital funding shortfall, the District will begin to identify a lending source to regulate future rate increases to customers.

RESOURCES

GENERAL
Fund'

DUNTHORPE-RIVERDALE DITRICT No. 1
(Name of Municipal Corporation)

	Historical Data			RESOURCE DESCRIPTION	Budget for Next Year <u>2004-2005</u>			
	Actual		Adopted Budget This Year 2003-2004		Proposed By Budget Officer	Approved By Budget Committee	Adopted By Governing Body	
	Second Preceding Year 2001-2002	First Preceding Year 2002-2003						
				Beginning Fund Balance:				
1				1. Available cash on hand* (cash basis), or				1
2	\$482,786	\$441,644	\$350,000	2. Net working capital* (accrual basis)	\$182,500			2
3				3. Previously levied taxes estimated to be received				3
4	\$25,082	\$12,236	\$13,000	4. Interest	\$5,500			4
5				5. OTHER RESOURCES				5
6	\$2,500	\$7,500	\$5,000	6. Connection fee contributions	\$2,500			6
7	\$249,160	\$249,728	\$317,440	7. Sewer user assessments	\$401,000			7
8	\$211	\$88		8. Other				8
9				9.				9
10				10.				10
11				11.				11
12				12.				12
13				13.				13
14				14.				14
15				15.				15
16				16.				16
17				17.				17
18				18.				18
19				19.				19
20				20.				20
21				21.				21
22				22.				22
23				23.				23
24				24.				24
25				25.				25
26				26.				26
27				27.				27
28				28.				28
29	\$759,739	\$711,196	\$685,440	29. Total resources, except taxes to be levied	\$591,500			29
30				30. Taxes necessary to balance				30
31				31. Taxes collected in year levied				31
32	\$759,739	\$711,196	\$685,440	32. TOTAL RESOURCES	\$591,500			32

FORM
LB-30

EXPENDITURE SUMMARY
BY FUND, ORGANIZATIONAL UNIT OR PROGRAM
GENERAL

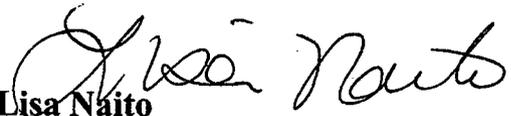
DUNTHORPE-RIVERDALE DISTRICT No.1

Name of Organizational Unit—Fund

Name of Municipal Corporation

	HISTORICAL DATA			EXPENDITURE DESCRIPTION	Budget For Next Year <u>2004-2005</u>			
	Actual		Adopted Budget This Year 2003-2004		Proposed By Budget Officer	Approved By Budget Committee	Adopted By Governing Body	
	Second Preceding Year 2001-2002	First Preceding Year 2002-2003						
				PERSONAL SERVICES				
1				1.				1
2				2.				2
3				3.				3
4				4.				4
5				5.				5
6				6.				6
7				7. TOTAL PERSONAL SERVICES				7
				MATERIALS AND SERVICES				
8	\$246,352	\$269,535	\$280,000	8. System maintenance and disposal	\$330,000			8
9	\$21,782	\$30,340	\$18,285	9. Administrative cost	\$30,500			9
10	\$378	\$167	\$3,000	10. Other District Expenses	\$6,000			10
11				11.				11
12				12.				12
13				13.				13
14	\$268,512	\$300,042	\$301,285	14. TOTAL MATERIALS AND SERVICES	\$366,500			14
				CAPITAL OUTLAY				
15	\$49,583	\$73,119	\$322,800	15. Pump Station Maintenance	\$200,000			15
16				16.				16
17				17.				17
18				18.				18
19				19.				19
20				20.				20
21	\$49,583	\$73,119	\$322,800	21. TOTAL CAPITAL OUTLAY	\$200,000			21
				TRANSFERRED TO OTHER FUNDS				
22				22.				22
23				23.				23
24				24.				24
25			\$40,000	25. General Operating Contingency	\$25,000			25
26	\$0		\$40,000	26. TOTAL TRANSFERS & CONTINGENCIES	\$25,000			26
27	\$318,095	\$373,161	\$664,085	27. TOTAL EXPENDITURES	\$591,500			27
28	\$441,644	\$338,035	\$21,355	28. UNAPPROPRIATED ENDING FUND BALANCE	\$0			28
29	\$759,739	\$711,196	\$685,440	29. TOTAL	\$591,500			29

MULTNOMAH COUNTY SERVICE DISTRICTS' BUDGETS FOR FISCAL YEAR 2004-2005

MID-COUNTY LIGHTING DISTRICT NO. 14 Budget Committee Approval	
The following members of the budget committee for the Mid-County Lighting District met on May 13, 2004 and approved the proposed budget for Fiscal Year 2004-2005:	
 Diane Linn	 Virginia Nielsen
 Serena Cruz	
 Lisa Naito	
 Lonnie Roberts	
 Maria Rojo de Steffey	

MULTNOMAH COUNTY SERVICE DISTRICTS' BUDGETS FOR FISCAL YEAR 2004-2005

Budget Message — Mid-County Service District No. 14

This County Service District (originally known as Tulip Acres Lighting District when formed in 1967) now includes most of the unincorporated urban area of Multnomah County as well as the cities of Fairview, Maywood Park, and Troutdale. District growth has stabilized due to the substantial completion of municipal annexations. However, the District continues to experience mild increases in growth because of urban development.

Portland General Electric (PGE) provides energy and maintenance services for the District. The county's Department of Business and Community Service's Land Use and Transportation Program provides illumination, engineering, and design.

The District is set to complete a \$390,000 phase of ongoing light pole and fixture replacement program in the current program budget. In the FY 2005 budget, the District plans to continue with a \$200,000 capital program to address an accumulation of deteriorated lighting poles and equipment.

The current service charge of \$35.00 per property per year for District residents is proposed to be increased to \$42.00 in this proposed budget. The move to \$42.00 will more closely align program operations maintenance costs to annual assessment collections.

RESOURCES

GENERAL
Fund

MID-COUNTY DISTRICT No. 14
(Name of Municipal Corporation)

	Historical Data			RESOURCE DESCRIPTION	Budget for Next Year <u>2004-2005</u>			
	Actual		Adopted Budget This Year 2003-2004		Proposed By Budget Officer	Approved By Budget Committee	Adopted By Governing Body	
	Second Preceding Year 2001-2002	First Preceding Year 2002-2003						
				Beginning Fund Balance:				
1				1. Available cash on hand* (cash basis), or				1
2	\$823,065	\$830,376	\$695,000	2. Net working capital* (accrual basis)	\$435,925			2
3	\$6,268	\$5,075		3. Previously levied taxes estimated to be received				3
4	\$32,653	\$20,596	\$22,000	4. Interest	\$7,500			4
5				5. OTHER RESOURCES				5
6	\$227,192	\$228,107	\$203,000	6. Assessments	\$274,575			6
7	\$185	\$86		7. Other				7
8				8.				8
9				9.				9
10				10.				10
11				11.				11
12				12.				12
13				13.				13
14				14.				14
15				15.				15
16				16.				16
17				17.				17
18				18.				18
19				19.				19
20				20.				20
21				21.				21
22				22.				22
23				23.				23
24				24.				24
25				25.				25
26				26.				26
27				27.				27
28				28.				28
29	\$1,089,363	\$1,084,240	\$920,000	29. Total resources, except taxes to be levied	\$718,000			29
30				30. Taxes necessary to balance				30
31				31. Taxes collected in year levied				31
32	\$1,089,363	\$1,084,240	\$920,000	32. TOTAL RESOURCES	\$718,000			32

FORM
LB-30

EXPENDITURE SUMMARY
BY FUND, ORGANIZATIONAL UNIT OR PROGRAM
GENERAL

MID-COUNTY DISTRICT No. 14

Name of Organizational Unit—Fund

Name of Municipal Corporation

	HISTORICAL DATA			EXPENDITURE DESCRIPTION	Budget For Next Year <u>2004-2005</u>			
	Actual		Adopted Budget This Year 2003-2004		Proposed By Budget Officer	Approved By Budget Committee	Adopted By Governing Body	
	Second Preceding Year 2001-2002	First Preceding Year 2002-2003						
				PERSONAL SERVICES				
1				1.				1
2				2.				2
3				3.				3
4				4.				4
5				5.				5
6				6.				6
7				7. TOTAL PERSONAL SERVICES				7
				MATERIALS AND SERVICES				
8	\$231,217	\$224,961	\$260,00	8. Energy, maintenance and rental	\$220,000			8
9				9. expenses (service provided by				9
10				10. (Portland General Electric)				10
11	\$20,015	\$32,723	\$37,833	11. Admin. costs (service reimbursement	\$38,000			11
12				12. to county general fund and road fund				12
13	\$2,259	\$262	\$25,000	13. Other expenses	\$25,000			13
14	\$253,491	\$257,946	\$322,833	14. TOTAL MATERIALS AND SERVICES	\$283,000			14
				CAPITAL OUTLAY				
15	\$5,496	\$2,200	\$390,000	15. Equipment Replacement	\$200,000			15
16				16.				16
17				17.				17
18				18.				18
19				19.				19
20				20.				20
21	\$5,496	\$2,200	\$390,000	21. TOTAL CAPITAL OUTLAY	\$200,000			21
				TRANSFERRED TO OTHER FUNDS				
22				22.				22
23				23.				23
24				24.				24
25			\$25,000	25. General Operating Contingency	\$25,000			25
26	\$0	\$0	\$25,000	26. TOTAL TRANSFERS & CONTINGENCIES	\$25,000			26
27	\$258,987	\$260,146	\$737,833	27. TOTAL EXPENDITURES	\$508,000			27
28	\$830,376	\$824,094	\$182,167	28. UNAPPROPRIATED ENDING FUND BALANCE	\$210,000			28
29	\$1,089,363	\$1,084,240	\$920,000	29. TOTAL	\$718,000			29

Service District Hearings: Mid-County Street Lighting District

Chair: We are now convened as the Budget Committee of the Mid-County Street Lighting service District. I would like to welcome our fellow newest budget committee member, Mrs. Ginger Nielsen, and thank her for her volunteer service to the district.

Chair: Our first piece of business is to make the appointment of Mrs. Nielsen to serve as a budget committee member of the district for a three year term.

- *Vote to approve the appointment*

Chair: Appoint a committee chair and a secretary.

- *Nominate _____.* (Last year Comm. Roberts served as Chair and Comm. Rojo de Steffey served as Secretary)
- *Vote to approve the appointments*

Chair: we will now hear the Budget Message from Tom Hansell

- *Tom presents budget message.*

Chair: we will now open up for public testimony on this budget.

Chair: any discussion from the Board? We will now vote to approve this budget for submission to Tax Supervising.

Chair: *gavel out as Mid-County Street Lighting service district and re-convene as the Board of County Commissioners.*

AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:

Meeting Date: May 13, 2004

Agenda Item #: R-7

Est. Start Time: 10:00 AM

Date Submitted: 04/19/04

Requested Date: May 13, 2004

Time Requested: 10 minutes

Department: Health Department

Division: Community Health Services

Contact/s: Jodi Davich

Phone: 503-988-3663

Ext.: 26561

I/O Address: 106/14/1410

Presenters: Lila Wickham

Agenda Title: Notice of Intent to Apply for Centers for Disease Control and Prevention Delivering Environmental Health Services Grant Funds

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

-
- 1. What action are you requesting from the Board? What is the department/agency recommendation?**

The Multnomah County Health Department (MCHD) is requesting approval to submit a proposal to the Centers for Disease Control and Prevention Delivering Environmental Health Services grant program. The Health Department recommends that this request be approved.

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

The field of environmental public health has expanded over the last 50 years to cover many new responsibilities, such as poor air quality, childhood lead poisoning, asthma, and exposures to hazardous chemicals. In addition, new and complex technologies are now available. The purpose of this grant competition is to increase the capacity of local

public health departments to provide environmental public health activities based the Ten Essential Services of Environmental Health. These ten services are:

1. Monitor health status to identify community environmental health problems.
2. Diagnose and investigate environmental health hazards.
3. Inform, educate and empower people about environmental health issues.
4. Mobilize partnerships to identify and solve environmental health problems.
5. Develop policies and plans that support environmental health efforts.
6. Enforce laws and regulations that protect the health and ensure the safety of the community.
7. Link people to needed environmental health services.
8. Assure a competent environmental health workforce.
9. Evaluate the effectiveness, accessibility, and quality of environmental health services.
10. Identify new insights and innovative solutions to environmental health problems.

Due to funding constraints, Environmental Health Services (EHS) has a limited capacity to address the ten essential services fully. EHS will use grant funds to strengthen its ability to 1) provide active surveillance of food, water and vector-borne illnesses; 2) provide culturally competent communications with the growing ethnically diverse populations of Multnomah County; 3) engage the community in program planning and development; and 4) to meet the demand for an increasing number of food inspections.

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

The project budget will be approximately \$165,000 per year for three years. Grant funds will cover staff costs, educational materials, and equipment.

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

If a budget modification, explain:

- ❖ **What revenue is being changed and why?**
- ❖ **What budgets are increased/decreased?**
- ❖ **What do the changes accomplish?**
- ❖ **Do any personnel actions result from this budget modification? Explain.**
- ❖ **Is the revenue one-time-only in nature?**
- ❖ **If a grant, what period does the grant cover?**
- ❖ **When the grant expires, what are funding plans?**

NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)

If a contingency request, explain:

- ❖ **Why was the expenditure not included in the annual budget process?**
- ❖ **What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?**
- ❖ **Why are no other department/agency fund sources available?**

- ❖ Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.
- ❖ Has this request been made before? When? What was the outcome?

If grant application/notice of intent, explain:

- ❖ Who is the granting agency? Centers for Disease Control and Prevention (CDC)
- ❖ Specify grant requirements and goals.

The grant announcement requires that the project use the Ten Essential Public Environmental Health Services framework. The project goal is to improve the health and safety and livability of our community by increasing the Health Department's capacity to:

- Better communicate about environmental issues and services with the general public;
- Develop culturally competent communication and services;
- Expand capacity to effectively and efficiently analyze critical data to prevent communicable disease outbreaks;
- Improve the ability of EHS to prevent food borne illness outbreaks; and
- Increase capacity to regulate food laws to protect the general public from food-borne illness.

- ❖ What are the estimated filing timelines? Proposals are due June 1, 2004.
- ❖ If a grant, what period does the grant cover? September 1, 2004 through August 31, 2007.
- ❖ When the grant expires, what are funding plans?

If program evaluation supports the continuation of project activities, additional funding will be sought.

- ❖ How will the county indirect and departmental overhead costs be covered?
- ❖ Indirect costs will be built into the project budget. No matching funds are required.

4. Explain any legal and/or policy issues.

There are no legal and/or policy issues.

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

The following groups will be involved: PACE-EH Coalition, State of Oregon Health Services, Environmental Justice Action Group, Restaurant Association and community based organizations such as IRCO and the Asian Health Service Center.

Required Signatures:

Tullian Stanley

Department/Agency Director:

Date: 04/19/04

Budget Analyst

By:

Debra

Date: 04/19/04

Dept/Countywide HR

By:

Kathleen Miller

Date: 04/19/04

AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:

Meeting Date: May 13, 2004
Agenda Item #: R-8
Est. Start Time: 10:05 AM
Date Submitted: 04/12/04

Requested Date: May 13, 2004

Time Requested: 1 minute

Department: Business and Community Services

Division: Land Use and Transportation Planning Program

Contact/s: Gary Clifford, Karen Schilling

Phone: 503-988-3043

Ext.: 26782

I/O Address: 455/116

Presenters: Gary Clifford

Agenda Title: Second Reading and Possible Adoption of an ORDINANCE Amending MCC Chapter 33, Land Use Code, West Hills Rural Plan Area, to Update the Zoning Code to Include Changes to the Oregon Statutes and Administrative Rules Regarding Land Uses on Lands Zoned Exclusive Farm Use and Commercial Forest Use

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

1. What action are you requesting from the Board? What is the department/agency recommendation?

The request is for adoption of five ordinances that make amendments to five different chapters of the Zoning Code. The amendments update the land use regulations in all the farm and forest zoning districts to include changes that have been made to State Statutes and Administrative Rules. The recommendation from the Planning Commission, the Planning Director, and the Department Director is for approval of the ordinances.

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

In Oregon, lands outside of Urban Growth Boundaries which are important for farm and forest resource production are subject to land use protections in State Statute, Statewide Planning Goals, and Administrative Rules that implement the Statutes and Goals. Counties are then required to enact the state regulations within their own Land Use Plans and Zoning Codes.

Recently a pattern has emerged that every two years the state legislature enacts additional changes to the State Statutes governing farm and forest lands. Then, following the enacted statutes, the Land Conservation and Development Commission makes corresponding, and sometimes additional, changes to the Oregon Administrative Rules (OARs).

Most of the proposed amendments are mandated by the state and are actually in effect without adoption into the County regulations. However, their absence from the County Zoning Code makes it difficult for property owners and staff to find all relevant regulations that may apply to farm and forest lands.

The proposed amendments add new land uses to the list of uses allowed in farm and forest zones. Along with the new listing are also new standards for those land uses. New land uses include sites for model aircraft landing, fire service facilities, facilities for processing farm crops, parking of log trucks, farm dwellings on dairy farms, and farm dwellings for farmers that move to a new farm.

In addition, the amendments make changes to standards for some land uses that are presently listed in the farm and forest zones. Those changes include amended standards for approving new dwellings, for approving certain land divisions in the forest zones, for the definition of allowed activities associated with churches, for farm stands, for uses allowed in private and public parks, and for the time period that certain dwelling approvals are valid before they expire.

There are five different ordinances because each of the Rural Plan Areas has its own Zoning Code Chapter and a separate ordinance is required to amend each Chapter.

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

No fiscal impact is expected. The amendments are either mandatory and already in effect, or are clarifications of existing standards.

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

Under the State of Oregon program of land use planning, protection of farm and forest lands for their production value is a major concern. Coupled with the Urban Growth Boundary concept, the result is state mandated restrictions on those lands. This situation leaves some property owners frustrated that counties do not have more flexibility in allowing more development opportunities in those areas.

At the public hearing before the Planning Commission there were generally two concerns expressed. The first involved a need for staff to explain the limits available to local jurisdictions in allowing development in farm and forest areas. The second concern of the property owners that gave testimony was regarding the present approval standards the county has adopted for approval of a certain type of dwelling (a "template dwelling"). The approval standards for a "template dwelling" are one part of the zoning regulations where Multnomah County is more restrictive than the state rules require. (A county may be more restrictive in this standard, but not more lenient.) The standards were adopted as part of the West Hills Rural Area Plan process and are part of the County's Comprehensive Plan.

Staff's response to the second concern is that the proposal before the Board is limited to required code updates and clarifications of existing standards. Other changes that

involve changing Rural Area Plan Policies must be done in a different process. To examining the appropriateness of an approval standard that would increase the number of potential dwellings in the forest zones is a land use issue that should be part of an update of a Rural Area Plan and notice must be given to all property owners and the State Land Conservation and Development Commission of the possibility of making such changes to development approval standards.

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

The proposed amendments have been submitted to the State Department of Land Conservation and Development for their review. No comments have been returned.

A notice of the public hearing before the Planning Commission was mailed to over 1,500 owners of farm and forest zoned properties (in accordance with the requirements of Ballot Measure 56). Fourteen citizens attended the hearing, six citizens gave testimony, and one submitted written comments.

Notice of the Board of County Commissioners hearing will be sent to all those that attended the Planning Commission hearing or submitted testimony.

Required Signatures:

Department/Agency Director: Robert A Maestre Date: 04/06/04

Budget Analyst

By: _____ Date:

Dept/Countywide HR

By: _____ Date:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1033

Amending MCC Chapter 33, Land Use Code, West Hills Rural Plan Area, To Update the Zoning Code to Include Changes to the Oregon Statutes and Administrative Rules Regarding Land Uses on Lands Zoned Exclusive Farm Use and Commercial Forest Use

(Language ~~stricken~~ is deleted; double- underlined language is new.)

The Multnomah County Board of Commissioners Finds:

- a. Under the Oregon Statewide Land Use Planning Program, protection of farm and forest lands for resource use is based upon regulation of land uses found in state statute and Oregon Administrative Rules. Multnomah County then administers those farm and forest regulations from the County's own adopted zoning code.
- b. Periodically, the State Legislature and the State Land Conservation and Development Commission modify and amend the statutes and rules. Thereafter, mandated sections of those amended state regulations are required to be administered by counties directly from the state codes if they are not adopted into county codes. Timely integration of those state amendments into the County zoning code is desirable for land owners to have available all land use regulations that apply to their property in one set of regulations.
- c. The Planning Commission is authorized by MCC 33.0140 and by ORS 215.110 to recommend to the Board of County Commissioners the adoption of ordinances to implement the Multnomah County Comprehensive Plan. The Planning Commission held a public hearing on the amendments contained in this ordinance where all interested persons were given an opportunity to appear and be heard. Notice of the public hearing was mailed to all property owners of lands zoned Exclusive Farm Use (EFU) and Commercial Forest Use (CFU). At that hearing the Planning Commission approved the code amendments for recommendation to the Board.
- d. The amendments in this ordinance are found by the Board to be needed updates to the zoning code to comply with changed state statutes and administrative rules.

Multnomah County Ordains as follows:

Section 1. § 33.0005 is amended as follows:

§ 33.0005 Definitions.

As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.

(D)(1) **Date of Creation and Existence** – As used in the EFU and CFU districts and applicable only to certain standards for approval of a dwelling in those districts, when a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a Lot of Record or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot of record or tract.

Section 2. § 33.2010 is amended as follows:

§ 33.2010 Definitions

As used in MCC 33.2000 through 33.2110, unless otherwise noted, the following words and their derivations shall have the following meanings:

~~(A)~~ *Auxiliary* - For the purposes of MCC 33.2020 (A) (2) to (3), the use or alteration of a structure or land which provides temporary help, or is directly associated with the conduct of a particular forest practice. An auxiliary structure shall be located on site, be temporary in nature, and be designed not to remain for the entire growth cycle of the forest from planting to harvesting. An auxiliary use shall be removed when the particular forest practice for which it was approved is concluded.

~~(B)~~ *Campground* - An area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A camping site may be occupied by a tent, travel trailer or recreational vehicle. A campground shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.

~~(C)~~ *Commercial Tree Species* - Trees recognized under rules adopted under ORS 527.715 (1996) for commercial production.

~~(D)~~ *Contiguous* - Refers to parcels or lots which have any common boundary, excepting a single point, and shall include, but not be limited to, parcels or lots separated only by an alley, street or other right-of-way.

~~(E)~~ *Cubic Foot Per Acre* - The average annual increase in cubic foot volume of wood fiber per acre for fully stocked stands at the culmination of mean annual increment as reported by the USDA Soil Conservation Service. Where SCS data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data and be approved by the Department of Forestry.

~~(F)~~ *Cubic Foot Per Tract Per Year* - The average annual increase in cubic foot volume of wood fiber per tract for fully stocked stands at the culmination of mean annual increment as reported by the USDA Soil Conservation Service. Where SCS data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data and be approved by the Department of Forestry.

~~(G)~~ *Forest Operation* - Any commercial activity relating to the growing or harvesting of any forest tree species as defined in ORS 527.620 (6) (1996).

~~(H)~~ *Same Ownership* - Refers to greater than possessory interests held by the same person or persons, spouse, minor age child, same partnership, corporation, trust or other entity, separately, in tenancy in common or by other form of title. Ownership shall be deemed to exist when a person or entity owns or controls ten percent or more of a lot or parcel, whether directly or through ownership or control or an entity having such ownership or control.

~~(I)~~ *Tract* - One or more contiguous Lots of Record in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway. Lots that are contiguous with a common boundary of only a single point are not a tract.

Section 3. § 33.2030 is amended as follows:

§ 33.2030 Conditional Uses

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter:

(B) The following Community Service Uses pursuant to the provisions of MCC 33.2045, 33.2105, 33.6000 through 33.6010, and 33.6100 through 33.6230:

(1) Private park and private campground. In addition to the approval standards listed in MCC 33.2030(B) above, a private campground shall be subject to the following:

(a) Except on a lot or parcel contiguous to a lake or reservoir, the campground shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4.

(b) The campground shall be an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes.

(c) The campground is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground.

(d) The campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites.

(e) Campsites may be occupied by a tent, travel trailer or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period.

(f) The campground shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.

(9) State and Local Parks, including a public or private wildlife and fisheries resources conservation area with accessory structures for educational or instructional use.

(a) Uses allowed in a State Park, subject to a state master plan as described in OAR 660 Division 34, are:

1. All uses allowed under Statewide Planning Goal 4, provided the uses are also allowed under OAR 736, Division 18; and

2. The uses, as authorized in a state master plan adopted by the Oregon Parks and Recreation Department (OPRD), listed in OAR 660-034-0035;

3. A "State Park" is any property owned or managed by OPRD and that has been determined by OPRD to have outstanding natural, cultural, scenic and/or recreational

resource values that support the state park system mission and role. For the purposes of this subsection, endowment properties and administrative sites are not state parks.

(b) Uses allowed in a Local Park are those specified in OAR 660-034-0040. A Local Park is a public area intended for open space and outdoor recreation use that is owned and managed by a city, county, regional government, or park district and that is designated as a public park in the applicable comprehensive plan and zoning ordinance [OAR 660-034-0010(8)].

Section 4. § 33.2055 is added as follows:

§ 33.2055 Single Family Dwellings Condition of Approval – Prohibition on Claims Alleging Injury From Farm or Forest Practices

As a condition of approval of a single family dwelling, the landowner for the dwelling shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

Section 5. § 33.2065 is amended as follows:

§ 33.2065 Lots of Exception

An exception to permit the creation of a lot of less than the minimum specified in MCC 33.2060 (A) may be authorized as provided in (A) or (B) below, subject to the following:

(A) A small parcel for an existing dwelling may be established subject to the following:

(1) ~~(A)~~ The Lot of Record to be divided exceeds the area requirements of MCC 33.2060 (A);

(2) ~~(B)~~ The Lot of Exception will contain a dwelling which existed prior to January 25, 1990;

(3) ~~(C)~~ The Lot of Exception will be no larger than 5 acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall not be larger than 10 acres;

(4) ~~(D)~~ The division will create no more than one lot which is less than the minimum area required in MCC 33.2060 (A);

(5) ~~(E)~~ The division complies with the dimensional requirements of MCC 33.2060 (C) through (E); and

(6) ~~(F)~~ The parcel not containing the dwelling is not entitled to a dwelling. ~~(1)~~ A condition of approval shall require that covenants, conditions and restrictions stating that requirement which preclude future siting of a dwelling on the parcel shall be recorded with the county Division of Records. ~~(2)~~ The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of Multnomah County. That release may be given if the parcel is no longer subject to protection under Statewide Planning Goals for forest or agricultural lands.

(B) A parcel that contains two dwellings may be divided provided that:

- (1) Two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;
- (2) Each of the dwellings complies with the criteria for a replacement dwelling under ORS 215.283 (1)(s);
- (3) One of the parcels created is between two and five acres in size;
- (4) At least one dwelling is located on each parcel created;
- (5) The new property line proposed to divide the existing parcel shall be located such that:
 - (a) Forest Practices Setback dimensional requirements in MCC 33.2060(C) are met as nearly as possible considering parcel size and location of existing dwellings and other structures;
 - (b) Adverse impacts on forest practices will be minimized. Factors to consider in that evaluation include the location of: existing and potential logging access roads, existing and potential log landing areas, steep topography, and the size of the respective timber management areas.
- (6) The development standards for dwellings and structures in MCC 33.2105, the exception standards for secondary fire safety zones in MCC 33.2110, and the land division requirement that "the tentative plan complies with the area and dimensional requirements of the underlying zoning district" shall not apply as approval criteria. The land division shall be reviewed as either a Category 1 or 3 land division, as applicable;
- (7) The landowner of a lot or parcel created under this subsection provides evidence that a restriction prohibiting the landowner and the landowner's successors in interest from further dividing the lot or parcel has been recorded with the Multnomah County Recorder. A restriction imposed under this subsection shall be irrevocable unless a statement of release is signed by the County Planning Director indicating that the Comprehensive Plan or land use regulations applicable to the lot or parcel have been changed so that the lot or parcel is no longer subject to statewide planning goals protecting forestland or unless the land division is subsequently authorized by law or by a change in a statewide planning goal for land zoned for forest use.

(C) The County Planning Director shall maintain a record of parcels that do not qualify for the siting of a new dwelling under restrictions imposed by (A) and (B) above. The record shall be readily available to the public.

(D) A landowner allowed a land division under this section shall sign a statement that shall be recorded with the Multnomah County Recorder, declaring that the landowner and the landowner's successors in interest will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

Section 6. § 33.2075 is amended as follows:

§ 33.2075 Lot of Record

(A) In addition to the *Lot of Record* definition standards in MCC 33.0005, for the purposes of this district a Lot of Record is either:

- (1) A parcel or lot which was not *contiguous* to any other parcel or lot under the *same ownership* on February 20, 1990, or
- (2) A group of *contiguous* parcels or lots:
 - (a) Which were held under the *same ownership* on February 20, 1990; and
 - (b) Which, individually or when considered in combination, shall be aggregated to comply with a minimum lot size of 19 acres, without creating any new lot line.

4. The requirement to aggregate contiguous parcels or lots shall not apply to lots or parcels within exception or urban zones (e.g. MUA-20, RR, RC, R-10), but shall apply to contiguous parcels and lots within all farm and forest resource zones (i.e. EFU and CFU), or

(3) A parcel or lot lawfully created by a partition or a subdivision plat after February 20, 1990.

(4)(3) Exceptions to the standards of (A)(2) above:

- (a) Where two contiguous parcels or lots are each developed with a lawfully established *habitable dwelling*, the parcels or lots shall be Lots of Record that remain separately transferable, even if they were held in the *same ownership* on February 20, 1990.
- (b) Where approval for a "Lot of Exception" or a parcel smaller than 19 acres under the "Lot Size for Conditional Uses" provisions has been given by the Hearing Authority and the parcel was subsequently lawfully created, then the parcel shall be a Lot of Record that remains separately transferable, even if the parcel was contiguous to another parcel held in the *same ownership* on February 20, 1990.

Section 7. § 33.2105 is amended as follows:

§ 33.2105 Development Standards for Dwellings and Structures

Except as provided for the alteration, replacement or restoration of dwellings under MCC 33.2020 (D), 33.2020 (E) and 33.2025 (B), all dwellings and structures located in the CFU district after January 7, 1993 shall comply with the following:

(A) The dwelling or structure shall be located such that:

(5) The risks associated with wildfire are minimized. Provisions for reducing such risk shall include:

(c) Maintenance of a primary and a secondary fire safety zone on the subject tract.

5. Maintenance of a primary and a secondary fire safety zone is required only to the extent possible within the area of an approved yard (setback to property line) on land surrounding the dwelling that is owned or controlled by the home owner.

Section 8. § 33.2210 is amended as follows:

§ 33.2210 Definitions

As used in MCC 33.2200 through 33.2310, unless otherwise noted, the following words and their derivations shall have the following meanings:

~~(A) Auxiliary~~ - For the purposes of MCC 33.2220 (A) (2) to (3), the use or alteration of a structure or land which provides temporary help, or is directly associated with the conduct of a particular forest practice. An auxiliary structure shall be located on site, be temporary in nature, and be designed not to remain for the entire growth cycle of the forest from planting to harvesting. An auxiliary use shall be removed when the particular forest practice for which it was approved is concluded.

~~(B) Campground~~ - An area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A camping site may be occupied by a tent, travel trailer or recreational vehicle. A campground shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.

~~(C) Commercial Tree Species~~ - Trees recognized under rules adopted under ORS 527.715 (1996) for commercial production.

~~(D) Contiguous~~ - Refers to parcels or lots which have any common boundary, excepting a single point, and shall include, but not be limited to, parcels or lots separated only by an alley, street or other right-of-way.

~~(E) Cubic Foot Per Acre~~ - The average annual increase in cubic foot volume of wood fiber per acre for fully stocked stands at the culmination of mean annual increment as reported by the USDA Soil Conservation Service. Where SCS data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data and be approved by the Department of Forestry.

~~(F) Cubic Foot Per Tract Per Year~~ - The average annual increase in cubic foot volume of wood fiber per tract for fully stocked stands at the culmination of mean annual increment as reported by the USDA Soil Conservation Service. Where SCS data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data and be approved by the Department of Forestry.

~~(G) Forest Operation~~ - Any commercial activity relating to the growing or harvesting of any forest tree species as defined in ORS 527.620 (6) (1996).

~~(H) Same Ownership~~ - Refers to greater than possessory interests held by the same person or persons, spouse, minor age child, same partnership, corporation, trust or other entity, separately, in tenancy in common or by other form of title. Ownership shall be deemed to exist when a person or entity owns or controls ten percent or more of a lot or parcel, whether directly or through ownership or control or an entity having such ownership or control.

~~(4) Tract~~ - One or more contiguous Lots of Record in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway. Lots that are contiguous with a common boundary of only a single point are not a tract.

Section 9. § 33.2230 is amended as follows:

§ 33.2230 Conditional Uses

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter:

(D) The following Community Service Uses pursuant to the provisions of MCC 33.2245, 33.2305, 33.6000 through 33.6010, and 33.6100 through 33.6230.

(1) Private park and private campground. In addition to the approval standards listed in MCC 33.2230(D) above, a private campground shall be subject to the following:

(a) Except on a lot or parcel contiguous to a lake or reservoir, the campground shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4.

(b) The campground shall be an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes.

(c) The campground is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground.

(d) The campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites.

(e) Campsites may be occupied by a tent, travel trailer or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period.

(f) The campground shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.

(9) State and Local Parks, including a public or private wildlife and fisheries resources conservation area with accessory structures for educational or instructional use.

(a) Uses allowed in a State Park, subject to a state master plan as described in OAR 660 Division 34, are:

1. All uses allowed under Statewide Planning Goal 4, provided the uses are also allowed under OAR 736, Division 18; and

2. The uses, as authorized in a state master plan adopted by the Oregon Parks and Recreation Department (OPRD), listed in OAR 660-034-0035;

3. A "State Park" is any property owned or managed by OPRD and that has been determined by OPRD to have outstanding natural, cultural, scenic and/or recreational resource values that support the state park system mission and role. For the purposes of this subsection, endowment properties and administrative sites are not state parks.

(b) Uses allowed in a Local Park are those specified in OAR 660-034-0040. A Local Park is a public area intended for open space and outdoor recreation use that is owned and managed by a city, county, regional government, or park district and that is designated as a public park in the applicable comprehensive plan and zoning ordinance [OAR 660-034-0010(8)].

Section 10. § 33.2240 is amended as follows:

§ 33.2240 Template and Heritage Tract Dwellings

(A) A template dwelling may be sited on a tract, subject to the following:

(1) ~~The lot or lots in the tract shall meet the lot of record standards of MCC 33.2275 and have been lawfully created prior to January 25, 1990;~~

(3) The tract shall meet the following standards:

~~(a) The tract shall be~~ if the tract is predominantly composed primarily of soils which are capable of producing 0 to 49 cubic feet of Douglas Fir timber per acre per year (cf/ac/yr); and

1. The lot upon which the dwelling is proposed to be sited and at least all or part of 3 other lawfully created lots existed on January 1, 1993 within a 160-acre square when centered on the center of the subject tract parallel and perpendicular to section lines; and

2. At least three dwellings lawfully existed on January 1, 1993 within the 160-acre square and those dwellings either continue to exist or have been replaced by lawful replacement dwellings, or

~~(b) The tract shall be~~ if the tract is predominantly composed primarily of soils which are capable of producing 50 to 85 cf/ac/yr of Douglas Fir timber; and

1. The lot upon which the dwelling is proposed to be sited and at least all or part of 7 other lawfully created lots existed on January 1, 1993 within a 160-acre square when centered on the center of the subject tract parallel and perpendicular to section lines; and

2. At least three dwellings lawfully existed on January 1, 1993 within the 160-acre square and those dwellings either continue to exist or have been replaced by lawful replacement dwellings, or

~~(c) The tract shall be~~ if the tract is predominantly composed primarily of soils which are capable of producing above 85 cf/ac/yr of Douglas Fir timber; and

1. The lot upon which the dwelling is proposed to be sited and at least all or part of 11 other lawfully created lots existed on January 1, 1993 within a 160-acre square when centered on the center of the subject tract parallel and perpendicular to section lines; and

2. At least five dwellings lawfully existed on January 1, 1993 within the 160-acre square and those dwellings either continue to exist or have been replaced by lawful replacement dwellings.

(i) Pursuant to the definition of "Date of Creation and Existence" in MCC 33.0005, if the lot, parcel or tract does not qualify for a dwelling under the standards in MCC 33.2240(A), any reconfiguration after November 4, 1993 cannot in any way enable the tract to meet the criteria for a new dwelling.

(j) Pursuant to the definition of "Date of Creation and Existence" in MCC 33.0005, lots, parcels and tracts that are reconfigured after November 4, 1993 cannot be counted as meeting the "other lawfully created lots" existing on January 1, 1993 standard in MCC 33.2240(A)(3)(a), (b), and (c): 3, 7, and 11 lots respectively.

(B) A *heritage tract dwelling* may be sited, subject to the following:

(1) On a tract:

(c) That is located within 1,500 feet of a public road as defined under ORS 368.001 that provides or will provide access to the subject tract. ~~+~~The road shall be maintained and either paved or surfaced with rock, ~~and~~ The road shall not be:

1. A U.S. Bureau of Land Management road; or

2. The road shall not be a U.S. Forest Service road or Bureau of Land Management road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction and a maintenance agreement exists between the United States Forest Service and landowners adjacent to the road, a local government or a state agency.

(d) For which deeds or other instruments creating the lots or parcels were recorded with the Department of General Services County Recorder, or were in recordable form prior to January 1, 1985; and

(e) That is comprised of lots or parcels that were lawfully created and pursuant to the definition of "Date of Creation and Existence" in MCC 33.0005, if the lot, parcel or tract does not qualify for a dwelling under the standards in MCC 33.2240(B), any reconfiguration after November 4, 1993 cannot in any way enable the tract to meet the criteria for a new dwelling; and

(f) Notwithstanding the same ownership grouping requirements of the Lot of Record section, ~~that~~ the tract was acquired and owned continuously by the present owner:

1. Since ~~P~~ prior to January 1, 1985; or

2. By devise or by intestate succession ~~by an antecedent of the~~ from a person who acquired the lot or parcel since prior to January 1, 1985.

3. For purposes of this subsection, "~~antecedent~~" "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members.

(g) Where the lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, that no dwelling exists on another lot or parcel that was part of that tract.

Section 11. § 33.2255 is added as follows:

§ 33.2255 Single Family Dwellings Condition of Approval – Prohibition on Claims Alleging Injury From Farm or Forest Practices

As a condition of approval of a single family dwelling, the landowner for the dwelling shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

Section 12. § 33.2265 is amended as follows:

§ 33.2265 Lots of Exception

An exception to permit the creation of a lot of less than the minimum specified in MCC 33.2260 (A) may be authorized as provided in (A) or (B) below, subject to the following:

(A) A small parcel for an existing dwelling may be established subject to the following:

(1) ~~(A)~~ The Lot of Record to be divided exceeds the area requirements of MCC 33.2260 (A);

(2) ~~(B)~~ The Lot of Exception will contain a dwelling which existed prior to January 25, 1990;

(3) ~~(C)~~ The Lot of Exception will be no larger than 5 acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall not be larger than 10 acres;

(4) ~~(D)~~ The division will create no more than one lot which is less than the minimum area required in MCC 33.2260 (A);

(5) ~~(E)~~ The division complies with the dimensional requirements of MCC 33.2260 (C) through (E); and

(6) ~~(F)~~ The parcel not containing the dwelling is not entitled to a dwelling. ~~(1)~~ A condition of approval shall require that covenants, conditions and restrictions stating that requirement which preclude future siting of a dwelling on the parcel shall be recorded with the county Division of Records. ~~(2)~~ The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of Multnomah County. That release may be

given if the parcel is no longer subject to protection under Statewide Planning Goals for forest or agricultural lands.

(B) A parcel that contains two dwellings may be divided provided that:

- (1) Two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;
- (2) Each of the dwellings complies with the criteria for a replacement dwelling under ORS 215.283 (1)(s);
- (3) One of the parcels created is between two and five acres in size;
- (4) At least one dwelling is located on each parcel created;
- (5) The new property line proposed to divide the existing parcel shall be located such that:
 - (a) Forest Practices Setback dimensional requirements in MCC 33.2260(C) are met as nearly as possible considering parcel size and location of existing dwellings and other structures;
 - (b) Adverse impacts on forest practices will be minimized. Factors to consider in that evaluation include the location of: existing and potential logging access roads, existing and potential log landing areas, steep topography, and the size of the respective timber management areas.
- (6) The development standards for dwellings and structures in MCC 33.2305, the exception standards for secondary fire safety zones in MCC 33.2310, and the land division requirement that "the tentative plan complies with the area and dimensional requirements of the underlying zoning district" shall not apply as approval criteria. The land division shall be reviewed as either a Category 1 or 3 land division, as applicable;
- (7) The landowner of a lot or parcel created under this subsection provides evidence that a restriction prohibiting the landowner and the landowner's successors in interest from further dividing the lot or parcel has been recorded with the Multnomah County Recorder. A restriction imposed under this subsection shall be irrevocable unless a statement of release is signed by the County Planning Director indicating that the Comprehensive Plan or land use regulations applicable to the lot or parcel have been changed so that the lot or parcel is no longer subject to statewide planning goals protecting forestland or unless the land division is subsequently authorized by law or by a change in a statewide planning goal for land zoned for forest use.

(C) The County Planning Director shall maintain a record of parcels that do not qualify for the siting of a new dwelling under restrictions imposed by (A) and (B) above. The record shall be readily available to the public.

(D) A landowner allowed a land division under this section shall sign a statement that shall be recorded with the Multnomah County Recorder, declaring that the landowner and the landowner's successors in interest will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

Section 13. § 33.2275 is amended as follows:

§33.2275 Lot of Record

(A) In addition to the *Lot of Record* definition standards in MCC 33.0005, for the purposes of this district a Lot of Record is either:

- (1) A parcel or lot which was not *contiguous* to any other parcel or lot under the *same ownership* on February 20, 1990, or
- (2) A group of *contiguous* parcels or lots:
 - (a) Which were held under the *same ownership* on February 20, 1990; and
 - (b) Which, individually or when considered in combination, shall be aggregated to comply with a minimum lot size of 19 acres, without creating any new lot line.

4. The requirement to aggregate contiguous parcels or lots shall not apply to lots or parcels within exception or urban zones (e.g. MUA-20, RR, RC, R-10), but shall apply to contiguous parcels and lots within all farm and forest resource zones (i.e. EFU and CFU), or

(3) A parcel or lot lawfully created by a partition or a subdivision plat after February 20, 1990.

(4)(3) Exceptions to the standards of (A)(2) above:

- (a) Where two contiguous parcels or lots are each developed with a lawfully established *habitable dwelling*, the parcels or lots shall be Lots of Record that remain separately transferable, even if they were held in the *same ownership* on February 20, 1990.
- (b) Where approval for a "Lot of Exception" or a parcel smaller than 19 acres under the "Lot Size for Conditional Uses" provisions has been given by the Hearing Authority and the parcel was subsequently lawfully created, then the parcel shall be a Lot of Record that remains separately transferable, even if the parcel was contiguous to another parcel held in the *same ownership* on February 20, 1990.

Section 14. § 33.2305 is amended as follows:

§ 33.2305 Development Standards for Dwellings and Structures

Except as provided for the alteration, replacement or restoration of dwellings under MCC 33.2220 (D) and (E) and 33.2225 (B), all dwellings and structures located in the CFU district after January 7, 1993 shall comply with the following:

(A) The dwelling or structure shall be located such that:

(5) The risks associated with wildfire are minimized. Provisions for reducing such risk shall include:

(c) Maintenance of a primary and a secondary fire safety zone on the subject tract.

5. Maintenance of a primary and a secondary fire safety zone is required only to the extent possible within the area of an approved yard (setback to property line) on land surrounding the dwelling that is owned or controlled by the home owner.

Section 15. § 33.2410 is amended as follows:

§ 33.2410 Definitions

As used in MCC 33.2400 through 33.2510, unless otherwise noted, the following words and their derivations shall have the following meanings:

~~(A) Auxiliary~~ - For the purposes of MCC 33.2420 (A) (2) to (3), the use or alteration of a structure or land which provides temporary help, or is directly associated with the conduct of a particular forest practice. An auxiliary structure shall be located on site, be temporary in nature, and be designed not to remain for the entire growth cycle of the forest from planting to harvesting. An auxiliary use shall be removed when the particular forest practice for which it was approved is concluded.

~~(B) Campground~~ - An area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A camping site may be occupied by a tent, travel trailer or recreational vehicle. A campground shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.

~~(C) Commercial Tree Species~~ - Trees recognized under rules adopted under ORS 527.715 (1996) for commercial production.

~~(D) Contiguous~~ - Refers to parcels or lots which have any common boundary, excepting a single point, and shall include, but not be limited to, parcels or lots separated only by an alley, street or other right-of-way.

~~(E) Cubic Foot Per Acre~~ - The average annual increase in cubic foot volume of wood fiber per acre for fully stocked stands at the culmination of mean annual increment as reported by the USDA Soil Conservation Service. Where SCS data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data and be approved by the Department of Forestry.

~~(F) Cubic Foot Per Tract Per Year~~ - The average annual increase in cubic foot volume of wood fiber per tract for fully stocked stands at the culmination of mean annual increment as reported by the USDA Soil Conservation Service. Where SCS data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data and be approved by the Department of Forestry.

~~(G) Forest Operation~~ - Any commercial activity relating to the growing or harvesting of any forest tree species as defined in ORS 527.620 (6) (1996).

~~(H) Same Ownership~~ - Refers to greater than possessory interests held by the same person or persons, spouse, minor age child, same partnership, corporation, trust or other entity, separately, in tenancy in common or by other form of title. Ownership shall be deemed to exist when a person or entity owns or controls ten percent or more of a lot or parcel, whether directly or through ownership or control or an entity having such ownership or control.

~~(H) Tract~~ - One or more contiguous lots or parcels in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway.

Section 16. § 33.2430 is amended as follows:

§ 33.2430 Conditional Uses

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter:

(B) The following Community Service Uses pursuant to the provisions of MCC 33.2445, 33.2505, 33.6000 through 33.6010, and 33.6100 through 33.6230:

(1) Private park and private campground. In addition to the approval standards listed in MCC 33.2430(B) above, a private campground shall be subject to the following:

(a) Except on a lot or parcel contiguous to a lake or reservoir, the campground shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4.

