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Multnomah County Oregon

Board of Commissioners & Agenda

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BOARD OF COMMISSIONERS

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<http://www.co.multnomah.or.us/cc/board.html>

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MAY 7, 8 & 9, 2002

BOARD MEETINGS

FASTLOOK AGENDA ITEMS OF INTEREST

Pg 2	9:30 a.m. Tuesday Financial Overview, CBAC Report and OSCP Budget Work Session
Pg 2	9:30 a.m. Wednesday Non-Departmental Budget Work Session
Pg 4	9:00 a.m. Thursday Opportunity for Public Comment on Non-Agenda Matters
Pg 4	9:15 a.m. Thursday Proclamation Proclaiming Asian Pacific American Heritage Month
Pg 4	10:00 a.m. Thursday Public Safety Group Policy Framework Discussion
Pg 5	Updated County Budget Session Schedule and Cable Coverage Information

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

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

Tuesday, May 7, 2002 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

BUDGET WORK SESSION

WS-1 The Board of Commissioners, Auditor, District Attorney, Sheriff and Invited Participants Will Meet to Discuss the Following Multnomah County 2002-2003 Budget Issues Facilitated by John Rakowitz and John Ball. **[Interested Persons are Welcome to Attend this Public Meeting, However Public Testimony Will be Taken During Scheduled Budget Hearings.]**

9:30 a.m. FY 2003 Budget - Financial Overview
10:15 a.m. Citizen Budget Advisory Committee Recommendations
11:00 a.m. Office of School and Community Partnerships

Wednesday, May 8, 2002 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

BUDGET WORK SESSION

WS-2 The Board of Commissioners, Auditor, District Attorney, Sheriff and Invited Participants Will Meet to Discuss the Following Multnomah County 2002-2003 Budget Issues Facilitated by John Rakowitz and John Ball. **[Interested Persons are Welcome to attend this Public Meeting, However Public Testimony will be taken During Scheduled Budget Hearings.]**

9:30 a.m. Non-Departmental Citizen Budget Advisory Committee
9:40 a.m. Commission on Children, Families and Community
10:00 a.m. Public Affairs Office
10:05 a.m. Citizen Involvement Committee
10:15 a.m. Regional Arts and Culture Council
10:25 a.m. Metropolitan Human Rights Center / Office of Neighborhood Involvement
10:35 a.m. Oregon State University Extension Service
10:45 a.m. Progress Board
10:50 a.m. Elders in Action
10:55 a.m. Soil and Water Districts
11:00 a.m. Questions and Follow up Items with Budget Office

Thursday, May 9, 2002 - 9:00 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

CONSENT CALENDAR - 9:00 AM **NON-DEPARTMENTAL**

C-1 Appointment of America Becerra to the MULTNOMAH COUNTY
COMMUNITY HEALTH COUNCIL

DISTRICT ATTORNEY'S OFFICE

C-2 Government Contract (190 Agreement) 0210315 with the City of Portland,
Providing for the Dispersal of Assets and Property Subject to Forfeiture
Under Oregon Laws, Relating to Criminal Cases Brought by the District
Attorney's Office

OFFICE OF SCHOOL AND COMMUNITY PARTNERSHIPS

C-3 Revenue Agreement 0210236 with The Annie E. Casey Foundation,
Providing Funding for the SUN School Initiative through June 30, 2002

DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES

C-4 RESOLUTION Authorizing Approval to Allow Repurchase of Tax
Foreclosed Property to the Former Owner, The Estate of Andrew V Houston
Sr

C-5 Government Contract (190 Agreement) 0110978 with the City of Portland,
Providing Funding for the Morrison Bridge Multi-use Path Public
Involvement and Preliminary Engineering

C-6 Revenue Agreement 0110979 with the Pacific Salmon Watershed Fund,
Providing Funding for Beaver Creek Fish Ladder Improvements through
December 31, 2002

REGULAR AGENDA - 9:00 AM
PUBLIC COMMENT - 9:00 AM

Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes per Person.

DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES - 9:00 AM

- R-1 Second Reading and Possible Adoption of an ORDINANCE Adopting Amendments to Multnomah County Code Chapters 33, 34, and 35 Pertaining to "Lots of Record" and Changes to Other Land Use Standards as Required by Recently Adopted Oregon Administrative Rules for "Rural Residential Areas"
- R-2 RESOLUTION Approving and Consenting to the Issuance by Gilliam County, Oregon, of its Solid Waste Disposal Revenue Bonds for the Purpose of Financing or Refinancing, Among Other Things, the Acquisition, Installation, Construction, Relocating, Equipping and Improving of Certain Solid Waste Disposal Facilities Located in Multnomah County, and Related Matters

NON-DEPARTMENTAL - 9:15 AM

- R-3 PROCLAMATION Proclaiming May 2002 as ASIAN PACIFIC AMERICAN HERITAGE MONTH in Multnomah County, Oregon
- R-4 RESOLUTION: Design of an Asian-Specific Comprehensive Mental Health Services Program

Thursday, May 9, 2002 - 10:00 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

BOARD WORK SESSION

- WS-3 Public Safety Group Policy Framework Discussion. Presented by John Rakowitz, Department of Community Justice Director Joanne Fuller, District Attorney Mike Schrunk, Sheriff Dan Noelle, Invited Department Directors and Staff. 2 HOURS REQUESTED.

MULTNOMAH COUNTY 2002-2003 BUDGET WORK SESSIONS AND HEARINGS

9:30 AM to 12:00 PM Tuesdays, Wednesdays and Thursdays as Listed Below
Unless otherwise noted, all Sessions held at the Multnomah Building
First Floor Commissioners Boardroom 100, 501 SE Hawthorne Boulevard, Portland

The Board of Commissioners, Auditor, District Attorney, Sheriff and Invited Participants Will Meet to Discuss Multnomah County 2002-2003 Budget Issues. Facilitated by John Rakowitz and Tony Mounts. **[These are Public Meetings and Interested Persons are Welcome to Attend, However Public Testimony Will be Taken During Budget Hearings Scheduled in May and June.]** Thursday Meetings are Broadcast Live on Cable Channel 30 or log onto <http://www.co.multnomah.or.us/cc/board.html> to View Live Broadcast. Tuesday and Wednesday Meetings will be Broadcast Live on Cable Channel 22 (East County subscribers only) and Rebroadcast on Cable Channels 29 and 30 (Countywide subscribers) and Media Streaming beginning Tuesday, May 7, 2002. Cable Schedule included herein. For further budget information, log onto <http://www.co.multnomah.or.us/cc/budget/index.html>.

Tuesday, April 23

9:30-12:00 Health and Human Services Group Policy Framework Discussion

Wednesday, April 24

9:30-11:45 General Government Groups: Library, Business and Community Services, Facilities, Emergency Management, Diversity, Policy Framework Discussion

11:45-12:00 BIT Update

Wednesday, May 1 Board Work Session Cancelled

9:30-12:00 ~~Public Safety Group, Policy Framework Discussion~~

Thursday, May 2

9:30-Regular Board Meeting