(b) The campground shall be an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes.

(c) The campground is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground.

(d) The campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites.

(e) Campsites may be occupied by a tent, travel trailer or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period.

(f) The campground shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.

(9) State and Local Parks, including a public or private wildlife and fisheries resources conservation area with accessory structures for educational or instructional use.

(a) Uses allowed in a State Park, subject to a state master plan as described in OAR 660 Division 34, are:

1. All uses allowed under Statewide Planning Goal 4, provided the uses are also allowed under OAR 736, Division 18; and

2. The uses, as authorized in a state master plan adopted by the Oregon Parks and Recreation Department (OPRD), listed in OAR 660-034-0035;

3. A "State Park" is any property owned or managed by OPRD and that has been determined by OPRD to have outstanding natural, cultural, scenic and/or recreational resource values that support the state park system mission and role. For the purposes of this subsection, endowment properties and administrative sites are not state parks.

(b) Uses allowed in a Local Park are those specified in OAR 660-034-0040. A Local Park is a public area intended for open space and outdoor recreation use that is owned and managed by a city, county, regional government, or park district and that is designated as a public park in the applicable comprehensive plan and zoning ordinance [OAR 660-034-0010(8)].

Section 17. § 33.2440 is amended as follows:

§ 33.2440 Template Dwellings

(A) A template dwelling may be sited on a tract, subject to the following:

(1) The lot or lots in the tract shall meet the lot of record standards of MCC 33.2475 ~~and have been lawfully created prior to January 25, 1990;~~

(3) The tract shall meet the following standards:

(a) ~~The tract shall be~~ if the tract is predominantly composed primarily of soils which are capable of producing 0 to 49 cubic feet of Douglas Fir timber per acre per year (cf/ac/yr); and

1. The lot upon which the dwelling is proposed to be sited and at least all or part of 3 other lawfully created lots existed on January 1, 1993 within a 160-acre square when centered on the center of the subject tract parallel and perpendicular to section lines; and

2. At least three dwellings lawfully existed on January 1, 1993 within the 160-acre square and those dwellings either continue to exist or have been replaced by lawful replacement dwellings, or

(b) ~~The tract shall be~~ if the tract is predominantly composed primarily of soils which are capable of producing 50 to 85 cf/ac/yr of Douglas Fir timber; and

1. The lot upon which the dwelling is proposed to be sited and at least all or part of 7 other lawfully created lots existed on January 1, 1993 within a 160-acre square when centered on the center of the subject tract parallel and perpendicular to section lines; and

2. At least three dwellings lawfully existed on January 1, 1993 within the 160-acre square and those dwellings either continue to exist or have been replaced by lawful replacement dwellings, or

(c) ~~The tract shall be~~ if the tract is predominantly composed primarily of soils which are capable of producing above 85 cf/ac/yr of Douglas Fir timber; and

1. The lot upon which the dwelling is proposed to be sited and at least all or part of 11 other lawfully created lots existed on January 1, 1993 within a 160-acre square when centered on the center of the subject tract parallel and perpendicular to section lines; and
2. At least five dwellings lawfully existed on January 1, 1993 within the 160-acre square and those dwellings either continue to exist or have been replaced by lawful replacement dwellings.

(i) Pursuant to the definition of "Date of Creation and Existence" in MCC 33.0005, if the lot, parcel or tract does not qualify for a dwelling under the standards in MCC 33.2440, any reconfiguration after November 4, 1993 cannot in any way enable the tract to meet the criteria for a new dwelling.

(j) Pursuant to the definition of "Date of Creation and Existence" in MCC 33.0005, lots, parcels and tracts that are reconfigured after November 4, 1993 cannot be counted as meeting the "other lawfully created lots" existing on January 1, 1993 standard in MCC 33.2440(A)(3)(a), (b), and (c): 3, 7, and 11 lots respectively.

Section 18. § 33.2455 is added as follows:

§ 33.2455 Single Family Dwellings Condition of Approval – Prohibition on Claims Alleging Injury From Farm or Forest Practices

As a condition of approval of a single family dwelling, the landowner for the dwelling shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

Section 19. § 33.2465 is amended as follows:

§ 33.2465 Lots of Exception

An exception to permit the creation of a lot of less than the minimum specified in MCC 33.2460 (A) may be authorized as provided in (A) or (B) below, subject to the following:

(A) A small parcel for an existing dwelling may be established subject to the following:

- (1) ~~(A)~~ The Lot of Record to be divided exceeds the area requirements of MCC 33.2460 (A);
- (2) ~~(B)~~ The Lot of Exception will contain a dwelling which existed prior to January 25, 1990;
- (3) ~~(C)~~ The Lot of Exception will be no larger than 5 acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall not be larger than 10 acres;
- (4) ~~(D)~~ The division will create no more than one lot which is less than the minimum area required in MCC 33.2460 (A);

(5) ~~(E)~~ The division complies with the dimensional requirements of MCC 33.2460 (C) through (E); and

(6) ~~(F)~~ The parcel not containing the dwelling is not entitled to a dwelling. ~~(1)~~ A condition of approval shall require that covenants, conditions and restrictions ~~stating that requirement which preclude future siting of a dwelling on the parcel~~ shall be recorded with the county Division of Records. ~~(2)~~ The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of Multnomah County. That release may be given if the parcel is no longer subject to protection under Statewide Planning Goals for forest or agricultural lands.

(B) A parcel that contains two dwellings may be divided provided that:

(1) Two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;

(2) Each of the dwellings complies with the criteria for a replacement dwelling under ORS 215.283 (1)(s);

(3) One of the parcels created is between two and five acres in size;

(4) At least one dwelling is located on each parcel created;

(5) The new property line proposed to divide the existing parcel shall be located such that:

(a) Forest Practices Setback dimensional requirements in MCC 33.2460(C) are met as nearly as possible considering parcel size and location of existing dwellings and other structures;

(b) Adverse impacts on forest practices will be minimized. Factors to consider in that evaluation include the location of: existing and potential logging access roads, existing and potential log landing areas, steep topography, and the size of the respective timber management areas.

(6) The development standards for dwellings and structures in MCC 33.2505, the exception standards for secondary fire safety zones in MCC 33.2510, and the land division requirement that "the tentative plan complies with the area and dimensional requirements of the underlying zoning district" shall not apply as approval criteria. The land division shall be reviewed as either a Category 1 or 3 land division, as applicable;

(7) The landowner of a lot or parcel created under this subsection provides evidence that a restriction prohibiting the landowner and the landowner's successors in interest from further dividing the lot or parcel has been recorded with the Multnomah County Recorder. A restriction imposed under this subsection shall be irrevocable unless a statement of release is signed by the County Planning Director indicating that the Comprehensive Plan or land use regulations applicable to the lot or parcel have been changed so that the lot or parcel is no longer subject to statewide planning goals protecting forestland or unless the land division is subsequently authorized by law or by a change in a statewide planning goal for land zoned for forest use.

(C) The County Planning Director shall maintain a record of parcels that do not qualify for the siting of a new dwelling under restrictions imposed by (A) and (B) above. The record shall be readily available to the public.

(D) A landowner allowed a land division under this section shall sign a statement that shall be recorded with the Multnomah County Recorder, declaring that the landowner and the landowner's successors in interest will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

Section 20. § 33.2505 is amended as follows:

§ 33.2505 Development Standards for Dwellings and Structures

Except as provided for the alteration, replacement or restoration of dwellings under MCC 33.2420 (D) and (E) and 33.2425 (B), all dwellings and structures located in the CFU district after January 7, 1993 shall comply with the following:

(A) The dwelling or structure shall be located such that:

(5) The risks associated with wildfire are minimized. Provisions for reducing such risk shall include:

(c) Maintenance of a primary and a secondary fire safety zone on the subject tract.

5. Maintenance of a primary and a secondary fire safety zone is required only to the extent possible within the area of an approved yard (setback to property line) on land surrounding the dwelling that is owned or controlled by the home owner.

Section 21. § 33.2610 is amended as follows:

§ 33.2610 Definitions

As used in MCC 33.2600 through MCC 33.2690, unless otherwise noted, the following words and their derivations shall have the following meanings:

~~(A) Campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A camping site may be occupied by a tent, travel trailer or recreational vehicle. Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.~~

~~(B) Commercial agricultural enterprise consists of farm operations that will:~~

~~(1) Contribute in a substantial way to the area's existing agricultural economy; and~~

~~(2) Help maintain agricultural processors and established farm markets.~~

When determining whether a farm is part of the commercial agricultural enterprise, not only what is produced, but how much and the method by which it is marketed shall be considered.

~~(C)~~ *Contiguous* refers to parcels or lots which have any common boundary, excepting a single point, and shall include, but not be limited to, parcels or lots separated only by an alley, street or other right-of-way.

~~(D)~~ *Farm Operator* means a person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing.

~~(E)~~ *High-value farm land* means land in a tract composed predominately of soils that are:

(1) Irrigated and classified prime, unique, Class I or Class II; or

(2) Not irrigated and classified prime, unique, Class I or Class II; or

(3) Willamette Valley Soils in Class III or IV including:

(a) Subclassification IIIe specifically, Burlington, Cascade, Cornelius, Latourell, Multnomah, Powell, Quatama;

(b) Subclassification IIIw specifically, Cornelius;

(c) Subclassification IVe, specifically, Cornelius, Latourel, Powell, and Quatama.

Location and the extent of these soils are as identified and mapped in "Soil Survey of Multnomah County, published by the Soil Conservation Service, US Department of Agriculture, 1983."

The soil class, soil rating or other soil designation of a specific lot or parcel may be changed if the property owner submits a statement or report pursuant to ORS 215.710(5).

~~(F)~~ *Private School* means privately owned primary, elementary or high school not including nursery school, kindergarten or day nursery except those operated in conjunction with a school.

~~(G)~~ *Public School* means publicly owned primary, elementary or high school not including nursery school, kindergarten or day nursery except those operated in conjunction with a school.

~~(H)~~ *Same Ownership* refers to greater than possessory interests held by the same person or persons, spouse, minor age child, same partnership, corporation, trust or other entity, separately, in tenancy in common or by other form of title. Ownership shall be deemed to exist when a person or entity owns or controls ten percent or more of a lot or parcel, whether directly or through ownership or control or an entity having such ownership or control.

~~(I)~~ *Suitable for farm use* means land in Class I-IV or "lands in other classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands".

~~(J)~~ *Tract* means one or more contiguous lots or parcels in the same ownership.

Section 22. § 33.2620 is amended as follows:

§ 33.2620 Allowed Uses

(L) Alteration, restoration or replacement of a lawfully established habitable dwelling.

(1) In the case of a replacement dwelling, the existing dwelling must be removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling.

(2) A replacement dwelling may be sited on any part of the same lot or parcel. A dwelling established under this paragraph shall comply with all applicable siting standards. However, the standards shall not be applied in a manner that prohibits the siting of the dwelling. If the dwelling to be replaced is located on a portion of the lot or parcel not zoned for exclusive farm use, the applicant, as a condition of approval, shall execute and record in the deed records for the county a deed restriction prohibiting the siting of a dwelling on that portion of the lot or parcel. The restriction imposed shall be irrevocable unless a statement of release is placed in the deed records for the county. The release shall be signed by the county or its designee and state that the provisions of this paragraph regarding replacement dwellings have changed to allow the siting of another dwelling. The County Planning Director or the Director's designee shall maintain a record of the lots and parcels that do not qualify for the siting of a new dwelling under the provisions of this paragraph, including a copy of the deed restrictions and release statements filed under this paragraph.

(N) Public or private schools, including all buildings essential to the operation of a school wholly within an EFU district may be maintained, enhanced or expanded:

(1) Except that no new use may be authorized within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4; and

(2) No new use may be authorized on high value farmland; and

(3) Must satisfy the requirements of MCC 33.4100 through MCC ~~33.4220~~33.4215, MCC 33.6020 (A), MCC 33.7000 through MCC ~~33.7070~~33.7060 and MCC 33.7450.

(4) The maintenance, enhancement or expansion shall not adversely impact the right to farm on surrounding EFU lands

(O) Churches and cemeteries in conjunction with churches, consistent with ORS 441, wholly within an EFU district may be maintained, enhanced or expanded:

(1) Except that no new use may be authorized within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4; and

(2) No new use may be authorized on high value farmland; and

(3) Must satisfy the requirements of MCC 33.4100 through MCC ~~33.4220~~33.4215, MCC 33.6020 (A), MCC 33.7000 through MCC ~~33.7070~~33.7060 and MCC 33.7450.

(4) The maintenance, enhancement or expansion shall not adversely impact the right to farm on surrounding EFU lands.

(5) Activities customarily associated with the practice of religious activity include worship services, religion classes, weddings, funerals, child care and meal programs, but do not include private or parochial school education for prekindergarten through grade 12 or higher education.

(V) A site for the takeoff and landing of model aircraft, including such buildings or facilities as may reasonably be necessary. Buildings or facilities shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility preexisted the use approved under this paragraph. The site shall not include an aggregate surface or hard surface area unless the surface preexisted the use approved under this paragraph. As used in this paragraph, "model aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and is controlled by radio, lines or design by a person on the ground.

(W) Fire service facilities providing primarily rural fire protection services subject to satisfying the requirements of MCC 33.4100 through MCC 33.4215 (off-street parking), MCC 33.6020(A) (yards), MCC 33.7000 through MCC 33.7060 (design review), and MCC 33.7450 (signs).

(X) Irrigation canals, delivery lines and those structures and accessory operational facilities associated with a district as defined in ORS 540.505.

(Y) Utility facility service lines. Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:

(1) A public right of way;

(2) Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or

(3) The property to be served by the utility.

(Z) Land application of reclaimed water, agricultural or industrial process water or biosolids.

Subject to the issuance of a license, permit or other approval by the Oregon Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with rules adopted under ORS 468B.095, and with the requirements of ORS 215.246, 215.247, 215.249 and 215.251, the land application of reclaimed water, agricultural process or industrial process water or biosolids for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in exclusive farm use zones under OAR Chapter 660 Division 33.

Section 23. § 33.2625 is amended as follows:

§ 33.2625 Review Uses

(A) Utility facilities necessary for public service, including wetland waste treatment systems but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height as follows provided:

(3) All other utility facilities and transmission towers 200 feet and under in height subject to the following.

(a) The facility satisfies the requirements of ORS 215.275, "Utility facilities necessary for public service; criteria; mitigating impact of facility"; and

(b) The facility satisfies the requirements of MCC 33.4100 through ~~33.4220~~33.4215; 33.6020(A); 33.7000 through ~~33.7070~~33.7060; and 33.7450.

(C) A farm help dwelling for a relative on real property used for farm use if the dwelling is:

(1) Located on the same lot or parcel as the dwelling of the farm operator; and is

~~(2) Occupied by a grandparent, grandchild, parent, child, brother or sister of the farm operator or the farm operator's spouse, and whose assistance in the management of the farm use is or will be required by the farm operator.~~ Occupied by a relative of the farm operator or the farm operator's spouse, if the farm operator does or will require the assistance of the relative in the management of the farm use. Qualifying relatives include, child, parent, step-parent, grandchild, grandparent, step-grandparent, brother, sister, sibling, stepsibling, niece, nephew or first cousin.

(3) Notwithstanding ORS 92.010 to 92.190 or the minimum lot size requirements of MCC 33.2660, if the owner of a dwelling described in this paragraph obtains construction financing or other financing secured by the dwelling and the secured party forecloses on the dwelling, the secured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure shall operate as a partition of the homesite to create a new parcel, pursuant to OAR 660-033-0130(9)(b)&(c). However, pursuant to MCC 33.2675(D), the area of land with the homesite created by the foreclosure shall not be deemed a Lot of Record, and shall be subject to all restrictions on development associated with that designation.

(D) A dwelling, including a mobile or modular home, customarily provided in conjunction with a farm use:

(1) High-value farmland soils, \$80,000 income. On lands identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:

(a) The subject tract is currently employed for the farm use, as defined in ORS 215.203, that produced at least \$80,000 ~~(1994 dollars)~~ in gross annual income from the sale of farm products in the last two years or three of the last five years; and

(b) Except as permitted in ORS 215.283 (1) (p) (1999 Edition) (i.e. seasonal farmworker housing), there is no other dwelling on ~~the subject tract land designated for exclusive farm use that is owned by the farm or ranch operator, or that is on the farm or ranch operation.~~ "Farm or ranch operation" shall mean all lots or parcels of land in the same ownership that are used by the farm or ranch operator for farm use as defined in ORS 215.203; and

(c) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in subsection (a) of this subsection; and

(d) In determining the gross income required by subsection (a) of this subsection:

1. ~~The~~ The cost of purchased livestock shall be deducted from the total gross income attributed to the ~~tract~~ farm or ranch operation;
2. Only gross income from land owned, not leased or rented, shall be counted; and
3. Gross farm income earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used; and
4. For the purposes of this subsection, lots or parcels zoned for farm use in Multnomah County or contiguous counties may be used to meet the gross income requirements.

(e) Prior to the final approval for a dwelling, the applicant shall provide evidence that the covenants, conditions and restrictions form referred to as "Exhibit A" in OAR 660-033-0135(9) has been recorded with the county clerk of the county or counties where the property subject to the covenants, conditions and restrictions is located. The covenants, conditions and restrictions shall be recorded for each lot or parcel subject to the application for the primary farm dwelling.

1. The covenants, conditions and restrictions shall preclude all future rights to construct a dwelling except for accessory farm dwellings, relative farm help dwellings, temporary hardship dwellings or replacement dwellings allowed by ORS Chapter 215.
2. The covenants, conditions and restrictions shall preclude the use of any gross farm income earned on the lots or parcels to qualify another lot or parcel for a primary farm dwelling.
3. The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located.
4. Enforcement of the covenants, conditions and restrictions may be undertaken by the Department of Land Conservation and Development or by the county or counties where the property subject to the covenants, conditions and restrictions is located.
5. The failure to follow the requirements of this section shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property which is subject to the covenants, conditions and restrictions required by this section.
6. The County Planning Director shall maintain a copy of the covenants, conditions and restrictions that have been filed in the county deed records pursuant to this subsection and a map or other record depicting the lots and parcels subject to the covenants, conditions and restrictions. The map or other record required by this subsection shall be readily available to the public in the county planning office.

(2) Not high-value farmland soils, 160 acres. On land not identified as high-value farmland a dwelling may be considered customarily provided in conjunction with farm use if:

(d) Except as permitted in ORS 215.283 (1) (p) (1999 Edition) (i.e. seasonal farm worker housing), there is no other dwelling on the subject tract; ~~or~~.

(3) Not high-value farmland soils, capable of producing the median level of annual gross sales. On land not identified as high-value farmland a dwelling may be considered customarily provided in conjunction with farm use if:

(e) Except as permitted in ORS 215.283(1)(p) (1999 Edition) (i.e. seasonal farmworker housing), there is no other dwelling on the subject tract; and

(f) The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale; and

(g) If no farm use has been established at the time of application, land use approval shall be subject to a condition that no building permit may be issued prior to the establishment of the farm use required by subsection (c) of this section; ~~or~~.

(4) Not high-value farmland soils, \$40,000 income or mid-point of median income range. On land not identified as high-value farmland a dwelling may be considered customarily provided in conjunction with farm use if:

(a) The subject tract is currently employed for the farm use, as defined in ORS 215.203, that produced in the last two years or three of the last five years the lower of the following:

1. At least \$40,000 ~~(1994 dollars)~~ in gross annual income from the sale of farm products; or
2. Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the county with gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon; and

(b) Except as permitted in ORS 215.283(1)(p) (1999 Edition) (i.e. seasonal farmworker housing), there is no other dwelling on ~~the subject tract~~ lands designated for exclusive farm use pursuant to ORS 215 owned by the farm or ranch operator or on the farm or ranch operation. "Farm or ranch operation" shall mean all lots or parcels of land in the same ownership that are used by the farm or ranch operator for farm use as defined in ORS 215.203; and

(c) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in subsection (a) of this subsection; and

(d) In determining the gross income required by subsection (a) of this subsection:

1. ~~The~~ The cost of purchased livestock shall be deducted from the total gross income attributed to the ~~tract~~ farm or ranch operation; and
2. Only costs and sale prices of livestock that are within a reasonable range of prevailing costs and sale prices in the Oregon and Washington region shall be counted in the determination of gross income. This may be done by comparing actual sales documents to such published livestock value sources as made available by the Oregon Agricultural Statistics Services or the Oregon State Extension Service; and
3. Only gross income from land owned, not leased or rented, shall be counted; and

4. Gross farm income earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used; and

5. For the purposes of this subsection, lots or parcels zoned for farm use in Multnomah County or contiguous counties may be used to meet the gross income requirements; and

(e) Prior to the final approval for a dwelling, the applicant shall provide evidence that the covenants, conditions and restrictions form referred to as "Exhibit A" in OAR 660-033-0135(9) has been recorded with the county clerk of the county or counties where the property subject to the covenants, conditions and restrictions is located. The covenants, conditions and restrictions shall be recorded for each lot or parcel subject to the application for the primary farm dwelling.

1. The covenants, conditions and restrictions shall preclude all future rights to construct a dwelling except for accessory farm dwellings, relative farm help dwellings, temporary hardship dwellings or replacement dwellings allowed by ORS Chapter 215.

2. The covenants, conditions and restrictions shall preclude the use of any gross farm income earned on the lots or parcels to qualify another lot or parcel for a primary farm dwelling.

3. The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located.

4. Enforcement of the covenants, conditions and restrictions may be undertaken by the Oregon Department of Land Conservation and Development or by the county or counties where the property subject to the covenants, conditions and restrictions is located.

5. The failure to follow the requirements of this section shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property which is subject to the covenants, conditions and restrictions required by this section.

6. The County Planning Director shall maintain a copy of the covenants, conditions and restrictions filed in the county deed records pursuant to this section and a map or other record depicting the lots and parcels subject to the covenants, conditions and restrictions filed in the county deed records pursuant to this section. The map or other record required by this subsection shall be readily available to the public in the county planning office.

(5) Commercial dairy farm. A dwelling may be considered customarily provided in conjunction with a commercial dairy farm if:

(a) The subject tract will be employed as a commercial dairy operation that owns a sufficient number of producing dairy animals capable of earning the following from the sale of fluid milk:

1. On land not identified as high-value farmland, at least \$40,000 in gross annual income or the gross annual income of at least the midpoint of the median income range of gross

annual sales for farms in Multnomah County with gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon; or

2. On land identified as high-value farmland, at least \$80,000 in gross annual income; and

(b) The dwelling is sited on the same lot or parcel as the buildings required by the commercial dairy; and

(c) Except as permitted by 215.283(1)(p) (1999 Edition) (seasonal farmworker housing), there is no other dwelling on the subject tract; and

(d) The dwelling will be occupied by a person or persons who will be principally engaged in the operation of the commercial dairy farm, such as the feeding, milking or pasturing of the dairy animals or other farm use activities necessary to the operation of the commercial dairy farm; and

(e) The building permits, if required, have been issued for and construction has begun for the buildings and animal waste facilities required for a commercial dairy farm; and

(f) The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 468B.050 and 468B.200 to 468B.230 and has approved a Producer License for the sale of dairy products under ORS 621.072.

(g) "Commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of earning the gross annual income required by OAR 660-033-0135(5)(a) or (7)(a), whichever is applicable, from the sale of fluid milk.

(6) Move to a new farm. A dwelling may be considered customarily provided in conjunction with farm use if:

(a) Within the previous two years, the applicant owned and operated a farm or ranch operation that earned the gross farm income in the last five years or four of the last seven years:

1. On land not identified as high-value farmland, at least \$40,000 in gross annual income from the sale of farm products; or

2. On land not identified as high-value farmland, the gross annual income of at least the midpoint of the median income range of gross annual sales for farms in Multnomah County with gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon; or

3. On land identified as high-value farmland, at least \$80,000 in gross annual income from the sale of farm products; and

(b) The subject lot or parcel on which the dwelling will be located is a minimum lot size of 80 acres and is currently employed for the farm use, as defined in ORS 215.203, that produced in the last two years or three of the last five years:

1. On land not identified as high-value farmland, at least \$40,000 in gross annual income from the sale of farm products; or

2. On land not identified as high-value farmland, the gross annual income of at least the midpoint of the median income range of gross annual sales for farms in Multnomah County with gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon; or

3. On land identified as high-value farmland, at least \$80,000 in gross annual income from the sale of farm products; and

(c) Except as permitted in ORS 215.283(1)(p) (1999 Edition) (seasonal farmworker housing), there is no other dwelling on the subject tract; and

(d) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in subsection (a) of this subsection; and

(e) In determining the gross income required by subsections (a) and (b) of this subsection:

1. The cost of purchased livestock shall be deducted from the total gross income attributed to the tract; and

2. Only gross income from land owned, not leased or rented, shall be counted.

(E) ~~An~~ Accessory farm ~~help~~ dwellings, including a ~~mobile or modular home~~ which includes all types of residential structures allowed by the applicable state building code, customarily provided in conjunction with farm use if each accessory farm dwelling meets all the following requirements:

(1) The accessory farm ~~help~~ dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use, such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator; and

(2) The accessory ~~help~~ farm dwelling shall be located:

(a) On the same lot or parcel as the ~~dwelling of the principal~~ primary farm dwelling; or

(b) On the same tract as the ~~principal~~ primary farm dwelling when the lot or parcel on which the accessory dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or

(c) On a lot or parcel on which the ~~principal~~ primary farm dwelling is not located, when:

1. The accessory farm dwelling is limited to only a manufactured dwelling; and

2. A deed restriction is filed with the county clerk. The deed restriction shall require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party; and

3. The manufactured dwelling may remain if it is reapproved; or

(d) ~~An accessory farm dwelling approved pursuant to this rule may not be occupied by a person or persons who will not be principally engaged in the farm use of the land and whose assistance in the management of the farm use is not or will not be required by the farm~~

~~operator. The manufactured dwelling may remain if it is reapproved; and~~ On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farm labor housing as such farm labor housing may exist on the farm or ranch operation that is registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. All accessory farm dwellings approved under this subparagraph shall be removed, demolished or converted to a nonresidential use when farm worker housing is no longer required; or

~~(e) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is located on a lot or parcel at least 80 acres in area and the lot or parcel complies with the applicable gross farm income requirements in MCC 33.2625(E)(4) below; and~~

(3) There is no other dwelling on the lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling; and

(4) ~~In addition to the requirements in (1) through (3) in this section, The principal~~the primary farm dwelling to which the proposed dwelling would be accessory, meets one of the following:

(a) On land not identified as high-value farmland, the ~~principal~~primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, and produced in the last two years or three of the last five years the lower of the following:

1. At least \$40,000 ~~(1994 dollars)~~ in gross annual income from the sale of farm products. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or

2. Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the county with the gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or

(b) On land identified as high-value farmland, the ~~principal~~primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, and produced at least \$80,000 ~~(1994 dollars)~~ in gross annual income from the sale of farm products in the last two years or three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or

~~(c) It is located on a commercial dairy farm as defined by OAR 660-033-0135(11); and~~

~~1. The building permits, if required, have been issued and construction has begun or been completed for the buildings and animal waste facilities required for a commercial dairy farm; and~~

~~2. The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 468B.050 and ORS 468B.200 to 468B.230; and~~

3. A Producer License for the sale of dairy products under ORS 621.072 has been obtained.

(5) The approval authority shall not approve any proposed division of a lot or parcel for an accessory farm dwelling approved pursuant to this section. If it is determined that an accessory farm dwelling satisfies the requirements of MCC 33.2625 (D), a parcel may be created consistent with the minimum parcel size requirements in MCC 33.2660.

(F) Notwithstanding the same ownership grouping requirements of the Lot of Record section, a single family heritage tract dwelling may be allowed on land not identified as high-value farmland when:

(1) The lot or parcel on which the dwelling will be sited meets the following requirements:

(a) A deed or other instrument creating the lot or parcel was recorded with the Department of General Services, or was in recordable form prior to January 1, 1985; and

(b) The lot or parcel satisfies all applicable laws when the lot or parcel was created; and

~~(c) The lot or parcel is held under the same ownership and which was acquired by the present owner prior to January 1, 1985; and~~
The lot or parcel was acquired and owned continuously by the present owner:

1. Since prior to January 1, 1985; or

2. By devise or by intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985; and

(8) For purposes of this subsection, and of dwellings considered under MCC 33.2630 (ON) and (PO), the following definitions apply:

~~(a) Owner includes a person who acquired the lot or parcel by devise or intestate succession from a person who acquired the lot or parcel prior to January 1, 1985~~
includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or a combination of these family members.

(b) *Date of Creation and Existence.* When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot, parcel or tract.

Therefore, if the lot, parcel or tract does not qualify for a dwelling under the Heritage Tract Dwelling standards, any reconfiguration after November 4, 1993 cannot in any way enable the tract to meet the approval criteria for a new dwelling.

(G) Seasonal farmworker housing as defined in ORS 197.675 when found to meet the following requirements:

(1) The housing will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose assistance in the management of the farm use is or will be required by the farm operator; and

(2) The seasonal farmworker housing is located on the same parcel, lot or tract as the principal farm dwelling which houses the farm operator; and

(3) The principal farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, and produced at least \$80,000 (1994 dollars) in gross annual income from the sale of farm products in the last two years or three of the last five years; and

(4) The seasonal farmworker housing can only be occupied for 273 days per calendar year.

(HG) Facilities wholly within an EFU district used for the breeding, kenneling and training of greyhounds for racing may be maintained, enhanced or expanded except no new facilities may be authorized on high value farmland and provided that the following requirements are satisfied:

(3) MCC 33.7000 through MCC ~~33.7070~~33.7060; and

(H) Farm Stands when found that:

(1) The structures are designed and used for the sale of farm crops ~~and/or~~ livestock grown on the farm operation, or grown on the farm operation and other farms/farm operations in the local agricultural area, including the sale of retail incidental items, and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand if the sales/annual sale of the incidental items and fees from promotional activity do not make up no more than 25 percent of the total sales of the farm stand; and

(~~L~~K) Off-street parking and loading pursuant to MCC 33.4100 through ~~33.4220~~33.4215.

(~~O~~N) A facility for the processing of farm crops located on a farm operation that provides at least one-quarter of the farm crops processed at the facility. The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm use or devote more than 10,000 square feet to the processing activities within another building supporting farm uses. A processing facility shall comply with the requirements of MCC 33.4100 through MCC 33.4215 (off-street parking), MCC 33.2660(C), (D)&(E) (yards), and MCC 33.7450 (signs).

(PO) Parking of no more than seven log trucks shall be allowed in an exclusive farm use zone notwithstanding any other provision of law except for health and safety provisions, unless the log truck parking will:

(1) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or

(2) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

Section 24. § 33.2630 is amended as follows:

§ 33.2630 Conditional Uses

The following uses may be permitted when approved by the Hearings Officer pursuant to the provisions of MCC 33.6300 to 33.6335:

(A) Commercial activities that are in conjunction with a farm use, except for facilities for processing crops that meet the standards for crop source, building size, and other applicable siting standards pursuant to 33.2625(ON).

(C) Residential home as defined in ORS 197.660, in existing dwellings Public parks and playgrounds. A public park may be established consistent with the provisions of ORS 195.120.

(D) Private parks, playgrounds, hunting and fishing preserves, and campgrounds and, parks, playgrounds or community centers owned and operated by a nonprofit community organization.

(1) Existing facilities wholly within an EFU district may be maintained, enhanced or expanded subject to the applicable requirements of this Chapter.

(2) New facilities may be allowed, but not on high-high-value farm lands.

(3) Campgrounds authorized by this provision shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. In addition to the approval standards in MCC 33.6300 to 33.6335, a private campground shall be subject to the following:

(a) Except on a lot or parcel contiguous to a lake or reservoir, the campground shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4.

(b) The campground shall be an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes.

(c) The campground is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground.

(d) The campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites.

(e) Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites, except that electrical service may be provided to yurts. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period.

(f) The campground shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.

(g) A private campground may provide yurts for overnight camping provided:

1. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt.

2. The yurt shall be located on the ground or on a wood floor with no permanent foundation.

3. As used in this subsection, "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance.

(E) Parks, playgrounds or eCommunity centers owned and operated by a governmental agency or a nonprofit organization and operated primarily by and for residents of the local rural community.

(H) One manufactured dwelling in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident. A manufactured dwelling allowed under this provision is a temporary use for the term of the hardship suffered by the existing resident or relative as defined in ORS Chapter 215. The manufactured dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If the manufactured home will use a public sanitary sewer system, such condition will not be required. The Planning Director shall review the permit authorizing such manufactured homes every two years. ~~When the hardships end, the Planning Director shall require the removal of such manufactured homes.~~ Within three months of the end of the hardship, the Planning Director shall require the removal of such manufactured homes. A temporary residence approved under this subsection is not eligible for replacement under MCC 33.2620(J), (L), and (M). Oregon Department of Environmental Quality review and removal requirements also apply. As used in this subsection "hardship" means a medical hardship or hardship for the care of an aged or infirm person or persons.

A finding shall be made that the health hardship manufactured dwelling will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use and will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use.

(J) Dog kennels not described in section MCC 33.2625(HG). Existing facilities wholly within an EFU district may be maintained, enhanced or expanded, subject to other requirements of law. New facilities may be allowed only on non-high-value lands.

~~-(N) Parking of seven or fewer log trucks.~~

~~(O)~~ Notwithstanding the same ownership grouping requirements of the Lot of Record section, a single family heritage tract dwelling may be allowed on land identified as high-value farmland when:

(Note: MCC 33.6315 Conditional Use Approval Criteria does not apply)

(1) The lot or parcel meets the requirements of MCC 33.2625 (F) (1) through (8); and

(2) The lot or parcel cannot practicably be managed for farm use by itself or in conjunction with other land due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity. For the purposes of this section, this criterion asks whether the subject lot or parcel can be physically put to farm use without undue hardship or difficulty because of extraordinary circumstances inherent in the land or its physical setting. Neither size alone nor a parcel's limited economic potential demonstrate that a lot of parcel cannot be practicably managed for farm use. Examples of "extraordinary circumstances inherent in the land or its physical setting" include very steep slopes, deep ravines, rivers, streams, roads, railroad or utility lines or other similar natural or physical barriers that by themselves or in combination separate the subject lot or parcel from adjacent agricultural land and prevent it from being practicably managed for farm use by itself or together with adjacent or nearby farms. A lot or parcel that has been put to farm use despite the proximity of a natural barrier or since the placement of a physical barrier shall be presumed manageable for farm use; and

(PO) Notwithstanding the same ownership grouping requirements of the Lot of Record section, a single family heritage tract dwelling may be allowed on land identified as high-value farmland when:

(Note: 33.6315 Conditional Use Approval Criteria does not apply)

(1) The lot or parcel meets the requirements of 33.2625 (F) (1) through (8); and

(2) The tract on which the dwelling will be sited is:

(a) Not composed predominately of irrigated or non-irrigated soils classified prime, unique, Class I or Class II; and

(b) Less than twenty-one acres in size; and

(c) Is bordered on at least 67% of its perimeter by tracts that are smaller than 21 acres, and at least two such tracts had dwellings on January 1, 1993; or

(d) Is not a flag lot and the tract is bordered on at least 25% of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract. Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary, or

(e) The tract is a flag lot and is bordered on at least 25 percent of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract and on the same side of the public road that provides access to the subject tract. For purposes of this section, the center of the subject tract is the geographic center of the flag lot if the applicant makes a written request for that interpretation and that interpretation does not cause the center to be located outside the flag lot. Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary. As used in this subsection:

1. "Flag lot" means a tract containing a narrow strip or panhandle of land providing access from the public road to the rest of the tract; and

2. “Geographic center of the flag lot” means the point of intersection of two perpendicular lines of which the first line crosses the midpoint of the longest side of a flag lot, at a 90-degree angle to the side, and the second line crosses the midpoint of the longest adjacent side of the flag lot.

Section 25. § 33.2655 is added as follows:

§ 33.2655 Single Family Dwellings Condition of Approval – Prohibition on Claims Alleging Injury From Farm or Forest Practices

As a condition of approval of a single family dwelling, the landowner for the dwelling shall sign and record in the deed records for the county a document binding the landowner, and the landowner’s successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

Section 26. § 33.2665 is amended as follows:

§ 33.2665 Exceptions to Lot Size for Specific Uses

(A) Lots less than the minimum lot size specified in MCC 33.2660 (A) may be created for uses listed in MCC ~~33.2625 (A)~~33.2630(C) and MCC 33.2630 (E) based upon:

- (1) The site size needs of the proposed use;
- (2) The nature of the proposed use in relation to its impact on nearby properties; and
- (3) Consideration of the purposes of this district.

Section 27. § 33.2675 is amended as follows:

§ 33.2675 Lot of Record

(A) In addition to the Lot of Record definition standards in MCC 33.0005, for the purposes of this district a Lot of Record is either:

- (1) A parcel or lot which was not contiguous to any other parcel or lot under the same ownership on February 20, 1990, or
- (2) A group of contiguous parcels or lots:
 - (a) Which were held under the *same ownership* on February 20, 1990; and
 - (b) Which, individually or when considered in combination, shall be aggregated to comply with a minimum lot size of 19 acres, without creating any new lot line.

4. The requirement to aggregate contiguous parcels or lots shall not apply to lots or parcels within exception or urban zones (e.g. MUA-20, RR, RC, R-10), but shall apply to contiguous parcels and lots within all farm and forest resource zones (i.e. EFU and CFU), or

(3) A parcel or lot lawfully created by a partition or a subdivision plat after February 20, 1990.

(3)(4) Exception to the standards of (A)(2) above:

(a) Where approval for a "Lot of Exception" or a parcel smaller than 19 acres under the "Lot size for Conditional Uses" provisions has been given by the Hearing Authority and the parcel was subsequently lawfully created, then the parcel shall be a Lot of Record that remains separately transferable, even if the parcel was contiguous to another parcel held in the *same ownership* on February 20, 1990.

Section 28. § 33.6400 is amended as follows:

§ 33.6400* ANIMAL KEEPING - DOGS

§ 33.6400- Uses

Except as provided for as a Review Use in the EFU district at MCC 33.2625 (HG), dog kennels, boarding, breeding, keeping or training places or the keeping or raising of four or more dogs over six months of age may be permitted only upon the approval of the approval authority as a conditional use. Such approval shall not include animal hospitals or veterinary clinics as conditional uses.

FIRST READING:

May 6, 2004

SECOND READING AND ADOPTION:

May 13, 2004



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn
Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By *Sandra N. Duffy*
Sandra N. Duffy, Assistant County Attorney

AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:

Meeting Date: May 13, 2004

Agenda Item #: R-9

Est. Start Time: 10:05 AM

Date Submitted: 04/12/04

Requested Date: May 13, 2004

Time Requested: 1 minute

Department: Business and Community
Services

Division: Land Use and Transportation
Planning Program

Contact/s: Gary Clifford, Karen Schilling

Phone: 503-988-3043

Ext.: 26782

I/O Address: 455/116

Presenters: Gary Clifford

Agenda Title: Second Reading and Possible Adoption of an ORDINANCE Amending MCC Chapter 34, Land Use Code, Sauvie Island/Multnomah Channel Rural Plan Area, to Update the Zoning Code to Include Changes to the Oregon Statutes and Administrative Rules Regarding Land Uses on Lands Zoned Exclusive Farm Use

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

1. What action are you requesting from the Board? What is the department/agency recommendation?

The request is for adoption of five ordinances that make amendments to five different chapters of the Zoning Code. The amendments update the land use regulations in all the farm and forest zoning districts to include changes that have been made to State Statutes and Administrative Rules. The recommendation from the Planning Commission, the Planning Director, and the Department Director is for approval of the ordinances.

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

In Oregon, lands outside of Urban Growth Boundaries which are important for farm and forest resource production are subject to land use protections in State Statute, Statewide Planning Goals, and Administrative Rules that implement the Statutes and Goals. Counties are then required to enact the state regulations within their own Land Use Plans and Zoning Codes.

Recently a pattern has emerged that every two years the state legislature enacts additional changes to the State Statutes governing farm and forest lands. Then, following the enacted statutes, the Land Conservation and Development Commission makes corresponding, and sometimes additional, changes to the Oregon Administrative Rules (OARs).

Most of the proposed amendments are mandated by the state and are actually in effect without adoption into the County regulations. However, their absence from the County Zoning Code makes it difficult for property owners and staff to find all relevant regulations that may apply to farm and forest lands.

The proposed amendments add new land uses to the list of uses allowed in farm and forest zones. Along with the new listing are also new standards for those land uses. New land uses include sites for model aircraft landing, fire service facilities, facilities for processing farm crops, parking of log trucks, farm dwellings on dairy farms, and farm dwellings for farmers that move to a new farm.

In addition, the amendments make changes to standards for some land uses that are presently listed in the farm and forest zones. Those changes include amended standards for approving new dwellings, for approving certain land divisions in the forest zones, for the definition of allowed activities associated with churches, for farm stands, for uses allowed in private and public parks, and for the time period that certain dwelling approvals are valid before they expire.

There are five different ordinances because each of the Rural Plan Areas has its own Zoning Code Chapter and a separate ordinance is required to amend each Chapter.

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

No fiscal impact is expected. The amendments are either mandatory and already in effect, or are clarifications of existing standards.

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

Under the State of Oregon program of land use planning, protection of farm and forest lands for their production value is a major concern. Coupled with the Urban Growth Boundary concept, the result is state mandated restrictions on those lands. This situation leaves some property owners frustrated that counties do not have more flexibility in allowing more development opportunities in those areas.

At the public hearing before the Planning Commission there were generally two concerns expressed. The first involved a need for staff to explain the limits available to local jurisdictions in allowing development in farm and forest areas. The second concern of the property owners that gave testimony was regarding the present approval standards the county has adopted for approval of a certain type of dwelling (a "template dwelling"). The approval standards for a "template dwelling" are one part of the zoning regulations where Multnomah County is more restrictive than the state rules require. (A county may be more restrictive in this standard, but not more lenient.) The standards were adopted as part of the West Hills Rural Area Plan process and are part of the County's Comprehensive Plan.

Staff's response to the second concern is that the proposal before the Board is limited to required code updates and clarifications of existing standards. Other changes that

involve changing Rural Area Plan Policies must be done in a different process. To examining the appropriateness of an approval standard that would increase the number of potential dwellings in the forest zones is a land use issue that should be part of an update of a Rural Area Plan and notice must be given to all property owners and the State Land Conservation and Development Commission of the possibility of making such changes to development approval standards.

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

The proposed amendments have been submitted to the State Department of Land Conservation and Development for their review. No comments have been returned.

A notice of the public hearing before the Planning Commission was mailed to over 1,500 owners of farm and forest zoned properties (in accordance with the requirements of Ballot Measure 56). Fourteen citizens attended the hearing, six citizens gave testimony, and one submitted written comments.

Notice of the Board of County Commissioners hearing will be sent to all those that attended the Planning Commission hearing or submitted testimony.

Required Signatures:

Department/Agency Director: Robert A Maestre Date: 04/06/04

Budget Analyst

By: _____ Date:

Dept/Countywide HR

By: _____ Date:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Amending MCC Chapter 34, Land Use Code, Sauvie Island/Multnomah Channel Rural Plan Area, To Update the Zoning Code to Include Changes to the Oregon Statutes and Administrative Rules Regarding Land Uses on Lands Zoned Exclusive Farm Use

(Language ~~stricken~~ is deleted; double-underlined language is new.)

The Multnomah County Board of Commissioners Finds:

- a. Under the Oregon Statewide Land Use Planning Program, protection of farm lands for resource use is based upon regulation of land uses found in state statute and Oregon Administrative Rules. Multnomah County then administers those farm regulations from the County's own adopted zoning code.
- b. Periodically, the State Legislature and the State Land Conservation and Development Commission modify and amend the statutes and rules. Thereafter, mandated sections of those amended state regulations are required to be administered by counties directly from the state codes if they are not adopted into county codes. Timely integration of those state amendments into the County zoning code is desirable for land owners to have available all land use regulations that apply to their property in one set of regulations.
- c. The Planning Commission is authorized by MCC 34.0140 and by ORS 215.110 to recommend to the Board of County Commissioners the adoption of ordinances to implement the Multnomah County Comprehensive Plan. The Planning Commission held a public hearing on the amendments contained in this ordinance where all interested persons were given an opportunity to appear and be heard. Notice of the public hearing was mailed to all property owners of lands zoned Exclusive Farm Use (EFU). At that hearing the Planning Commission approved the code amendments for recommendation to the Board.
- d. The amendments in this ordinance are found by the Board to be needed updates to the zoning code to comply with changed state statutes and administrative rules.

Multnomah County Ordains as follows:

Section 1. § 34.0005 is amended as follows:

§ 34.0005 Definitions.

As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.

(D)(1) **Date of Creation and Existence** – As used in the EFU district and applicable only to certain standards for approval of a dwelling in that district, when a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a Lot of Record

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1034

Amending MCC Chapter 34, Land Use Code, Sauvie Island/Multnomah Channel Rural Plan Area, To Update the Zoning Code to Include Changes to the Oregon Statutes and Administrative Rules Regarding Land Uses on Lands Zoned Exclusive Farm Use

(Language ~~stricken~~ is deleted; double- underlined language is new.)

The Multnomah County Board of Commissioners Finds:

- a. Under the Oregon Statewide Land Use Planning Program, protection of farm lands for resource use is based upon regulation of land uses found in state statute and Oregon Administrative Rules. Multnomah County then administers those farm regulations from the County's own adopted zoning code.
- b. Periodically, the State Legislature and the State Land Conservation and Development Commission modify and amend the statutes and rules. Thereafter, mandated sections of those amended state regulations are required to be administered by counties directly from the state codes if they are not adopted into county codes. Timely integration of those state amendments into the County zoning code is desirable for land owners to have available all land use regulations that apply to their property in one set of regulations.
- c. The Planning Commission is authorized by MCC 34.0140 and by ORS 215.110 to recommend to the Board of County Commissioners the adoption of ordinances to implement the Multnomah County Comprehensive Plan. The Planning Commission held a public hearing on the amendments contained in this ordinance where all interested persons were given an opportunity to appear and be heard. Notice of the public hearing was mailed to all property owners of lands zoned Exclusive Farm Use (EFU). At that hearing the Planning Commission approved the code amendments for recommendation to the Board.
- d. The amendments in this ordinance are found by the Board to be needed updates to the zoning code to comply with changed state statutes and administrative rules.

Multnomah County Ordains as follows:

Section 1. § 34.0005 is amended as follows:

§ 34.0005 Definitions.

As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.

(D)(1) Date of Creation and Existence – As used in the EFU district and applicable only to certain standards for approval of a dwelling in that district, when a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a Lot of Record

or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot of record or tract.

Section 2. § 34.2610 is amended as follows:

§ 34.2610 Definitions

As used in MCC 34.2600 through MCC 34.2690, unless otherwise noted, the following words and their derivations shall have the following meanings:

~~(A) Campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A camping site may be occupied by a tent, travel trailer or recreational vehicle. Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.~~

~~(B) Commercial agricultural enterprise~~ consists of farm operations that will:

- (1) Contribute in a substantial way to the area's existing agricultural economy; and
- (2) Help maintain agricultural processors and established farm markets.

When determining whether a farm is part of the commercial agricultural enterprise, not only what is produced, but how much and the method by which it is marketed shall be considered.

~~(C) Contiguous~~ refers to parcels or lots which have any common boundary, excepting a single point, and shall include, but not be limited to, parcels or lots separated only by an alley, street or other right-of-way.

~~(D) Farm Operator~~ means a person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing.

~~(E) High-value farm land~~ means land in a tract composed predominately of soils that are:

- (1) Irrigated and classified prime, unique, Class I or Class II; or
- (2) Not irrigated and classified prime, unique, Class I or Class II; or
- (3) Willamette Valley Soils in Class III or IV including:
 - (a) Subclassification IIIe specifically, Burlington, Cascade, Cornelius, Latourell, Multnomah, Powell, Quatama;
 - (b) Subclassification IIIw specifically, Cornelius;
 - (c) Subclassification IVe, specifically, Cornelius, Latourel, Powell, and Quatama.

Location and the extent of these soils are as identified and mapped in "Soil Survey of Multnomah County, published by the Soil Conservation Service, US Department of Agriculture, 1983."

The soil class, soil rating or other soil designation of a specific lot or parcel may be changed if the property owner submits a statement or report pursuant to ORS 215.710(5).

~~(F)~~ *Private School* means privately owned primary, elementary or high school not including nursery school, kindergarten or day nursery except those operated in conjunction with a school.

~~(G)~~ *Public School* means publicly owned primary, elementary or high school not including nursery school, kindergarten or day nursery except those operated in conjunction with a school.

~~(H)~~ *Same Ownership* refers to greater than possessory interests held by the same person or persons, spouse, minor age child, same partnership, corporation, trust or other entity, separately, in tenancy in common or by other form of title. Ownership shall be deemed to exist when a person or entity owns or controls ten percent or more of a lot or parcel, whether directly or through ownership or control or an entity having such ownership or control.

~~(I)~~ *Suitable for farm use* means land in Class I-IV or "lands in other classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands".

~~(J)~~ *Tract* means one or more contiguous lots or parcels in the same ownership.

Section 3. § 34.2620 is amended as follows:

§ 34.2620 Allowed Uses

(L) Alteration, restoration or replacement of a lawfully established *habitable dwelling*.

(1) In the case of a replacement dwelling, the existing dwelling must be removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling.

(2) A replacement dwelling may be sited on any part of the same lot or parcel. A dwelling established under this paragraph shall comply with all applicable siting standards. However, the standards shall not be applied in a manner that prohibits the siting of the dwelling. If the dwelling to be replaced is located on a portion of the lot or parcel not zoned for exclusive farm use, the applicant, as a condition of approval, shall execute and record in the deed records for the county a deed restriction prohibiting the siting of a dwelling on that portion of the lot or parcel. The restriction imposed shall be irrevocable unless a statement of release is placed in the deed records for the county. The release shall be signed by the county or its designee and state that the provisions of this paragraph regarding replacement dwellings have changed to allow the siting of another dwelling. The County Planning Director or the Director's designee shall maintain a record of the lots and parcels that do not qualify for the siting of a new dwelling under the provisions of this paragraph, including a copy of the deed restrictions and release statements filed under this paragraph.

(3) As a condition of approval, the landowner shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting

them from pursuing a claim for relief or cause of action alleging injury from farming practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(N) Public or private schools, including all buildings essential to the operation of a school wholly within an EFU district may be maintained, enhanced or expanded:

- (1) Except that no new use may be authorized within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4; and
- (2) No new use may be authorized on high value farmland; and
- (3) Must satisfy the requirements of MCC 34.4100 through MCC ~~34.4220~~34.4215, MCC 34.6020 (A), MCC 34.7000 through MCC ~~34.7070~~34.7060 and MCC 34.7450.
- (4) The maintenance, enhancement or expansion shall not adversely impact the right to farm on surrounding EFU lands

(O) Churches and cemeteries in conjunction with churches, consistent with ORS 441, wholly within an EFU district may be maintained, enhanced or expanded:

- (1) Except that no new use may be authorized within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4; and
- (2) No new use may be authorized on high value farmland; and
- (3) Must satisfy the requirements of MCC 34.4100 through MCC ~~34.4220~~34.4215, MCC 34.6020 (A), MCC 34.7000 through MCC ~~34.7070~~34.7060 and MCC 34.7450.
- (4) The maintenance, enhancement or expansion shall not adversely impact the right to farm on surrounding EFU lands.
- (5) Activities customarily associated with the practice of religious activity include worship services, religion classes, weddings, funerals, child care and meal programs, but do not include private or parochial school education for prekindergarten through grade 12 or higher education.

(V) A site for the takeoff and landing of model aircraft, including such buildings or facilities as may reasonably be necessary. Buildings or facilities shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility preexisted the use approved under this paragraph. The site shall not include an aggregate surface or hard surface area unless the surface preexisted the use approved under this paragraph. As used in this paragraph, "model aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and is controlled by radio, lines or design by a person on the ground.

(W) Fire service facilities providing primarily rural fire protection services subject to satisfying the requirements of MCC 34.4100 through MCC 34.4215 (off-street parking), MCC 34.6020(A) (yards), MCC 34.7000 through MCC 34.7060 (design review), and MCC 34.7450 (signs).

(X) Irrigation canals, delivery lines and those structures and accessory operational facilities associated with a district as defined in ORS 540.505.

(Y) Utility facility service lines. Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:

- (1) A public right of way;
- (2) Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or
- (3) The property to be served by the utility.

(Z) Land application of reclaimed water, agricultural or industrial process water or biosolids.

Subject to the issuance of a license, permit or other approval by the Oregon Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with rules adopted under ORS 468B.095, and with the requirements of ORS 215.246, 215.247, 215.249 and 215.251, the land application of reclaimed water, agricultural process or industrial process water or biosolids for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in exclusive farm use zones under OAR Chapter 660 Division 33.

Section 4. § 34.2625 is amended as follows:

§ 34.2625 Review Uses

(A) Utility facilities necessary for public service, including wetland waste treatment systems but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height as follows provided:

- (3) All other utility facilities and transmission towers 200 feet and under in height subject to the following.
 - (a) The facility satisfies the requirements of ORS 215.275, "Utility facilities necessary for public service; criteria; mitigating impact of facility"; and
 - (b) The facility satisfies the requirements of MCC 34.4100 through 34.422034.4215; 34.6020(A); 34.7000 through 34.707034.7060; and 34.7450.

(C) A farm help dwelling for a relative on real property used for farm use if the dwelling is:

- (1) Located on the same lot or parcel as the dwelling of the farm operator; and is
- (2) Occupied by a grandparent, grandchild, parent, child, brother or sister of the farm operator or the farm operator's spouse, and whose assistance in the management of the farm use is or will be required by the farm operator. Occupied by a relative of the farm operator or the farm operator's spouse, if the farm operator does or will require the assistance of the relative in the management

of the farm use. Qualifying relatives include, child, parent, step-parent, grandchild, grandparent, step-grandparent, brother, sister, sibling, stepsibling, niece, nephew or first cousin.

(3) Notwithstanding ORS 92.010 to 92.190 or the minimum lot size requirements of MCC 34.2660, if the owner of a dwelling described in this paragraph obtains construction financing or other financing secured by the dwelling and the secured party forecloses on the dwelling, the secured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure shall operate as a partition of the homesite to create a new parcel, pursuant to OAR 660-033-0130(9)(b)&(c). However, pursuant to MCC 34.2675(D), the area of land with the homesite created by the foreclosure shall not be deemed a Lot of Record, and shall be subject to all restrictions on development associated with that designation.

(D) A dwelling, including a mobile or modular home, customarily provided in conjunction with a farm use:

(1) High-value farmland soils, \$80,000 income. On lands identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:

(a) The subject tract is currently employed for the farm use, as defined in ORS 215.203, that produced at least \$80,000 (1994 dollars) in gross annual income from the sale of farm products in the last two years or three of the last five years; and

(b) Except as permitted in ORS 215.283 (1) (p) (1999 Edition) (i.e. seasonal farmworker housing), there is no other dwelling on the subject tract land designated for exclusive farm use that is owned by the farm or ranch operator, or that is on the farm or ranch operation. "Farm or ranch operation" shall mean all lots or parcels of land in the same ownership that are used by the farm or ranch operator for farm use as defined in ORS 215.203; and

(c) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in subsection (a) of this subsection; and

(d) In determining the gross income required by subsection (a) of this subsection:

1. ~~The~~ The cost of purchased livestock shall be deducted from the total gross income attributed to the ~~tract~~ farm or ranch operation;

2. Only gross income from land owned, not leased or rented, shall be counted; and

3. Gross farm income earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used; and

4. For the purposes of this subsection, lots or parcels zoned for farm use in Multnomah County or contiguous counties may be used to meet the gross income requirements.

(e) Prior to the final approval for a dwelling, the applicant shall provide evidence that the covenants, conditions and restrictions form referred to as "Exhibit A" in OAR 660-033-0135(9) has been recorded with the county clerk of the county or counties where the property subject to the covenants, conditions and restrictions is located. The covenants, conditions and restrictions shall be recorded for each lot or parcel subject to the application for the primary farm dwelling.

1. The covenants, conditions and restrictions shall preclude all future rights to construct a dwelling except for accessory farm dwellings, relative farm help dwellings, temporary hardship dwellings or replacement dwellings allowed by ORS Chapter 215.

2. The covenants, conditions and restrictions shall preclude the use of any gross farm income earned on the lots or parcels to qualify another lot or parcel for a primary farm dwelling.

3. The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located.

4. Enforcement of the covenants, conditions and restrictions may be undertaken by the Department of Land Conservation and Development or by the county or counties where the property subject to the covenants, conditions and restrictions is located.

5. The failure to follow the requirements of this section shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property which is subject to the covenants, conditions and restrictions required by this section.

6. The County Planning Director shall maintain a copy of the covenants, conditions and restrictions that have been filed in the county deed records pursuant to this subsection and a map or other record depicting the lots and parcels subject to the covenants, conditions and restrictions. The map or other record required by this subsection shall be readily available to the public in the county planning office.

(2) Not high-value farmland soils, 160 acres. On land not identified as high-value farmland a dwelling may be considered customarily provided in conjunction with farm use if:

(d) Except as permitted in ORS 215.283 (1) (p) (1999 Edition) (i.e. seasonal farm worker housing), there is no other dwelling on the subject tract; ~~or.~~

(3) Not high-value farmland soils, capable of producing the median level of annual gross sales. On land not identified as high-value farmland a dwelling may be considered customarily provided in conjunction with farm use if:

(e) Except as permitted in ORS 215.283(1)(p) (1999 Edition) (i.e. seasonal farmworker housing), there is no other dwelling on the subject tract; and

(f) The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale; and

(g) If no farm use has been established at the time of application, land use approval shall be subject to a condition that no building permit may be issued prior to the establishment of the farm use required by subsection (c) of this section; ~~or.~~

(4) Not high-value farmland soils, \$40,000 income or mid-point of median income range. On land not identified as high-value farmland a dwelling may be considered customarily provided in conjunction with farm use if:

(a) The subject tract is currently employed for the farm use, as defined in ORS 215.203, that produced in the last two years or three of the last five years the lower of the following:

1. At least \$40,000 (1994 dollars) in gross annual income from the sale of farm products; or
2. Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the county with gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon; and

(b) Except as permitted in ORS 215.283(1)(p) (1999 Edition) (i.e. seasonal farmworker housing), there is no other dwelling on the subject tract lands designated for exclusive farm use pursuant to ORS 215 owned by the farm or ranch operator or on the farm or ranch operation. "Farm or ranch operation" shall mean all lots or parcels of land in the same ownership that are used by the farm or ranch operator for farm use as defined in ORS 215.203; and

(c) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in subsection (a) of this subsection; and

(d) In determining the gross income required by subsection (a) of this subsection:

1. ~~The~~ The cost of purchased livestock shall be deducted from the total gross income attributed to the ~~tract~~ farm or ranch operation; and

2. Only costs and sale prices of livestock that are within a reasonable range of prevailing costs and sale prices in the Oregon and Washington region shall be counted in the determination of gross income. This may be done by comparing actual sales documents to such published livestock value sources as made available by the Oregon Agricultural Statistics Services or the Oregon State Extension Service; and

3. Only gross income from land owned, not leased or rented, shall be counted; and

4. Gross farm income earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used; and

5. For the purposes of this subsection, lots or parcels zoned for farm use in Multnomah County or contiguous counties may be used to meet the gross income requirements; and

(e) Prior to the final approval for a dwelling, the applicant shall provide evidence that the covenants, conditions and restrictions form referred to as "Exhibit A" in OAR 660-033-0135(9) has been recorded with the county clerk of the county or counties where the property subject to the covenants, conditions and restrictions is located. The covenants, conditions and restrictions shall be recorded for each lot or parcel subject to the application for the primary farm dwelling.

1. The covenants, conditions and restrictions shall preclude all future rights to construct a dwelling except for accessory farm dwellings, relative farm help dwellings, temporary hardship dwellings or replacement dwellings allowed by ORS Chapter 215.

2. The covenants, conditions and restrictions shall preclude the use of any gross farm income earned on the lots or parcels to qualify another lot or parcel for a primary farm dwelling.

3. The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located.

4. Enforcement of the covenants, conditions and restrictions may be undertaken by the Oregon Department of Land Conservation and Development or by the county or counties where the property subject to the covenants, conditions and restrictions is located.

5. The failure to follow the requirements of this section shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property which is subject to the covenants, conditions and restrictions required by this section.

6. The County Planning Director shall maintain a copy of the covenants, conditions and restrictions filed in the county deed records pursuant to this section and a map or other record depicting the lots and parcels subject to the covenants, conditions and restrictions filed in the county deed records pursuant to this section. The map or other record required by this subsection shall be readily available to the public in the county planning office.

(5) Commercial dairy farm. A dwelling may be considered customarily provided in conjunction with a commercial dairy farm if:

(a) The subject tract will be employed as a commercial dairy operation that owns a sufficient number of producing dairy animals capable of earning the following from the sale of fluid milk:

1. On land not identified as high-value farmland, at least \$40,000 in gross annual income or the gross annual income of at least the midpoint of the median income range of gross annual sales for farms in Multnomah County with gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon; or

2. On land identified as high-value farmland, at least \$80,000 in gross annual income; and

(b) The dwelling is sited on the same lot or parcel as the buildings required by the commercial dairy; and

(c) Except as permitted by 215.283(1)(p) (1999 Edition) (seasonal farmworker housing), there is no other dwelling on the subject tract; and

(d) The dwelling will be occupied by a person or persons who will be principally engaged in the operation of the commercial dairy farm, such as the feeding, milking or pasturing of the

dairy animals or other farm use activities necessary to the operation of the commercial dairy farm; and

(e) The building permits, if required, have been issued for and construction has begun for the buildings and animal waste facilities required for a commercial dairy farm; and

(f) The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 468B.050 and 468B.200 to 468B.230 and has approved a Producer License for the sale of dairy products under ORS 621.072.

(g) "Commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of earning the gross annual income required by OAR 660-033-0135(5)(a) or (7)(a), whichever is applicable, from the sale of fluid milk.

(6) Move to a new farm. A dwelling may be considered customarily provided in conjunction with farm use if:

(a) Within the previous two years, the applicant owned and operated a farm or ranch operation that earned the gross farm income in the last five years or four of the last seven years:

1. On land not identified as high-value farmland, at least \$40,000 in gross annual income from the sale of farm products; or

2. On land not identified as high-value farmland, the gross annual income of at least the midpoint of the median income range of gross annual sales for farms in Multnomah County with gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon; or

3. On land identified as high-value farmland, at least \$80,000 in gross annual income from the sale of farm products; and

(b) The subject lot or parcel on which the dwelling will be located is a minimum lot size of 80 acres and is currently employed for the farm use, as defined in ORS 215.203, that produced in the last two years or three of the last five years:

1. On land not identified as high-value farmland, at least \$40,000 in gross annual income from the sale of farm products; or

2. On land not identified as high-value farmland, the gross annual income of at least the midpoint of the median income range of gross annual sales for farms in Multnomah County with gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon; or

3. On land identified as high-value farmland, at least \$80,000 in gross annual income from the sale of farm products; and

(c) Except as permitted in ORS 215.283(1)(p) (1999 Edition) (seasonal farmworker housing), there is no other dwelling on the subject tract; and

(d) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in subsection (a) of this subsection; and

(e) In determining the gross income required by subsections (a) and (b) of this subsection:

1. The cost of purchased livestock shall be deducted from the total gross income attributed to the tract; and

2. Only gross income from land owned, not leased or rented, shall be counted.

(E) An Accessory farm dwelling, including a mobile or modular home which includes all types of residential structures allowed by the applicable state building code, customarily provided in conjunction with farm use if each accessory farm dwelling meets all the following requirements:

(1) The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use, such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator; and

(2) The accessory farm dwelling shall be located:

(a) On the same lot or parcel as the dwelling of the principal primary farm dwelling; or

(b) On the same tract as the principal primary farm dwelling when the lot or parcel on which the accessory dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or

(c) On a lot or parcel on which the principal primary farm dwelling is not located, when:

1. The accessory farm dwelling is limited to only a manufactured dwelling; and

2. A deed restriction is filed with the county clerk. The deed restriction shall require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party; and

3. The manufactured dwelling may remain if it is reapproved; or

(d) An accessory farm dwelling approved pursuant to this rule may not be occupied by a person or persons who will not be principally engaged in the farm use of the land and whose assistance in the management of the farm use is not or will not be required by the farm operator. The manufactured dwelling may remain if it is reapproved; and On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farm labor housing as such farm labor housing may exist on the farm or ranch operation that is registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. All accessory farm dwellings approved under this subparagraph shall be removed, demolished or converted to a nonresidential use when farm worker housing is no longer required; or

(e) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is located on a lot or parcel at least 80 acres in area and the lot or parcel

complies with the applicable gross farm income requirements in MCC 34.2625(E)(4) below;
and

(3) There is no other dwelling on the lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling; and

(4) In addition to the requirements in (1) through (3) in this section, The principalthe primary farm dwelling to which the proposed dwelling would be accessory, meets one of the following:

(a) On land not identified as high-value farmland, the ~~principal~~primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, and produced in the last two years or three of the last five years the lower of the following:

1. At least \$40,000 ~~(1994 dollars)~~ in gross annual income from the sale of farm products. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or

2. Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the county with the gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or

(b) On land identified as high-value farmland, the ~~principal~~primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, and produced at least \$80,000 ~~(1994 dollars)~~ in gross annual income from the sale of farm products in the last two years or three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or

(c) It is located on a commercial dairy farm as defined by OAR 660-033-0135(11); and

1. The building permits, if required, have been issued and construction has begun or been completed for the buildings and animal waste facilities required for a commercial dairy farm; and

2. The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 468B.050 and ORS 468B.200 to 468B.230; and

3. A Producer License for the sale of dairy products under ORS 621.072 has been obtained.

(5) The approval authority shall not approve any proposed division of a lot or parcel for an accessory farm dwelling approved pursuant to this section. If it is determined that an accessory farm dwelling satisfies the requirements of MCC 34.2625 (D), a parcel may be created consistent with the minimum parcel size requirements in MCC 34.2660.

(F) Notwithstanding the *same ownership* grouping requirements of the Lot of Record section, a single family *heritage tract dwelling* may be allowed on land not identified as high-value farmland when:

(1) The lot or parcel on which the dwelling will be sited meets the following requirements:

(a) A deed or other instrument creating the lot or parcel was recorded with the Department of General Services, or was in recordable form prior to January 1, 1985; and

(b) The lot or parcel satisfies all applicable laws when the lot or parcel was created; and

(c) ~~The lot or parcel is held under the same ownership and which was acquired by the present owner prior to January 1, 1985; and~~ The lot or parcel was acquired and owned continuously by the present owner:

1. Since prior to January 1, 1985; or

2. By devise or by intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985; and

(8) For purposes of this subsection, and of dwellings considered under MCC 34.2630 (ΘN) and (PO), the following definitions apply:

(a) ~~Owner includes a person who acquired the lot or parcel by devise or intestate succession from a person who acquired the lot or parcel prior to January 1, 1985~~ includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or a combination of these family members.

(b) *Date of Creation and Existence.* When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot, parcel or tract.

Therefore, if the lot, parcel or tract does not qualify for a dwelling under the Heritage Tract Dwelling standards, any reconfiguration after November 4, 1993 cannot in any way enable the tract to meet the approval criteria for a new dwelling.

(G) ~~Seasonal farmworker housing as defined in ORS 197.675 when found to meet the following requirements:~~

~~(1) The housing will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose assistance in the management of the farm use is or will be required by the farm operator; and~~

~~(2) The seasonal farmworker housing is located on the same parcel, lot or tract as the principal farm dwelling which houses the farm operator; and~~

~~(3) The principal farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, and produced at least \$80,000 (1994 dollars) in gross~~

annual income from the sale of farm products in the last two years or three of the last five years;
and

~~(4) The seasonal farmworker housing can only be occupied for 273 days per calendar year.~~

~~(HG) Facilities wholly within an EFU district used for the breeding, kenneling and training of greyhounds for racing may be maintained, enhanced or expanded except no new facilities may be authorized on high value farmland and provided that the following requirements are satisfied:~~

~~(3) MCC 34.7000 through MCC 34.7070~~34.7060; and

~~(IH) Farm Stands when found that:~~

~~(1) The structures are designed and used for the sale of farm crops and/or livestock grown on the farm operation, or grown on the farm operation and other farms farm operations in the local agricultural area, including the sale of retail incidental items, and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand if the sales annual sale of the incidental items and fees from promotional activity do not make up no more than 25 percent of the total sales of the farm stand; and~~

~~(JK) Off-street parking and loading pursuant to MCC 34.4100 through 34.4220~~34.4215.

~~(ON) A facility for the processing of farm crops located on a farm operation that provides at least one-quarter of the farm crops processed at the facility. The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm use or devote more than 10,000 square feet to the processing activities within another building supporting farm uses. A processing facility shall comply with the requirements of MCC 34.4100 through MCC 34.4215 (off-street parking), MCC 34.2660(C), (D)&(E) (yards), and MCC 34.7450 (signs).~~

~~(PO) Parking of no more than seven log trucks shall be allowed in an exclusive farm use zone notwithstanding any other provision of law except for health and safety provisions, unless the log truck parking will:~~

~~(1) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or~~

~~(2) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.~~

Section 5. § 34.2630 is amended as follows:

§ 34.2630 Conditional Uses

The following uses may be permitted when approved by the Hearings Officer pursuant to the provisions of MCC 34.6300 to ~~34.6345~~34.6335:

(A) Commercial activities that are in conjunction with a farm use, except for facilities for processing crops that meet the standards for crop source, building size, and other applicable siting standards pursuant to 34.2625(ON).

(C) ~~Residential home as defined in ORS 197.660, in existing dwellings~~ Public parks and playgrounds. A public park may be established consistent with the provisions of ORS 195.120.

(D) ~~Private parks, playgrounds, hunting and fishing preserves, and campgrounds and, parks, playgrounds or community centers owned and operated by a nonprofit community organization.~~

(1) Existing facilities wholly within an EFU district may be maintained, enhanced or expanded subject to the applicable requirements of this Chapter.

(2) New facilities may be allowed, but not on high-high-value farm lands.

~~(3) Campgrounds authorized by this provision shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. In addition to the approval standards in MCC 34.6300 to 34.6335, a private campground shall be subject to the following:~~

(a) Except on a lot or parcel contiguous to a lake or reservoir, the campground shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4.

(b) The campground shall be an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes.

(c) The campground is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground.

(d) The campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites.

(e) Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites, except that electrical service may be provided to yurts. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period.

(f) The campground shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.

(g) A private campground may provide yurts for overnight camping provided:

1. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt.

2. The yurt shall be located on the ground or on a wood floor with no permanent foundation.

3. As used in this subsection, "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance.

(E) Parks, playgrounds or Community centers owned and operated by a governmental agency or a nonprofit organization and operated primarily by and for residents of the local rural community.

(H) One manufactured dwelling in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident. A manufactured dwelling allowed under this provision is a temporary use for the term of the hardship suffered by the existing resident or relative as defined in ORS Chapter 215. The manufactured dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If the manufactured home will use a public sanitary sewer system, such condition will not be required. The Planning Director shall review the permit authorizing such manufactured homes every two years. ~~When the hardships end, the Planning Director shall require the removal of such manufactured homes.~~ Within three months of the end of the hardship, the Planning Director shall require the removal of such manufactured homes. A temporary residence approved under this subsection is not eligible for replacement under MCC 34.2620(J), (L), and (M). Oregon Department of Environmental Quality review and removal requirements also apply. As used in this subsection "hardship" means a medical hardship or hardship for the care of an aged or infirm person or persons.

A finding shall be made that the health hardship manufactured dwelling will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use and will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use.

(J) Dog kennels not described in section MCC 34.2625 (HG). Existing facilities wholly within an EFU district may be maintained, enhanced or expanded, subject to other requirements of law. New facilities may be allowed only on non-high-value lands.

(N) Parking of seven or fewer log trucks.

(ON) Notwithstanding the same ownership grouping requirements of the Lot of Record section, a single family *heritage tract dwelling* may be allowed on land identified as high-value farmland when:

(Note: MCC 34.6315 Conditional Use Approval Criteria does not apply)

(1) The lot or parcel meets the requirements of MCC 34.2625 (F) (1) through (8); and

(2) The lot or parcel cannot practicably be managed for farm use by itself or in conjunction with other land due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity. For the purposes of this section, this criterion asks whether the subject lot or parcel can be physically put to farm use without undue hardship or difficulty because of extraordinary circumstances inherent in the land or its physical setting. Neither size alone nor a parcel's limited economic potential demonstrate that a lot of parcel cannot be practicably managed for farm use. Examples of "extraordinary circumstances inherent in the land or its physical setting" include very steep slopes, deep ravines, rivers, streams, roads, railroad or utility lines or other similar natural or physical barriers that by themselves or in combination separate the subject lot or parcel from adjacent agricultural land and prevent it from being practicably managed for farm use by itself or together with adjacent or nearby farms. A lot or parcel that has been put to farm use despite the proximity of a natural barrier or since the placement of a physical barrier shall be presumed manageable for farm use; and

(PO) Notwithstanding the same ownership grouping requirements of the Lot of Record section, a single family *heritage tract dwelling* may be allowed on land identified as high-value farmland when:

(Note: 34.6315 Conditional Use Approval Criteria does not apply)

(1) The lot or parcel meets the requirements of 34.2625 (F) (1) through (8); and

(2) The tract on which the dwelling will be sited is:

(a) Not composed predominately of irrigated or non-irrigated soils classified prime, unique, Class I or Class II; and

(b) Less than twenty-one acres in size; and

(c) Is bordered on at least 67% of its perimeter by tracts that are smaller than 21 acres, and at least two such tracts had dwellings on January 1, 1993; or

(d) Is not a flag lot and the tract is bordered on at least 25% of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract. Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary, or

(e) The tract is a flag lot and is bordered on at least 25 percent of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract and on the same side of the public road that provides access to the subject tract. For purposes of this section, the center of the subject tract is the geographic center of the flag lot if the applicant makes a written request for that interpretation and that interpretation does not cause the center to be located outside the flag lot. Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary. As used in this subsection:

1. "Flag lot" means a tract containing a narrow strip or panhandle of land providing access from the public road to the rest of the tract; and

2. “Geographic center of the flag lot” means the point of intersection of two perpendicular lines of which the first line crosses the midpoint of the longest side of a flag lot, at a 90-degree angle to the side, and the second line crosses the midpoint of the longest adjacent side of the flag lot.

Section 6. § 34.2655 is added as follows:

§ 34.2655 Single Family Dwellings Condition of Approval – Prohibition on Claims Alleging Injury From Farm or Forest Practices

As a condition of approval of a single family dwelling, the landowner for the dwelling shall sign and record in the deed records for the county a document binding the landowner, and the landowner’s successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

Section 7. § 34.2665 is amended as follows:

§ 34.2665 Exceptions to Lot Size for Specific Uses

(A) Lots less than the minimum lot size specified in MCC 34.2660 (A) may be created for uses listed in MCC ~~34.2625 (A)~~ 34.2630(C) and MCC 34.2630 (E) based upon:

- (1) The site size needs of the proposed use;
- (2) The nature of the proposed use in relation to its impact on nearby properties; and
- (3) Consideration of the purposes of this district.

Section 8. § 34.2675 is amended as follows:

§ 34.2675 Lot of Record

(A) In addition to the Lot of Record definition standards in MCC 34.0005, for the purposes of this district a Lot of Record is either:

- (1) A parcel or lot which was not contiguous to any other parcel or lot under the same ownership on February 20, 1990, or
- (2) A group of contiguous parcels or lots:
 - (a) Which were held under the *same ownership* on February 20, 1990; and
 - (b) Which, individually or when considered in combination, shall be aggregated to comply with a minimum lot size of 19 acres, without creating any new lot line.

4. The requirement to aggregate contiguous parcels or lots shall not apply to lots or parcels within exception or urban zones (e.g. MUA-20, RR, RC, R-10), but shall apply to contiguous parcels and lots within all farm and forest resource zones (i.e. EFU and CFU), or

(3) A parcel or lot lawfully created by a partition or a subdivision plat after February 20, 1990.

(3)(4) Exception to the standards of (A)(2) above:

(a) Where approval for a "Lot of Exception" or a parcel smaller than 19 acres under the "Lot size for Conditional Uses" provisions has been given by the Hearing Authority and the parcel was subsequently lawfully created, then the parcel shall be a Lot of Record that remains separately transferable, even if the parcel was contiguous to another parcel held in the same ownership on February 20, 1990.

Section 9. § 34.6400 is amended as follows:

§ 34.6400- Uses

Except as provided for as a Review Use in the EFU district at MCC 34.2625 (HG), dog kennels, boarding, breeding, keeping or training places or the keeping or raising of four or more dogs over six months of age may be permitted only upon the approval of the approval authority as a conditional use. Such approval shall not include animal hospitals or veterinary clinics as conditional uses.

FIRST READING:

May 6, 2004

SECOND READING AND ADOPTION:

May 13, 2004

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn
Diane M. Linn, Chair



AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By *Sandra N. Duffy*
Sandra N. Duffy, Assistant County Attorney

AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:

Meeting Date: May 13, 2004

Agenda Item #: R-10

Est. Start Time: 10:05 AM

Date Submitted: 04/12/04

Requested Date: May 13, 2004

Time Requested: 1 minute

Department: Business and Community Services

Division: Land Use and Transportation Planning Program

Contact/s: Gary Clifford, Karen Schilling

Phone: 503-988-3043

Ext.: 26782

I/O Address: 455/116

Presenters: Gary Clifford

Agenda Title: Second Reading and Possible Adoption of an ORDINANCE Amending MCC Chapter 35, Land Use Code, East of Sandy River Rural Plan Area, to Update the Zoning Code to Include Changes to the Oregon Statutes and Administrative Rules Regarding Land Uses on Lands Zoned Exclusive Farm Use and Commercial Forest Use

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

1. What action are you requesting from the Board? What is the department/agency recommendation?

The request is for adoption of five ordinances that make amendments to five different chapters of the Zoning Code. The amendments update the land use regulations in all the farm and forest zoning districts to include changes that have been made to State Statutes and Administrative Rules. The recommendation from the Planning Commission, the Planning Director, and the Department Director is for approval of the ordinances.

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

In Oregon, lands outside of Urban Growth Boundaries which are important for farm and forest resource production are subject to land use protections in State Statute, Statewide Planning Goals, and Administrative Rules that implement the Statutes and Goals. Counties are then required to enact the state regulations within their own Land Use Plans and Zoning Codes.

Recently a pattern has emerged that every two years the state legislature enacts additional changes to the State Statutes governing farm and forest lands. Then, following the enacted statutes, the Land Conservation and Development Commission makes corresponding, and sometimes additional, changes to the Oregon Administrative Rules (OARs).

Most of the proposed amendments are mandated by the state and are actually in effect without adoption into the County regulations. However, their absence from the County Zoning Code makes it difficult for property owners and staff to find all relevant regulations that may apply to farm and forest lands.

The proposed amendments add new land uses to the list of uses allowed in farm and forest zones. Along with the new listing are also new standards for those land uses. New land uses include sites for model aircraft landing, fire service facilities, facilities for processing farm crops, parking of log trucks, farm dwellings on dairy farms, and farm dwellings for farmers that move to a new farm.

In addition, the amendments make changes to standards for some land uses that are presently listed in the farm and forest zones. Those changes include amended standards for approving new dwellings, for approving certain land divisions in the forest zones, for the definition of allowed activities associated with churches, for farm stands, for uses allowed in private and public parks, and for the time period that certain dwelling approvals are valid before they expire.

There are five different ordinances because each of the Rural Plan Areas has its own Zoning Code Chapter and a separate ordinance is required to amend each Chapter.

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

No fiscal impact is expected. The amendments are either mandatory and already in effect, or are clarifications of existing standards.

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

Under the State of Oregon program of land use planning, protection of farm and forest lands for their production value is a major concern. Coupled with the Urban Growth Boundary concept, the result is state mandated restrictions on those lands. This situation leaves some property owners frustrated that counties do not have more flexibility in allowing more development opportunities in those areas.

At the public hearing before the Planning Commission there were generally two concerns expressed. The first involved a need for staff to explain the limits available to local jurisdictions in allowing development in farm and forest areas. The second concern of the property owners that gave testimony was regarding the present approval standards the county has adopted for approval of a certain type of dwelling (a "template dwelling"). The approval standards for a "template dwelling" are one part of the zoning regulations where Multnomah County is more restrictive than the state rules require. (A county may be more restrictive in this standard, but not more lenient.) The standards were adopted as part of the West Hills Rural Area Plan process and are part of the County's Comprehensive Plan.

Staff's response to the second concern is that the proposal before the Board is limited to required code updates and clarifications of existing standards. Other changes that

involve changing Rural Area Plan Policies must be done in a different process. To examining the appropriateness of an approval standard that would increase the number of potential dwellings in the forest zones is a land use issue that should be part of an update of a Rural Area Plan and notice must be given to all property owners and the State Land Conservation and Development Commission of the possibility of making such changes to development approval standards.

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

The proposed amendments have been submitted to the State Department of Land Conservation and Development for their review. No comments have been returned.

A notice of the public hearing before the Planning Commission was mailed to over 1,500 owners of farm and forest zoned properties (in accordance with the requirements of Ballot Measure 56). Fourteen citizens attended the hearing, six citizens gave testimony, and one submitted written comments.

Notice of the Board of County Commissioners hearing will be sent to all those that attended the Planning Commission hearing or submitted testimony.

Required Signatures:

Department/Agency Director: Robert A Maestra Date: 04/06/04

Budget Analyst

By: _____ Date:

Dept/Countywide HR

By: _____ Date:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Amending MCC Chapter 35, Land Use Code, East of Sandy River Rural Plan Area, To Update the Zoning Code to Include Changes to the Oregon Statutes and Administrative Rules Regarding Land Uses on Lands Zoned Exclusive Farm Use and Commercial Forest Use

(Language ~~stricken~~ is deleted; double-underlined language is new.)

The Multnomah County Board of Commissioners Finds:

- a. Under the Oregon Statewide Land Use Planning Program, protection of farm and forest lands for resource use is based upon regulation of land uses found in state statute and Oregon Administrative Rules. Multnomah County then administers those farm and forest regulations from the County's own adopted zoning code.
- b. Periodically, the State Legislature and the State Land Conservation and Development Commission modify and amend the statutes and rules. Thereafter, mandated sections of those amended state regulations are required to be administered by counties directly from the state codes if they are not adopted into county codes. Timely integration of those state amendments into the County zoning code is desirable for land owners to have available all land use regulations that apply to their property in one set of regulations.
- c. The Planning Commission is authorized by MCC 35.0140 and by ORS 215.110 to recommend to the Board of County Commissioners the adoption of ordinances to implement the Multnomah County Comprehensive Plan. The Planning Commission held a public hearing on the amendments contained in this ordinance where all interested persons were given an opportunity to appear and be heard. Notice of the public hearing was mailed to all property owners of lands zoned Exclusive Farm Use (EFU) and Commercial Forest Use (CFU). At that hearing the Planning Commission approved the code amendments for recommendation to the Board.
- d. The amendments in this ordinance are found by the Board to be needed updates to the Zoning Code to comply with changed state statutes and administrative rules.

Multnomah County Ordains as follows:

Section 1. § 35.0005 is amended as follows:

§ 35.0005 Definitions.

As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.

(D)(1) **Date of Creation and Existence** – As used in the EFU and CFU districts and applicable only to certain standards for approval of a dwelling in those districts, when a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1035

Amending MCC Chapter 35, Land Use Code, East of Sandy River Rural Plan Area, to Update the Zoning Code to Include Changes to the Oregon Statutes and Administrative Rules Regarding Land Uses on Lands Zoned Exclusive Farm Use and Commercial Forest Use

(Language ~~stricken~~ is deleted; double- underlined language is new.)

The Multnomah County Board of Commissioners Finds:

- a. Under the Oregon Statewide Land Use Planning Program, protection of farm and forest lands for resource use is based upon regulation of land uses found in state statute and Oregon Administrative Rules. Multnomah County then administers those farm and forest regulations from the County's own adopted zoning code.
- b. Periodically, the State Legislature and the State Land Conservation and Development Commission modify and amend the statutes and rules. Thereafter, mandated sections of those amended state regulations are required to be administered by counties directly from the state codes if they are not adopted into county codes. Timely integration of those state amendments into the County zoning code is desirable for land owners to have available all land use regulations that apply to their property in one set of regulations.
- c. The Planning Commission is authorized by MCC 35.0140 and by ORS 215.110 to recommend to the Board of County Commissioners the adoption of ordinances to implement the Multnomah County Comprehensive Plan. The Planning Commission held a public hearing on the amendments contained in this ordinance where all interested persons were given an opportunity to appear and be heard. Notice of the public hearing was mailed to all property owners of lands zoned Exclusive Farm Use (EFU) and Commercial Forest Use (CFU). At that hearing the Planning Commission approved the code amendments for recommendation to the Board.
- d. The amendments in this ordinance are found by the Board to be needed updates to the Zoning Code to comply with changed state statutes and administrative rules.

Multnomah County Ordains as follows:

Section 1. § 35.0005 is amended as follows:

§ 35.0005 Definitions.

As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.

(D)(1) **Date of Creation and Existence** – As used in the EFU and CFU districts and applicable only to certain standards for approval of a dwelling in those districts, when a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a

Lot of Record or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot of record or tract.

Section 2. § 35.2010 is amended as follows:

§ 35.2010 Definitions

As used in MCC 35.2000 through 35.2110, unless otherwise noted, the following words and their derivations shall have the following meanings:

~~(A) Auxiliary~~ - For the purposes of MCC 35.2020 (A) (2) to (3), the use or alteration of a structure or land which provides temporary help, or is directly associated with the conduct of a particular forest practice. An auxiliary structure shall be located on site, be temporary in nature, and be designed not to remain for the entire growth cycle of the forest from planting to harvesting. An auxiliary use shall be removed when the particular forest practice for which it was approved is concluded.

~~(B) Campground~~ - An area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A camping site may be occupied by a tent, travel trailer or recreational vehicle. A campground shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.

~~(C) Commercial Tree Species~~ - Trees recognized under rules adopted under ORS 527.715 (1996) for commercial production.

~~(D) Contiguous~~ - Refers to parcels or lots which have any common boundary, excepting a single point, and shall include, but not be limited to, parcels or lots separated only by an alley, street or other right-of-way.

~~(E) Cubic Foot Per Acre~~ - The average annual increase in cubic foot volume of wood fiber per acre for fully stocked stands at the culmination of mean annual increment as reported by the USDA Soil Conservation Service. Where SCS data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data and be approved by the Department of Forestry.

~~(F) Cubic Foot Per Tract Per Year~~ - The average annual increase in cubic foot volume of wood fiber per tract for fully stocked stands at the culmination of mean annual increment as reported by the USDA Soil Conservation Service. Where SCS data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data and be approved by the Department of Forestry.

~~(G) Forest Operation~~ - Any commercial activity relating to the growing or harvesting of any forest tree species as defined in ORS 527.620 (6) (1996).

~~(H) Same Ownership~~ - Refers to greater than possessory interests held by the same person or persons, spouse, minor age child, same partnership, corporation, trust or other entity, separately, in tenancy in common or by other form of title. Ownership shall be deemed to exist when a person or entity owns or controls ten percent or more of a lot or parcel, whether directly or through ownership or control or an entity having such ownership or control.

~~(H) Tract~~ - One or more contiguous Lots of Record in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway. Lots that are contiguous with a common boundary of only a single point are not a tract.

Section 3. § 35.2030 is amended as follows:

§ 35.2030 Conditional Uses

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter:

(A) The following Community Service Uses pursuant to the applicable provisions of MCC 35.2045, 35.2105, 35.6000 through 35.6010, and 35.6100 through 35.6230:

(1) Private park and private campground. In addition to the approval standards listed in MCC 35.2030(A) above, a private campground shall be subject to the following:

(a) Except on a lot or parcel contiguous to a lake or reservoir, the campground shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4.

(b) The campground shall be an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes.

(c) The campground is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground.

(d) The campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites.

(e) Campsites may be occupied by a tent, travel trailer or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period.

(f) The campground shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.

(9) State and Local Parks, including a public or private wildlife and fisheries resources conservation area with accessory structures for educational or instructional use.

(a) Uses allowed in a State Park, subject to a state master plan as described in OAR 660 Division 34, are:

1. All uses allowed under Statewide Planning Goal 4, provided the uses are also allowed under OAR 736, Division 18; and

2. The uses, as authorized in a state master plan adopted by the Oregon Parks and Recreation Department (OPRD), listed in OAR 660-034-0035;

3. A "State Park" is any property owned or managed by OPRD and that has been determined by OPRD to have outstanding natural, cultural, scenic and/or recreational resource values that support the state park system mission and role. For the purposes of this subsection, endowment properties and administrative sites are not state parks.

(b) Uses allowed in a Local Park are those specified in OAR 660-034-0040. A Local Park is a public area intended for open space and outdoor recreation use that is owned and managed by a city, county, regional government, or park district and that is designated as a public park in the applicable comprehensive plan and zoning ordinance [OAR 660-034-0010(8)].

Section 4. § 35.2055 is added as follows:

§ 35.2055 Single Family Dwellings Condition of Approval – Prohibition on Claims Alleging Injury From Farm or Forest Practices

As a condition of approval of a single family dwelling, the landowner for the dwelling shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

Section 5. § 35.2075 is amended as follows:

§ 35.2075 Lot of Record

(A) In addition to the *Lot of Record* definition standards in MCC 35.0005, for the purposes of this district a Lot of Record is either:

(1) A parcel or lot which was not *contiguous* to any other parcel or lot under the *same ownership* on February 20, 1990, or

(2) A group of *contiguous* parcels or lots:

(a) Which were held under the *same ownership* on February 20, 1990; and

(b) Which, individually or when considered in combination, shall be aggregated to comply with a minimum lot size of 19 acres, without creating any new lot line.

4. The requirement to aggregate contiguous parcels or lots shall not apply to lots or parcels within exception, urban, or Columbia River Gorge National Scenic Area zones

(e.g. MUA-20, RR, RC, R-10, GGA-40), but shall apply to contiguous parcels and lots within all farm and forest resource zones (i.e. EFU and CFU), or

(3) A parcel or lot lawfully created by a partition or a subdivision plat after February 20, 1990.

(4)(3) Exceptions to the standards of (A)(2) above:

(a) Where two contiguous parcels or lots are each developed with a lawfully established *habitable dwelling*, the parcels or lots shall be Lots of Record that remain separately transferable, even if they were held in the *same ownership* on February 20, 1990.

(b) Where approval for a “Lot of Exception” or a parcel smaller than 19 acres under the “Lot Size for Conditional Uses” provisions has been given by the Hearing Authority and the parcel was subsequently lawfully created, then the parcel shall be a Lot of Record that remains separately transferable, even if the parcel was contiguous to another parcel held in the *same ownership* on February 20, 1990.

Section 6. § 35.2105 is amended as follows:

§ 35.2105 Development Standards for Dwellings and Structures

Except as provided for the alteration, replacement or restoration of dwellings under MCC 35.2020 (D), 35.2020 (E) and 35.2025 (B), all dwellings and structures located in the CFU district after January 7, 1993 shall comply with the following:

(A) The dwelling or structure shall be located such that:

(5) The risks associated with wildfire are minimized. Provisions for reducing such risk shall include:

(c) Maintenance of a primary and a secondary fire safety zone on the subject tract.

5. Maintenance of a primary and a secondary fire safety zone is required only to the extent possible within the area of an approved yard (setback to property line) on land surrounding the dwelling that is owned or controlled by the home owner.

Section 7. § 35.2210 is amended as follows:

§ 35.2210 Definitions

As used in MCC 35.2200 through 35.2310, unless otherwise noted, the following words and their derivations shall have the following meanings:

~~(A) Auxiliary~~ - For the purposes of MCC 35.2220 (A) (2) to (3), the use or alteration of a structure or land which provides temporary help, or is directly associated with the conduct of a particular forest practice. An auxiliary structure shall be located on site, be temporary in nature, and be designed not to remain for the entire growth cycle of the forest from planting to harvesting. An auxiliary use shall be removed when the particular forest practice for which it was approved is concluded.

~~(B) Campground~~ - An area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A camping site may be occupied by a tent, travel trailer or recreational vehicle. A campground shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.

~~(C) Commercial Tree Species~~ - Trees recognized under rules adopted under ORS 527.715 (1996) for commercial production.

~~(D) Contiguous~~ - Refers to parcels or lots which have any common boundary, excepting a single point, and shall include, but not be limited to, parcels or lots separated only by an alley, street or other right-of-way.

~~(E) Cubic Foot Per Acre~~ - The average annual increase in cubic foot volume of wood fiber per acre for fully stocked stands at the culmination of mean annual increment as reported by the USDA Soil Conservation Service. Where SCS data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data and be approved by the Department of Forestry.

~~(F) Cubic Foot Per Tract Per Year~~ - The average annual increase in cubic foot volume of wood fiber per tract for fully stocked stands at the culmination of mean annual increment as reported by the USDA Soil Conservation Service. Where SCS data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data and be approved by the Department of Forestry.

~~(G) Forest Operation~~ - Any commercial activity relating to the growing or harvesting of any forest tree species as defined in ORS 527.620 (6) (1996).

~~(H) Same Ownership~~ - Refers to greater than possessory interests held by the same person or persons, spouse, minor age child, same partnership, corporation, trust or other entity, separately, in tenancy in common or by other form of title. Ownership shall be deemed to exist when a person or entity owns or controls ten percent or more of a lot or parcel, whether directly or through ownership or control or an entity having such ownership or control.

~~(I) Tract~~ - One or more contiguous Lots of Record in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway. Lots that are contiguous with a common boundary of only a single point are not a tract.

Section 8. § 35.2230 is amended as follows:

§ 35.2230 Conditional Uses

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter:

(D) The following Community Service Uses pursuant to the provisions of MCC 35.2245, 35.2305, 35.6000 through 35.6010, and 35.6100 through 35.6230.

(1) Private park and private campground. In addition to the approval standards listed in MCC 35.2230(D) above, a private campground shall be subject to the following:

(a) Except on a lot or parcel contiguous to a lake or reservoir, the campground shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4.

(b) The campground shall be an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes.

(c) The campground is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground.

(d) The campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites.

(e) Campsites may be occupied by a tent, travel trailer or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period.

(f) The campground shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.

(9) ~~State and Local Parks, including a public or private wildlife and fisheries resources conservation area with accessory structures for educational or instructional use.~~

(a) Uses allowed in a State Park, subject to a state master plan as described in OAR 660 Division 34, are:

1. All uses allowed under Statewide Planning Goal 4, provided the uses are also allowed under OAR 736, Division 18; and

2. The uses, as authorized in a state master plan adopted by the Oregon Parks and Recreation Department (OPRD), listed in OAR 660-034-0035;

3. A "State Park" is any property owned or managed by OPRD and that has been determined by OPRD to have outstanding natural, cultural, scenic and/or recreational resource values that support the state park system mission and role. For the purposes of this subsection, endowment properties and administrative sites are not state parks.

(b) Uses allowed in a Local Park are those specified in OAR 660-034-0040. A Local Park is a public area intended for open space and outdoor recreation use that is owned and managed by

a city, county, regional government, or park district and that is designated as a public park in the applicable comprehensive plan and zoning ordinance [OAR 660-034-0010(8)].

Section 9. § 35.2240 is amended as follows:

§ 35.2240 Template and Heritage Tract Dwellings

(A) A template dwelling may be sited on a tract, subject to the following:

(1) The lot or lots in the tract shall meet the lot of record standards of MCC 35.2275 and have been lawfully created prior to January 25, 1990;

(3) The tract shall meet the following standards:

(a) ~~The tract shall be if the tract is predominantly composed primarily~~ of soils which are capable of producing 0 to 49 cubic feet of Douglas Fir timber per acre per year (cf/ac/yr); and

1. The lot upon which the dwelling is proposed to be sited and at least all or part of 3 other lawfully created lots existed on January 1, 1993 within a 160-acre square when centered on the center of the subject tract parallel and perpendicular to section lines; and

2. At least three dwellings lawfully existed on January 1, 1993 within the 160-acre square and those dwellings either continue to exist or have been replaced by lawful replacement dwellings, or

(b) ~~The tract shall be if the tract is predominantly composed primarily~~ of soils which are capable of producing 50 to 85 cf/ac/yr of Douglas Fir timber; and

1. The lot upon which the dwelling is proposed to be sited and at least all or part of 7 other lawfully created lots existed on January 1, 1993 within a 160-acre square when centered on the center of the subject tract parallel and perpendicular to section lines; and

2. At least three dwellings lawfully existed on January 1, 1993 within the 160-acre square and those dwellings either continue to exist or have been replaced by lawful replacement dwellings, or

(c) ~~The tract shall be if the tract is predominantly composed primarily~~ of soils which are capable of producing above 85 cf/ac/yr of Douglas Fir timber; and

1. The lot upon which the dwelling is proposed to be sited and at least all or part of 11 other lawfully created lots existed on January 1, 1993 within a 160-acre square when centered on the center of the subject tract parallel and perpendicular to section lines; and

2. At least five dwellings lawfully existed on January 1, 1993 within the 160-acre square and those dwellings either continue to exist or have been replaced by lawful replacement dwellings.

(i) Pursuant to the definition of "Date of Creation and Existence" in MCC 35.0005, if the lot, parcel or tract does not qualify for a dwelling under the standards in MCC 35.2240(A), any reconfiguration after November 4, 1993 cannot in any way enable the tract to meet the criteria for a new dwelling.

(j) Pursuant to the definition of "Date of Creation and Existence" in MCC 35.0005, lots, parcels and tracts that are reconfigured after November 4, 1993 cannot be counted as meeting the "other lawfully created lots" existing on January 1, 1993 standard in MCC 35.2240(A)(3)(a), (b), and (c): 3, 7, and 11 lots respectively.

(B) A *heritage tract dwelling* may be sited, subject to the following:

(1) On a tract:

(c) That is located within 1,500 feet of a dedicated public right-of-way that provides or will provide access to the subject tract. ~~+~~The road within the public right-of-way shall be maintained to the standards set forth in the County Right-of-Way Access Permit and be, as applicable, either paved or surfaced with rock, ~~and~~ The road shall not be:

1. A U.S. Bureau of Land Management road; or

2. The public right of way shall not be a U.S. Forest Service road or Bureau of Land Management road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction and a maintenance agreement exists between the United States Forest Service and landowners adjacent to the road, a local government or a state agency.

(d) For which deeds or other instruments creating the lots or parcels were recorded with the Department of General Services County Recorder, or were in recordable form prior to January 1, 1985; and

(e) That is comprised of lots or parcels that were lawfully created and pursuant to the definition of "Date of Creation and Existence" in MCC 35.0005, if the lot, parcel or tract does not qualify for a dwelling under the standards in MCC 35.2240(B), any reconfiguration after November 4, 1993 cannot in any way enable the tract to meet the criteria for a new dwelling; and

(f) Notwithstanding the same ownership grouping requirements of the Lot of Record section, that the tract was acquired and owned continuously by the present owner:

1. Since ~~P~~prior to January 1, 1985; or

2. By devise or by intestate succession ~~by an antecedent of the~~from a person who acquired the lot or parcel since prior to January 1, 1985.

3. For purposes of this subsection, "antecedent" "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members.

(g) Where the lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, that no dwelling exists on another lot or parcel that was part of that tract.

Section 10. § 35.2255 is added as follows:

§ 35.2255 Single Family Dwellings Condition of Approval – Prohibition on Claims Alleging Injury From Farm or Forest Practices

As a condition of approval of a single family dwelling, the landowner for the dwelling shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

Section 11. § 35.2265 is amended as follows:

§ 35.2265 Lots of Exception

An exception to permit the creation of a lot of less than the minimum specified in MCC 35.2260 (A) may be authorized as provided in (A) or (B) below, subject to the following:

(A) A small parcel for an existing dwelling may be established subject to the following:

(1) ~~(A)~~ The Lot of Record to be divided exceeds the area requirements of MCC 35.2260 (A);

(2) ~~(B)~~ The Lot of Exception will contain a dwelling which existed prior to January 25, 1990;

(3) ~~(C)~~ The Lot of Exception will be no larger than 5 acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall not be larger than 10 acres;

(4) ~~(D)~~ The division will create no more than one lot which is less than the minimum area required in MCC 35.2260 (A);

(5) ~~(E)~~ The division complies with the dimensional requirements of MCC 35.2260 (C) through (E); and

(6) ~~(F)~~ The parcel not containing the dwelling is not entitled to a dwelling. ~~(1)~~ A condition of approval shall require that covenants, conditions and restrictions stating that requirement which preclude future siting of a dwelling on the parcel shall be recorded with the county Division of Records. ~~(2)~~ The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of Multnomah County. That release may be given if the parcel is no longer subject to protection under Statewide Planning Goals for forest or agricultural lands.

(B) A parcel that contains two dwellings may be divided provided that:

(1) Two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;

(2) Each of the dwellings complies with the criteria for a replacement dwelling under ORS 215.283 (1)(s);

(3) One of the parcels created is between two and five acres in size;

(4) At least one dwelling is located on each parcel created;

(5) The new property line proposed to divide the existing parcel shall be located such that:

(a) Forest Practices Setback dimensional requirements in MCC 35.2260(C) are met as nearly as possible considering parcel size and location of existing dwellings and other structures;

(b) Adverse impacts on forest practices will be minimized. Factors to consider in that evaluation include the location of: existing and potential logging access roads, existing and potential log landing areas, steep topography, and the size of the respective timber management areas.

(6) The development standards for dwellings and structures in MCC 35.2305, the exception standards for secondary fire safety zones in MCC 35.2310, and the land division requirement that "the tentative plan complies with the area and dimensional requirements of the underlying zoning district" shall not apply as approval criteria. The land division shall be reviewed as either a Category 1 or 3 land division, as applicable;

(7) The landowner of a lot or parcel created under this subsection provides evidence that a restriction prohibiting the landowner and the landowner's successors in interest from further dividing the lot or parcel has been recorded with the Multnomah County Recorder. A restriction imposed under this subsection shall be irrevocable unless a statement of release is signed by the County Planning Director indicating that the Comprehensive Plan or land use regulations applicable to the lot or parcel have been changed so that the lot or parcel is no longer subject to statewide planning goals protecting forestland or unless the land division is subsequently authorized by law or by a change in a statewide planning goal for land zoned for forest use.

(C) The County Planning Director shall maintain a record of parcels that do not qualify for the siting of a new dwelling under restrictions imposed by (A) and (B) above. The record shall be readily available to the public.

(D) A landowner allowed a land division under this section shall sign a statement that shall be recorded with the Multnomah County Recorder, declaring that the landowner and the landowner's successors in interest will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

Section 12. § 35.2275 is amended as follows:

§ 35.2275 Lot of Record

(A) In addition to the *Lot of Record* definition standards in MCC 35.0005, for the purposes of this district a Lot of Record is either:

- (1) A parcel or lot which was not *contiguous* to any other parcel or lot under the *same ownership* on February 20, 1990, or
- (2) A group of *contiguous* parcels or lots:
 - (a) Which were held under the *same ownership* on February 20, 1990; and
 - (b) Which, individually or when considered in combination, shall be aggregated to comply with a minimum lot size of 19 acres, without creating any new lot line.

4. The requirement to aggregate contiguous parcels or lots shall not apply to lots or parcels within exception, urban, or Columbia River Gorge National Scenic Area zones (e.g. MUA-20, RR, RC, R-10, GGA-40), but shall apply to contiguous parcels and lots within all farm and forest resource zones (i.e. EFU and CFU), or

(3) A parcel or lot lawfully created by a partition or a subdivision plat after February 20, 1990.

(4)(3) Exceptions to the standards of (A)(2) above:

- (a) Where two contiguous parcels or lots are each developed with a lawfully established *habitable dwelling*, the parcels or lots shall be Lots of Record that remain separately transferable, even if they were held in the *same ownership* on February 20, 1990.
- (b) Where approval for a "Lot of Exception" or a parcel smaller than 19 acres under the "Lot Size for Conditional Uses" provisions has been given by the Hearing Authority and the parcel was subsequently lawfully created, then the parcel shall be a Lot of Record that remains separately transferable, even if the parcel was contiguous to another parcel held in the *same ownership* on February 20, 1990.

Section 13. § 35.2305 is amended as follows:

§ 35.2305 Development Standards for Dwellings and Structures

Except as provided for the alteration, replacement or restoration of dwellings under MCC 35.2220 (D) and (E) and 35.2225 (B), all dwellings and structures located in the CFU district after January 7, 1993 shall comply with the following:

(A) The dwelling or structure shall be located such that:

(5) The risks associated with wildfire are minimized. Provisions for reducing such risk shall include:

(c) Maintenance of a primary and a secondary fire safety zone on the subject tract.

5. Maintenance of a primary and a secondary fire safety zone is required only to the extent possible within the area of an approved yard (setback to property line) on land surrounding the dwelling that is owned or controlled by the home owner.

Section 14. § 35.2610 is amended as follows:

§ 35.2610 Definitions

As used in MCC 35.2600 through MCC 35.2690, unless otherwise noted, the following words and their derivations shall have the following meanings:

~~(A) Campground~~ is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A camping site may be occupied by a tent, travel trailer or recreational vehicle. Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.

~~(B) Commercial agricultural enterprise~~ consists of farm operations that will:

- (1) Contribute in a substantial way to the area's existing agricultural economy; and
- (2) Help maintain agricultural processors and established farm markets.

When determining whether a farm is part of the commercial agricultural enterprise, not only what is produced, but how much and the method by which it is marketed shall be considered.

~~(C) Contiguous~~ refers to parcels or lots which have any common boundary, excepting a single point, and shall include, but not be limited to, parcels or lots separated only by an alley, street or other right-of-way.

~~(D) Farm Operator~~ means a person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing.

~~(E) High-value farm land~~ means land in a tract composed predominately of soils that are:

- (1) Irrigated and classified prime, unique, Class I or Class II; or
- (2) Not irrigated and classified prime, unique, Class I or Class II; or
- (3) Willamette Valley Soils in Class III or IV including:

(a) Subclassification IIIe specifically, Burlington, Cascade, Cornelius, Latourell, Multnomah, Powell, Quatama;

(b) Subclassification IIIw specifically, Cornelius;

(c) Subclassification IVe, specifically, Cornelius, Latourel, Powell, and Quatama.

Location and the extent of these soils are as identified and mapped in "Soil Survey of Multnomah County, published by the Soil Conservation Service, US Department of Agriculture, 1983."

The soil class, soil rating or other soil designation of a specific lot or parcel may be changed if the property owner submits a statement or report pursuant to ORS 215.710(5).

~~(F)~~ *Private School* means privately owned primary, elementary or high school not including nursery school, kindergarten or day nursery except those operated in conjunction with a school.

~~(G)~~ *Public School* means publicly owned primary, elementary or high school not including nursery school, kindergarten or day nursery except those operated in conjunction with a school.

~~(H)~~ *Same Ownership* refers to greater than possessory interests held by the same person or persons, spouse, minor age child, same partnership, corporation, trust or other entity, separately, in tenancy in common or by other form of title. Ownership shall be deemed to exist when a person or entity owns or controls ten percent or more of a lot or parcel, whether directly or through ownership or control or an entity having such ownership or control.

~~(I)~~ *Suitable for farm use* means land in Class I-IV or "lands in other classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands".

~~(J)~~ *Tract* means one or more contiguous lots or parcels in the same ownership.

Section 15. § 35.2620 is amended as follows:

§ 35.2620 Allowed Uses

(L) Alteration, restoration or replacement of a lawfully established *habitable dwelling*.

(1) In the case of a replacement dwelling, the existing dwelling must be removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling.

(2) A replacement dwelling may be sited on any part of the same lot or parcel. A dwelling established under this paragraph shall comply with all applicable siting standards. However, the standards shall not be applied in a manner that prohibits the siting of the dwelling. If the dwelling to be replaced is located on a portion of the lot or parcel not zoned for exclusive farm use, the applicant, as a condition of approval, shall execute and record in the deed records for the county a deed restriction prohibiting the siting of a dwelling on that portion of the lot or parcel. The restriction imposed shall be irrevocable unless a statement of release is placed in the deed records for the county. The release shall be signed by the county or its designee and state that the provisions of this paragraph regarding replacement dwellings have changed to allow the siting of another dwelling. The County Planning Director or the Director's designee shall maintain a record

of the lots and parcels that do not qualify for the siting of a new dwelling under the provisions of this paragraph, including a copy of the deed restrictions and release statements filed under this paragraph.

(N) Public or private schools, including all buildings essential to the operation of a school wholly within an EFU district may be maintained, enhanced or expanded:

- (1) Except that no new use may be authorized within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4; and
- (2) No new use may be authorized on high value farmland; and
- (3) Must satisfy the requirements of MCC 35.4100 through MCC ~~35.4220~~35.4215, MCC 35.6020 (A), MCC 35.7000 through MCC ~~35.7070~~35.7060 and MCC 35.7450.
- (4) The maintenance, enhancement or expansion shall not adversely impact the right to farm on surrounding EFU lands

(O) Churches and cemeteries in conjunction with churches, consistent with ORS 441, wholly within an EFU district may be maintained, enhanced or expanded:

- (1) Except that no new use may be authorized within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4; and
- (2) No new use may be authorized on high value farmland; and
- (3) Must satisfy the requirements of MCC 35.4100 through MCC ~~35.4220~~35.4215, MCC 35.6020 (A), MCC 35.7000 through MCC ~~35.7070~~35.7060 and MCC 35.7450.
- (4) The maintenance, enhancement or expansion shall not adversely impact the right to farm on surrounding EFU lands.
- (5) Activities customarily associated with the practice of religious activity include worship services, religion classes, weddings, funerals, child care and meal programs, but do not include private or parochial school education for prekindergarten through grade 12 or higher education.

(V) A site for the takeoff and landing of model aircraft, including such buildings or facilities as may reasonably be necessary. Buildings or facilities shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility preexisted the use approved under this paragraph. The site shall not include an aggregate surface or hard surface area unless the surface preexisted the use approved under this paragraph. As used in this paragraph, "model aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and is controlled by radio, lines or design by a person on the ground.

(W) Fire service facilities providing primarily rural fire protection services subject to satisfying the requirements of MCC 35.4100 through MCC 35.4215 (off-street parking), MCC 35.6020(A) (yards), MCC 35.7000 through MCC 35.7060 (design review), and MCC 35.7450 (signs).

(X) Irrigation canals, delivery lines and those structures and accessory operational facilities associated with a district as defined in ORS 540.505.

(Y) Utility facility service lines. Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:

- (1) A public right of way;
- (2) Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or
- (3) The property to be served by the utility.

(Z) Land application of reclaimed water, agricultural or industrial process water or biosolids.

Subject to the issuance of a license, permit or other approval by the Oregon Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with rules adopted under ORS 468B.095, and with the requirements of ORS 215.246, 215.247, 215.249 and 215.251, the land application of reclaimed water, agricultural process or industrial process water or biosolids for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in exclusive farm use zones under OAR Chapter 660 Division 33.

Section 16. § 35.2625 is amended as follows:

§ 35.2625 Review Uses

(A) Utility facilities necessary for public service, including wetland waste treatment systems but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height as follows provided:

(3) All other utility facilities and transmission towers 200 feet and under in height subject to the following.

(a) The facility satisfies the requirements of ORS 215.275, "Utility facilities necessary for public service; criteria; mitigating impact of facility"; and

(b) The facility satisfies the requirements of MCC 35.4100 through ~~35.4220~~35.4215; 35.6020(A); 35.7000 through ~~35.7070~~35.7060; and 35.7450.

(C) A farm help dwelling for a relative on real property used for farm use if the dwelling is:

(1) Located on the same lot or parcel as the dwelling of the farm operator; and is

(2) Occupied by a grandparent, grandchild, parent, child, brother or sister of the farm operator or the farm operator's spouse, and whose assistance in the management of the farm use is or will be

~~required by the farm operator. Occupied by a relative of the farm operator or the farm operator's spouse, if the farm operator does or will require the assistance of the relative in the management of the farm use. Qualifying relatives include, child, parent, step-parent, grandchild, grandparent, step-grandparent, brother, sister, sibling, stepsibling, niece, nephew or first cousin.~~

(3) Notwithstanding ORS 92.010 to 92.190 or the minimum lot size requirements of MCC 35.2660, if the owner of a dwelling described in this paragraph obtains construction financing or other financing secured by the dwelling and the secured party forecloses on the dwelling, the secured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure shall operate as a partition of the homesite to create a new parcel, pursuant to OAR 660-033-0130(9)(b)&(c). However, pursuant to MCC 35.2675(D), the area of land with the homesite created by the foreclosure shall not be deemed a Lot of Record, and shall be subject to all restrictions on development associated with that designation.

(D) A dwelling, including a mobile or modular home, customarily provided in conjunction with a farm use:

(1) High-value farmland soils, \$80,000 income. On lands identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:

(a) The subject tract is currently employed for the farm use, as defined in ORS 215.203, that produced at least \$80,000 (1994 dollars) in gross annual income from the sale of farm products in the last two years or three of the last five years; and

(b) Except as permitted in ORS 215.283 (1) (p) (1999 Edition) (i.e. seasonal farmworker housing), there is no other dwelling on the subject tract land designated for exclusive farm use that is owned by the farm or ranch operator, or that is on the farm or ranch operation. "Farm or ranch operation" shall mean all lots or parcels of land in the same ownership that are used by the farm or ranch operator for farm use as defined in ORS 215.203; and

(c) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in subsection (a) of this subsection; and

(d) In determining the gross income required by subsection (a) of this subsection:

1. The cost of purchased livestock shall be deducted from the total gross income attributed to the tract farm or ranch operation;

2. Only gross income from land owned, not leased or rented, shall be counted; and

3. Gross farm income earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used; and

4. For the purposes of this subsection, lots or parcels zoned for farm use in Multnomah County or contiguous counties may be used to meet the gross income requirements.

(e) Prior to the final approval for a dwelling, the applicant shall provide evidence that the covenants, conditions and restrictions form referred to as "Exhibit A" in OAR 660-033-0135(9) has been recorded with the county clerk of the county or counties where the property subject to the covenants, conditions and restrictions is located. The covenants, conditions and

restrictions shall be recorded for each lot or parcel subject to the application for the primary farm dwelling.

1. The covenants, conditions and restrictions shall preclude all future rights to construct a dwelling except for accessory farm dwellings, relative farm help dwellings, temporary hardship dwellings or replacement dwellings allowed by ORS Chapter 215.

2. The covenants, conditions and restrictions shall preclude the use of any gross farm income earned on the lots or parcels to qualify another lot or parcel for a primary farm dwelling.

3. The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located.

4. Enforcement of the covenants, conditions and restrictions may be undertaken by the Department of Land Conservation and Development or by the county or counties where the property subject to the covenants, conditions and restrictions is located.

5. The failure to follow the requirements of this section shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property which is subject to the covenants, conditions and restrictions required by this section.

6. The County Planning Director shall maintain a copy of the covenants, conditions and restrictions that have been filed in the county deed records pursuant to this subsection and a map or other record depicting the lots and parcels subject to the covenants, conditions and restrictions. The map or other record required by this subsection shall be readily available to the public in the county planning office.

(2) Not high-value farmland soils, 160 acres. On land not identified as high-value farmland a dwelling may be considered customarily provided in conjunction with farm use if:

(d) Except as permitted in ORS 215.283 (1) (p) (1999 Edition) (i.e. seasonal farm worker housing), there is no other dwelling on the subject tract; ~~or,~~

(3) Not high-value farmland soils, capable of producing the median level of annual gross sales. On land not identified as high-value farmland a dwelling may be considered customarily provided in conjunction with farm use if:

(e) Except as permitted in ORS 215.283(1)(p) (1999 Edition) (i.e. seasonal farmworker housing), there is no other dwelling on the subject tract; and

(f) The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale; and

(g) If no farm use has been established at the time of application, land use approval shall be subject to a condition that no building permit may be issued prior to the establishment of the farm use required by subsection (c) of this section; ~~or,~~

(4) Not high-value farmland soils, \$40,000 income or mid-point of median income range. On land not identified as high-value farmland a dwelling may be considered customarily provided in conjunction with farm use if:

(a) The subject tract is currently employed for the farm use, as defined in ORS 215.203, that produced in the last two years or three of the last five years the lower of the following:

1. At least \$40,000 (1994 dollars) in gross annual income from the sale of farm products; or
2. Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the county with gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon; and

(b) Except as permitted in ORS 215.283(1)(p) (1999 Edition) (i.e. seasonal farmworker housing), there is no other dwelling on the subject tractlands designated for exclusive farm use pursuant to ORS 215 owned by the farm or ranch operator or on the farm or ranch operation. "Farm or ranch operation" shall mean all lots or parcels of land in the same ownership that are used by the farm or ranch operator for farm use as defined in ORS 215.203; and

(c) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in subsection (a) of this subsection; and

(d) In determining the gross income required by subsection (a) of this subsection:

1. ~~The~~ The cost of purchased livestock shall be deducted from the total gross income attributed to the ~~tract~~ farm or ranch operation; and
2. Only costs and sale prices of livestock that are within a reasonable range of prevailing costs and sale prices in the Oregon and Washington region shall be counted in the determination of gross income. This may be done by comparing actual sales documents to such published livestock value sources as made available by the Oregon Agricultural Statistics Services or the Oregon State Extension Service; and
3. Only gross income from land owned, not leased or rented, shall be counted; and
4. Gross farm income earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used; and
5. For the purposes of this subsection, lots or parcels zoned for farm use in Multnomah County or contiguous counties may be used to meet the gross income requirements; and

(e) Prior to the final approval for a dwelling, the applicant shall provide evidence that the covenants, conditions and restrictions form referred to as "Exhibit A" in OAR 660-033-0135(9) has been recorded with the county clerk of the county or counties where the property subject to the covenants, conditions and restrictions is located. The covenants, conditions and restrictions shall be recorded for each lot or parcel subject to the application for the primary farm dwelling.

1. The covenants, conditions and restrictions shall preclude all future rights to construct a dwelling except for accessory farm dwellings, relative farm help dwellings, temporary hardship dwellings or replacement dwellings allowed by ORS Chapter 215.

2. The covenants, conditions and restrictions shall preclude the use of any gross farm income earned on the lots or parcels to qualify another lot or parcel for a primary farm dwelling.

3. The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located.

4. Enforcement of the covenants, conditions and restrictions may be undertaken by the Oregon Department of Land Conservation and Development or by the county or counties where the property subject to the covenants, conditions and restrictions is located.

5. The failure to follow the requirements of this section shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property which is subject to the covenants, conditions and restrictions required by this section.

6. The County Planning Director shall maintain a copy of the covenants, conditions and restrictions filed in the county deed records pursuant to this section and a map or other record depicting the lots and parcels subject to the covenants, conditions and restrictions filed in the county deed records pursuant to this section. The map or other record required by this subsection shall be readily available to the public in the county planning office.

(5) Commercial dairy farm. A dwelling may be considered customarily provided in conjunction with a commercial dairy farm if:

(a) The subject tract will be employed as a commercial dairy operation that owns a sufficient number of producing dairy animals capable of earning the following from the sale of fluid milk:

1. On land not identified as high-value farmland, at least \$40,000 in gross annual income or the gross annual income of at least the midpoint of the median income range of gross annual sales for farms in Multnomah County with gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon; or

2. On land identified as high-value farmland, at least \$80,000 in gross annual income; and

(b) The dwelling is sited on the same lot or parcel as the buildings required by the commercial dairy; and

(c) Except as permitted by 215.283(1)(p) (1999 Edition) (seasonal farmworker housing), there is no other dwelling on the subject tract; and

(d) The dwelling will be occupied by a person or persons who will be principally engaged in the operation of the commercial dairy farm, such as the feeding, milking or pasturing of the

dairy animals or other farm use activities necessary to the operation of the commercial dairy farm; and

(e) The building permits, if required, have been issued for and construction has begun for the buildings and animal waste facilities required for a commercial dairy farm; and

(f) The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 468B.050 and 468B.200 to 468B.230 and has approved a Producer License for the sale of dairy products under ORS 621.072.

(g) "Commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of earning the gross annual income required by OAR 660-033-0135(5)(a) or (7)(a), whichever is applicable, from the sale of fluid milk.

(6) Move to a new farm. A dwelling may be considered customarily provided in conjunction with farm use if:

(a) Within the previous two years, the applicant owned and operated a farm or ranch operation that earned the gross farm income in the last five years or four of the last seven years:

1. On land not identified as high-value farmland, at least \$40,000 in gross annual income from the sale of farm products; or

2. On land not identified as high-value farmland, the gross annual income of at least the midpoint of the median income range of gross annual sales for farms in Multnomah County with gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon; or

3. On land identified as high-value farmland, at least \$80,000 in gross annual income from the sale of farm products; and

(b) The subject lot or parcel on which the dwelling will be located is a minimum lot size of 80 acres and is currently employed for the farm use, as defined in ORS 215.203, that produced in the last two years or three of the last five years:

1. On land not identified as high-value farmland, at least \$40,000 in gross annual income from the sale of farm products; or

2. On land not identified as high-value farmland, the gross annual income of at least the midpoint of the median income range of gross annual sales for farms in Multnomah County with gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon; or

3. On land identified as high-value farmland, at least \$80,000 in gross annual income from the sale of farm products; and

(c) Except as permitted in ORS 215.283(1)(p) (1999 Edition) (seasonal farmworker housing), there is no other dwelling on the subject tract; and

(d) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in subsection (a) of this subsection; and

(e) In determining the gross income required by subsections (a) and (b) of this subsection:

1. The cost of purchased livestock shall be deducted from the total gross income attributed to the tract; and

2. Only gross income from land owned, not leased or rented, shall be counted.

(E) An accessory farm help dwellings, including a mobile or modular home which includes all types of residential structures allowed by the applicable state building code, customarily provided in conjunction with farm use if each accessory farm dwelling meets all the following requirements:

(1) The accessory farm help-dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use, such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator; and

(2) The accessory helpfarm dwelling shall be located:

(a) On the same lot or parcel as the dwelling of the principalprimary farm dwelling; or

(b) On the same tract as the principalprimary farm dwelling when the lot or parcel on which the accessory dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or

(c) On a lot or parcel on which the principalprimary farm dwelling is not located, when:

1. The accessory farm dwelling is limited to only a manufactured dwelling; and

2. A deed restriction is filed with the county clerk. The deed restriction shall require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party; and

3. The manufactured dwelling may remain if it is reapproved; or

(d) An accessory farm dwelling approved pursuant to this rule may not be occupied by a person or persons who will not be principally engaged in the farm use of the land and whose assistance in the management of the farm use is not or will not be required by the farm operator. The manufactured dwelling may remain if it is reapproved; and On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only attached multi- unit residential structures allowed by the applicable state building code or similar types of farm labor housing as such farm labor housing may exist on the farm or ranch operation that is registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. All accessory farm dwellings approved under this subparagraph shall be removed, demolished or converted to a nonresidential use when farm worker housing is no longer required; or

(e) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is located on a lot or parcel at least 80 acres in area and the lot or parcel

complies with the applicable gross farm income requirements in MCC 35.2625(E)(4) below;
and

(3) There is no other dwelling on the lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling; and

(4) In addition to the requirements in (1) through (3) in this section, The principal~~the primary~~ farm dwelling to which the proposed dwelling would be accessory, meets one of the following:

(a) On land not identified as high-value farmland, the ~~principal~~primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, and produced in the last two years or three of the last five years the lower of the following:

1. At least \$40,000 ~~(1994 dollars)~~ in gross annual income from the sale of farm products. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or

2. Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the county with the gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or

(b) On land identified as high-value farmland, the ~~principal~~primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, and produced at least \$80,000 ~~(1994 dollars)~~ in gross annual income from the sale of farm products in the last two years or three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or

(c) It is located on a commercial dairy farm as defined by OAR 660-033-0135(11); and

1. The building permits, if required, have been issued and construction has begun or been completed for the buildings and animal waste facilities required for a commercial dairy farm; and

2. The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 468B.050 and ORS 468B.200 to 468B.230; and

3. A Producer License for the sale of dairy products under ORS 621.072 has been obtained.

(5) The approval authority shall not approve any proposed division of a lot or parcel for an accessory farm dwelling approved pursuant to this section. If it is determined that an accessory farm dwelling satisfies the requirements of MCC 35.2625 (D), a parcel may be created consistent with the minimum parcel size requirements in MCC 35.2660.

(F) Notwithstanding the *same ownership* grouping requirements of the Lot of Record section, a single family *heritage tract dwelling* may be allowed on land not identified as high-value farmland when:

(1) The lot or parcel on which the dwelling will be sited meets the following requirements:

(a) A deed or other instrument creating the lot or parcel was recorded with the Department of General Services, or was in recordable form prior to January 1, 1985; and

(b) The lot or parcel satisfies all applicable laws when the lot or parcel was created; and

(c) ~~The lot or parcel is held under the same ownership and which was acquired by the present owner prior to January 1, 1985; and~~ The lot or parcel was acquired and owned continuously by the present owner:

1. Since prior to January 1, 1985; or

2. By devise or by intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985; and

(8) For purposes of this subsection, and of dwellings considered under MCC 35.2630 (ΘN) and (PO), the following definitions apply:

(a) ~~Owner includes a person who acquired the lot or parcel by devise or intestate succession from a person who acquired the lot or parcel prior to January 1, 1985~~ includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or a combination of these family members.

(b) *Date of Creation and Existence.* When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot, parcel or tract.

Therefore, if the lot, parcel or tract does not qualify for a dwelling under the Heritage Tract Dwelling standards, any reconfiguration after November 4, 1993 cannot in any way enable the tract to meet the approval criteria for a new dwelling.

(G) Seasonal farmworker housing as defined in ORS 197.675 when found to meet the following requirements:

(1) ~~The housing will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose assistance in the management of the farm use is or will be required by the farm operator; and~~

(2) ~~The seasonal farmworker housing is located on the same parcel, lot or tract as the principal farm dwelling which houses the farm operator; and~~

(3) ~~The principal farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, and produced at least \$80,000 (1994 dollars) in gross annual income from the sale of farm products in the last two years or three of the last five years; and~~

~~(4)~~ The seasonal farmworker housing can only be occupied for 273 days per calendar year.

~~(HG)~~ Facilities wholly within an EFU district used for the breeding, kenneling and training of greyhounds for racing may be maintained, enhanced or expanded except no new facilities may be authorized on high value farmland and provided that the following requirements are satisfied:

(3) MCC 35.7000 through MCC ~~35.7070~~35.7060; and

~~(H)~~ Farm Stands when found that:

(1) The structures are designed and used for the sale of farm crops ~~and/or~~ livestock grown on the farm operation, or grown on the farm operation and other ~~farms~~ farm operations in the local agricultural area, including the sale of retail incidental items, and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand if the ~~sales~~ annual sale of the incidental items and fees from promotional activity do not make up no more than 25 percent of the total sales of the farm stand; and

~~(L)~~ Off-street parking and loading pursuant to MCC 35.4100 through ~~35.4220~~35.4215.

~~(N)~~ A facility for the processing of farm crops located on a farm operation that provides at least one-quarter of the farm crops processed at the facility. The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm use or devote more than 10,000 square feet to the processing activities within another building supporting farm uses. A processing facility shall comply with the requirements of MCC 35.4100 through MCC 35.4215 (off-street parking), MCC 35.2660(C), (D)&(E) (yards), and MCC 35.7450 (signs).

~~(O)~~ Parking of no more than seven log trucks shall be allowed in an exclusive farm use zone notwithstanding any other provision of law except for health and safety provisions, unless the log truck parking will:

(1) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or

(2) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

Section 17. § 35.2630 is amended as follows:

§ 35.2630 Conditional Uses

The following uses may be permitted when approved by the Hearings Officer pursuant to the provisions of MCC 35.6300 to 35.6335:

(A) Commercial activities that are in conjunction with a farm use, except for facilities for processing crops that meet the standards for crop source, building size, and other applicable siting standards pursuant to 35.2625(O).

(C) Residential home as defined in ORS 197.660, in existing dwellings Public parks and playgrounds. A public park may be established consistent with the provisions of ORS 195.120.

(D) Private parks, playgrounds, hunting and fishing preserves, and campgrounds and, parks, playgrounds or community centers owned and operated by a nonprofit community organization.

(1) Existing facilities wholly within an EFU district may be maintained, enhanced or expanded subject to the applicable requirements of this Chapter.

(2) New facilities may be allowed, but not on high-high-value farm lands.

(3) Campgrounds authorized by this provision shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. In addition to the approval standards in MCC 35.6300 to 35.6335, a private campground shall be subject to the following:

(a) Except on a lot or parcel contiguous to a lake or reservoir, the campground shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4.

(b) The campground shall be an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes.

(c) The campground is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground.

(d) The campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites.

(e) Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites, except that electrical service may be provided to yurts. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period.

(f) The campground shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.

(g) A private campground may provide yurts for overnight camping provided:

1. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt.

2. The yurt shall be located on the ground or on a wood floor with no permanent foundation.

3. As used in this subsection, "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance.

(E) Parks, playgrounds or Community centers owned and operated by a governmental agency or a nonprofit organization and operated primarily by and for residents of the local rural community.

(H) One manufactured dwelling in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident. A manufactured dwelling allowed under this provision is a temporary use for the term of the hardship suffered by the existing resident or relative as defined in ORS Chapter 215. The manufactured dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If the manufactured home will use a public sanitary sewer system, such condition will not be required. The Planning Director shall review the permit authorizing such manufactured homes every two years. ~~When the hardships end, the Planning Director shall require the removal of such manufactured homes.~~ Within three months of the end of the hardship, the Planning Director shall require the removal of such manufactured homes. A temporary residence approved under this subsection is not eligible for replacement under MCC 35.2620(J), (L), and (M). Oregon Department of Environmental Quality review and removal requirements also apply. As used in this subsection "hardship" means a medical hardship or hardship for the care of an aged or infirm person or persons.

A finding shall be made that the health hardship manufactured dwelling will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use and will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use.

(J) Dog kennels not described in section MCC 35.2625 (HG). Existing facilities wholly within an EFU district may be maintained, enhanced or expanded, subject to other requirements of law. New facilities may be allowed only on non-high-value lands.

~~(N) Parking of seven or fewer log trucks.~~

(O) Notwithstanding the same ownership grouping requirements of the Lot of Record section, a single family heritage tract dwelling may be allowed on land identified as high-value farmland when:

(Note: MCC 35.6315 Conditional Use Approval Criteria does not apply)

(1) The lot or parcel meets the requirements of MCC 35.2625 (F) (1) through (8); and

(2) The lot or parcel cannot practicably be managed for farm use by itself or in conjunction with other land due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity. ~~For the purposes of this section, this criterion~~

asks whether the subject lot or parcel can be physically put to farm use without undue hardship or difficulty because of extraordinary circumstances inherent in the land or its physical setting. Neither size alone nor a parcel's limited economic potential demonstrate that a lot of parcel cannot be practicably managed for farm use. Examples of "extraordinary circumstances inherent in the land or its physical setting" include very steep slopes, deep ravines, rivers, streams, roads, railroad or utility lines or other similar natural or physical barriers that by themselves or in combination separate the subject lot or parcel from adjacent agricultural land and prevent it from being practicably managed for farm use by itself or together with adjacent or nearby farms. A lot or parcel that has been put to farm use despite the proximity of a natural barrier or since the placement of a physical barrier shall be presumed manageable for farm use; and

(PO) Notwithstanding the *same ownership* grouping requirements of the Lot of Record section, a single family *heritage tract dwelling* may be allowed on land identified as high-value farmland when:

(Note: 35.6315 Conditional Use Approval Criteria does not apply)

- (1) The lot or parcel meets the requirements of 35.2625 (F) (1) through (8); and
- (2) The tract on which the dwelling will be sited is:
 - (a) Not composed predominately of irrigated or non-irrigated soils classified prime, unique, Class I or Class II; and
 - (b) Less than twenty-one acres in size; and
 - (c) Is bordered on at least 67% of its perimeter by tracts that are smaller than 21 acres, and at least two such tracts had dwellings on January 1, 1993; or
 - (d) Is not a flag lot and the tract is bordered on at least 25% of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract. Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary, or
 - (e) The tract is a flag lot and is bordered on at least 25 percent of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract and on the same side of the public road that provides access to the subject tract. For purposes of this section, the center of the subject tract is the geographic center of the flag lot if the applicant makes a written request for that interpretation and that interpretation does not cause the center to be located outside the flag lot. Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary. As used in this subsection:

1. "Flag lot" means a tract containing a narrow strip or panhandle of land providing access from the public road to the rest of the tract; and

2. "Geographic center of the flag lot" means the point of intersection of two perpendicular lines of which the first line crosses the midpoint of the longest side of a flag lot, at a 90-degree angle to the side, and the second line crosses the midpoint of the longest adjacent side of the flag lot.

Section 18. § 35.2655 is added to read as follows:

§ 35.2655 Single Family Dwellings Condition of Approval – Prohibition on Claims Alleging Injury From Farm or Forest Practices

As a condition of approval of a single family dwelling, the landowner for the dwelling shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

Section 19. § 35.2665 is amended as follows:

§ 35.2665 Exceptions to Lot Size for Specific Uses

(A) Lots less than the minimum lot size specified in MCC 35.2660 (A) may be created for uses listed in MCC ~~35.2625 (A)~~ 35.2630(C) and MCC 35.2630 (E) based upon:

- (1) The site size needs of the proposed use;
- (2) The nature of the proposed use in relation to its impact on nearby properties; and
- (3) Consideration of the purposes of this district.

Section 20. § 35.2675 is amended as follows:

§ 35.2675 Lot of Record

(A) In addition to the *Lot of Record* definition standards in MCC 35.0005, for the purposes of this district a Lot of Record is either:

- (1) A parcel or lot which was not contiguous to any other parcel or lot under the same ownership on February 20, 1990, or
- (2) A group of contiguous parcels or lots:
 - (a) Which were held under the *same ownership* on February 20, 1990; and
 - (b) Which, individually or when considered in combination, shall be aggregated to comply with a minimum lot size of 19 acres, without creating any new lot line.

4. The requirement to aggregate contiguous parcels or lots shall not apply to lots or parcels within exception, urban, or Columbia River Gorge National Scenic Area zones (e.g. MUA-20, RR, RC, R-10, GGA-40), but shall apply to contiguous parcels and lots within all farm and forest resource zones (i.e. EFU and CFU), or

(3) A parcel or lot lawfully created by a partition or a subdivision plat after February 20, 1990.

(3)(4) Exception to the standards of (A)(2) above:

(a) Where approval for a "Lot of Exception" or a parcel smaller than 19 acres under the "Lot size for Conditional Uses" provisions has been given by the Hearing Authority and the parcel was subsequently lawfully created, then the parcel shall be a Lot of Record that remains separately transferable, even if the parcel was contiguous to another parcel held in the *same ownership* on February 20, 1990.

Section 21. § 35.6400 is amended as follows:

§ 35.6400- Uses

Except as provided for as a Review Use in the EFU district at MCC 35.2625 (HG), dog kennels, boarding, breeding, keeping or training places or the keeping or raising of four or more dogs over six months of age may be permitted only upon the approval of the approval authority as a conditional use. Such approval shall not include animal hospitals or veterinary clinics as conditional uses.

FIRST READING:

May 6, 2004

SECOND READING AND ADOPTION:

May 13, 2004

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

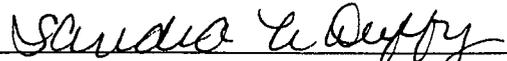


Diane M. Linn, Chair



REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Sandra N. Duffy, Assistant County Attorney

AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:

Meeting Date: May 13, 2004

Agenda Item #: R-11

Est. Start Time: 10:05 AM

Date Submitted: 04/12/04

Requested Date: May 13, 2004

Time Requested: 1 minute

Department: Business and Community Services

Division: Land Use and Transportation Planning Program

Contact/s: Gary Clifford, Karen Schilling

Phone: 503-988-3043

Ext.: 26782

I/O Address: 455/116

Presenters: Gary Clifford

Agenda Title: Second Reading and Possible Adoption of an ORDINANCE Amending MCC Chapter 36, Land Use Code, West of Sandy River Rural Plan Area, to Update the Zoning Code to Include Changes to the Oregon Statutes and Administrative Rules Regarding Land Uses on Lands Zoned Exclusive Farm Use and Commercial Forest Use

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

1. What action are you requesting from the Board? What is the department/agency recommendation?

The request is for adoption of five ordinances that make amendments to five different chapters of the Zoning Code. The amendments update the land use regulations in all the farm and forest zoning districts to include changes that have been made to State Statutes and Administrative Rules. The recommendation from the Planning Commission, the Planning Director, and the Department Director is for approval of the ordinances.

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

In Oregon, lands outside of Urban Growth Boundaries which are important for farm and forest resource production are subject to land use protections in State Statute, Statewide Planning Goals, and Administrative Rules that implement the Statutes and Goals. Counties are then required to enact the state regulations within their own Land Use Plans and Zoning Codes.

Recently a pattern has emerged that every two years the state legislature enacts additional changes to the State Statutes governing farm and forest lands. Then, following the enacted statutes, the Land Conservation and Development Commission makes corresponding, and sometimes additional, changes to the Oregon Administrative Rules (OARs).

Most of the proposed amendments are mandated by the state and are actually in effect without adoption into the County regulations. However, their absence from the County Zoning Code makes it difficult for property owners and staff to find all relevant regulations that may apply to farm and forest lands.

The proposed amendments add new land uses to the list of uses allowed in farm and forest zones. Along with the new listing are also new standards for those land uses. New land uses include sites for model aircraft landing, fire service facilities, facilities for processing farm crops, parking of log trucks, farm dwellings on dairy farms, and farm dwellings for farmers that move to a new farm.

In addition, the amendments make changes to standards for some land uses that are presently listed in the farm and forest zones. Those changes include amended standards for approving new dwellings, for approving certain land divisions in the forest zones, for the definition of allowed activities associated with churches, for farm stands, for uses allowed in private and public parks, and for the time period that certain dwelling approvals are valid before they expire.

There are five different ordinances because each of the Rural Plan Areas has its own Zoning Code Chapter and a separate ordinance is required to amend each Chapter.

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

No fiscal impact is expected. The amendments are either mandatory and already in effect, or are clarifications of existing standards.

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

Under the State of Oregon program of land use planning, protection of farm and forest lands for their production value is a major concern. Coupled with the Urban Growth Boundary concept, the result is state mandated restrictions on those lands. This situation leaves some property owners frustrated that counties do not have more flexibility in allowing more development opportunities in those areas.

At the public hearing before the Planning Commission there were generally two concerns expressed. The first involved a need for staff to explain the limits available to local jurisdictions in allowing development in farm and forest areas. The second concern of the property owners that gave testimony was regarding the present approval standards the county has adopted for approval of a certain type of dwelling (a "template dwelling"). The approval standards for a "template dwelling" are one part of the zoning regulations where Multnomah County is more restrictive than the state rules require. (A county may be more restrictive in this standard, but not more lenient.) The standards were adopted as part of the West Hills Rural Area Plan process and are part of the County's Comprehensive Plan.

Staff's response to the second concern is that the proposal before the Board is limited to required code updates and clarifications of existing standards. Other changes that

involve changing Rural Area Plan Policies must be done in a different process. To examining the appropriateness of an approval standard that would increase the number of potential dwellings in the forest zones is a land use issue that should be part of an update of a Rural Area Plan and notice must be given to all property owners and the State Land Conservation and Development Commission of the possibility of making such changes to development approval standards.

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

The proposed amendments have been submitted to the State Department of Land Conservation and Development for their review. No comments have been returned.

A notice of the public hearing before the Planning Commission was mailed to over 1,500 owners of farm and forest zoned properties (in accordance with the requirements of Ballot Measure 56). Fourteen citizens attended the hearing, six citizens gave testimony, and one submitted written comments.

Notice of the Board of County Commissioners hearing will be sent to all those that attended the Planning Commission hearing or submitted testimony.

Required Signatures:

Department/Agency Director: Robert A Maestre

Date: 04/06/04

Budget Analyst

By: _____

Date:

Dept/Countywide HR

By: _____

Date:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Amending MCC Chapter 36, Land Use Code, West of Sandy River Rural Plan Area, To Update the Zoning Code to Include Changes to the Oregon Statutes and Administrative Rules Regarding Land Uses on Lands Zoned Exclusive Farm Use and Commercial Forest Use

(Language ~~stricken~~ is deleted; double-underlined language is new.)

The Multnomah County Board of Commissioners Finds:

- a. Under the Oregon Statewide Land Use Planning Program, protection of farm and forest lands for resource use is based upon regulation of land uses found in state statute and Oregon Administrative Rules. Multnomah County then administers those farm and forest regulations from the County's own adopted zoning code.
- b. Periodically, the State Legislature and the State Land Conservation and Development Commission modify and amend the statutes and rules. Thereafter, mandated sections of those amended state regulations are required to be administered by counties directly from the state codes if they are not adopted into county codes. Timely integration of those state amendments into the County zoning code is desirable for land owners to have available all land use regulations that apply to their property in one set of regulations.
- c. The Planning Commission is authorized by MCC 36.0140 and by ORS 215.110 to recommend to the Board of County Commissioners the adoption of ordinances to implement the Multnomah County Comprehensive Plan. The Planning Commission held a public hearing on the amendments contained in this ordinance where all interested persons were given an opportunity to appear and be heard. Notice of the public hearing was mailed to all property owners of lands zoned Exclusive Farm Use (EFU) and Commercial Forest Use (CFU). At that hearing the Planning Commission approved the code amendments for recommendation to the Board.
- d. The amendments in this ordinance are found by the Board to be needed updates to the zoning code to comply with changed state statutes and administrative rules.

Multnomah County Ordains as follows:

Section 1. § 36.0005 is amended as follows:

§ 36.0005 DEFINITIONS

As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.

(D)(1) **Date of Creation and Existence** – As used in the EFU and CFU districts and applicable only to certain standards for approval of a dwelling in those districts, when a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1036

Amending MCC Chapter 36, Land Use Code, West of Sandy River Rural Plan Area, to Update the Zoning Code to Include Changes to the Oregon Statutes and Administrative Rules Regarding Land Uses on Lands Zoned Exclusive Farm Use and Commercial Forest Use

(Language ~~stricken~~ is deleted; double-underlined language is new.)

The Multnomah County Board of Commissioners Finds:

- a. Under the Oregon Statewide Land Use Planning Program, protection of farm and forest lands for resource use is based upon regulation of land uses found in state statute and Oregon Administrative Rules. Multnomah County then administers those farm and forest regulations from the County's own adopted zoning code.
- b. Periodically, the State Legislature and the State Land Conservation and Development Commission modify and amend the statutes and rules. Thereafter, mandated sections of those amended state regulations are required to be administered by counties directly from the state codes if they are not adopted into county codes. Timely integration of those state amendments into the County zoning code is desirable for land owners to have available all land use regulations that apply to their property in one set of regulations.
- c. The Planning Commission is authorized by MCC 36.0140 and by ORS 215.110 to recommend to the Board of County Commissioners the adoption of ordinances to implement the Multnomah County Comprehensive Plan. The Planning Commission held a public hearing on the amendments contained in this ordinance where all interested persons were given an opportunity to appear and be heard. Notice of the public hearing was mailed to all property owners of lands zoned Exclusive Farm Use (EFU) and Commercial Forest Use (CFU). At that hearing the Planning Commission approved the code amendments for recommendation to the Board.
- d. The amendments in this ordinance are found by the Board to be needed updates to the zoning code to comply with changed state statutes and administrative rules.

Multnomah County Ordains as follows:

Section 1. § 36.0005 is amended as follows:

§ 36.0005 DEFINITIONS

As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.

(D)(1) **Date of Creation and Existence** – As used in the EFU and CFU districts and applicable only to certain standards for approval of a dwelling in those districts, when a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a

Lot of Record or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot of record or tract.

Section 2. § 36.2010 is amended as follows:

§ 36.2010 DEFINITIONS

As used in MCC 36.2000 through 36.2110, unless otherwise noted, the following words and their derivations shall have the following meanings:

~~(A)~~ **Auxiliary** - For the purposes of MCC 36.2020 (A) (2) to (3), the use or alteration of a structure or land which provides temporary help, or is directly associated with the conduct of a particular forest practice. An auxiliary structure shall be located on site, be temporary in nature, and be designed not to remain for the entire growth cycle of the forest from planting to harvesting. An auxiliary use shall be removed when the particular forest practice for which it was approved is concluded.

~~(B)~~ **Campground** - An area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A camping site may be occupied by a tent, travel trailer or recreational vehicle. A campground shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.

~~(C)~~ **Commercial Tree Species** - Trees recognized under rules adopted under ORS 527.715 (1996) for commercial production.

~~(D)~~ **Contiguous** - Refers to parcels or lots which have any common boundary, excepting a single point, and shall include, but not be limited to, parcels or lots separated only by an alley, street or other right-of-way.

~~(E)~~ **Cubic Foot Per Acre** - The average annual increase in cubic foot volume of wood fiber per acre for fully stocked stands at the culmination of mean annual increment as reported by the USDA Soil Conservation Service. Where SCS data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data and be approved by the Department of Forestry.

~~(F)~~ **Cubic Foot Per Tract Per Year** - The average annual increase in cubic foot volume of wood fiber per tract for fully stocked stands at the culmination of mean annual increment as reported by the USDA Soil Conservation Service. Where SCS data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data and be approved by the Department of Forestry.

~~(G)~~ **Forest Operation** - Any commercial activity relating to the growing or harvesting of any forest tree species as defined in ORS 527.620 (6) (1996).

~~(H)~~ **Same Ownership** - Refers to greater than possessory interests held by the same person or persons, spouse, minor age child, same partnership, corporation, trust or other entity, separately, in tenancy in common or by other form of title. Ownership shall be deemed to exist when a person or entity owns or controls ten percent or more of a lot or parcel, whether directly or through ownership or control or an entity having such ownership or control.

~~(H) Tract~~ - One or more contiguous Lots of Record in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway. Lots that are contiguous with a common boundary of only a single point are not a tract.

Section 3. § 36.2030 is amended as follows:

§ 36.2030 CONDITIONAL USES

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter:

(D) The following Community Service Uses pursuant to the applicable provisions of MCC 36.2045, 36.2105, 36.6000 through 36.6020. The applicable criteria of 36.6010 shall be limited to (A) through (H) for uses in this section.

(1) Private park and private campground. In addition to the approval standards listed in MCC 36.2030(D) above, a private campground shall be subject to the following:

(a) Except on a lot or parcel contiguous to a lake or reservoir, the campground shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4.

(b) The campground shall be an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes.

(c) The campground is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground.

(d) The campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites.

(e) Campsites may be occupied by a tent, travel trailer or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period.

(f) The campground shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.

(9) State and Local Parks, including a public or private wildlife and fisheries resources conservation area with accessory structures for educational or instructional use.

(a) Uses allowed in a State Park, subject to a state master plan as described in OAR 660 Division 34, are:

1. All uses allowed under Statewide Planning Goal 4, provided the uses are also allowed under OAR 736, Division 18; and

2. The uses, as authorized in a state master plan adopted by the Oregon Parks and Recreation Department (OPRD), listed in OAR 660-034-0035;

3. A "State Park" is any property owned or managed by OPRD and that has been determined by OPRD to have outstanding natural, cultural, scenic and/or recreational resource values that support the state park system mission and role. For the purposes of this subsection, endowment properties and administrative sites are not state parks.

(b) Uses allowed in a Local Park are those specified in OAR 660-034-0040. A Local Park is a public area intended for open space and outdoor recreation use that is owned and managed by a city, county, regional government, or park district and that is designated as a public park in the applicable comprehensive plan and zoning ordinance [OAR 660-034-0010(8)].

Section 4. § 36.2040 is amended as follows:

§ 36.2040 TEMPLATE AND HERITAGE TRACT DWELLINGS.

(A) A template dwelling may be sited on a tract, subject to the following:

(1) ~~The lot or lots in the tract shall meet the lot of record standards of MCC 35.207536.2075 and have been lawfully created prior to January 25, 1990;~~

(2) The tract shall be of sufficient size to accommodate siting the dwelling in accordance with the development standards of MCC 35.210536.2105 with minimum yards of 60 feet to the centerline of any adjacent public or private road serving two or more properties and 130 feet to all other property lines. Exceptions to this standard shall be pursuant to MCC 36.2110, as applicable;

(3) The tract shall meet the following standards:

~~(a) The tract shall be~~ if the tract is predominantly composed primarily of soils which are capable of producing 0 to 49 cubic feet of Douglas Fir timber per acre per year (cf/ac/yr); and

1. The lot upon which the dwelling is proposed to be sited and at least all or part of 3 other lawfully created lots existed on January 1, 1993 within a 160-acre square when centered on the center of the subject tract parallel and perpendicular to section lines; and

2. At least three dwellings lawfully existed on January 1, 1993 within the 160-acre square and those dwellings either continue to exist or have been replaced by lawful replacement dwellings, or

~~(b) The tract shall be~~ if the tract is predominantly composed primarily of soils which are capable of producing 50 to 85 cf/ac/yr of Douglas Fir timber; and

1. The lot upon which the dwelling is proposed to be sited and at least all or part of 7 other lawfully created lots existed on January 1, 1993 within a 160-acre square when centered on the center of the subject tract parallel and perpendicular to section lines; and

2. At least three dwellings lawfully existed on January 1, 1993 within the 160-acre square and those dwellings either continue to exist or have been replaced by lawful replacement dwellings, or

(c) ~~The tract shall be~~ the tract is predominantly composed primarily of soils which are capable of producing above 85 cf/ac/yr of Douglas Fir timber; and

1. The lot upon which the dwelling is proposed to be sited and at least all or part of 11 other lawfully created lots existed on January 1, 1993 within a 160-acre square when centered on the center of the subject tract parallel and perpendicular to section lines; and

2. At least five dwellings lawfully existed on January 1, 1993 within the 160-acre square and those dwellings either continue to exist or have been replaced by lawful replacement dwellings.

(i) Pursuant to the definition of "Date of Creation and Existence" in MCC 36.0005, if the lot, parcel or tract does not qualify for a dwelling under the standards in MCC 36.2040(A), any reconfiguration after November 4, 1993 cannot in any way enable the tract to meet the criteria for a new dwelling.

(j) Pursuant to the definition of "Date of Creation and Existence" in MCC 36.0005, lots, parcels and tracts that are reconfigured after November 4, 1993 cannot be counted as meeting the "other lawfully created lots" existing on January 1, 1993 standard in MCC 36.2040(A)(3)(a), (b), and (c): 3, 7, and 11 lots respectively.

(B) A heritage tract dwelling may be sited, subject to the following:

(1) On a tract:

(c) That is located within 1,500 feet of a dedicated public right-of-way that provides or will provide access to the subject tract. ~~The road within the public right-of-way shall be maintained to the standards set forth in the County Right-of-Way Access Permit and be, as applicable, either paved or surfaced with rock, and~~ The road shall not be:

1. A U.S. Bureau of Land Management road; or

2. ~~The public right of way shall not be a~~ U.S. Forest Service road or Bureau of Land Management road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction and a maintenance agreement exists between the United States Forest Service and landowners adjacent to the road, a local government or a state agency.

(d) For which deeds or other instruments creating the lots or parcels were recorded with the ~~Department of General Services~~ County Recorder, or were in recordable form prior to January 1, 1985; and

(e) That is comprised of lots or parcels that were lawfully created and pursuant to the definition of "Date of Creation and Existence" in MCC 36.0005, if the lot, parcel or tract does not qualify for a dwelling under the standards in MCC 36.2040(B), any reconfiguration after November 4, 1993 cannot in any way enable the tract to meet the criteria for a new dwelling; and

(f) Notwithstanding the same ownership grouping requirements of the Lot of Record section, that the tract was acquired and owned continuously by the present owner:

1. Since Pprior to January 1, 1985; or
2. By devise or by intestate succession by an antecedent of the from a person who acquired the lot or parcel since prior to January 1, 1985.
3. For purposes of this subsection, "antecedent" "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members.

(g) Where the lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, that no dwelling exists on another lot or parcel that was part of that tract.

Section 5. § 36.2055 is added as follows:

§ 36.2055 Single Family Dwellings Condition of Approval – Prohibition on Claims Alleging Injury From Farm or Forest Practices

As a condition of approval of a single family dwelling, the landowner for the dwelling shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

Section 6. § 36.2065 is amended as follows:

§ 36.2265 LOTS OF EXCEPTION

An exception to permit the creation of a lot of less than the minimum 80 acre parcel size for new parcels may be authorized as provided in (A) or (B) below and subject to the following:

(B) A parcel that contains two dwellings may be divided provided that:

(4) At least one dwelling is located on each lot or parcel created under this paragraph; ~~and~~

(5) The landowner of a lot or parcel created under this paragraph provides evidence that a restriction prohibiting the landowner and the landowner's successors in interest from further dividing the lot or parcel has been recorded with the Multnomah County Recorder. A restriction imposed under this paragraph shall be irrevocable unless a statement of release is signed by the county planning director indicating that the comprehensive plan or land use regulations applicable to the lot or parcel have been changed so that the lot or parcel is no longer subject to statewide planning goals protecting forestland or unless the land division is subsequently authorized by law or by a change in a statewide planning goal for land zoned for forest use or mixed farm and forest use;

(6) The new property line proposed to divide the existing parcel shall be located such that:

(a) Forest Practices Setback dimensional requirements in MCC 36.2060(C) are met as nearly as possible considering parcel size and location of existing dwellings and other structures;

(b) Adverse impacts on forest practices will be minimized. Factors to consider in that evaluation include the location of: existing and potential logging access roads, existing and potential log landing areas, steep topography, and the size of the respective timber management areas; and

(7) The development standards for dwellings and structures in MCC 36.2105, the exception standards for secondary fire safety zones in MCC 36.2110, and the land division requirement that "the tentative plan complies with the area and dimensional requirements of the underlying zoning district" shall not apply as approval criteria. The land division shall be reviewed as either a Category 1 or 3 land division, as applicable;

Section 7. § 36.2075 is amended as follows:

§ 36.2075 LOT OF RECORD

(A) In addition to the Lot of Record definition standards in MCC 36.0005, for the purposes of this district a Lot of Record is either:

(1) A parcel or lot which was not contiguous to any other parcel or lot under the same ownership on February 20, 1990, or

(2) A group of contiguous parcels or lots:

(a) Which were held under the same ownership on February 20, 1990; and

(b) Which, individually or when considered in combination, shall be aggregated to comply with a minimum lot size of 19 acres, without creating any new lot line.

4. The requirement to aggregate contiguous parcels or lots shall not apply to lots or parcels within exception or urban zones (e.g. MUA-20, RR, RC, R-10), but shall apply to contiguous parcels and lots within all farm and forest resource zones (i.e. EFU and CFU), or

(3) A parcel or lot lawfully created by a partition or a subdivision plat after February 20, 1990.

(4)(3) Exceptions to the standards of (A)(2) above:

(a) Where two contiguous parcels or lots are each developed with a lawfully established habitable dwelling, the parcels or lots shall be Lots of Record that remain separately transferable, even if they were held in the same ownership on February 20, 1990.

(b) Where approval for a "Lot of Exception" or a parcel smaller than 19 acres under the "Lot Size for Conditional Uses" provisions has been given by the Hearing Authority and the parcel was subsequently lawfully created, then the parcel shall be a Lot of Record that remains separately transferable, even if the parcel was contiguous to another parcel held in the same ownership on February 20, 1990.

Section 8. § 36.2105 is amended as follows:

§ 36.2105 DEVELOPMENT STANDARDS FOR DWELLINGS AND STRUCTURES

Except as provided for the alteration, replacement or restoration of dwellings under MCC 36.2020 (D) and 36.2025 (B), all dwellings and structures located in the CFU district after January 7, 1993 shall comply with the requirements of this section. Application of these requirements shall be processed pursuant to the provisions for Type II or Type III decisions as applicable.

(A) The dwelling or structure shall be located such that:

(5) The risks associated with wildfire are minimized. Provisions for reducing such risk shall include:

(c) Maintenance of a primary and a secondary fire safety zone on the subject tract.

5. Maintenance of a primary and a secondary fire safety zone is required only to the extent possible within the area of an approved yard (setback to property line) on land surrounding the dwelling that is owned or controlled by the home owner.

Section 9. § 36.2620 is amended as follows:

§ 36.2620 ALLOWED USES

(O) Churches and cemeteries in conjunction with churches, consistent with ORS 441, wholly within an EFU district may be maintained, enhanced or expanded:

(5) Activities customarily associated with the practice of religious activity include worship services, religion classes, weddings, funerals, child care and meal programs, but do not include private or parochial school education for prekindergarten through grade 12 or higher education.

(V) Fire service facilities providing primarily rural fire protection services subject to satisfying the requirements of MCC 36.4100 through 36.4215 (off-street parking), MCC 36.6020(A) (yards), MCC 36.7000 through MCC 36.7060 (design review), and MCC 36.7450 (signs).

(Z) Land application of reclaimed water, agricultural or industrial process water or biosolids.

Subject to the issuance of a license, permit or other approval by the Oregon Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with rules adopted under ORS 468B.095, and with the requirements of ORS 215.246, 215.247, 215.249 and 215.251, the land application of reclaimed water, agricultural process or industrial process water or biosolids for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in exclusive farm use zones under OAR Chapter 660 Division 33.

Section 10. § 36.2625 is amended as follows:

§ 36.2625 REVIEW USES

(C) A farm help dwelling for a relative on real property used for farm use if the dwelling is:

(3) Notwithstanding ORS 92.010 to 92.190 or the minimum lot size requirements of MCC 36.2660, if the owner of a dwelling described in this paragraph obtains construction financing or other financing secured by the dwelling and the secured party forecloses on the dwelling, the secured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure shall operate as a partition of the homesite to create a new parcel. However, pursuant to MCC 36.2675(D), the area of land with the homesite created by the foreclosure shall not be deemed a Lot of Record, and shall be subject to all restrictions on development associated with that designation.

(D) A dwelling, including a mobile or modular home, customarily provided in conjunction with a farm use:

(1) High-value farmland soils, \$80,000 income. On lands identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:

(a) The subject tract is currently employed for the farm use, as defined in ORS 215.203, that produced at least \$80,000 (~~1994 dollars~~) in gross annual income from the sale of farm products in the last two years or three of the last five years; and

(b) Except as permitted in ORS 215.283 (1) (p) (1999 Edition) (i.e. seasonal farmworker housing), there is no other dwelling on ~~the subject tract~~ land designated for exclusive farm use that is owned by the farm or ranch operator, or that is on the farm or ranch operation. "Farm or ranch operation" shall mean all lots or parcels of land in the same ownership that are used by the farm or ranch operator for farm use as defined in ORS 215.203; and

(c) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in subsection (a) of this subsection; and

(d) In determining the gross income required by subsection (a) of this subsection:

1. ~~7.~~ The cost of purchased livestock shall be deducted from the total gross income attributed to the ~~tract~~ farm or ranch operation;

2. Only gross income from land owned, not leased or rented, shall be counted; and

3. Gross farm income earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used; and

4. For the purposes of this subsection, lots or parcels zoned for farm use in Multnomah County or contiguous counties may be used to meet the gross income requirements.

(e) Prior to the final approval for a dwelling, the applicant shall provide evidence that the covenants, conditions and restrictions form referred to as "Exhibit A" in OAR 660-033-0135(9) has been recorded with the county clerk of the county or counties where the property subject to the covenants, conditions and restrictions is located. The covenants, conditions and restrictions shall be recorded for each lot or parcel subject to the application for the primary farm dwelling.

1. The covenants, conditions and restrictions shall preclude all future rights to construct a dwelling except for accessory farm dwellings, relative farm help dwellings, temporary hardship dwellings or replacement dwellings allowed by ORS Chapter 215.

2. The covenants, conditions and restrictions shall preclude the use of any gross farm income earned on the lots or parcels to qualify another lot or parcel for a primary farm dwelling.

3. The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located.

4. Enforcement of the covenants, conditions and restrictions may be undertaken by the Department of Land Conservation and Development or by the county or counties where the property subject to the covenants, conditions and restrictions is located.

5. The failure to follow the requirements of this section shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property which is subject to the covenants, conditions and restrictions required by this section.

6. The County Planning Director shall maintain a copy of the covenants, conditions and restrictions that have been filed in the county deed records pursuant to this subsection and a map or other record depicting the lots and parcels subject to the covenants, conditions and restrictions. The map or other record required by this subsection shall be readily available to the public in the county planning office.

(2) Not high-value farmland soils, 160 acres. On land not identified as high-value farmland a dwelling may be considered customarily provided in conjunction with farm use if:

(d) Except as permitted in ORS 215.283 (1) (p) (1999 Edition) (i.e. seasonal farm worker housing), there is no other dwelling on the subject tract; ~~or.~~

(3) Not high-value farmland soils, capable of producing the median level of annual gross sales. On land not identified as high-value farmland a dwelling may be considered customarily provided in conjunction with farm use if:

(e) Except as permitted in ORS 215.283(1)(p) (1999 Edition) (i.e. seasonal farmworker housing), there is no other dwelling on the subject tract; and

(f) The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale; and

(g) If no farm use has been established at the time of application, land use approval shall be subject to a condition that no building permit may be issued prior to the establishment of the farm use required by subsection (c) of this section; ~~or.~~

(4) Not high-value farmland soils, \$40,000 income or mid-point of median income range. On land not identified as high-value farmland a dwelling may be considered customarily provided in conjunction with farm use if:

(a) The subject tract is currently employed for the farm use, as defined in ORS 215.203, that produced in the last two years or three of the last five years the lower of the following:

1. At least \$40,000 ~~(1994 dollars)~~ in gross annual income from the sale of farm products; or

2. Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the county with gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon; and

(b) Except as permitted in ORS 215.283(1)(p) (1999 Edition) (i.e. seasonal farmworker housing), there is no other dwelling on ~~the subject tract~~lands designated for exclusive farm use pursuant to ORS 215 owned by the farm or ranch operator or on the farm or ranch operation. “Farm or ranch operation” shall mean all lots or parcels of land in the same ownership that are used by the farm or ranch operator for farm use as defined in ORS 215.203; and

(c) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in subsection (a) of this subsection; and

(d) In determining the gross income required by subsection (a) of this subsection:

1. ~~The~~ The cost of purchased livestock shall be deducted from the total gross income attributed to the ~~tract~~ farm or ranch operation; and

2. Only costs and sale prices of livestock that are within a reasonable range of prevailing costs and sale prices in the Oregon and Washington region shall be counted in the determination of gross income. This may be done by comparing actual sales documents to such published livestock value sources as made available by the Oregon Agricultural Statistics Services or the Oregon State Extension Service; and

3. Only gross income from land owned, not leased or rented, shall be counted; and

4. Gross farm income earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used; and

5. For the purposes of this subsection, lots or parcels zoned for farm use in Multnomah County or contiguous counties may be used to meet the gross income requirements; and

(e) Prior to the final approval for a dwelling, the applicant shall provide evidence that the covenants, conditions and restrictions form referred to as "Exhibit A" in OAR 660-033-0135(9) has been recorded with the county clerk of the county or counties where the property subject to the covenants, conditions and restrictions is located. The covenants, conditions and restrictions shall be recorded for each lot or parcel subject to the application for the primary farm dwelling.

1. The covenants, conditions and restrictions shall preclude all future rights to construct a dwelling except for accessory farm dwellings, relative farm help dwellings, temporary hardship dwellings or replacement dwellings allowed by ORS Chapter 215.

2. The covenants, conditions and restrictions shall preclude the use of any gross farm income earned on the lots or parcels to qualify another lot or parcel for a primary farm dwelling.

3. The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located.

4. Enforcement of the covenants, conditions and restrictions may be undertaken by the Oregon Department of Land Conservation and Development or by the county or counties where the property subject to the covenants, conditions and restrictions is located.

5. The failure to follow the requirements of this section shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property which is subject to the covenants, conditions and restrictions required by this section.

6. The County Planning Director shall maintain a copy of the covenants, conditions and restrictions filed in the county deed records pursuant to this section and a map or other record depicting the lots and parcels subject to the covenants, conditions and restrictions filed in the county deed records pursuant to this section. The map or other record required by this subsection shall be readily available to the public in the county planning office.

(5) Commercial dairy farm. A dwelling may be considered customarily provided in conjunction with a commercial dairy farm if:

(a) The subject tract will be employed as a commercial dairy operation that owns a sufficient number of producing dairy animals capable of earning the following from the sale of fluid milk:

1. On land not identified as high-value farmland, at least \$40,000 in gross annual income or the gross annual income of at least the midpoint of the median income range of gross annual sales for farms in Multnomah County with gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon; or

2. On land identified as high-value farmland, at least \$80,000 in gross annual income; and

(b) The dwelling is sited on the same lot or parcel as the buildings required by the commercial dairy; and

(c) Except as permitted by 215.283(1)(p) (1999 Edition) (seasonal farmworker housing), there is no other dwelling on the subject tract; and

(d) The dwelling will be occupied by a person or persons who will be principally engaged in the operation of the commercial dairy farm, such as the feeding, milking or pasturing of the dairy animals or other farm use activities necessary to the operation of the commercial dairy farm; and

(e) The building permits, if required, have been issued for and construction has begun for the buildings and animal waste facilities required for a commercial dairy farm; and

(f) The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 468B.050 and 468B.200 to 468B.230 and has approved a Producer License for the sale of dairy products under ORS 621.072.

(g) "Commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of earning the gross annual income required by OAR 660-033-0135(5)(a) or (7)(a), whichever is applicable, from the sale of fluid milk.

(6) Move to a new farm. A dwelling may be considered customarily provided in conjunction with farm use if:

(a) Within the previous two years, the applicant owned and operated a farm or ranch operation that earned the gross farm income in the last five years or four of the last seven years:

1. On land not identified as high-value farmland, at least \$40,000 in gross annual income from the sale of farm products; or

2. On land not identified as high-value farmland, the gross annual income of at least the midpoint of the median income range of gross annual sales for farms in Multnomah County with gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon; or

3. On land identified as high-value farmland, at least \$80,000 in gross annual income from the sale of farm products; and

(b) The subject lot or parcel on which the dwelling will be located is a minimum lot size of 80 acres and is currently employed for the farm use, as defined in ORS 215.203, that produced in the last two years or three of the last five years:

1. On land not identified as high-value farmland, at least \$40,000 in gross annual income from the sale of farm products; or

2. On land not identified as high-value farmland, the gross annual income of at least the midpoint of the median income range of gross annual sales for farms in Multnomah County with gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon; or

3. On land identified as high-value farmland, at least \$80,000 in gross annual income from the sale of farm products; and

(c) Except as permitted in ORS 215.283(1)(p) (1999 Edition) (seasonal farmworker housing), there is no other dwelling on the subject tract; and

(d) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in subsection (a) of this subsection; and

(e) In determining the gross income required by subsections (a) and (b) of this subsection:

1. The cost of purchased livestock shall be deducted from the total gross income attributed to the tract; and

2. Only gross income from land owned, not leased or rented, shall be counted.

(E) An accessory farm dwelling, including a mobile or modular home which includes all types of residential structures allowed by the applicable state building code, customarily provided in conjunction with farm use if each accessory farm dwelling meets all the following requirements:

(1) The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use, such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator; and

(2) The accessory farm dwelling shall be located:

(a) On the same lot or parcel as the dwelling of the principal primary farm dwelling; or

(b) On the same tract as the ~~principal~~primary farm dwelling when the lot or parcel on which the accessory dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or

(c) On a lot or parcel on which the ~~principal~~primary farm dwelling is not located, when:

1. The accessory farm dwelling is limited to only a manufactured dwelling; and
2. A deed restriction is filed with the county clerk. The deed restriction shall require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party; and
3. The manufactured dwelling may remain if it is reapproved; or

~~(d) An accessory farm dwelling approved pursuant to this rule may not be occupied by a person or persons who will not be principally engaged in the farm use of the land and whose assistance in the management of the farm use is not or will not be required by the farm operator. The manufactured dwelling may remain if it is reapproved; and~~On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farm labor housing as such farm labor housing may exist on the farm or ranch operation that is registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. All accessory farm dwellings approved under this subparagraph shall be removed, demolished or converted to a nonresidential use when farm worker housing is no longer required; or

~~(e) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is located on a lot or parcel at least 80 acres in area and the lot or parcel complies with the applicable gross farm income requirements in MCC 36.2625(E)(4) below; and~~

(3) There is no other dwelling on the lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling; and

(4) In addition to the requirements in (1) through (3) in this section, The ~~principal~~the primary farm dwelling to which the proposed dwelling would be accessory, meets one of the following:

(a) On land not identified as high-value farmland, the ~~principal~~primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, and produced in the last two years or three of the last five years the lower of the following:

1. At least \$40,000 ~~(1994 dollars)~~ in gross annual income from the sale of farm products. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or
2. Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the county with the gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon. In determining the gross income,

the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or

(b) On land identified as high-value farmland, the ~~principal~~primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, and produced at least \$80,000 ~~(1994 dollars)~~ in gross annual income from the sale of farm products in the last two years or three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or

(c) It is located on a commercial dairy farm as defined by OAR 660-033-0135(11); and

1. The building permits, if required, have been issued and construction has begun or been completed for the buildings and animal waste facilities required for a commercial dairy farm; and

2. The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 468B.050 and ORS 468B.200 to 468B.230; and

3. A Producer License for the sale of dairy products under ORS 621.072 has been obtained.

(5) The approval authority shall not approve any proposed division of a lot or parcel for an accessory farm dwelling approved pursuant to this section. If it is determined that an accessory farm dwelling satisfies the requirements of MCC 36.2625 (D), a parcel may be created consistent with the minimum parcel size requirements in MCC 36.2660.

(F) Notwithstanding the same ownership grouping requirements of the Lot of Record section, a single family heritage tract dwelling may be allowed on land not identified as high-value farmland when:

(1) The lot or parcel on which the dwelling will be sited meets the following requirements:

(a) A deed or other instrument creating the lot or parcel was recorded with the Department of General Services, or was in recordable form prior to January 1, 1985; and

(b) The lot or parcel satisfies all applicable laws when the lot or parcel was created; and

~~(c) The lot or parcel is held under the same ownership and which was acquired by the present owner prior to January 1, 1985; and~~The lot or parcel was acquired and owned continuously by the present owner:

1. Since prior to January 1, 1985; or

2. By devise or by intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985; and

(8) For purposes of this subsection, and of dwellings considered under MCC 36.2630 (J) and (K), the following definitions apply:

(a) Owner includes a person who acquired the lot or parcel by devise or intestate succession from a person who acquired the lot or parcel prior to January 1, 1985 includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or a combination of these family members.

(b) Date of Creation and Existence. When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot, parcel or tract.

Therefore, if the lot, parcel or tract does not qualify for a dwelling under the Heritage Tract Dwelling standards, any reconfiguration after November 4, 1993 cannot in any way enable the tract to meet the approval criteria for a new dwelling.

~~(G) Seasonal farmworker housing as defined in ORS 197.675 when found to meet the following requirements:~~

~~(1) The housing will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose assistance in the management of the farm use is or will be required by the farm operator; and~~

~~(2) The seasonal farmworker housing is located on the same parcel, lot or tract as the principal farm dwelling which houses the farm operator; and~~

~~(3) The principal farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, and produced at least \$80,000 (1994 dollars) in gross annual income from the sale of farm products in the last two years or three of the last five years; and~~

~~(4) The seasonal farmworker housing can only be occupied for 273 days per calendar year.~~

~~(ON) A facility for the processing of farm crops located on a farm operation that provides at least one-quarter of the farm crops processed at the facility. The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm use or devote more than 10,000 square feet to the processing activities within another building supporting farm uses. A processing facility shall comply with all applicable siting standards but the standards shall not be applied in a manner that prohibits the siting of the processing facility. The siting standards are the requirements of MCC 36.4100 through MCC 36.4215 (off-street parking), MCC 36.2660(C), (D)&(E) (yards), and MCC 36.7450 (signs).~~

~~(PO) One manufactured dwelling in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident. A manufactured dwelling allowed under this provision is a temporary use for the term of the hardship suffered by the existing resident or relative as defined in ORS Chapter 215. The manufactured dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If the manufactured home will use a public sanitary sewer system, such condition will not be required. The Planning Director shall review the~~

permit authorizing such manufactured homes every two years. Within three months of the end of the hardship, the Planning Director shall require the removal of such manufactured homes. A temporary residence approved under this section is not eligible for replacement under MCC 36.2620(J), (L), and (M). Oregon Department of Environmental Quality review and removal requirements also apply. As used in this subsection "hardship" means a medical hardship or hardship for the care of an aged or infirm person or persons.

(1) The health hardship will not:

(a) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest; or

(b) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use; ~~and.~~

~~(2) As a condition of approval, the landowner shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming practices for which no action or claim is allowed under ORS 30.936 or 30.937.~~

~~(QP)~~ Parking of no more than seven log trucks shall be allowed in an exclusive farm use zone notwithstanding any other provision of law except for health and safety provisions, unless the log truck parking will:

(1) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest; or

(2) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use; ~~and.~~

Section 11. § 36.2630 is amended as follows:

§ 36.2630 CONDITIONAL USES

The following uses may be permitted when approved by the approval authority to satisfy the applicable provisions in MCC 36.6300 to 36.6335 or the criteria listed for the use:

(A) Commercial activities that are in conjunction with a farm use, except for facilities for processing crops that meet the standards for crop source, building size, and other applicable siting standards pursuant to 36.2625(~~ON~~) above. Uses under this provision shall be subject to the approval criteria in MCC 36.6315(1) through (7).

(G) Dog kennels not described in section MCC 36.2625 (~~HG~~). Existing facilities wholly within an EFU district may be maintained, enhanced or expanded, subject to other requirements of law. New facilities may be allowed only on non-high-value lands.

(J) Notwithstanding the same ownership grouping requirements of the Lot of Record section, a single family heritage tract dwelling may be allowed on land identified as high-value farmland when:

(Note: MCC 36.6315 Conditional Use Approval Criteria does not apply)

- (1) The lot or parcel meets the requirements of MCC 36.2625 (F) (1) through (8); and
- (2) The lot or parcel cannot practicably be managed for farm use by itself or in conjunction with other land due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity. For the purposes of this section, this criterion asks whether the subject lot or parcel can be physically put to farm use without undue hardship or difficulty because of extraordinary circumstances inherent in the land or its physical setting. Neither size alone nor a parcel's limited economic potential demonstrate that a lot of parcel cannot be practicably managed for farm use. Examples of "extraordinary circumstances inherent in the land or its physical setting" include very steep slopes, deep ravines, rivers, streams, roads, railroad or utility lines or other similar natural or physical barriers that by themselves or in combination separate the subject lot or parcel from adjacent agricultural land and prevent it from being practicably managed for farm use by itself or together with adjacent or nearby farms. A lot or parcel that has been put to farm use despite the proximity of a natural barrier or since the placement of a physical barrier shall be presumed manageable for farm use; and

(K) Notwithstanding the same ownership grouping requirements of the Lot of Record section, a single family heritage tract dwelling may be allowed on land identified as high-value farmland when:

(Note: 36.6315 Conditional Use Approval Criteria does not apply)

- (1) The lot or parcel meets the requirements of 36.2625 (F) (1) through (8); and
- (2) The tract on which the dwelling will be sited is:
 - (a) Not composed predominately of irrigated or non-irrigated soils classified prime, unique, Class I or Class II; and
 - (b) Less than twenty-one acres in size; and
 - (c) Is bordered on at least 67% of its perimeter by tracts that are smaller than 21 acres, and at least two such tracts had dwellings on January 1, 1993; or
 - (d) Is not a flag lot and the tract is bordered on at least 25% of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract. Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary, or
 - (e) The tract is a flag lot and is bordered on at least 25 percent of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract and on the same side of the public road that

provides access to the subject tract. For purposes of this section, the center of the subject tract is the geographic center of the flag lot if the applicant makes a written request for that interpretation and that interpretation does not cause the center to be located outside the flag lot. Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary. As used in this subsection:

1. "Flag lot" means a tract containing a narrow strip or panhandle of land providing access from the public road to the rest of the tract; and

2. "Geographic center of the flag lot" means the point of intersection of two perpendicular lines of which the first line crosses the midpoint of the longest side of a flag lot, at a 90-degree angle to the side, and the second line crosses the midpoint of the longest adjacent side of the flag lot.

Section 12. § 36.2655 is added to read as follows:

§ 36.2655 Single Family Dwellings Condition of Approval – Prohibition on Claims Alleging Injury From Farm or Forest Practices

As a condition of approval of a single family dwelling, the landowner for the dwelling shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

Section 13. § 36.2665 is amended as follows:

§ 36.2665 Exceptions to Lot Size for Specific Uses

(A) Lots less than the minimum lot size specified in MCC 36.2660 (A) may be created for uses listed in ~~MCC 36.2625 (A)~~ and MCC 36.2630 (C) based upon:

- (1) The site size needs of the proposed use;
- (2) The nature of the proposed use in relation to its impact on nearby properties; and
- (3) Consideration of the purposes of this district.

Section 14. § 36.2675 is amended as follows:

§ 36.2675 LOT OF RECORD

(A) In addition to the Lot of Record definition standards in MCC 36.0005, for the purposes of this district a Lot of Record is either:

(1) A parcel or lot which was not contiguous to any other parcel or lot under the same ownership on February 20, 1990, or

(2) A group of contiguous parcels or lots:

(a) Which were held under the same ownership on February 20, 1990; and

(b) Which, individually or when considered in combination, shall be aggregated to comply with a minimum lot size of 19 acres, without creating any new lot line.

4. The requirement to aggregate contiguous parcels or lots shall not apply to lots or parcels within exception or urban zones (e.g. MUA-20, RR, RC, R-10) but shall apply to contiguous parcels and lots within all farm and forest resource zones (i.e. EFU and CFU), or

(3) A parcel or lot lawfully created by a partition or a subdivision plat after February 20, 1990.

(3)(4) Exception to the standards of (A)(2) above:

(a) Where approval for a "Lot of Exception" or a parcel smaller than 19 acres under the "Lot size for Conditional Uses" provisions has been given by the Hearing Authority and the parcel was subsequently lawfully created, then the parcel shall be a Lot of Record that remains separately transferable, even if the parcel was contiguous to another parcel held in the same ownership on February 20, 1990.

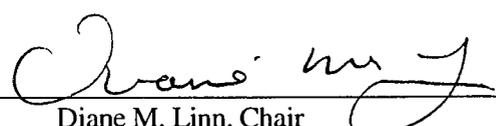
FIRST READING:

May 6, 2004

SECOND READING AND ADOPTION:

May 13, 2004

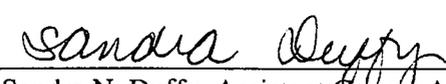
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 

Sandra N. Duffy, Assistant County Attorney

AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:

Meeting Date: May 13, 2004

Agenda Item #: R-12

Est. Start Time: 10:05 AM

Date Submitted: 04/12/04

Requested Date: May 13, 2004

Time Requested: 1 minute

Department: Business and Community Services

Division: Land Use and Transportation Planning Program

Contact/s: Gary Clifford, Karen Schilling

Phone: 503-988-3043

Ext.: 26782

I/O Address: 455/116

Presenters: Gary Clifford

Agenda Title: Second Reading and Possible Adoption of an ORDINANCE Amending MCC Chapter 37, Land Use Code, Administration and Procedures, to Update the Zoning Code to Include Changes to the Oregon Statutes and Administrative Rules Regarding the Expiration of Certain Land Use Approvals on Lands Zoned Exclusive Farm Use and Commercial Forest Use

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

1. What action are you requesting from the Board? What is the department/agency recommendation?

The request is for adoption of five ordinances that make amendments to five different chapters of the Zoning Code. The amendments update the land use regulations in all the farm and forest zoning districts to include changes that have been made to State Statutes and Administrative Rules. The recommendation from the Planning Commission, the Planning Director, and the Department Director is for approval of the ordinances.

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

In Oregon, lands outside of Urban Growth Boundaries which are important for farm and forest resource production are subject to land use protections in State Statute, Statewide Planning Goals, and Administrative Rules that implement the Statutes and Goals. Counties are then required to enact the state regulations within their own Land Use Plans and Zoning Codes.

Recently a pattern has emerged that every two years the state legislature enacts additional changes to the State Statutes governing farm and forest lands. Then, following the enacted statutes, the Land Conservation and Development Commission makes corresponding, and sometimes additional, changes to the Oregon Administrative Rules (OARs).

Most of the proposed amendments are mandated by the state and are actually in effect without adoption into the County regulations. However, their absence from the County Zoning Code makes it difficult for property owners and staff to find all relevant regulations that may apply to farm and forest lands.

The proposed amendments add new land uses to the list of uses allowed in farm and forest zones. Along with the new listing are also new standards for those land uses. New land uses include sites for model aircraft landing, fire service facilities, facilities for processing farm crops, parking of log trucks, farm dwellings on dairy farms, and farm dwellings for farmers that move to a new farm.

In addition, the amendments make changes to standards for some land uses that are presently listed in the farm and forest zones. Those changes include amended standards for approving new dwellings, for approving certain land divisions in the forest zones, for the definition of allowed activities associated with churches, for farm stands, for uses allowed in private and public parks, and for the time period that certain dwelling approvals are valid before they expire.

There are five different ordinances because each of the Rural Plan Areas has its own Zoning Code Chapter and a separate ordinance is required to amend each Chapter.

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

No fiscal impact is expected. The amendments are either mandatory and already in effect, or are clarifications of existing standards.

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

Under the State of Oregon program of land use planning, protection of farm and forest lands for their production value is a major concern. Coupled with the Urban Growth Boundary concept, the result is state mandated restrictions on those lands. This situation leaves some property owners frustrated that counties do not have more flexibility in allowing more development opportunities in those areas.

At the public hearing before the Planning Commission there were generally two concerns expressed. The first involved a need for staff to explain the limits available to local jurisdictions in allowing development in farm and forest areas. The second concern of the property owners that gave testimony was regarding the present approval standards the county has adopted for approval of a certain type of dwelling (a "template dwelling"). The approval standards for a "template dwelling" are one part of the zoning regulations where Multnomah County is more restrictive than the state rules require. (A county may be more restrictive in this standard, but not more lenient.) The standards were adopted as part of the West Hills Rural Area Plan process and are part of the County's Comprehensive Plan.

Staff's response to the second concern is that the proposal before the Board is limited to required code updates and clarifications of existing standards. Other changes that

involve changing Rural Area Plan Policies must be done in a different process. To examining the appropriateness of an approval standard that would increase the number of potential dwellings in the forest zones is a land use issue that should be part of an update of a Rural Area Plan and notice must be given to all property owners and the State Land Conservation and Development Commission of the possibility of making such changes to development approval standards.

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

The proposed amendments have been submitted to the State Department of Land Conservation and Development for their review. No comments have been returned.

A notice of the public hearing before the Planning Commission was mailed to over 1,500 owners of farm and forest zoned properties (in accordance with the requirements of Ballot Measure 56). Fourteen citizens attended the hearing, six citizens gave testimony, and one submitted written comments.

Notice of the Board of County Commissioners hearing will be sent to all those that attended the Planning Commission hearing or submitted testimony.

Required Signatures:

Department/Agency Director: Robert A Maestre

Date: 04/06/04

Budget Analyst

By: _____

Date:

Dept/Countywide HR

By: _____

Date:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Amending MCC Chapter 37, Land Use Code, Administration and Procedures, To Update the Zoning Code to Include Changes to the Oregon Statutes and Administrative Rules Regarding the Expiration of Certain Land Use Approvals on Lands Zoned Exclusive Farm Use and Commercial Forest Use

(Language ~~stricken~~ is deleted; double-underlined language is new.)

The Multnomah County Board of Commissioners Finds:

- a. Under the Oregon Statewide Land Use Planning Program, protection of farm and forest lands for resource use is based upon regulation of land uses found in state statute and Oregon Administrative Rules. Multnomah County then administers those farm and forest regulations from the County's own adopted zoning code.
- b. Periodically, the State Legislature and the State Land Conservation and Development Commission modify and amend the statutes and rules. Thereafter, mandated sections of those amended state regulations are required to be administered by counties directly from the state codes if they are not adopted into county codes. Timely integration of those state amendments into the County zoning code is desirable for land owners to have available all land use regulations that apply to their property in one set of regulations.
- c. The Planning Commission is authorized by MCC 33.0140, 34.0140, 35.0140, 36.0140 and by ORS 215.110, to recommend to the Board of County Commissioners the adoption of ordinances to implement the Multnomah County Comprehensive Plan. The Planning Commission held a public hearing on the amendments contained in this ordinance where all interested persons were given an opportunity to appear and be heard. Notice of the public hearing was mailed to all property owners of lands zoned Exclusive Farm Use (EFU) and Commercial Forest Use (CFU). At that hearing the Planning Commission approved the code amendments for recommendation to the Board.
- d. The amendments in this ordinance are found by the Board to be needed updates to the zoning code to comply with changed state statutes and administrative rules.

Multnomah County Ordains as follows:

Section 1. § 37.0670 is amended as follows:

§ 37.0670 Recording of Decision.

The County may impose as a condition of final approval of a Type II, Type III, or Type IV decision, the requirement that the applicant record with the County the Notice of Decision. The Notice of Decision shall run with the land and shall be placed in the county deed records prior to the issuance of any permits or development activity pursuant to the approval. Proof of recording shall be made prior to the issuance of any permits and filed with the Land Use Planning Division. Recording shall be at the applicant's expense. ~~Any recording required under this section shall be properly signed and executed within 30 days after the decision becomes final; provided, however, that the Planning director may grant reasonable extensions, not to exceed an additional 30 days, in cases of practical difficulty. Failure to sign and record the Notice of Decision within the prescribed period shall void the decision.~~

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1037

Amending MCC Chapter 37, Land Use Code, Administration and Procedures, to Update the Zoning Code to Include Changes to the Oregon Statutes and Administrative Rules Regarding the Expiration of Certain Land Use Approvals on Lands Zoned Exclusive Farm Use and Commercial Forest Use

(Language ~~stricken~~ is deleted; double-underlined language is new.)

The Multnomah County Board of Commissioners Finds:

- a. Under the Oregon Statewide Land Use Planning Program, protection of farm and forest lands for resource use is based upon regulation of land uses found in state statute and Oregon Administrative Rules. Multnomah County then administers those farm and forest regulations from the County's own adopted zoning code.
- b. Periodically, the State Legislature and the State Land Conservation and Development Commission modify and amend the statutes and rules. Thereafter, mandated sections of those amended state regulations are required to be administered by counties directly from the state codes if they are not adopted into county codes. Timely integration of those state amendments into the County zoning code is desirable for land owners to have available all land use regulations that apply to their property in one set of regulations.
- c. The Planning Commission is authorized by MCC 33.0140, 34.0140, 35.0140, 36.0140 and by ORS 215.110, to recommend to the Board of County Commissioners the adoption of ordinances to implement the Multnomah County Comprehensive Plan. The Planning Commission held a public hearing on the amendments contained in this ordinance where all interested persons were given an opportunity to appear and be heard. Notice of the public hearing was mailed to all property owners of lands zoned Exclusive Farm Use (EFU) and Commercial Forest Use (CFU). At that hearing the Planning Commission approved the code amendments for recommendation to the Board.
- d. The amendments in this ordinance are found by the Board to be needed updates to the zoning code to comply with changed state statutes and administrative rules.

Multnomah County Ordains as follows:

Section 1. § 37.0670 is amended as follows:

§ 37.0670 Recording of Decision.

The County may impose as a condition of final approval of a Type II, Type III, or Type IV decision, the requirement that the applicant record with the County the Notice of Decision. The Notice of Decision shall run with the land and shall be placed in the county deed records prior to the issuance of any permits or development activity pursuant to the approval. Proof of recording shall be made prior to the issuance of any permits and filed with the Land Use Planning Division. Recording shall be at the applicant's expense. ~~Any recording required under this section shall be properly signed and executed within 30 days after the decision becomes final; provided, however, that the Planning director may grant reasonable extensions, not to exceed an additional 30 days, in cases of practical difficulty. Failure to sign and record the Notice of Decision within the prescribed period shall void the decision.~~

Section 2. § 37.0690 is amended as follows:

§ 37.0690 Expiration And Extension Of A Type II Or Type III Decision in EFU and CFU Zones.

(A) Except for approval of residential developments as specified in (B) below, a Type II or III decision approving development on land zoned for Exclusive Farm Use or Commercial Forest Use outside of an urban growth boundary is void two years from the date of the final decision if the development action is not initiated in that period. The Planning Director may grant one extension period of up to 12 months if:

- (1) An applicant makes a written request for an extension of the development approval period;
- (2) The request is submitted to the county prior to the expiration of the approval period;
- (3) The applicant states reasons that prevented the applicant from beginning or continuing development within the approval period; and
- (4) The county determines that the applicant was unable to begin or continue development during the approval period for reasons for which the applicant was not responsible.
- (5) Approval of an extension granted under this section is an administrative decision, is not a land use decision as described in ORS 197.015 and is not subject to appeal as a land use decision.
- (6) Additional one year extensions may be authorized where applicable criteria for the decision have not changed.

(B) A Type II or III decision approving residential development on land zoned for Exclusive Farm Use or Commercial Forest Use outside of an urban growth boundary is void four years from the date of the final decision if the development action is not initiated in that period.

(1) For the purposes of this section, the expiration dates in (B) and (C) shall also apply to all other Type II or III decisions associated with approval of the residential development, such as SEC or HDP permits.

(2) The provisions in (B) and (C) shall only apply to residential development for which a decision of approval:

(a) Was valid (not expired) on January 1, 2002, or

(b) Was issued after January 1, 2002 (the effective date of Senate Bill 724, 2001).

(3) For the purposes of this section, "residential development" only includes dwellings as provided for under:

(a) ORS 215.283(1)(s) – alteration, restoration or replacement of a lawfully established dwelling in the EFU zones as provided in MCC 33.2620(J), (L)&(M); 34.2620(J), (L)&(M); 35.2620(J), (L)&(M); 36.2620(J), (L)&(M); and

(b) ORS 215.284 – dwelling not in conjunction with farm use in the EFU zones (not currently provided for in any MCC Chapter); and

(c) ORS 215.705(1) to (3) – “Heritage Tract Dwelling” in the EFU zones as provided for in MCC 33.2625(F); 33.2630(O)&(P); 34.2625(F); 34.2630(O)&(P); 35.2625(F); 35.2630(O)&(P); 36.2625(F); 36.2630(J)&(K); and

(d) ORS 215.720 – “Heritage Tract Dwelling” in the CFU zones as provided in MCC 33.2230(C); and 35.2230(C); 36.2030(C); and

(e) ORS 215.740 – “Large Acreage Dwelling” in the CFU zones as provided for in MCC 33.2030(A); 33.2230(A); 35.2230(A); 36.2030(A); and

(f) ORS 215.750 – “Template Dwelling” in the CFU zones as provided for in MCC 33.2230(B); 33.2430(A); 35.2230(B); 36.2030(B); and

(g) ORS 215.755(1) – alteration, restoration or replacement of a lawfully established dwelling in the CFU zones as provided in MCC 33.2020(D)&(E); 33.2025(A)&(B); 33.2220(D)&(E); 33.2225(A)&(B); 33.2420(D)&(E); 33.2425(A)&(B); 35.2020(D)&(E); 35.2025(A)&(B); 35.2220(D)&(E); 36.2020(D); 36.2025(A)&(B); and

(h) ORS 215.755(3) a caretaker residence for a public park or public fish hatchery in the CFU zones as provided for in MCC 33.2020(H); 33.2220(H); 33.2420(H); 35.2020(H); 35.2220(H); and 36.2020(G).

(C) The Planning Director shall grant one extension period of 24 months for approvals of dwellings listed in (B) above if:

(1) An applicant makes a written request for an extension of the development approval period;

(2) The request is submitted to the county prior to the expiration of the approval period;

(3) The applicant states reasons that prevented the applicant from beginning or continuing development within the approval period; and

(4) The county determines that the applicant was unable to begin or continue development during the approval period for reasons for which the applicant was not responsible.

(5) Approval of an extension granted under this section is an administrative decision, is not a land use decision as described in ORS 197.015 and is not subject to appeal as a land use decision.

~~(B)(D)~~ New application required. Expiration of an approval shall require a new application for any use on the subject property that is not otherwise allowed outright.

~~(E)~~ Deferral of the expiration period due to appeals. If a permit decision is appealed beyond the jurisdiction of the County, the expiration period shall not begin until review before the Land Use Board of Appeals and the appellate courts has been completed, including any remand proceedings before the County. The expiration period provided for in this section will begin to run on the date of final disposition of the case (the date when an appeal may no longer be filed).

Section 3. § 37.0750 is amended as follows:

§ 37.0750 Expiration of Prior Land Use Decisions.

All land use decisions authorized prior to January 1, 2001 (Ord. 953 & Ord. 997) shall expire on January 1, 2003, unless:

(A) a different timeframe was specifically included in the decision, or

(B) The decision was for "residential development," as specified in MCC 37.0690(B)(3), which have the expiration timeframes of MCC 37.0690(B) and (C).

FIRST READING:

May 6, 2004

SECOND READING AND ADOPTION:

May 13, 2004



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By

Sandra N. Duffy

Sandra N. Duffy, Assistant County Attorney

AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:

Meeting Date: May 6, 2004

Agenda Item #: R-13

Est. Start Time: 10:05 AM

Date Submitted: 04/08/04

Requested Date: May 13, 2004

Time Requested: 1 minute

Department: Business and Community Services

Division: Land Use and Transportation Planning Program

Contact/s: Gary Clifford, Karen Schilling

Phone: 503-988-3043

Ext.: 26782

I/O Address: 455/116

Presenters: Gary Clifford

Agenda Title: Second Reading and Possible Adoption of Proposed Ordinance Amending MCC Chapter 34, Land Use Code, Sauvie Island/Multnomah Channel Rural Plan Area, To Add Certain Transportation Land Uses, Add a Definition of "Water-Dependent Use," and Amend the Definition of "Large Fill"

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

1. What action are you requesting from the Board? What is the department/agency recommendation?

The request is for adoption of the proposed ordinance. The Planning Commission, the Planning Director, and the Department Director recommend approval.

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

This proposal amends the Zoning Code to allow for the County to make a land use permit application in the future for building a replacement Sauvie Island Bridge.

The proposed Code changes came from a review of the existing Zoning regulations and how the existing Zoning regulations might apply to an application for a new bridge over the Multnomah Channel. In that review it was found that this type of public works project was not anticipated during the adoption of the Zoning Code that applies to Sauvie Island

and the Multnomah Channel. As a result, the proposed ordinance adds certain transportation facilities to the list of allowed or conditionally permitted uses and exempts certain aspects of the bridge construction from a few Code requirements because the requirements should not be applied to a bridge.

In general, the code amendments:

- (1) Add several transportation related land uses to the list of permitted land uses in the Exclusive Farm Use and Multiple Use Agriculture zoning districts,
- (2) Add a new definition of "water dependent" in the Willamette River Greenway section, and
- (3) Add an exemption for the bridge in the Large Fill section of the code.

Adoption of the recommended ordinance should reduce the cost of putting together a land use application for the bridge, reduce the number of code criteria that are more likely to be at issue if a land use decision on the bridge is appealed to a state appeal body and court, and eliminate inappropriate code criteria that could prevent the approval of a replacement bridge.

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

No fiscal impact is expected.

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

If a budget modification, explain:

- ❖ **What revenue is being changed and why?**
- ❖ **What budgets are increased/decreased?**
- ❖ **What do the changes accomplish?**
- ❖ **Do any personnel actions result from this budget modification? Explain.**

- ❖ **Is the revenue one-time-only in nature?**
- ❖ **If a grant, what period does the grant cover?**
- ❖ **When the grant expires, what are funding plans?**

NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)

If a contingency request, explain:

- ❖ **Why was the expenditure not included in the annual budget process?**

- ❖ **What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?**
- ❖ **Why are no other department/agency fund sources available?**
- ❖ **Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.**

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

If grant application/notice of intent, explain:

- ❖ **Who is the granting agency?**

- ❖ Specify grant requirements and goals.
- ❖ Explain grant funding detail – is this a one time only or long term commitment?
- ❖ What are the estimated filing timelines?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?
- ❖ How will the county indirect and departmental overhead costs be covered?

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

Under the State of Oregon land use planning program, land uses listed in County Zoning Codes, including transportation projects, are subject to the restrictions/standards of State Statutes and Administrative Rules for farm lands, "Exception Lands," and transportation related land uses. The proposed amendments to MCC Chapter 34 must be in conformance with those State requirements.

The regulation of "large fills" was adopted by the County in 1998 and was not intended to apply to a public works bridge project.

The amendment of the definition of "water-dependent use" to allow the construction of a bridge must be in compliance with the standards of Statewide Planning Goal 15 and the corresponding State Administrative Rules. The proposal uses the same key language that is in the Zoning Codes of the City of Portland and Clackamas County, which have been found to meet state standards.

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

There were two public work sessions held by the Planning Commission. Notice of a public hearing before the Planning Commission was then mailed to 324 property owners on Sauvie Island and along the Multnomah Channel. The public hearing was attended by three citizens, none of whom gave testimony on the proposal. One letter was received.

Required Signatures:

Department/Agency Director: Robert A Maestre Date: 04/06/04

Budget Analyst

By: _____ Date:

Dept/Countywide HR

By: _____ Date:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Amending MCC Chapter 34, Land Use Code, Sauvie Island/Multnomah Channel Rural Plan Area, to Add Certain Transportation Land Uses, Add a Definition of "Water-Dependent Use", and Amend the Definition of "Large Fill"

(Language ~~stricken~~ is deleted; double-underlined language is new.)

The Multnomah County Board of Commissioners Finds:

- a. Periodically there is a need to review and update Zoning Code provisions due to changing circumstances. Such a review of the Zoning Code for the Sauvie Island and Multnomah Channel Rural Plan Area has become necessary to allow for more options than currently exist in the Code for a potential replacement bridge connecting State Highway 30 with Sauvie Island over the Multnomah Channel. In addition, it is necessary to amend the Code to remove inadvertent and unanticipated regulatory obstacles to the potential approval of a replacement bridge. Those obstacles were not intentionally enacted and they have become recognized only after the structural integrity problems of the existing bridge became known.
- b. The Planning Commission has found that the amendments and additions to MCC Chapter 34 in this Ordinance are needed to provide for a future land use application for a replacement bridge to serve Sauvie Island. That determination was made after a public hearing was held on December 1, 2003 where all interested persons were given an opportunity to appear and be heard. Notice of the public hearing was sent to all property owners in the area subject to Multnomah County Zoning Code 34.
- c. The Planning Commission is authorized by Multnomah County Code subsection MCC 34.0140 and by ORS 215.110 to recommend to the Board of County Commissioners the adoption of Ordinances to implement the Multnomah County Comprehensive Plan.
- d. Under the State of Oregon land use planning program, land uses listed in County Zoning Codes, including transportation projects, are subject to the restrictions and standards of Statutes, Farm and Forest Administrative Rules, "Exception Lands" Rules, and Transportation Planning Rules. The changes to MCC Chapter 34 that are in this Ordinance closely follow those State requirements.
- e. The additions and amendments in this ordinance are also found by the Board of County Commissioners to be needed updates to the Zoning Code for Sauvie Island and the Multnomah Channel. They are needed to allow for future transportation facility options, including a potential replacement bridge for Sauvie Island.

Multnomah County Ordains as follows:

Section 1. § 34.0005 is amended to read as follows:

§ 34.0005 Definitions.

As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.

(L)(1) **Large Fill** – The addition of more than 5,000 cubic yards of material to a site, excepting fill material associated with a State or County owned and maintained road or bridge that is designated as a Rural Collector or a Rural Arterial on the Multnomah County Functional Classification of Trafficways map. The Trafficways map is part of the County Comprehensive Framework Plan.

Section 2. § 34.2610 is amended as follows:

§ 34.2610 Definitions

As used in MCC 34.2600 through MCC 34.2690, unless otherwise noted, the following words and their derivations shall have the following meanings:

Channelization means the separation or regulation of conflicting traffic movements into definite paths of travel by traffic islands or pavement markings to facilitate the safe and orderly movement of both vehicles and pedestrians. Examples include, but are not limited to, left turn refuges, right turn refuges including the construction of islands at intersections to separate traffic, and raised medians at driveways or intersections to permit only right turns. Channelization does not include continuous median turn lanes.

Section 3. § 34.2620 is amended as follows:

§ 34.2620 Allowed Uses

(G) Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and subsurface of public roads and highways along the public right-of-way, but not including the addition of travel lanes, where no removal or displacement of buildings will occur, or no new land parcels result. Reconstruction or modification also includes “channelization” of conflicting traffic movements into definite paths of travel by traffic islands or pavement markings.

Section 4. § 34.2630 is amended as follows:

§ 34.2630 Conditional Uses

The following uses may be permitted when approved by the Hearings Officer pursuant to the provisions of MCC 34.6300 to 34.6335:

(QP) Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels.

(RO) Park and ride lots, [OAR 660-012-0065(3)(i)].

(SR) Realignment of roads [OAR 660-012-0065(3)(d)], subject to the following limitations and the approval criteria in MCC 34.6315 and MCC 34.6340:

(1) "Realignment" means rebuilding an existing roadway on a new alignment where the new centerline shifts outside the existing right of way, and where the existing road surface is either removed, maintained as an access road or maintained as a connection between the realigned roadway and a road that intersects the original alignment.

(2) The realignment shall maintain the function of the existing road segment being realigned as specified in the acknowledged comprehensive plan.

(FS) New access roads and collectors where the function of the road is to reduce local access to or local traffic on a state highway [OAR 660-012-0065(3)(g)], subject to the following limitations and the approval criteria in MCC 34.6315 and MCC 34.6340:

(1) The roads shall be limited to two travel lanes.

(2) Private access and intersections shall be limited to rural needs or to provide adequate emergency access.

(UT) Transportation facilities, services and improvements that serve local travel needs [OAR 660-012-0065(3)(o)], and which:

(1) Are not otherwise listed as a use in this EFU district or in OAR 660-012-0065 "Transportation Improvements on Rural Lands;" and

(2) Satisfy the approval criteria in MCC 34.6315 and MCC 34.6340.

Section 5. § 34.2820 is amended as follows:

§ 34.2820 Allowed Uses

(I) Transportation facilities and improvements that serve local and farm to market travel needs or are part of the adopted Multnomah County Functional Classification of Trafficways map and plan, except

that transit stations and park and ride lots shall be subject to the provisions of Community Service Uses.

Section 6. § 34.3120 is amended as follows:

§ 34.3120 Allowed Uses

(D) Transportation facilities and improvements that serve local and farm to market travel needs or are part of the adopted Multnomah County Functional Classification of Trafficways map and plan, except that transit stations and park and ride lots shall be subject to the provisions of Community Service Uses.

Section 7. § 34.3320 is amended as follows:

§ 34.3320 Allowed Uses

(D) Transportation facilities and improvements that serve local and farm to market travel needs or are part of the adopted Multnomah County Functional Classification of Trafficways map and plan, except that transit stations and park and ride lots shall be subject to the provisions of Community Service Uses.

Section 8. § 34.5815 is amended as follows:

§ 34.5815 Definitions

For the purposes of this district, the following terms and their derivations shall have the following meanings. Definitions (A) through (E) are derived from as defined in paragraph a. of the Order Adopting Preliminary Willamette River Greenway Plan of the Oregon Land Conservation and Development Commission, dated December 6, 1975.

(F) *Water-dependent use* – means a use which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for waterborne transportation or recreation. *Water-dependent use* also includes development, which by its nature, can be built only on, in, or over a water body (including a river). Bridges supported by piers or pillars are *water-dependent uses*.

Section 9. § 34.6015 is amended as follows:

§ 34.6015 Uses

(A) Except as otherwise limited in the EFU district, the following Community Service Uses and those of a similar nature, may be permitted in any district when approved at a public hearing by the approval authority.

Allowed Community Service Uses in the EFU district are limited to those uses listed in the district.

(21) Transit station or park and ride lot.

Section 10. § 34.6340 is added as follows:

§ 34.6340 Additional Approval Criteria for Certain Transportation Uses in the Exclusive Farm Use Zoning District

For the transportation uses listed in MCC 34.2630(S), (T), and (U), the Hearing Authority shall find that Multnomah County has:

(A) Identified reasonable build alternatives, such as alternative alignments, that are safe and can be constructed at a reasonable cost, not considering raw land costs, with available technology. The County need not consider alternatives that are inconsistent with applicable standards or not approved by a registered professional engineer.

(B) Assessed the effects of the identified alternatives on farm and forest practices, considering impacts to farm and forest lands, structures and facilities, considering the effects of traffic on the movement of farm and forest vehicles and equipment and considering the effects of access to parcels created on farm and forest lands.

(C) Selected from the identified alternatives, the one, or combination of identified alternatives that has the least impact on lands in the immediate vicinity devoted to farm or forest use.

Section 11. § 34.6700 is amended as follows:

§ 34.6700 Purposes

The purpose of the Large Fills section is to address the need for large fill sites in the unincorporated area of Multnomah County while protecting the rural character and natural resources of the County. These regulations are designed to:

(G) To be consistent with state rules which do not currently list large fill sites as a use in farm and forest resource zones; and

(H) To clarify that at the time of adoption of this ordinance (Ordinance 922, 1998), Multnomah County has not made the determination that the use of large fills would or would not be consistent with other uses allowed in the farm and forest zones due to the fact that they are not uses allowed under state rules; and

(I) To clarify that, at the time of adoption of this ordinance (Ordinance _____, 200), it has been determined by Multnomah County that fills associated with the construction of a State or County owned and maintained roads and bridges that are designated as a Rural Collector or Rural Arterial on the Functional Classification of Trafficways map shall not be a *Large Fill*, regardless of the quantity of fill material on a site. It is further determined that fills that are in conjunction with and part of approved transportation projects are an allowed use in the Exclusive Farm Use district under state rules.

FIRST READING:

May 6, 2004

SECOND READING AND ADOPTION:

May 13, 2004

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Sandra N. Duffy, Assistant County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1038

Amending MCC Chapter 34, Land Use Code, Sauvie Island/Multnomah Channel Rural Plan Area, to Add Certain Transportation Land Uses, Add a Definition of "Water-Dependent Use", and Amend the Definition of "Large Fill"

(Language ~~stricken~~ is deleted; double-underlined language is new.)

The Multnomah County Board of Commissioners Finds:

- a. Periodically there is a need to review and update Zoning Code provisions due to changing circumstances. Such a review of the Zoning Code for the Sauvie Island and Multnomah Channel Rural Plan Area has become necessary to allow for more options than currently exist in the Code for a potential replacement bridge connecting State Highway 30 with Sauvie Island over the Multnomah Channel. In addition, it is necessary to amend the Code to remove inadvertent and unanticipated regulatory obstacles to the potential approval of a replacement bridge. Those obstacles were not intentionally enacted and they have become recognized only after the structural integrity problems of the existing bridge became known.
- b. The Planning Commission has found that the amendments and additions to MCC Chapter 34 in this Ordinance are needed to provide for a future land use application for a replacement bridge to serve Sauvie Island. That determination was made after a public hearing was held on December 1, 2003 where all interested persons were given an opportunity to appear and be heard. Notice of the public hearing was sent to all property owners in the area subject to Multnomah County Zoning Code 34.
- c. The Planning Commission is authorized by Multnomah County Code subsection MCC 34.0140 and by ORS 215.110 to recommend to the Board of County Commissioners the adoption of Ordinances to implement the Multnomah County Comprehensive Plan.
- d. Under the State of Oregon land use planning program, land uses listed in County Zoning Codes, including transportation projects, are subject to the restrictions and standards of Statutes, Farm and Forest Administrative Rules, "Exception Lands" Rules, and Transportation Planning Rules. The changes to MCC Chapter 34 that are in this Ordinance closely follow those State requirements.
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(G) To be consistent with state rules which do not currently list large fill sites as a use in farm and forest resource zones; ~~and~~

(H) To clarify that at the time of adoption of this ordinance (Ordinance 922, 1998), Multnomah County has not made the determination that the use of large fills would or would not be consistent with other uses allowed in the farm and forest zones due to the fact that they are not uses allowed under state rules; and

(I) To clarify that, at the time of adoption of this ordinance (Ordinance 1038, 2004), it has been determined by Multnomah County that fills associated with the construction of a State or County owned and maintained roads and bridges that are designated as a Rural Collector or Rural Arterial on the Functional Classification of Trafficways map shall not be a Large Fill, regardless of the quantity of fill material on a site. It is further determined that fills that are in conjunction with and part of approved transportation projects are an allowed use in the Exclusive Farm Use district under state rules.

FIRST READING:

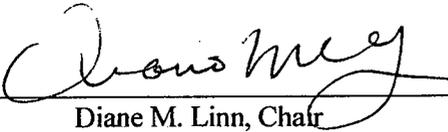
May 6, 2004

SECOND READING AND ADOPTION:

May 13, 2004



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

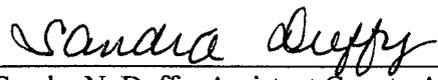


Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By



Sandra N. Duffy, Assistant County Attorney

AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:

Meeting Date: May 13, 2004

Agenda Item #: R-14

Est. Start Time: 10:06 AM

Date Submitted: 04/27/04

Requested Date: May 13, 2004

Time Requested: 5 minutes

Department: DBCS

Division: Land Use & Trans Program

Contact/s: Robert Maestre and Don Newell

Phone: 503 988-5050

Ext.: 29611

I/O Address: #425

Presenters: Don Hauskins and Joreen Kufahl

Agenda Title: Proclamation declaring the Week of May 16 through May 22, 2004, as National Public Works Week and recognizing the contributions of all Multnomah County Public Works Employees

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

- 1. What action are you requesting from the Board? What is the department/agency recommendation?**

The Department of Business and Community Services' Land Use and Transportation Program requests a reading of the Proclamation 2004 declaring the Week of May 16 through May 22, 2004, as National Public Works Week and adoption by Board.

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

The DBCS Land Use and Transportation Program annually recognizes the dedication and contributions of their public works employees to our community by a Proclamation presented to the Board of County Commissioners. The annual recognition corresponds with the American Public Works Association's National Public Works Week which this year is May 17-22, 2004. Several events to celebrate the accomplishments of public

works employees across the country are scheduled during that week in the nation's capital.

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

None

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

If a budget modification, explain:

- ❖ **What revenue is being changed and why?**
- ❖ **What budgets are increased/decreased?**
- ❖ **What do the changes accomplish?**
- ❖ **Do any personnel actions result from this budget modification? Explain.**

- ❖ **Is the revenue one-time-only in nature?**
- ❖ **If a grant, what period does the grant cover?**
- ❖ **When the grant expires, what are funding plans?**

NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)

If a contingency request, explain:

- ❖ **Why was the expenditure not included in the annual budget process?**

- ❖ **What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?**
- ❖ **Why are no other department/agency fund sources available?**
- ❖ **Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.**

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

If grant application/notice of intent, explain:

- ❖ **Who is the granting agency?**
- ❖ **Specify grant requirements and goals.**
- ❖ **Explain grant funding detail – is this a one time only or long term commitment?**
- ❖ **What are the estimated filing timelines?**
- ❖ **If a grant, what period does the grant cover?**
- ❖ **When the grant expires, what are funding plans?**
- ❖ **How will the county indirect and departmental overhead costs be covered?**

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

None

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

None.

Required Signatures:

Department/Agency Director: Robert A Maestre

Date: 04/27/04

Budget Analyst

By: _____

Date:

Dept/Countywide HR

By: _____

Date:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

PROCLAMATION NO. _____

Declaring the Week of May 17 through May 22, 2004, as National Public Works Week and Recognizing the Contributions of All Multnomah County Public Works Employees

The Multnomah County Board of Commissioners Finds:

- a. The public works services provided in Multnomah County are an integral part of the everyday lives of its citizens.
- b. The support of an understanding and informed citizenry is vital to the efficient operation of public works systems, programs, and facilities, such as streets, highways, bridges, emergency management, animal control, and public buildings.
- c. It is vital that the citizens of Multnomah County recognize and appreciate the importance of the public works infrastructure and the value of public works built and maintained in Multnomah County.
- d. The quality and effectiveness of public works projects and services enjoyed by citizens of Multnomah County are dependent upon the efforts and skills of the Public Works Employees.

The Multnomah County Board of Commissioners Proclaims:

The week of May 17 through 22, 2004, as "**NATIONAL PUBLIC WORKS WEEK**," with the 2004 theme "**24/7 - Focused on Our Community**," and calls upon the citizens of our community to recognize the contributions that all Public Works Employees make every day to our health, safety, comfort, environmental quality, and economic prosperity.

ADOPTED this 13th day of May, 2004.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane Linn, Chair

KRAMER Cathey M

From: BOGSTAD Deborah L
Sent: Tuesday, April 27, 2004 10:15 AM
To: #AGENDA REVIEW TEAM
Cc: KRAMER Cathey M; MAESTRE Robert A; NEWELL Don M
Subject: FW: Board Item
Importance: High

Agenda Review Team, see email below and respond to all if their request for expedited agenda submission is approved by you per the Chair established Admin Procedures. Thank you.

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

From: KRAMER Cathey M
Sent: Tuesday, April 27, 2004 10:11 AM
To: BOGSTAD Deborah L
Subject: Board Item
Importance: High



Deb, I understand items can be expedited on the Board Agenda by the Department Director or Deputy Director. Robert Maestre is sponsoring the Proclamation Declaring May 17-22, 2004 National Public Works Week with a request for placement on the May 13th Agenda. I have the Proclamation document (which does not require review/signature by the County Attorney) and an APR signed by Robert Maestre. I am not sure if there is any additional protocol involved in expediting an item on the Agenda.

Don Newell states that it only requires a reading and a signature. Don says there will be public works/LUT employees in attendance. If the usual Proclamation protocol is for the document to be presented to a representative after the Chair signs, Don will designate an employee to receive it.

Please advise me if you need additional information or there are other procedures to follow.

Thank you.

Cathey Kramer
LUT/Operations Supervisor
(503) 988-5050 x22589

KRAMER Cathey M

From: BOGSTAD Deborah L
Sent: Wednesday, April 28, 2004 4:10 PM
To: KRAMER Cathey M
Subject: RE: Board Item



Okay – I'll have the Chair sign 3 for you on the 13th. Thank 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
<http://www.co.multnomah.or.us/cc/index.shtml>

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

From: KRAMER Cathey M
Sent: Wednesday, April 28, 2004 3:58 PM
To: BOGSTAD Deborah L
Cc: HAUSKINS Don E
Subject: RE: Board Item

Yes, if we had two or three, we would have one for Central Files. Thanks for your help. Cathey

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

From: BOGSTAD Deborah L
Sent: Wednesday, April 28, 2004 3:55 PM
To: KRAMER Cathey M
Cc: HAUSKINS Don E
Subject: RE: Board Item

Great. Thank you. Would you like more than one original?

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
<http://www.co.multnomah.or.us/cc/index.shtml>

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

From: KRAMER Cathey M
Sent: Wednesday, April 28, 2004 3:51 PM
To: BOGSTAD Deborah L
Cc: HAUSKINS Don E
Subject: RE: Board Item

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

PROCLAMATION NO. _____

Declaring the Week of May 17 through May 22, 2004, as National Public Works Week and Recognizing the Contributions of all Multnomah County Public Works Employees.

The Multnomah County Board of Commissioners Finds:

- a. The public works services provided in Multnomah County are an integral part of the everyday lives of its citizens; and
- b. The support of an understanding and informed citizenry is vital to the efficient operation of public works systems, programs, and facilities, such as streets, highways, bridges, emergency management, animal control, and public buildings; and
- c. It is vital that the citizens of Multnomah County recognize and appreciate the importance of the public works infrastructure and the value of public works built and maintained in Multnomah County; and
- d. The quality and effectiveness of public works projects and services enjoyed by citizens of Multnomah County are dependent upon the efforts and skills of the Public Works Employees; and

The Multnomah County Board of Commissioners Proclaims:

The week of May 17 through 22, 2004, as "**NATIONAL PUBLIC WORKS WEEK**," with the 2004 theme "**24/7 - Focused on Our Community**," and calls upon the citizens of our community to recognize the contributions that all Public Works Employees make every day to our health, safety, comfort, environmental quality, and economic prosperity.

ADOPTED this 13th day of May, 2004.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane Linn, Chair

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

PROCLAMATION NO. 04-062

Declaring the Week of May 17 through May 22, 2004, as National Public Works Week and Recognizing the Contributions of All Multnomah County Public Works Employees

The Multnomah County Board of Commissioners Finds:

- a. The public works services provided in Multnomah County are an integral part of the everyday lives of its citizens.
- b. The support of an understanding and informed citizenry is vital to the efficient operation of public works systems, programs, and facilities, such as streets, highways, bridges, emergency management, animal control, and public buildings.
- c. It is vital that the citizens of Multnomah County recognize and appreciate the importance of the public works infrastructure and the value of public works built and maintained in Multnomah County.
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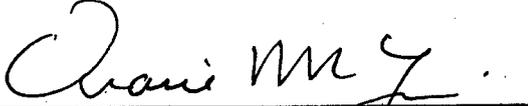
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ADOPTED this 13th day of May, 2004.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Diane Linn, Chair

AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:

Meeting Date: May 13, 2004

Agenda Item #: R-15

Est. Start Time: 10:10 AM

Date Submitted: 04/28/04

Requested Date: May 13, 2004

Time Requested: 5 minutes

Department: DBCS

Division: Facilities and Property Mgmt

Contact/s: Doug Butler, Wanda Yantis

Phone: 503-988-3322

Ext.: 84242

I/O Address: 274 / FPM

Presenters: Doug Butler, Greg Herlean

Agenda Title: RESOLUTION Approving a Lease of Property located at 4610 SE Belmont Street, Portland, Oregon, 97215 from American Property Management Corporation, as Agent for Weston Investment Company, LLC, for the Department of County Human Services, Aging and Disability Services

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

1. What action are you requesting from the Board? What is the department/agency recommendation?

The Department of Business and Community Services requests this Resolution be considered under an "expedited process" and allow an exception to the normal Agenda Placement Request timeline. An exception is requested because: 1) The process for negotiating and preparing this Lease Amendment has been extensive; 2) The County's lease of this property expired on December 31, 2003; and 3) The Landlord Agent requires a signed Lease Amendment and at least 90 days to make needed tenant improvements. This Agenda Placement Request, the Resolution, and the prepared Lease Amendment are being submitted to the Agenda Review Team requesting an exception to the normal Agenda Placement Request timeline and an expedited review process.

The Department of Business and Community Services, Facilities and Property Management Division, recommends adoption of the Resolution.

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

Multnomah County has leased the property located at 4610 SE Belmont Street, Portland, Oregon, known as Tabor Square, for the past ten years. Multnomah County and American Property Management Corporation, (APM), as agent for and on behalf of Weston Investment Company, LLC, signed a property Lease Agreement, dated July 8, 1993, and First Amendment to Lease, dated June 24, 1997.

The Department of County Human Services Aging and Disability Services, (DCHS-ADS), and its predecessors, have occupied Tabor Square for the full ten year lease term. DCHS-ADS has used Tabor Square for a Senior Services Center which includes County programs, non-governmental partners and a complete Loaves & Fishes kitchen and dining area. DCHS-ADS states this is a good location for its Senior Services Center and directed Facilities and Property Management Division, (FPM), to negotiate with APM for a five year Lease Extension for Tabor Square.

FPM negotiated with APM for lease terms and tenant improvements which meet the requirements of DCHS-ADS. APM, as agent for the Landlord of the property known as Tabor Square, wishes to continue the Lease with Multnomah County, as Tenant, and has offered to modify the existing Lease by a Second Amendment to Lease to extend the Lease Term for five years to December 31, 2008, and to provide tenant improvements to meet DCHS-ADS requirements. DCHS-ADS has reviewed the proposed Second Amendment to Lease and finds the Lease Amendment acceptable and that it meets their requirements.

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

The proposed Second Amendment to Lease states the Lessor, APM, shall provide the tenant improvements at the Lessor's sole expense. The proposed Second Amendment to Lease provides for the initial base rent for the new term shall be at the same rate as the end of the expired Lease with annual rental adjustments in August of each year based upon the CPI, not to exceed 5%. Due to the proposed Lease Amendment rent payment structure, current County tenant facility budgets should be sufficient for FY03-04. For future fiscal years, DCHS-ADS will need to budget additional funds for leased facility costs.

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

If a budget modification, explain: NONE REQUIRED

- ❖ **What revenue is being changed and why?**
- ❖ **What budgets are increased/decreased?**
- ❖ **What do the changes accomplish?**
- ❖ **Do any personnel actions result from this budget modification? Explain.**
- ❖ **Is the revenue one-time-only in nature?**
- ❖ **If a grant, what period does the grant cover?**
- ❖ **When the grant expires, what are funding plans?**

NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)

If a contingency request, explain: NONE REQUIRED

- ❖ Why was the expenditure not included in the annual budget process?
- ❖ What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?
- ❖ Why are no other department/agency fund sources available?
- ❖ Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.
- ❖ Has this request been made before? When? What was the outcome?

If grant application/notice of intent, explain: NONE REQUIRED

- ❖ Who is the granting agency?
- ❖ Specify grant requirements and goals.
- ❖ Explain grant funding detail – is this a one time only or long term commitment?
- ❖ What are the estimated filing timelines?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?
- ❖ How will the county indirect and departmental overhead costs be covered?

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

NONE known at this time.

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

NONE has been required.

Required Signatures:

DBCS Department Director:

By:  _____

Date: 04/28/04

Budget Analyst

By:  _____

Date: 04/28/04

Dept/Countywide HR

By: Not Required for this Resolution

Date: _____

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Approving A Lease Of Property Located At 4610 SE Belmont Street, Portland, Oregon, 97215, From American Property Management Corporation, As Agent For Weston Investment Company, LLC, For The Department Of County Human Services, Aging And Disability Services.

The Multnomah County Board of Commissioners Finds:

- a. Property located at 4610 SE Belmont Street, Portland, Oregon, 97215, (Property) has been identified as being necessary for use by the Department of County Human Services for Aging and Disability Services.
- b. The attached lease has been negotiated with the agent for the owner of the property.
- c. It is in the best interests of the County to lease the Property on the terms and conditions set forth in the attached lease.

The Multnomah County Board of Commissioners Resolves:

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

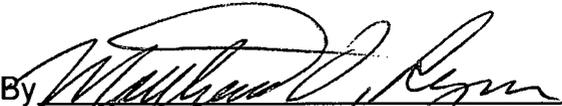
ADOPTED this 13th day of May 2004.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 04-063

Approving a Lease of Property Located at 4610 SE Belmont Street, Portland, Oregon, 97215, from American Property Management Corporation, as Agent for Weston Investment Company, LLC, for the Department of County Human Services, Aging and Disability Services

The Multnomah County Board of Commissioners Finds:

- a. Property located at 4610 SE Belmont Street, Portland, Oregon, 97215, (Property) has been identified as being necessary for use by the Department of County Human Services for Aging and Disability Services.
- b. The attached lease has been negotiated with the agent for the owner of the property.
- c. It is in the best interests of the County to lease the Property on the terms and conditions set forth in the attached lease.

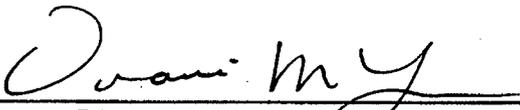
The Multnomah County Board of Commissioners Resolves:

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

ADOPTED this 13th day of May 2004.

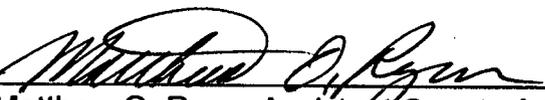


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney



AMERICAN PROPERTY MANAGEMENT CORP.

2154 N.E. Broadway Portland, Oregon 97232
Mailing Address: P.O. Box 12127, Portland, Oregon 97212
Phone 503-281-7779 Fax 503-460-2616

SECOND AMENDMENT TO LEASE LEASE EXTENSION

April 21, 2004

AMERICAN PROPERTY MANAGEMENT Account #C-01-285-6688-02
MULTNOMAH COUNTY Lease # L-04 / Building # B-409

It is mutually agreed that the Lease Agreement dated July 9, 1993 and the First Amendment to Lease, dated June 24, 1997, ("collectively the "LEASE"), between AMERICAN PROPERTY MANAGEMENT CORP. as agent for and on behalf of WESTON INVESTMENT CO., L.L.C. ("LESSOR"), and Multnomah County Oregon, a political subdivision of the State of Oregon ("LESSEE"), for 4610 SE Belmont Street, consisting of approximately 26,984 rentable square feet ("Premises") in the Tabor Square Office Building located at 4610 SE Belmont Street, Portland, Oregon 97215 ("Building") is hereby modified as follows:

If any provisions contained in this Second Amendment to Lease are inconsistent with any other provisions of the LEASE, the provisions contained in this Second Amendment to Lease shall control.

Article 1: LEASE TERM

Page One of the LEASE shall be amended with the addition of the following:

Commencing January 1, 2004 the Lease term shall be extended for a period of five (5) years and shall terminate December 31, 2008 ("Extension Term").

Article 2: INITIAL BASE RENTAL

Page One of the LEASE shall be amended with the addition of the following:

Commencing January 1, 2004 the initial base rental for the Extension Term shall be \$27,115.46 per month.

The LESSEE shall submit with this signed Second Amendment to Lease, the base rent for the first month of the Extension Term equal to \$27,115.46.

Article 3: REPAIRS AND IMPROVEMENTS

Section 6.1 of the LEASE, "Repairs and Improvements," shall be amended with the addition of the following:

6.1(a) For Building operations, maintenance, and repairs, LESSEE shall provide notice under this Section to LESSOR'S Commercial Property Manager ("LCPM"). For purposes of this Section, LESSEE shall designate one individual employee to be the LESSEE'S Facility Property Manager, ("FPM"), and shall provide LESSOR with the

name of the FPM. LESSEE reserves the right to designate another FPM if the original FPM is reassigned or leaves LESSEE'S employ. In the event the designated FPM is unavailable, LESSEE reserves the right to assign another FPM as contact.

6.1(b) HVAC seasonal adjustments and other HVAC system repair and maintenance shall be performed by LESSOR at LESSOR'S sole cost, as needed after LESSEE'S FPM contacts LESSOR'S LCPM. The LCPM shall respond at the Premises by the next business day after receipt of notice by the FPM during business hours. For purposes of this Section receipt of notice shall be established by confirmation by LESSEE that notice sent was received at LESSOR'S Fax Number or personal delivery to LESSOR. Business days and hours for HVAC system issues shall be defined as Monday at 8:00am through Friday at 5:00pm (except holidays). After assessing the situation the LCPM will prepare a work order for the LESSOR'S service department, who will perform the work order within three (3) business days, provided the necessary parts are readily available.

6.1(c) Notwithstanding anything provided herein to the contrary, if the HVAC, Mechanical, Plumbing, Electrical, or other necessary system or major component or equipment thereof fails or is non-operational, LESSOR'S LCPM and service department shall respond within the same day of LESSEE'S notice if possible, if not possible no later than the next business day from receipt of notice. LESSOR shall use its best efforts to immediately assess repairs necessary and commence and complete repairs with all deliberate speed

Article 4: PARKING

Section 21.1 of the LEASE, "Parking", shall be replaced with the following:

LESSEE shall have the use of the following parking spaces:

Tabor Square Satellite Lot:

The 43 exclusive regular spaces on a portion of the off-site satellite parking lot located approximately one block west of the building on SE Belmont Avenue and SE 43rd; as shown on the original LEASE Exhibit B-1,

Tabor Square On-Site East Lot:

The eight (8) exclusive spaces in the east parking lot adjacent to the building; as shown on the original LEASE Exhibit B-2

Tabor Square On-Site South Lot:

The 13 exclusive spaces in the parking lot directly behind the building; as shown on the original LEASE Exhibit B-3,

The six (6) non-exclusive spaces rented month to month by the LESSOR for the exclusive use of the LESSEE. In the event the LESSOR'S month to month lease for the six parking spaces is terminated, the LESSOR shall reduce the LESSEE'S rental obligation in an amount consistent with the LESSOR'S actual cost to rent the lost parking spaces. The four (4) non-exclusive spaces, as of January 1, 2004, should be available on a first come, first serve basis as shown on the original LEASE Exhibit B-3 and the attached Exhibit B-4. In the event of a dispute with the adjacent property owner, LESSOR will do everything possible to assure LESSEE use of said four non-exclusive spaces.

The LESSEE shall be allowed to re-stripe the exclusive parking spaces to meet LESSEE'S needs with LESSOR'S consent in writing, which shall not unreasonably be withheld.

Article 5: RENTAL ADJUSTMENT

Section 29.1 of the LEASE, "Rental Adjustment", shall be replaced with the following:

The percentage increase in the yearly Consumer Price Index for U.S. City average (all urban consumer), as of May 2003 and the same Consumer Price Index May 2004, and on the same month of each year of the LEASE term thereafter. Such information will be secured from the U.S. Bureau of Labor Statistics. Base rent will be increased by the annual Consumer Price Index increase, not to exceed 5%, on every Rental Adjustment Date (30.1) thereafter during the five (5) year extension term.

Article 6: RENTAL ADJUSTMENT DATES

Section 30.1 of the LEASE, "Rental Adjustment Dates", shall be amended with the following:

The rental adjustment dates will be:

- August 1, 2004
- August 1, 2005
- August 1, 2006
- August 1, 2007
- August 1, 2008

Article 7: INTERIOR DESIGN & MODIFICATION

Section 34.1 of the LEASE, "Interior Design & Modification", and Section 40.1 of the LEASE, "LESSOR Agreed Tenant Improvements", shall be amended with the following:

See Exhibit "D-1," "D-2," and "D-3" Floor Plan and Exhibit "E-1" Interior Space Work Agreement, incorporated herein by reference.

The LESSOR shall provide the Tenant Improvements as described in Exhibits "D-1", "D-2", "D-3", and "E-1" at the LESSOR'S sole expense. The LESSOR shall be responsible for coordinating the tenant improvements after receiving prior written notice from LESSEE no later than twelve (12) months after the Commencement Date. If written notice is not received by December 31, 2004, this Article 7 will become null and void and of no further cause or effect. The LESSEE'S contact person for scheduling tenant improvements is the FPM. If LESSOR arrives to perform tenant improvements on a mutually agreed date and LESSEE is unable to proceed at such time, the LESSOR shall have the option to reschedule at least thirty (30) days out and charge LESSEE a \$150.00 rescheduling fee.

If any provisions contained in this Exhibit "E-1" Interior Space Work Agreement are inconsistent with any other provisions contained in this LEASE, the provisions contained in this Exhibit "E-1" Interior Space Work Agreement shall control.

Exhibit "G" Wheelchair Access G1/G2

Article 8: JANITORIAL SPECIFICATIONS

The LEASE shall be amended by the addition of the following as Subsection 5.1(b):
Janitorial specifications are attached as Exhibit "H."

Article 9: ICE SNOW AND DEBRIS REMOVAL

The Lease shall be amended by the addition of the following as 5.1(c) :

LESSOR will be responsible for the removal of ice, snow or other debris from the areas identified in the attached Exhibit "I" as the debris removal area. In addition, LESSOR shall be responsible for the removal of ice, and snow from the Parking Lots identified in Article 4 of this Amendment and in Exhibits "B" in the same manner as described above, except LESSEE shall reimburse LESSOR for the reasonable costs incurred. LESSOR shall be responsible for the regular maintenance, including the removal of debris from the Parking Lots identified in Article 4 of this Amendment and in Exhibits "B."

LESSOR will maintain a first response automatic deployment contract with a snow and ice control company through the LEASE term.

Article 10: EXPIRATION OF OFFER

This offer to extend LESSEE'S LEASE shall expire at the sole option of the LESSOR if this Second Amendment to Lease is not signed by the LESSEE and delivered to the LESSOR with no changes and accompanied by appropriate pre-paid monies by May 14, 2004.

The signing of this Second Amendment to Lease by the parties hereto constitutes a Lease between them incorporating all of the terms and conditions contained in the original LEASE heretofore made between LESSEE and LESSOR, or LESSOR'S predecessor in interest, except as modified by the terms of this Second Amendment to Lease. If any provisions contained in this Second Amendment to Lease are inconsistent with any other provisions of the original LEASE, the provisions in this Second Amendment to Lease shall control. This Second Amendment to Lease is to be attached to the original LEASE, which is to be deemed a part of it. This Second Amendment to Lease shall not be binding at the sole option of the LESSOR if, as of the commencement date of the Extension Term herein, the LESSEE is in default under any of the provisions of the original LEASE above described.

Article 11: CONFIDENTIALITY OF BUSINESS INFORMATION

LESSOR and LESSEE acknowledge that LESSEE'S permitted use of the Premises may include the creation, management, and retention of business information of a personal or confidential nature and that the unauthorized acquisition or disclosure of such information may be grounds for civil and/or criminal liability. LESSOR and LESSEE, for themselves, their agents, employees and contractors, agree that, subject to the Oregon Public Records Law, ORS chapter 192, they will refrain from any action that reasonably would be deemed to jeopardize the confidentiality of business information of the other party or to expose such information to disclosure, whether such information has been identified to the other party as confidential or otherwise, and will reasonably cooperate with each other to affirmatively protect the confidentiality of all information so designated as confidential or otherwise of a sensitive nature. LESSOR and LESSEE acknowledge and agree that violation of the provisions of this section, except when required under the Public Records Law, may constitute a material breach of the LEASE, for which the non-violating party may terminate the LEASE and for which additional remedies may also be available.

Article 12: WAIVER OF SUBROGATION

Neither LESSOR nor LESSEE shall be liable to the other for any loss arising out of damage to or destruction of the Leased Premises or the Facility or the contents thereof, when such loss is caused by any of the perils which are or could be included within or insured against by a standard form of fire insurance with extended coverage. All such claims against one another for any and all loss, however caused, hereby are waived. Said absence of liability shall exist whether or not the damage or destruction is caused by the negligence of either LESSOR or LESSEE or by any of its respective agents, servants, or employees. Each party shall fully provide its own property damage insurance protection at its own expense, and each party shall look to its respective insurance carriers for reimbursement of any such loss, and further, the insurance carriers involved shall not be entitled to subrogation under any circumstance.

Article 13: TENANT IMPROVEMENTS

The attached Exhibit "E-1" provides specifications and plans for various improvements to the Premises. Notwithstanding Section 39.1 LESSOR shall be responsible for the costs of the identified repairs and renovations detailed in Exhibit "E-1", unless otherwise provided therein.

Article 14: ATTACHMENTS INCLUDED

This Second Amendment to Lease shall include all of the following attachments hereby incorporated by this reference:

Exhibit "B-4" Tabor Square On-Site South Parking Lot
Exhibit "D-1" First Floor Plan
Exhibit "D-2" Second Floor Plan
Exhibit "D-3" Lower Level Floor Plan
Exhibit "E-1" Interior Space Work Agreement
Exhibit "G-1" Wheel Chair Lift
Exhibit "G-2" Wheel Chair Lift
Exhibit "H" Janitorial Specifications
Exhibit "T" Ice and Snow Removal

IN WITNESS WHEREOF, the respective parties have executed this instrument in duplicate on this, the day, the month, and the year herein below written, any corporation signature being by authority of its Board of Directors.

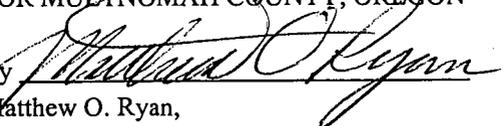
LESSOR:
AMERICAN PROPERTY MANAGEMENT CORP.
as agent for and on behalf of
WESTON INVESTMENT CO., L.L.C.

By: _____
Douglas D. Lindholm
Vice President of Commercial Property
Date: _____

LESSEE:
Multnomah County Oregon,
a political subdivision of the State of Oregon

By: 
Diane M. Linn
County Chair
Date: 5.13.04

REVIEWED:
AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By: 
Matthew O. Ryan,
Assistant County Attorney

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-15 DATE 05.13.04
DEBORAH L. BOGSTAD, BOARD CLERK

EXHIBIT "B-4" TABOR SQUARE ON-SITE SOUTH LOT

Multnomah County Oregon, a political subdivision of the State of Oregon
Tabor Square Building located at 4610 SE Belmont Street, Portland, Oregon 97215
Account #C-01-285-6688-02

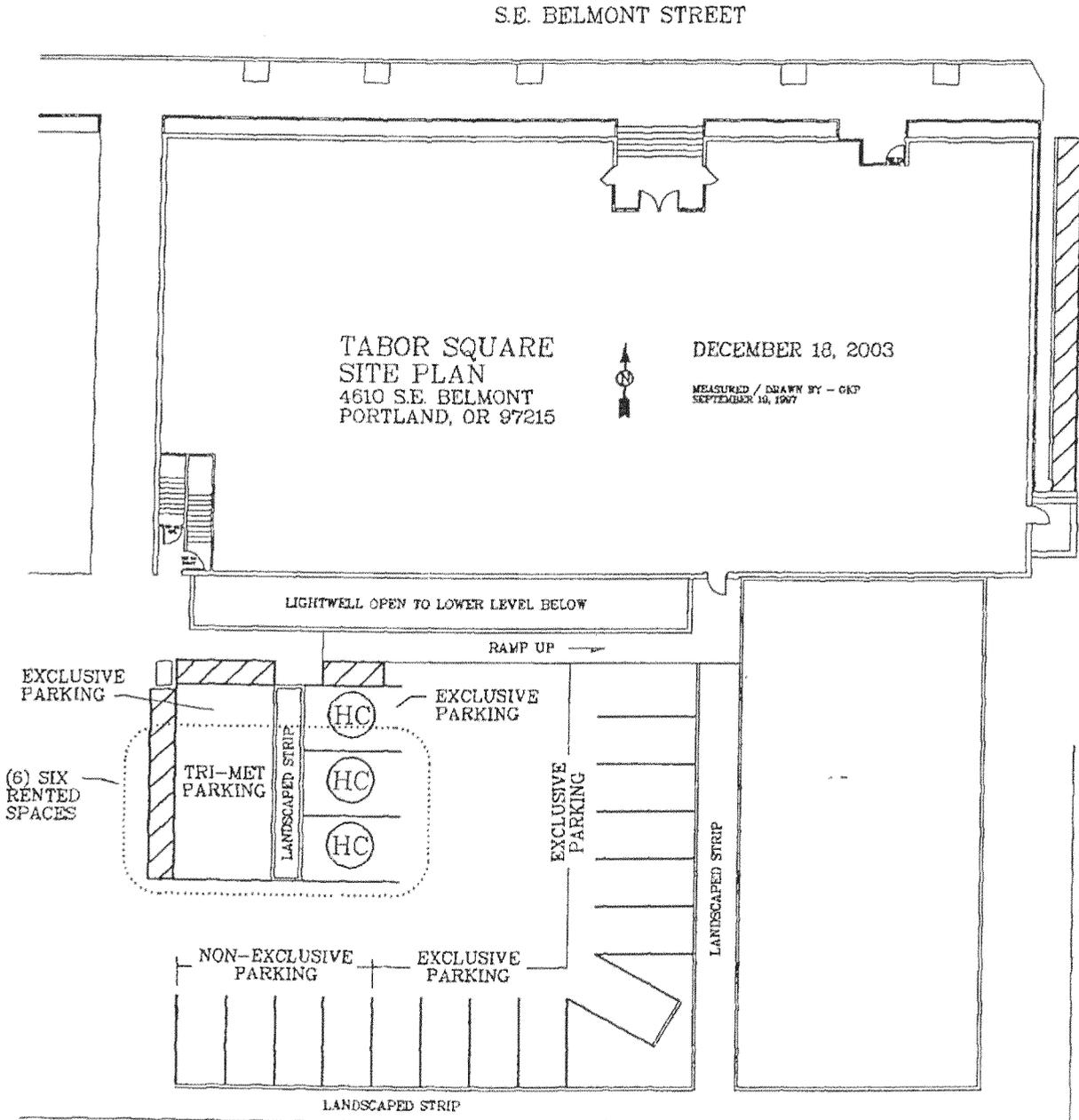
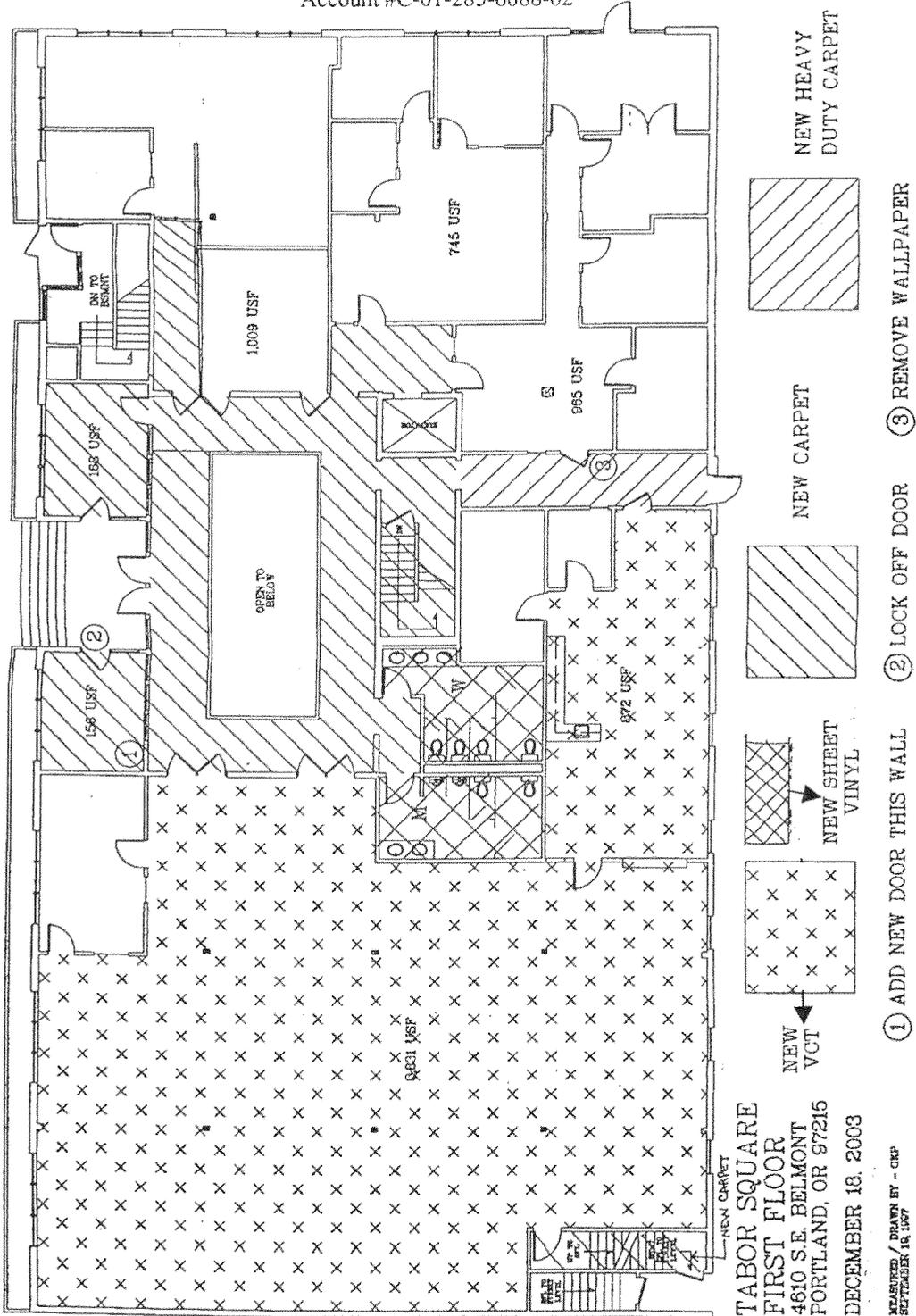


EXHIBIT "D-1" FIRST FLOOR PLAN

Multnomah County Oregon, a political subdivision of the State of Oregon
 Tabor Square Building located at 4610 SE Belmont Street, Portland, Oregon 97215
 Account #C-01-285-6688-02

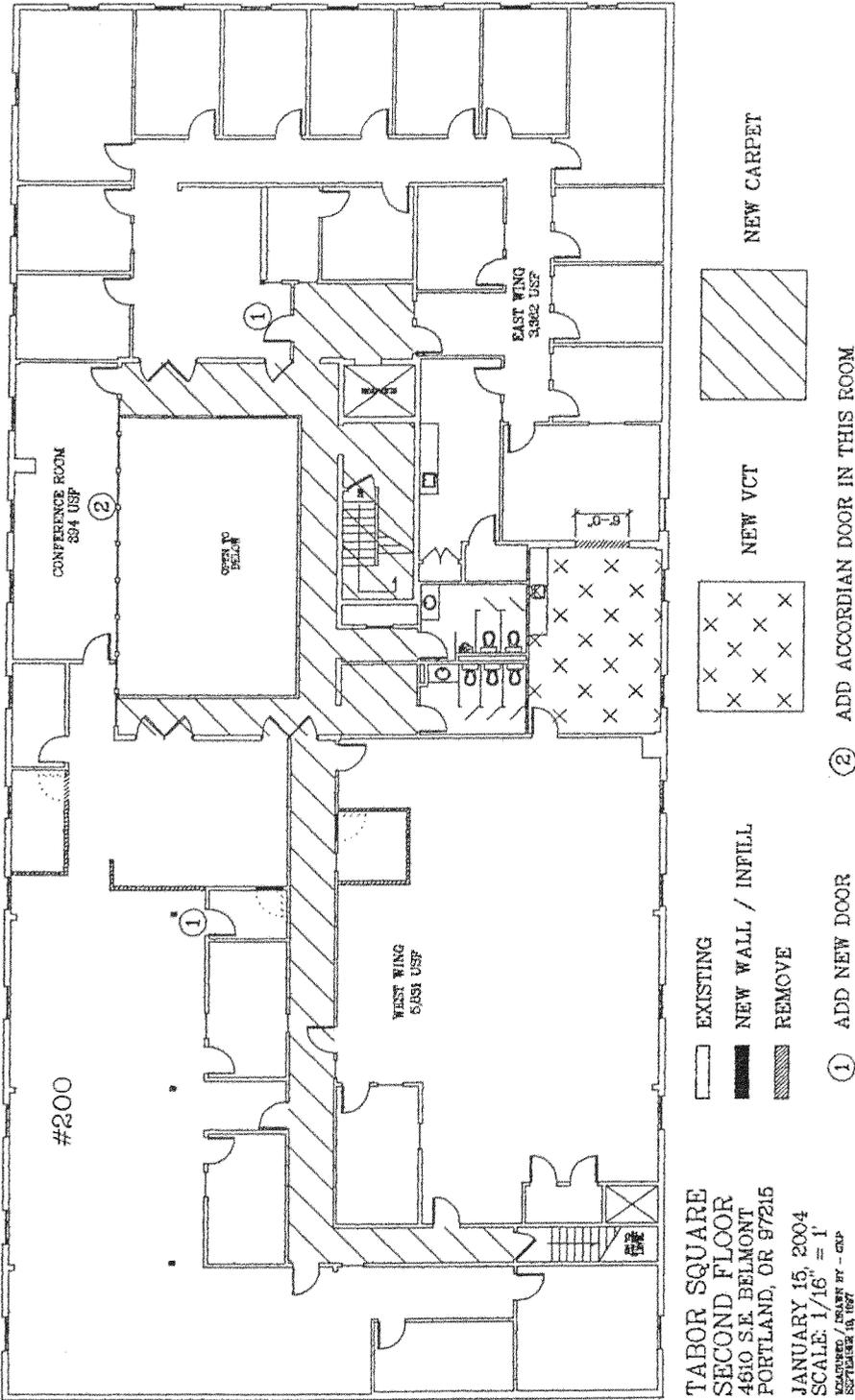


Any changes to this Exhibit "D-1" Floor Plan are subject to LESSOR'S approval. Any changes to this plan shall be at LESSEE'S sole cost and expense, shall not delay the Commencement Date, and may delay LESSEE'S occupancy.

If any provision contained in Exhibit "E-1" Interior Space Work Agreement is inconsistent with any other provision contained in this LEASE, the provisions contained in Exhibit "E-1" Interior Space Work Agreement shall control.

EXHIBIT "D-2" SECOND FLOOR PLAN

Multnomah County Oregon, a political subdivision of the State of Oregon
 Tabor Square Building located at 4610 SE Belmont Street, Portland, Oregon 97215
 Account #C-01-285-6688-02

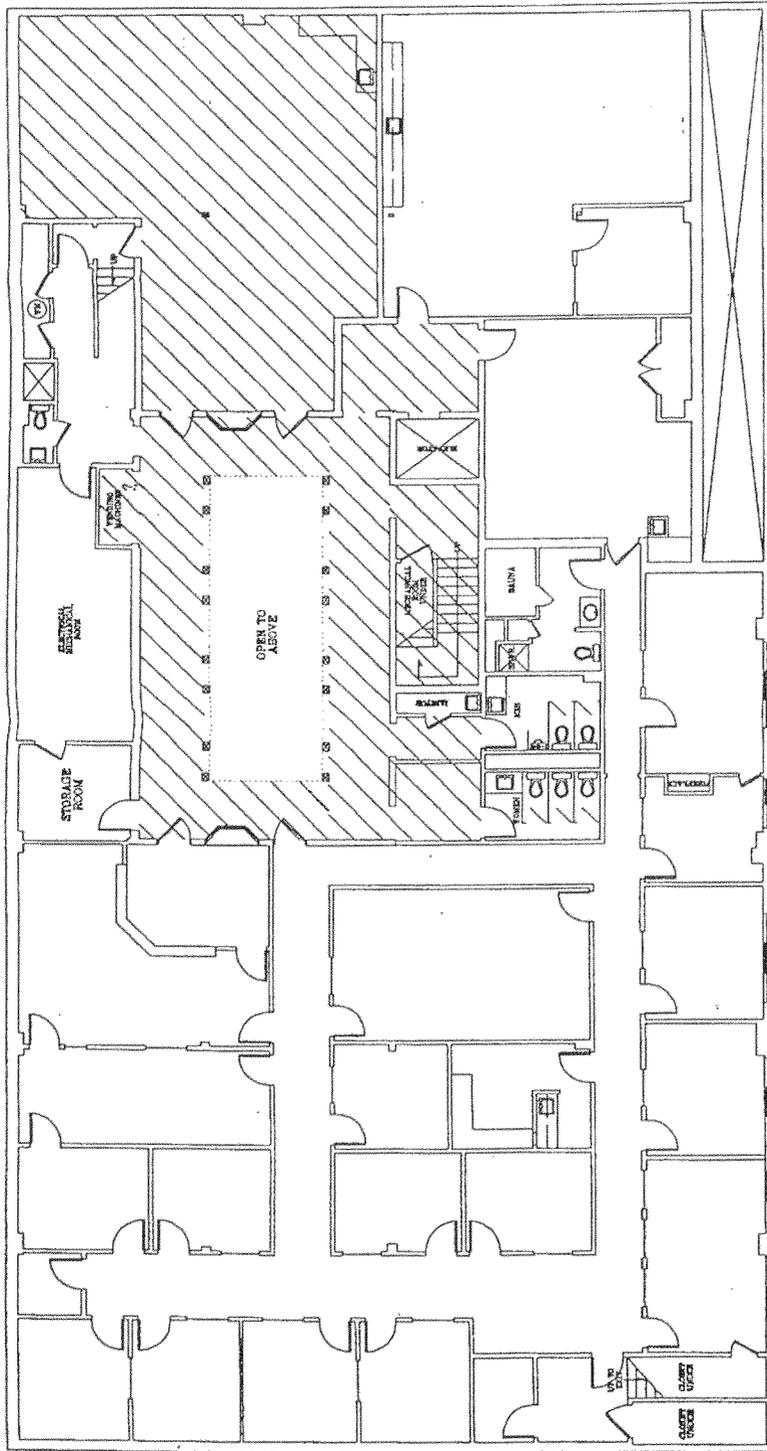


Any changes to this Exhibit "D-2" Floor Plan are subject to LESSOR'S approval. Any changes to this plan shall be at LESSEE'S sole cost and expense, shall not delay the Commencement Date, and may delay LESSEE'S occupancy.

If any provision contained in Exhibit "E-1" Interior Space Work Agreement is inconsistent with any other provision contained in this LEASE, the provisions contained in Exhibit "E-1" Interior Space Work Agreement shall control.

EXHIBIT "D-3" LOWER LEVEL FLOOR PLAN

Multnomah County Oregon, a political subdivision of the State of Oregon
 Tabor Square Building located at 4610 SE Belmont Street, Portland, Oregon 97215
 Account #C-01-285-6688-02



TABOR SQUARE
 LOWER LEVEL
 4610 S.E. BELMONT
 PORTLAND, OR 97215
 DECEMBER 18, 2003
 SCALE: 1" = 10'
 MEASURED / DRAWN BY - GCF
 SEPTEMBER 16, 1997

Any changes to this Exhibit "D-3" Space Plan are subject to LESSOR'S approval. Any changes to this plan shall be at LESSEE'S sole cost and expense, shall not delay the Commencement Date, and may delay LESSEE'S occupancy.

If any provision contained in Exhibit "E-1" Interior Space Work Agreement is inconsistent with any other provision contained in this LEASE, the provisions contained in Exhibit "E-1" Interior Space Work Agreement shall control.

EXHIBIT "E-1" INTERIOR SPACE WORK AGREEMENT (page 1 of 4)

Multnomah County Oregon, a political subdivision of the State of Oregon
Tabor Square Building located at 4610 SE Belmont Street, Portland, Oregon 97215
Account #C-01 -285-6688-02

<u>ITEM</u>	<u>ACCEPTED AS-IS</u>	<u>AGREED IMPROVEMENTS</u>	<u>LESSOR EXPENSE</u>
-------------	---------------------------	--------------------------------	---------------------------

FLOORCOVERING: X

All existing carpet in the areas identified in Exhibits "D-1," "D-2," and "D-3." will be replaced with a carpet upgrade from the normal building standard as per the specifications agreed between the parties.. " It is agreed the areas to receive new carpet include the stairways that are currently carpeted, and the large lower level meeting room in the northeast corner, and the two rooms adjacent to the front entry, and the second floor west hall to west fire exit. The hallway from the rear entrance to the central stairway will receive a more durable walk off carpet. The lower level floor tiles will remain as is. See Exhibits "D-1," "D-2," and "D-3." The carpet replacement work will be scheduled immediately after a renewal agreement is fully executed. Carpet shall be loop-pile, building standard, commercial grade, direct glue-down with no pad. LESSOR will provide carpet samples LESSEE: has chosen the following: Carpet: "Picket Fence" and Cove Base: "Royal Purple"

All heavy traffic carpet not replaced shall be shampooed. The LESSOR will shampoo the heavy traffic portions of the carpet in the Building every 24 months upon request by the LESSEE. .

LESSOR will repair the "lumpy" floors within the areas where the carpet is replaced prior to laying the new carpet. The lumpy floor identified in other areas will remain as is except 1) In the southwest wing of the second floor where the existing carpet will be lifted in one area along an internal circulation path between furniture partitions. 2) The second floor and lower level meeting and conference rooms in specific lumpy areas identified by LESSEE.

RESTROOMS: X

LESSOR warrants that the first level restrooms, referenced in Exhibit "D-1," are in compliance with all applicable local, State, and Federal compliance requirements and regulations including the American With Disabilities Act (ADA). The restrooms will be renovated to include:

1. Install new vinyl flooring. Color selected by LESSEE: Vinyl Floor: Azrock #V-788 "Flurry" and Cove Base: "Royal Purple"
2. Install new plastic laminate countertop. Color selected by LESSEE: Wilsonart #4630-60 "Cloud Nebula"
3. Install new metal toilet partitions.
4. Repaint existing walls to match existing color. See "New Paint".
5. Install grab bars.

Provided the second floor restrooms, referenced in Exhibit "D-2", are not necessary to be accessible as public restrooms, LESSOR shall remove one toilet fixture in each restroom in order to provide an ADA sized stall and renovate to include items 1-6 below. Otherwise, LESSOR shall bring the second floor restrooms, referenced in Exhibit "D-2," in compliance with all applicable local, State, and Federal compliance requirements and regulations including the ADA, with the understanding that each restroom will have one less toilet. The restrooms will be renovated to include:

1. Install new plastic laminate countertop. Color selected by LESSEE: Wilsonart #4624-60 "Beige Nebula"
2. Install new metal toilet partitions.
3. Repaint existing walls to match existing color. See "New Paint".
4. Remaining toilet fixtures to remain.
5. Install grab bars.

EXHIBIT "E-I" INTERIOR SPACE WORK AGREEMENT (page 2 of 4)

Multnomah County Oregon, a political subdivision of the State of Oregon
Tabor Square Building located at 4610 SE Belmont Street, Portland, Oregon 97215
Account #C-01 -285-6688-02

<u>ITEM</u>	<u>ACCEPTED AS-IS</u>	<u>AGREED IMPROVEMENTS</u>	<u>LESSOR EXPENSE</u>
-------------	---------------------------	--------------------------------	---------------------------

RESTROOMS, continued: **X**

6. The floor will be repaired where partitions are removed. Floor and wall tiles will be replaced as necessary. These restrooms are currently marked "staff only."

The lower level restrooms, referenced in Exhibit "D-3," will be renovated to include:

1. Install new plastic laminate countertop. Color selected by LESSEE: Wilsonart #4624-60 "Beige Nebula"
2. Install new metal toilet partitions.
3. Repaint existing walls to match existing color. : See "New Paint".
4. Floor tile to remain.
5. Existing toilet fixtures to remain.

The third "extra" restroom on the lower level, referenced in Exhibit "D-3", shall be identified as a unisex restroom and renovated to include:

1. Grab bars will be provided in order to accommodate wheelchair visitors.
2. Repaint the existing walls to match existing color. See "New Paint".
3. The sauna and shower will remain. No other improvements will be made.

FRONT ENTRANCE: **X**

LESSOR shall reconfigure the easterly Building entrance off Belmont Street to provide a disabled lift/elevator access to the Building's first floor in compliance with all applicable local, State, Federal requirements including ADA for that type of disabled access. The entrance/access will shall be built to standard sufficient to accommodate a wheelchair or a scooter consistent with the plans and specifications set forth in Exhibits "G-1" and "G-2." LESSOR will work with LESSEE to relocate existing interior walls and doors to accommodate new access hallway and access to existing offices.

The LESSOR will provide an allowance of \$100 towards LESSEE'S installation of a card key access for this new entrance renovation.

HALL LIGHTING: **X**

LESSOR will remove the existing thirty-one (31) hall "wall" light fixtures and replace them with wall sconces with a low profile and round curves that are in compliance with City of Portland Building Code. LESSOR shall provide LESSEE an opportunity to review and comment on the proposed replacement light fixtures.

EXHIBIT "E-1" INTERIOR SPACE WORK AGREEMENT (page 3 of 4)

Multnomah County Oregon, a political subdivision of the State of Oregon
Tabor Square Building located at 4610 SE Belmont Street, Portland, Oregon 97215
Account #C-01 -285-6688-02

<u>ITEM</u>	<u>ACCEPTED AS-IS</u>	<u>AGREED IMPROVEMENTS</u>	<u>LESSOR EXPENSE</u>
-------------	---------------------------	--------------------------------	---------------------------

REMODEL BREAKROOM - SUITE #200: _____ **X**

LESSOR will repaint throughout as provided herein. If the wall between the Breakroom and the room to the east is not a load bearing wall and there is no mechanical system (e.g. plumbing, ventilation, etc) in the wall, the wall shall be removed. If the wall is not removed LESSOR shall create a 6 foot-wide walk-through opening in the wall with a sheetrock painted finish. LESSOR will install new vinyl floor in the Breakroom.

Color selected by LESSEE: Vinyl Floor: Azrock #V-788 "Flurry" and Cove Base: "Royal Purple"

LOAVES & FISHES: _____ **X**

LESSOR shall install building standard 12" x 12" VCT tile in the Loaves and Fishes area including the kitchen and eating area, see Exhibit "D-1". Color selected by LESSEE: Vinyl Floor: Azrock #V-788 "Flurry" and Cove Base: "Royal Purple"

NEW PAINT: _____ **X**

LESSOR will paint all existing painted walls and ceilings (except the atrium ceiling) to match the existing colors. The wallpaper in the rear building entrance hall will be removed and the wall will be painted.

Wall color: Match the existing colors.

LESSOR will paint all interior wood trim and all metal trim currently painted, (including railings, doors, and windows) a new color. LESSOR will use water based latex paint. Painting will be performed during business hours. The color of the trim shall be selected by LESSEE from LESSOR provided paint selection.

Trim color selected by LESSEE: Rodda Paint #8273 "Grand Bay"

FIRST FLOOR GLASS MEETING ROOM: _____ **X**

LESSOR shall install a new interior door to the room adjacent to the main Belmont Building entry in compliance with all applicable Building Code requirements, If a door cannot be installed in compliance with the Code or by reasonable obtainable variance thereto the parties shall mutually agree on an alternative resolution and amend this lease to reflect the change. The existing exterior door will remain and will be locked off. The LESSOR shall replace the existing electric wall heater. LESSOR shall cover with suitable material the exposed plumbing in the room before painting.

EXHIBIT "E-1" INTERIOR SPACE WORK AGREEMENT (page 4 of 4)

Multnomah County Oregon, a political subdivision of the State of Oregon
Tabor Square Building located at 4610 SE Belmont Street, Portland, Oregon 97215
Account #C-01 -285-6688-02

ACCEPTED AGREED LESSOR
ITEM AS-IS IMPROVEMENTS EXPENSE

SECOND FLOOR
MEETING ROOM: _____ X

LESSOR shall install a low noise coefficient accordion door to a specification and in a location mutually agreed to.

PARTITIONS, DOORS AND FRAMES: _____ X

- Second floor, Office #200: LESSOR shall remove non-bearing walls as described in Exhibit "D-2" Floor Plan. In addition, LESSOR shall add one door and remove two doors where described in Exhibit "D-2" Floor Plan.
- Second floor, Elevator Lobby: LESSOR shall add one door to elevator lobby where indicated in Exhibit "D-2" Floor Plan in compliance with all applicable Building Code requirements, If a door cannot be installed in compliance with the Code or by reasonable obtainable variance thereto the parties shall mutually agree on an alternative resolution and amend this lease to reflect the change.

MISCELLANEOUS

RELIGHTS: X None

LOCKS/HARDWARE: _____ X

Provide lock set on new ADA entry door and interior doors X
Provide \$100 allowance for new ADA entry door card key access X

WINDOW

COVERINGS: X None

TELEPHONE: X None

TENANT IMPROVEMENTS SCHEDULE:

LESSOR shall start Tenant Improvements upon the execution of this LEASE Amendment, which shall be upon the signatures of the parties. The LESSOR and LESSEE will coordinate the Tenant Improvement Schedule in advance to accommodate the LESSEE'S activities. Except for the new building ADA entrance on Belmont Street as discussed herein, all other LESSOR tenant improvement work described in this Exhibit "E-1" will be completed by August 15, 2004. The new Belmont Street entrance will be completed no later than September 15, 2004.

Note: LESSEE acknowledges that LESSOR will be performing the above described work during normal business hours. LESSEE agrees to move all furniture and equipment at least three (3) feet away from work areas.

If LESSEE is modifying their existing space layout, or expanding their leased premises, it is understood and agreed that all LESSOR Agreed Tenant Improvement work may be performed during normal business hours and will not be deemed as an interruption of LESSEE'S business and that AMERICAN PROPERTY MANAGEMENT CORP. assumes no liability for damage to any existing hidden electrical located in the walls, ceiling and/or floors (i.e., electrical for phones, fax, computers, office equipment, etc.) that is not indicated on this agreement and brought to the attention of AMERICAN PROPERTY MANAGEMENT CORP. prior to the office remodel or is not equipped with an appropriate power surge protection device.

If any provision contained in Exhibit "E-1" Interior Space Work Agreement is inconsistent with any other provision contained in this LEASE (ie: Exhibit "D-1," "D-2" or "D-3" Floor Plan), the provisions contained in Exhibit "E-1" Interior Space Work Agreement shall control.

EXHIBIT "G-1" WHEEL CHAIR LIFT (page 1 of 2)

Multnomah County Oregon, a political subdivision of the State of Oregon
Tabor Square Building located at 4610 SE Belmont Street, Portland, Oregon 97215
Account #C-01-285-6688-02

NEW ADA ACCESS EXISTING CONDITIONS & DEMOLITION PLAN

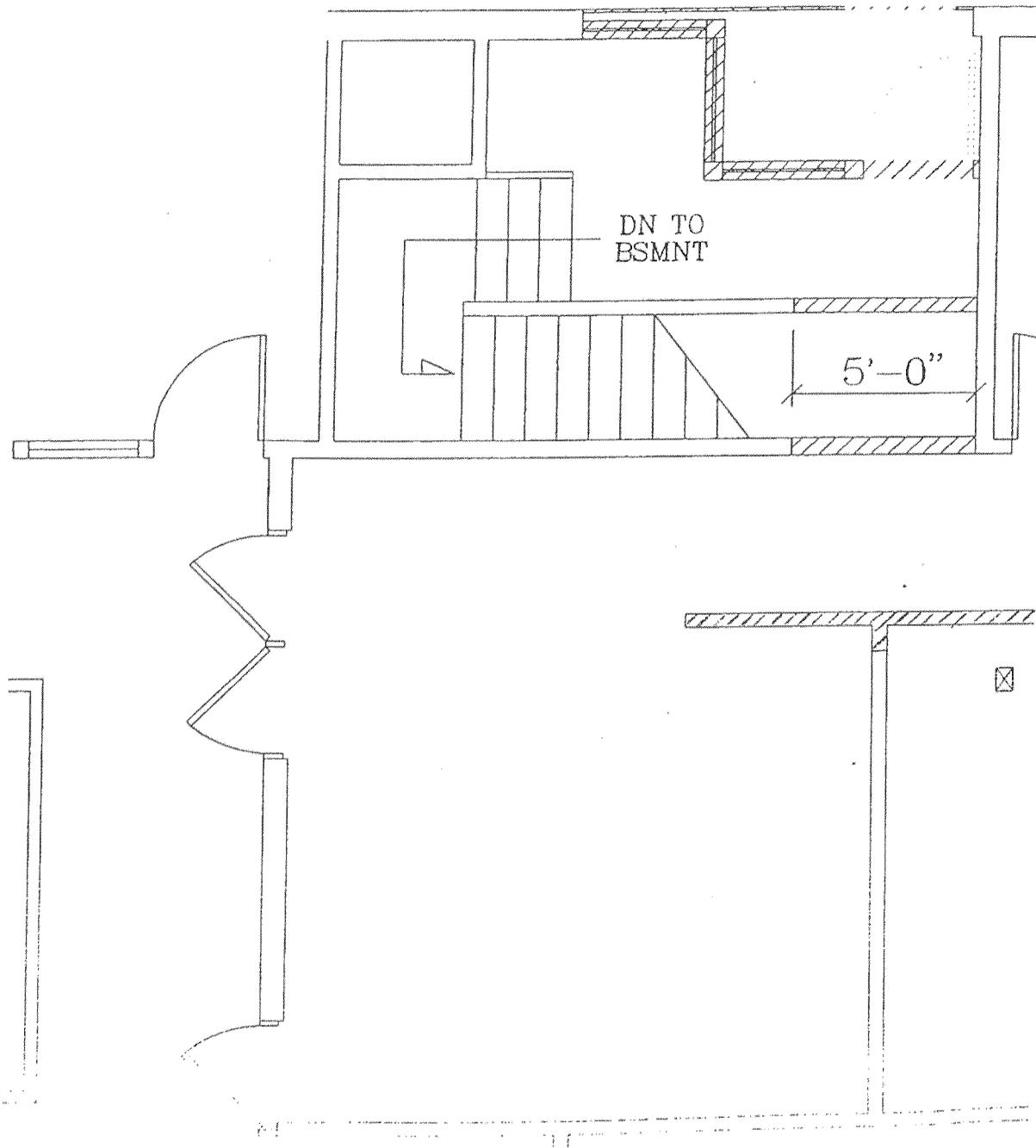
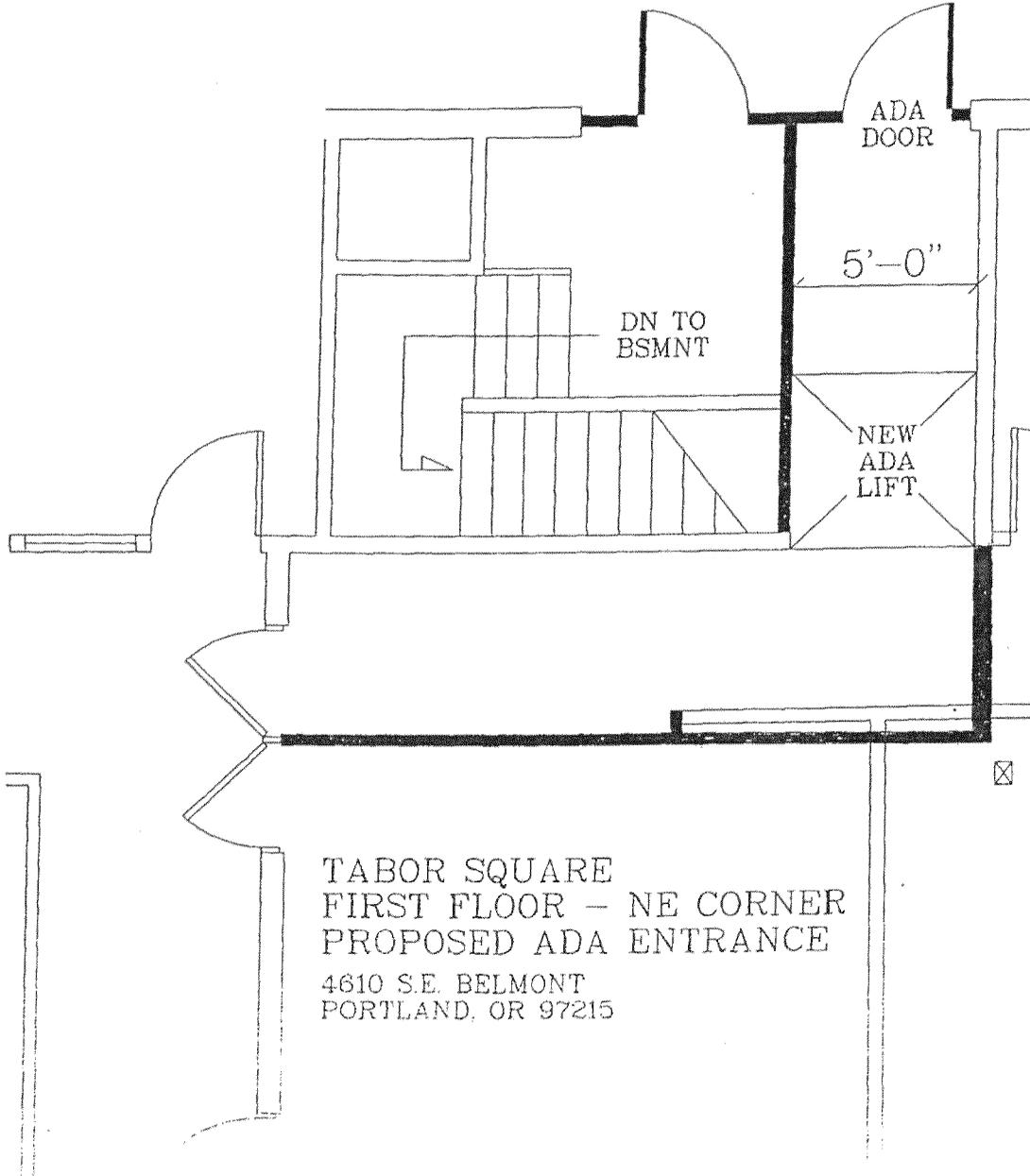


EXHIBIT "G-2" WHEEL CHAIR LIFT (page 2 of 2)

Multnomah County Oregon, a political subdivision of the State of Oregon
Tabor Square Building located at 4610 SE Belmont Street, Portland, Oregon 97215
Account #C-01-285-6688-02

NEW ADA ACCESS



TABOR SQUARE
FIRST FLOOR - NE CORNER
PROPOSED ADA ENTRANCE
4610 S.E. BELMONT
PORTLAND, OR 97215

EXHIBIT "H" JANITORIAL SPECIFICATIONS (page 1 of 4)

Multnomah County Oregon, a political subdivision of the State of Oregon
Tabor Square Building located at 4610 SE Belmont Street, Portland, Oregon 97215
Account #C-01-285-6688-02

Exhibit "H" is for information purposes only and is not negotiable in this LEASE. This information is currently an enforceable agreement between LESSOR and janitorial service provider.

Tabor Square Office Building

4610 SE Belmont Street

Portland, OR 97215

CLEANING SPECIFICATIONS

5 Nights per week: Sunday through Thursday

Cleanable Square Footage: 31,630

Supervision: Janitorial Contractor shall maintain and show evidence of adequate Management Supervision.

Paper Product: Customer will provide all product for soap, paper towel, toilet paper dispensers, seat covers, liners, sanitary sacks and toilet blocks.

Contractor: Shall provide all necessary cleaning supplies and equipment.

Term: Three (3) years

EXHIBIT "H" JANITORIAL SPECIFICATIONS (page 2 of 4)

Multnomah County Oregon, a political subdivision of the State of Oregon
Tabor Square Building located at 4610 SE Belmont Street, Portland, Oregon 97215
Account #C-01-285-6688-02

A. Nightly Services:

- *Secure all locks as soon as possible each night.
- *Vacuum all carpeted areas and spot clean as needed.
- *Sweep and mop all hard surface floors.
- *Vacuum all carpeted stairways. Spot clean all carpet as needed.
- *Remove all fingerprints, smudge marks and graffiti on entry glass doors, glass partitions, windows, light switches and walls.
- *Remove all fingerprints, smudge marks and graffiti on metal surfaces (i.e. doorknobs, push plates, thresholds, etc.)
- *Empty and clean all trash receptacles and return to proper position (replace liner if wet or dirty).
- *Dust all office equipment, desks and conference room tables that are clear of paperwork. Papers and folders on desks are not to be moved and return chairs to proper positions.
- *Wipe down or vacuum chairs in conference rooms.
- *Wipe down hand rails on stairways.
- *Dust all vertical and horizontal surfaces under 72 inches.
- *Spot clean all chrome bright work including swinging door hardware, kickplates, base, partition tops, planters, elevator call button plates, fire hose cabinets, and elevator chrome clad partitions and doors.
- *Clean, sanitize and polish drinking fountains.
- *Polish all service stairwells and all interior public corridor planters.
- *Janitorial staff will use only the lights that are needed for each area that is being cleaned. They will check all doors, and turn off all lights before leaving the facility.
- *Alarm systems will be disarmed and armed according to the policy of American Property Management.
- *Janitorial service will report all maintenance situations to the client as they are found (light bulbs, leaks, etc.).

Restrooms:

- *Sweep and mop all hard surface floors.
- *Clean and sanitize toilets, sinks, counters, urinals, handles, seats, dispensers, tape, drains and all areas directly surrounding each.
- *Clean and fill all dispensers.
- *Spot clean walls, cove base, trim, doors, fixtures, outlets, and partition doors, etc.
- *Dust top of stalls and vents.
- *Empty and clean all trash receptacles and return to proper position (replace liner if wet or dirty).
- *Clean mirrors.
- *Machine scrub floors.

EXHIBIT "H" JANITORIAL SPECIFICATIONS (page 3 of 4)

Multnomah County Oregon, a political subdivision of the State of Oregon
Tabor Square Building located at 4610 SE Belmont Street, Portland, Oregon 97215
Account #C-01-285-6688-02

B. Weekly Services:

- *Damp wipe all kick plates, baseboards, windowsills, doorway frames and vinyl cove bases.
- *Dust all low-reach areas including, but not limited to, chair rungs, structural and furniture ledges, base boards, window sills, door louvers, wood paneling, molding and miniblinds top to bottom.
- *Dust inside of all doorjambes and relights.
- *Clean and polish all metal door thresholds.
- *Wipe clean and polish all bright work.
- *Sweep all service stairwells.
- *Dust all vinyl cove bases.
- *Edge vacuum all carpeted areas.
- *Clean and spray buff all building standard resilient, composition and/or travertine flooring.
- *Sanitize all telephone receivers.

C. Monthly Services:

- *Dust all blinds under 72 inches.
- *Wipe clean all incandescent cab lamps inside elevator.
- *Wipe clean all lanterns in common area halls.

STOREROOMS AND SINK CLOSETS

A. Nightly Services:

- *Remove trash from area.
- *Maintain an orderly arrangement of all janitorial supplies and paper products in the storage rooms and service sink closets.
- *Maintain an orderly arrangement of all equipment stored in these areas, such as mops, buckets, brooms, vacuum cleaners, scrubbers, etc.

B. Weekly Services:

- *Sweep and damp mop all storeroom and service sink closet floors. Deodorize and disinfect as required.
- *Clean and disinfect service sinks.
- *Sweep storeroom floors.

EXHIBIT "H" JANITORIAL SPECIFICATIONS (page 4 of 4)

Multnomah County Oregon, a political subdivision of the State of Oregon
Tabor Square Building located at 4610 SE Belmont Street, Portland, Oregon 97215
Account #C-01-285-6688-02

EXTERIOR STRUCTURE AND GROUNDS SERVICES SPECIFICATIONS

A. Nightly Services:

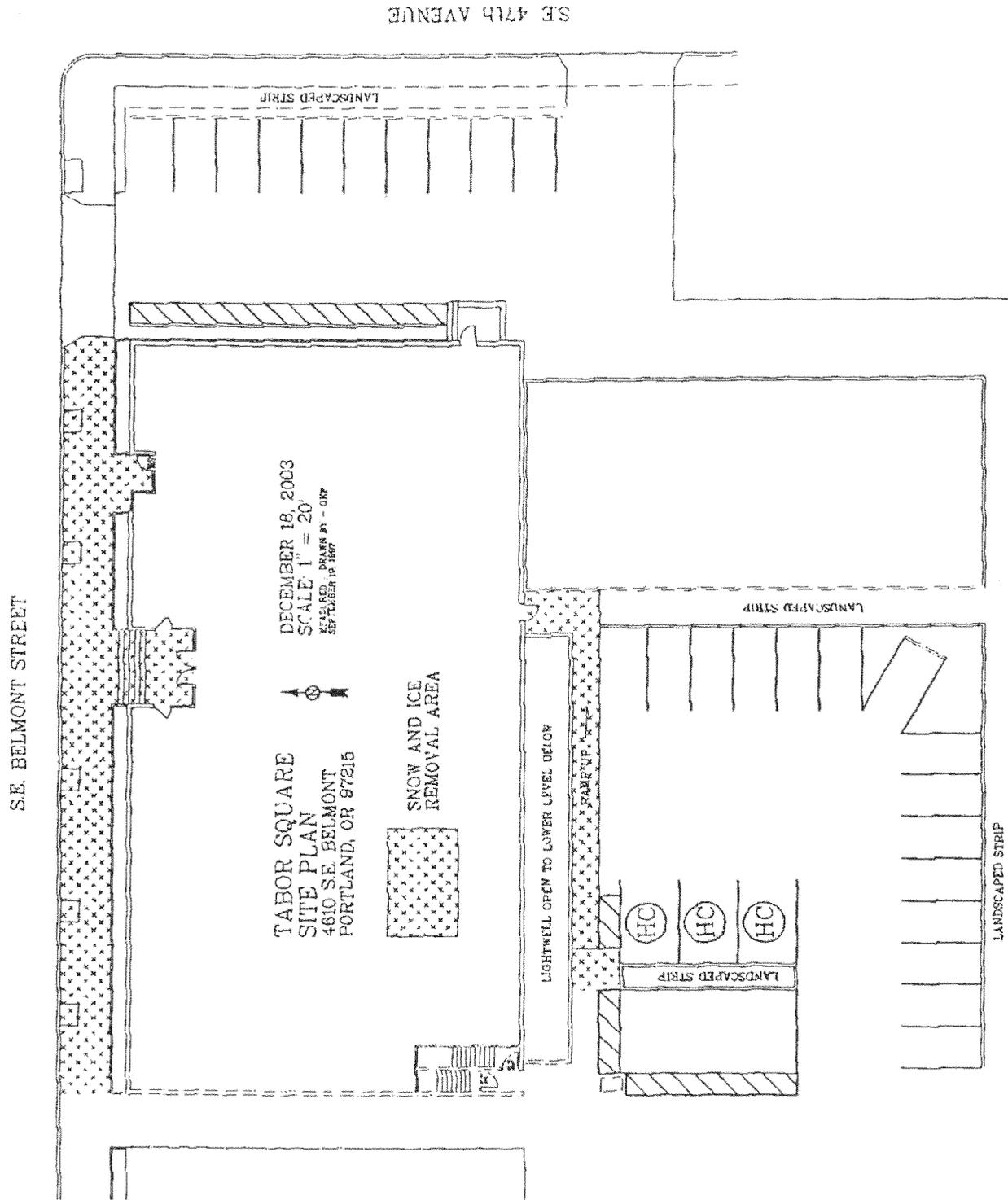
- *Empty all ashtrays and urns. Clean and sanitize as required.
- *Service all walk-off mats as required.
- *Empty all waste receptacles and remove trash to designated areas.
- *Spot clean all exterior glass at Building Entrances.

B. Weekly Services:

- *Sweep outside front and rear entrance of building (weekly or as needed).

EXHIBIT "I" ICE AND SNOW REMOVAL

Multnomah County Oregon, a political subdivision of the State of Oregon
Tabor Square Building located at 4610 SE Belmont Street, Portland, Oregon 97215
Account #C-01-285-6688-02



AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:

Meeting Date: May 13, 2004

Agenda Item #: B-1

Est. Start Time: 10:15 AM

Date Submitted: 04/26/04

Requested Date: May 13, 2004

Time Requested: 20 minutes

Department: Department of Community Justice

Division: Juvenile Services

Contact/s: Robb Freda-Cowie

Phone: 503 988-5820

Ext.: 85820

I/O Address: 503/250

Presenters: Joanne Fuller, Dave Koch

Agenda Title: Briefing on Status of Juvenile Justice System Reforms and Issues

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

1. **What action are you requesting from the Board? What is the department/agency recommendation?** This briefing is informational at the request of the budget office. We are not proposing any recommendations at this time.

2. **Please provide sufficient background information for the Board and the public to understand this issue.**
This year marks the 10th anniversary of detention reform in Multnomah County. Through the leadership of this Board and prior ones, the juvenile justice system in Multnomah County has achieved:
 - Unprecedented reductions in the percentage of minority youth who are held in detention.
 - Significant reductions in the number of youth who are detained, which has ensured that detention is used more appropriately and efficiently as a mechanism to hold high-risk youth, not high-need ones.
 - Significant reduction in the number of youth who enter the juvenile system and who return to the system with new charges.

Due to this success, Multnomah County is seen as a model to emulate by other juvenile jurisdictions around the country.

But we know that we can continue to do better to help at-risk youth and protect our community. This year, we conducted a major reorganization of our juvenile counseling and clinical services. We have improved and streamlined our initial screening to better match a youth's risk level with the intervention strategies designed to address his or her unlawful behavior. We have also strengthened our mental health and addiction treatment continuum and improved the clinical oversight of these services.

In this briefing, we will update the board about the progress of these reforms and our work to sustain them in the face of continuing fiscal and social challenges. Some of the major issues confronting the county's juvenile system at this time are:

- **Diversion:** In response to state and general fund cuts, we will have reduced the number of youth who are served in our diversion program from approximately 1800 per year to 200. As our resources have diminished, we must concentrate our efforts on youth who are a greater risk to the community and who have committed more serious offenses.

This means that many youth will receive simple warning letters, instead of entering into informal accountability agreements, which can include community service, restitution, victim impact panels, anger management classes and counseling. The goal of these accountability and skill-building services is to intervene in the lives of troubled youth and prevent them from becoming involved in more serious crimes. Without diversion, far fewer youth will be held accountable or helped.

- **Mental health capacity in detention:** We have had two suicide attempts in detention in the last four months. One of these was successful. As budget cuts have created a situation in which the juvenile system is the first and last clinical option for many high-need youth, we need to ensure that we have appropriate staffing levels to meet the mental health needs of our detention population.
- **Maintaining alternatives to secure detention:** Despite our improvements in addressing racial disparities in detention, Multnomah County still sends a disproportionate percentage of minority youth to Oregon Youth Authority (OYA) facilities. In addition, OYA cuts have forced us to hold higher-risk youth in the county who might otherwise fill OYA beds. Now, with the closure of the Forest Project, we are losing an important sanctioning option helps us ensure that detention is used equitably and that non-compliant youth are held accountable. Losing the Forest Project places further pressure on an already stressed juvenile system. In response to these challenges and pressures, we are developing new sanctioning alternatives designed to respond to these needs.

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

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

If a budget modification, explain: N/A

- ❖ **What revenue is being changed and why?**
- ❖ **What budgets are increased/decreased?**
- ❖ **What do the changes accomplish?**
- ❖ **Do any personnel actions result from this budget modification? Explain.**
- ❖ **Is the revenue one-time-only in nature?**
- ❖ **If a grant, what period does the grant cover?**
- ❖ **When the grant expires, what are funding plans?**

NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)

If a contingency request, explain:

- ❖ **Why was the expenditure not included in the annual budget process?**
- ❖ **What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?**
- ❖ **Why are no other department/agency fund sources available?**
- ❖ **Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.**
- ❖ **Has this request been made before? When? What was the outcome?**

If grant application/notice of intent, explain:

- ❖ **Who is the granting agency?**
- ❖ **Specify grant requirements and goals.**
- ❖ **Explain grant funding detail – is this a one-time only or long-term commitment?**
- ❖ **What are the estimated filing timelines?**
- ❖ **If a grant, what period does the grant cover?**
- ❖ **When the grant expires, what are funding plans?**
- ❖ **How will the county indirect and departmental overhead costs be covered?**

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

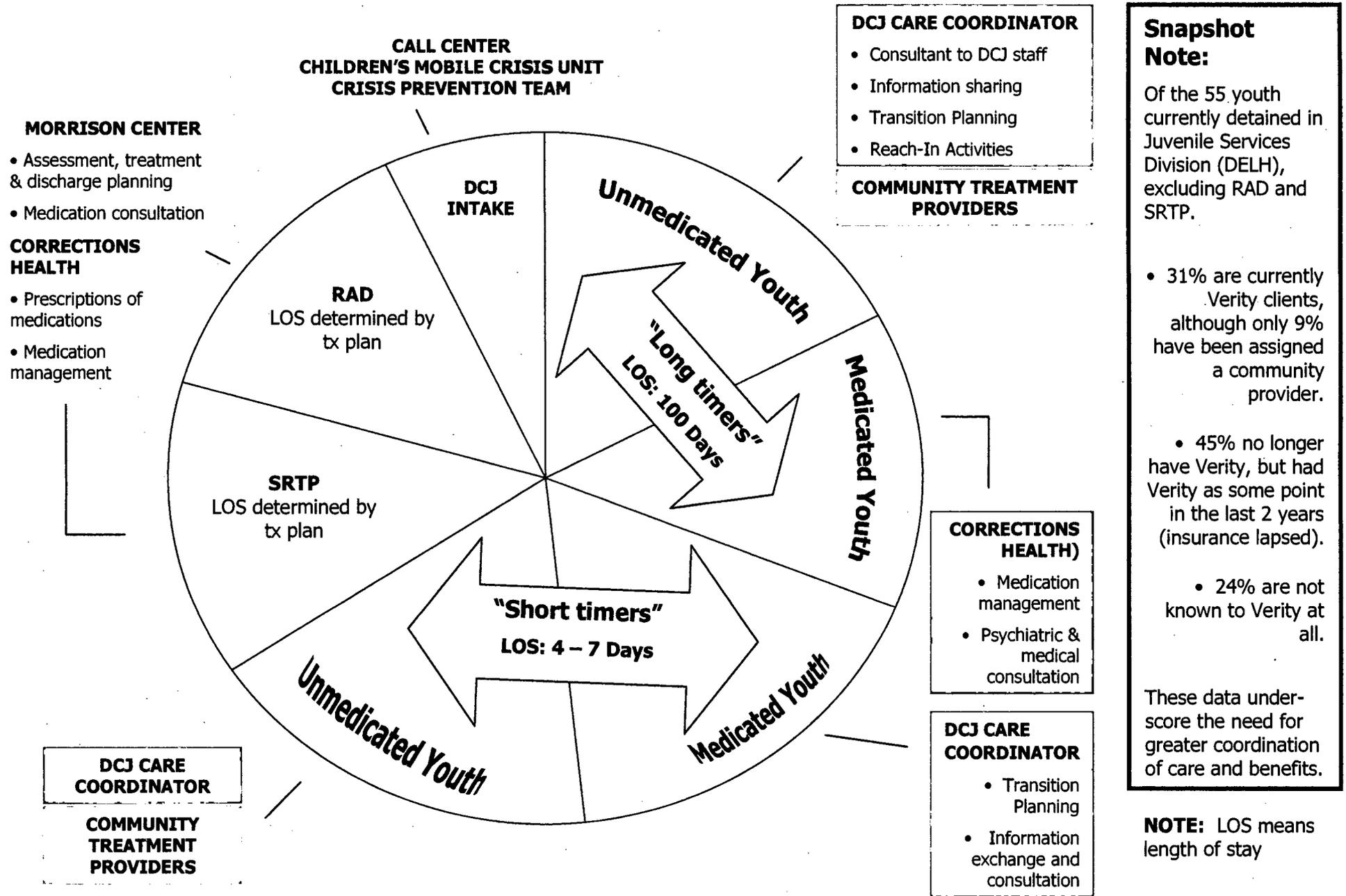
Required Signatures:

Department/Agency Director:



Date: April 26, 2004

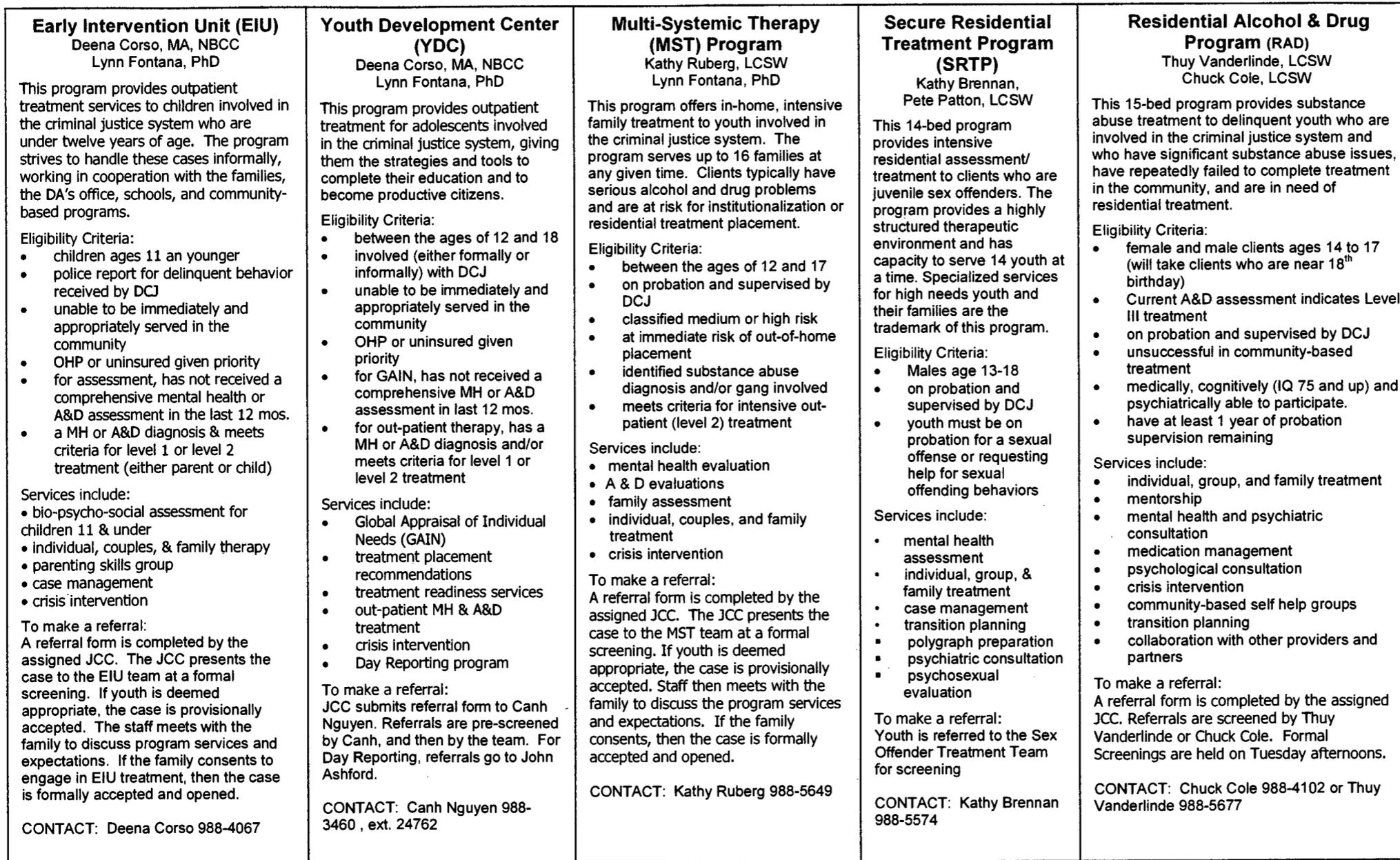
Detention Mental Health Care Coordination



Juvenile Services Division – Treatment Services

Dr. David White, M.D.
Medical Director
(DCHS)

Wayne Scott, MA, LCSW - Clinical Manager



Medicaid Funded
Outpatient Counseling

Medicaid Funded
Intensive Outpatient

BRS/Medicaid Funded
Residential Treatment

DESCRIPTION

A continuum of licensed mental health and alcohol and drug treatment services available to meet the unique needs of youth and families involved in the criminal justice system, or at imminent risk of deeper involvement in the system, or at imminent risk of institutionalization, whose needs cannot be met by community-based treatment providers. All services were designed consistent with the Children's Mental Health Re-Design. The clinical services are reimbursable under Medicaid guidelines.

Whenever clinical and legally appropriate, counselors working within this service array actively match appropriate youth with community-based treatment services.

In-house outpatient services place priority on uninsured and OHP-eligible youth and families.

GLOBAL APPRAISAL OF INDIVIDUAL NEEDS (GAIN)

A standardized assessment tool that clinicians use to collect information for diagnosis, placement, and treatment planning.

- Contains more than 100 built-in scales that provide information about different areas of youth functioning.
- Covers areas not addressed by other tests, including substance abuse and dependence, delinquent and violent behavior, suicidal risk, victimization, mental health, family, peer, social supports and personal strengths.
- Empirically validated for youth and adults with a high degree of inter-rater reliability
- Currently being translated into Spanish through a CSAT grant
- Available in hard and electronic forms and can be computer administered.

AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:

Meeting Date: May 13, 2004

Agenda Item #: B-2

Est. Start Time: 10:35

Date Submitted: 04/29/04

Requested Date: May 13, 2004

Time Requested: 30 mins

Department: DBCS

Division: Finance, Budget Assessment & Taxation

Contact/s: Dave Boyer

Phone: 503-988-3312

Ext.: x83903

I/O Address: 503/531

Presenters: Dave Boyer

Agenda Title: ITAX Update

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

1. **What action are you requesting from the Board? What is the department/agency recommendation?**
None. This is an informational briefing only.

2. **Please provide sufficient background information for the Board and the public to understand this issue.**
Briefing Agenda
 1. Collection Status
 - a. To Date
 - b. Projected FY 2004
 - c. Projected FY 2005
 - d. Projected FY 2006
 2. Addressing Deficits/Surplus - Options
 3. FY 2004 Expenditure Projection
 4. Allocation to Schools for FY 2005
 5. ITAX Repeal
 - a. Potential Timing
 - b. The Law
 6. ITAX Sunset Planning

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

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

If a budget modification, explain:

- ❖ What revenue is being changed and why?
- ❖ What budgets are increased/decreased?
- ❖ What do the changes accomplish?
- ❖ Do any personnel actions result from this budget modification? Explain.
- ❖ Is the revenue one-time-only in nature?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?

NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)

If a contingency request, explain:

- ❖ Why was the expenditure not included in the annual budget process?
- ❖ What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?
- ❖ Why are no other department/agency fund sources available?
- ❖ Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.
- ❖ Has this request been made before? When? What was the outcome?

If grant application/notice of intent, explain:

- ❖ Who is the granting agency?
- ❖ Specify grant requirements and goals.
- ❖ Explain grant funding detail – is this a one time only or long term commitment?
- ❖ What are the estimated filing timelines?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?
- ❖ How will the county indirect and departmental overhead costs be covered?

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

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

Required Signatures:

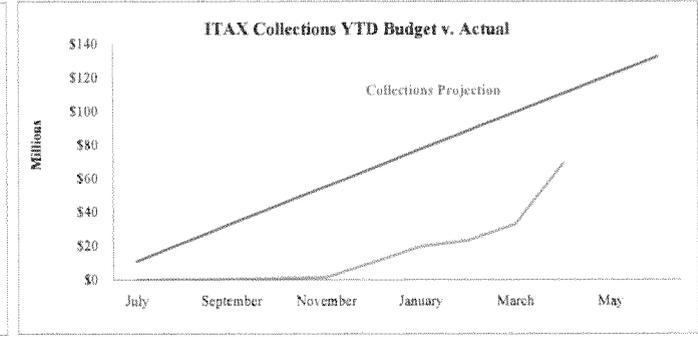
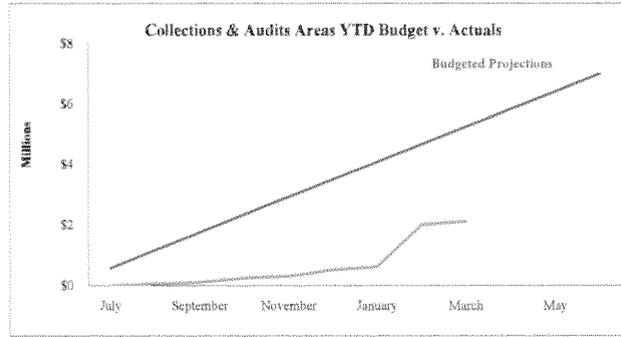
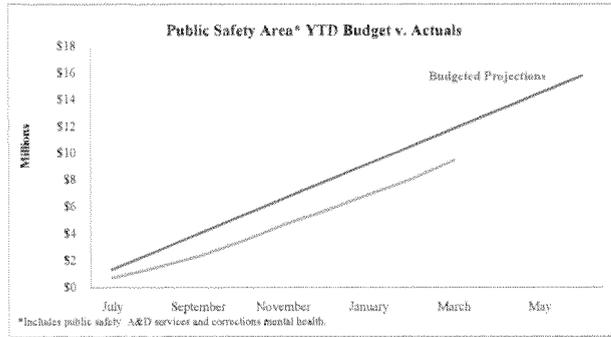
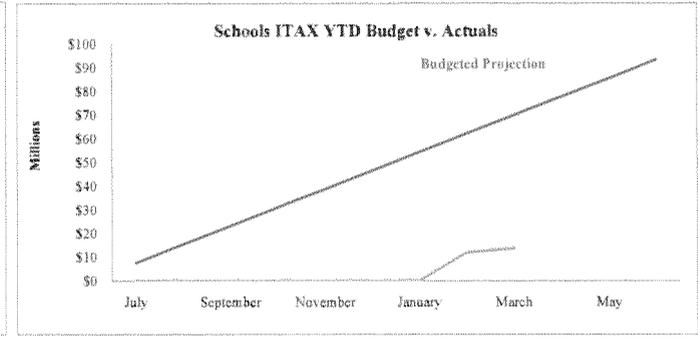
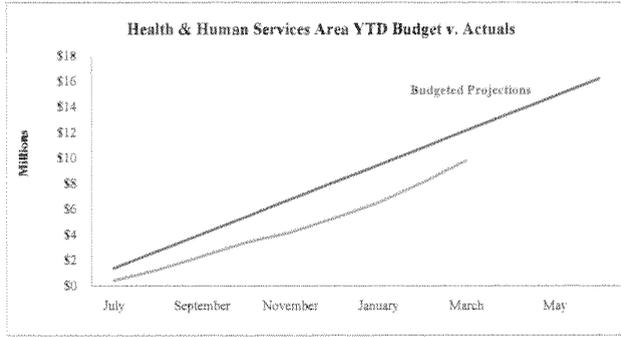
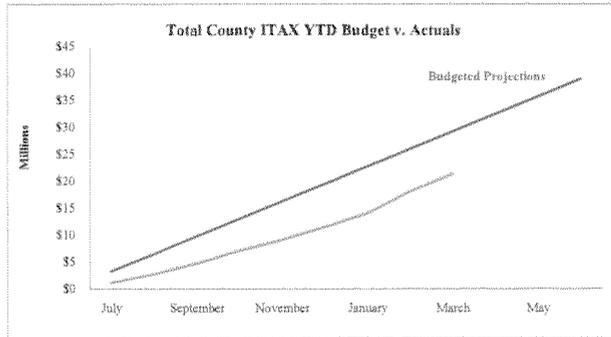
Department/Agency Director: _____



Date: 04/29/04

ITAX Monitoring: YTD Projected Budget vs. YTD Actuals

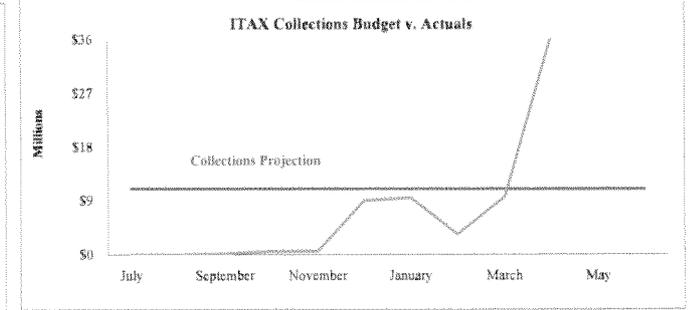
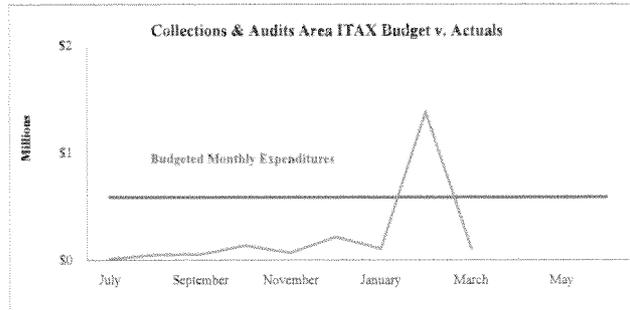
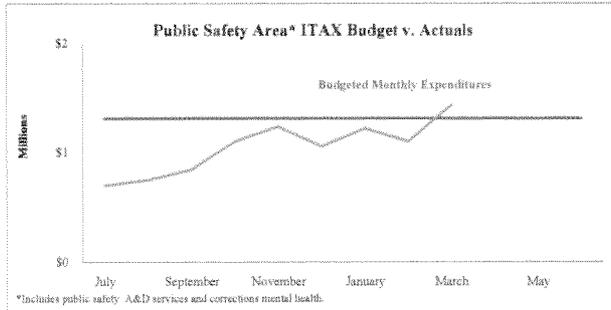
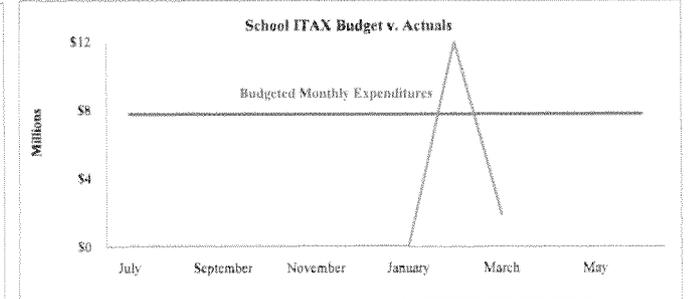
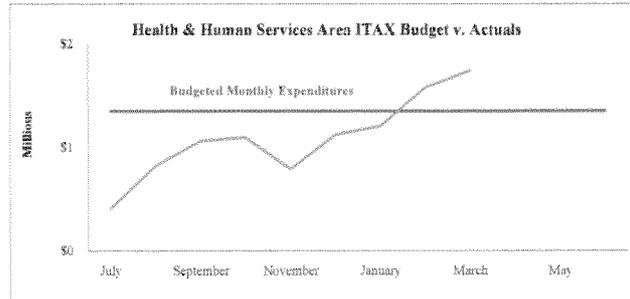
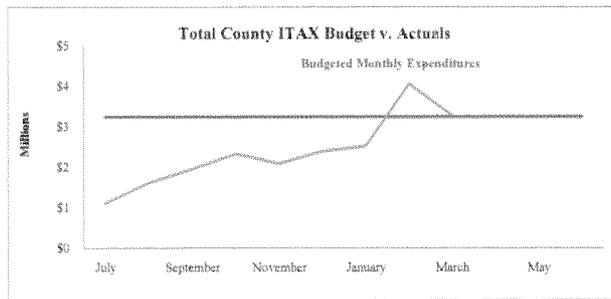
County Service Area	Year-to-date	July	August	September	October	November	December	January	February	March	April	May	June	Total
Public Safety	Budget YTD	\$1,314,025	\$2,828,050	\$3,942,075	\$5,256,100	\$6,570,125	\$7,884,151	\$9,198,176	\$10,512,201	\$11,826,226	\$13,140,251	\$14,454,276	\$15,768,301	\$15,768,301
	Actual YTD	\$697,313	\$1,445,334	\$2,296,377	\$3,389,400	\$4,627,838	\$5,685,800	\$6,805,794	\$8,010,696	\$9,446,207				
Health & Human Services	Budget YTD	\$1,349,871	\$2,699,341	\$4,049,012	\$5,398,682	\$6,748,353	\$8,098,024	\$9,447,694	\$10,797,365	\$12,147,035	\$13,496,706	\$14,846,376	\$16,196,047	\$16,196,047
	Actual YTD	\$408,752	\$1,229,586	\$2,290,551	\$3,384,924	\$4,173,359	\$5,293,931	\$6,499,040	\$8,075,366	\$9,816,592				
Collections/ Audit	Budget YTD	\$582,943	\$1,165,885	\$1,748,828	\$2,331,771	\$2,914,713	\$3,497,656	\$4,080,599	\$4,663,541	\$5,246,484	\$5,829,427	\$6,412,369	\$6,995,312	\$6,995,312
	Actual YTD	\$8,930	\$56,917	\$108,259	\$242,739	\$308,177	\$523,981	\$626,057	\$826,057	\$1,076,604				
Total County	Budget YTD	\$3,246,838	\$6,493,277	\$9,739,915	\$12,986,553	\$16,233,192	\$19,479,630	\$22,726,468	\$25,973,107	\$29,219,745	\$32,466,383	\$35,713,022	\$38,959,660	\$38,959,660
	Actual YTD	\$1,114,896	\$2,731,838	\$4,685,187	\$7,017,064	\$9,109,354	\$11,503,721	\$14,030,891	\$18,090,818	\$21,370,403				
Schools	Budget YTD	\$7,777,234	\$15,554,468	\$23,331,702	\$31,108,936	\$38,886,170	\$46,663,403	\$54,440,637	\$62,217,871	\$69,995,105	\$77,772,339	\$85,549,573	\$93,326,807	\$93,326,807
	Actual YTD	\$	\$	\$	\$	\$	\$	\$	\$12,006,480	\$13,902,240				



*Includes public safety A&D services and corrections mental health.

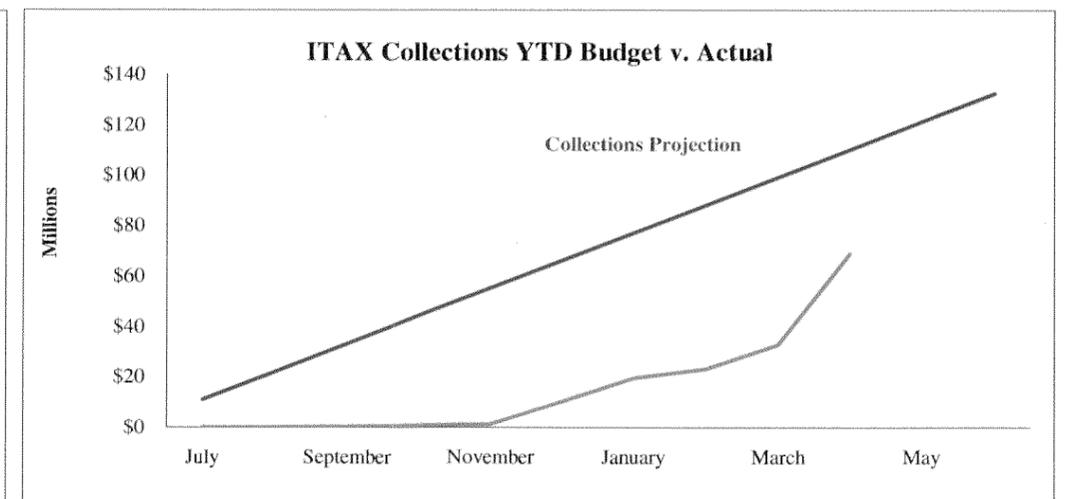
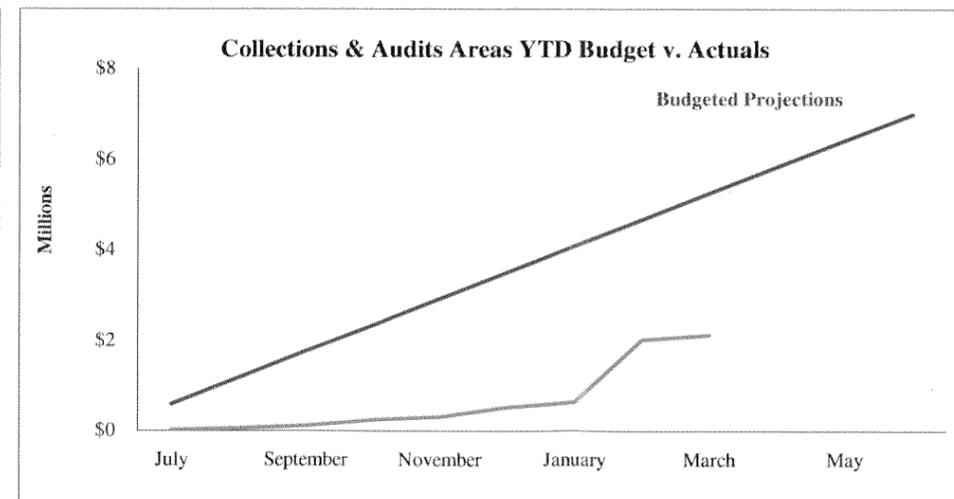
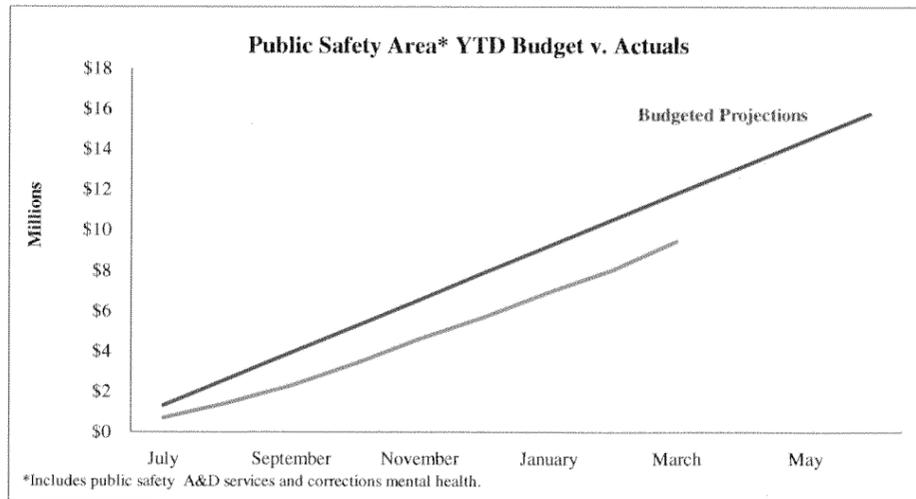
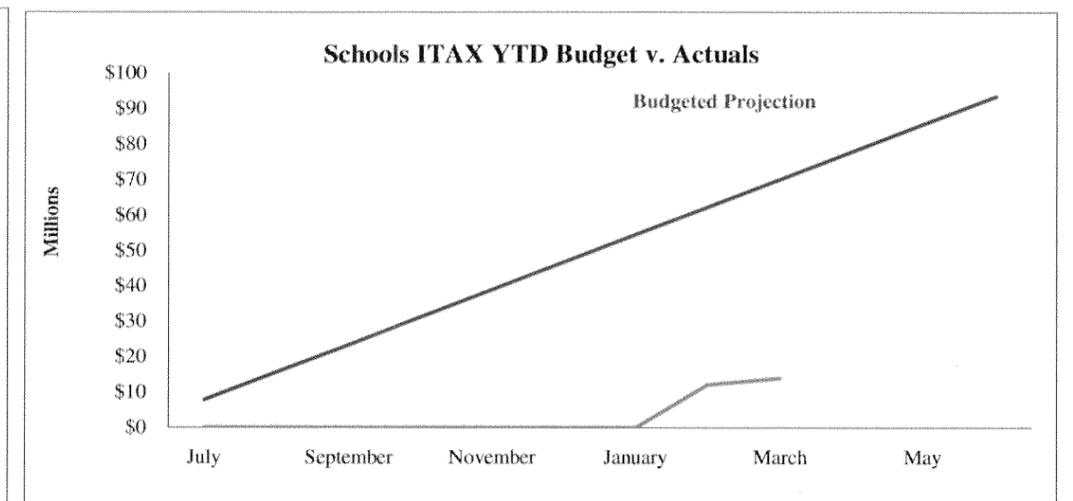
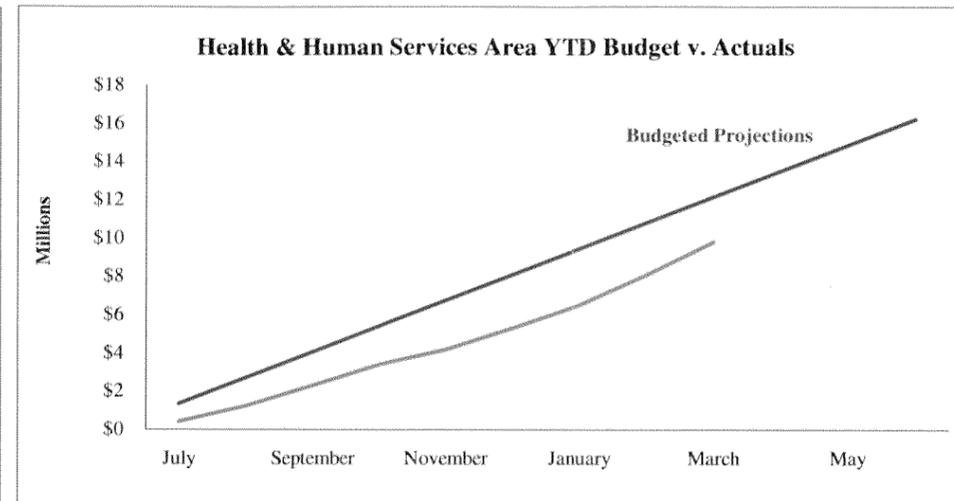
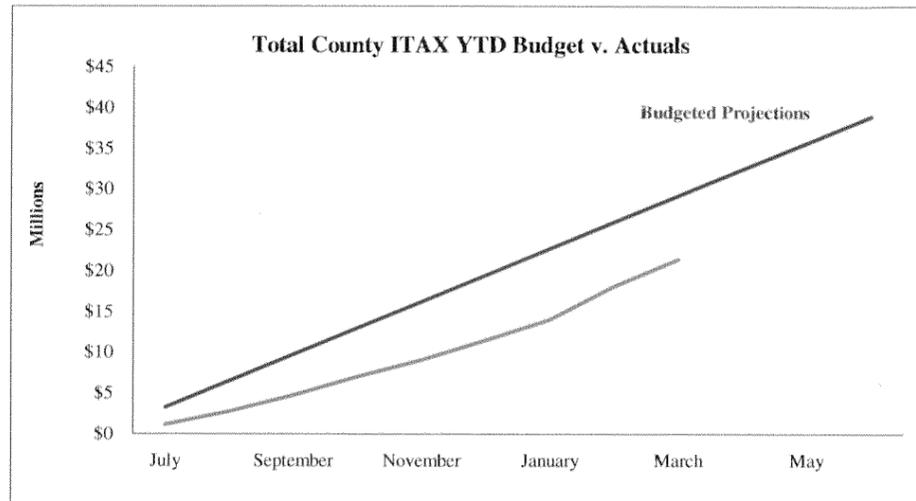
ITAX Monitoring: Monthly Projected Budget vs. Monthly Actuals

County Service Area	Year-to-date	July	August	September	October	November	December	January	February	March	April	May	June	Total
Public Safety	Budget	\$1,314,025	\$1,314,025	\$1,314,025	\$1,314,025	\$1,314,025	\$1,314,025	\$1,314,025	\$1,314,025	\$1,314,025	\$1,314,025	\$1,314,025	\$1,314,025	\$15,768,301
	Actual	\$697,313	\$748,021	\$541,042	\$1,103,023	\$1,238,438	\$1,057,962	\$1,219,094	\$1,104,901	\$1,435,511				\$9,446,207
Health & Human Services	Budget	\$1,349,671	\$1,349,671	\$1,349,671	\$1,349,671	\$1,349,671	\$1,349,671	\$1,349,671	\$1,349,671	\$1,349,671	\$1,349,671	\$1,349,671	\$1,349,671	\$16,196,047
	Actual	\$408,752	\$820,834	\$1,060,965	\$1,094,373	\$788,415	\$1,120,591	\$1,205,108	\$1,576,326	\$1,741,226				\$9,816,592
Collections/ Audit	Budget	\$582,943	\$582,943	\$582,943	\$582,943	\$582,943	\$582,943	\$582,943	\$582,943	\$582,943	\$582,943	\$582,943	\$582,943	\$6,895,312
	Actual	\$8,830	\$48,087	\$51,342	\$134,480	\$65,438	\$215,814	\$102,067	\$1,378,700	\$102,847				\$2,107,604
Total	Budget	\$3,246,638	\$3,246,638	\$3,246,638	\$3,246,638	\$3,246,638	\$3,246,638	\$3,246,638	\$3,246,638	\$3,246,638	\$3,246,638	\$3,246,638	\$3,246,638	\$38,959,680
	Actual	\$1,114,696	\$1,618,942	\$1,653,346	\$2,331,877	\$2,092,290	\$2,394,367	\$2,527,170	\$4,059,927	\$3,279,585				\$21,370,403
Schools	Budget YTD	\$7,777,234	\$7,777,234	\$7,777,234	\$7,777,234	\$7,777,234	\$7,777,234	\$7,777,234	\$7,777,234	\$7,777,234	\$7,777,234	\$7,777,234	\$7,777,234	\$93,326,807
	Actual YTD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 12,009,480	\$ 1,895,760				\$ 13,902,240



ITAX Monitoring: YTD Projected Budget vs. YTD Actuals

County Service Area	Year-to-date	July	August	September	October	November	December	January	February	March	April	May	June	Total
Public Safety	Budget YTD	\$1,314,025	\$2,628,050	\$3,942,075	\$5,256,100	\$6,570,125	\$7,884,151	\$9,198,176	\$10,512,201	\$11,826,226	\$13,140,251	\$14,454,276	\$15,768,301	\$15,768,301
	Actual YTD	\$697,313	\$1,445,334	\$2,286,377	\$3,389,400	\$4,627,838	\$5,685,800	\$6,905,794	\$8,010,696	\$9,446,207				
Health & Human Services	Budget YTD	\$1,349,671	\$2,699,341	\$4,049,012	\$5,398,682	\$6,748,353	\$8,098,024	\$9,447,694	\$10,797,365	\$12,147,035	\$13,496,706	\$14,846,376	\$16,196,047	\$16,196,047
	Actual YTD	\$408,752	\$1,229,586	\$2,290,551	\$3,384,924	\$4,173,339	\$5,293,931	\$6,499,040	\$8,075,366	\$9,816,592				
Collections/ Audit	Budget YTD	\$582,943	\$1,165,885	\$1,748,828	\$2,331,771	\$2,914,713	\$3,497,656	\$4,080,599	\$4,663,541	\$5,246,484	\$5,829,427	\$6,412,369	\$6,995,312	\$6,995,312
	Actual YTD	\$8,830	\$56,917	\$108,259	\$242,739	\$308,177	\$523,991	\$626,057	\$2,004,757	\$2,107,604				
Total County	Budget YTD	\$3,246,638	\$6,493,277	\$9,739,915	\$12,986,553	\$16,233,192	\$19,479,830	\$22,726,468	\$25,973,107	\$29,219,745	\$32,466,383	\$35,713,022	\$38,959,660	\$38,959,660
	Actual YTD	\$1,114,896	\$2,731,838	\$4,685,187	\$7,017,064	\$9,109,354	\$11,503,721	\$14,030,891	\$18,090,818	\$21,370,403				
Schools	Budget YTD	\$7,777,234	\$15,554,468	\$23,331,702	\$31,108,936	\$38,886,170	\$46,663,403	\$54,440,637	\$62,217,871	\$69,995,105	\$77,772,339	\$85,549,573	\$93,326,807	\$93,326,807
	Actual YTD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 12,006,480	\$ 13,902,240				



*Includes public safety A&D services and corrections mental health.

ITAX Monitoring: Monthly Projected Budget vs. Monthly Actuals

County Service Area	Year-to-date	July	August	September	October	November	December	January	February	March	April	May	June	Total
Public Safety	Budget	\$1,314,025	\$1,314,025	\$1,314,025	\$1,314,025	\$1,314,025	\$1,314,025	\$1,314,025	\$1,314,025	\$1,314,025	\$1,314,025	\$1,314,025	\$1,314,025	\$15,768,301
	Actual	\$697,313	\$748,021	\$841,042	\$1,103,023	\$1,238,438	\$1,057,962	\$1,219,994	\$1,104,901	\$1,435,511				\$9,446,207
Health & Human Services	Budget	\$1,349,671	\$1,349,671	\$1,349,671	\$1,349,671	\$1,349,671	\$1,349,671	\$1,349,671	\$1,349,671	\$1,349,671	\$1,349,671	\$1,349,671	\$1,349,671	\$16,196,047
	Actual	\$408,752	\$820,834	\$1,060,965	\$1,094,373	\$788,415	\$1,120,591	\$1,205,109	\$1,576,326	\$1,741,226				\$9,816,592
Collections/ Audit	Budget	\$582,943	\$582,943	\$582,943	\$582,943	\$582,943	\$582,943	\$582,943	\$582,943	\$582,943	\$582,943	\$582,943	\$582,943	\$6,995,312
	Actual	\$8,830	\$48,087	\$51,342	\$134,480	\$65,438	\$215,814	\$102,067	\$1,378,700	\$102,847				\$2,107,604
Total	Budget	\$3,246,638	\$3,246,638	\$3,246,638	\$3,246,638	\$3,246,638	\$3,246,638	\$3,246,638	\$3,246,638	\$3,246,638	\$3,246,638	\$3,246,638	\$3,246,638	\$38,959,660
	Actual	\$1,114,896	\$1,616,942	\$1,953,349	\$2,331,877	\$2,092,290	\$2,394,367	\$2,527,170	\$4,059,927	\$3,279,585				\$21,370,403
Schools	Budget YTD	\$7,777,234	\$7,777,234	\$7,777,234	\$7,777,234	\$7,777,234	\$7,777,234	\$7,777,234	\$7,777,234	\$7,777,234	\$7,777,234	\$7,777,234	\$7,777,234	\$93,326,807
	Actual YTD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 12,006,480	\$ 1,895,760				\$ 13,902,240

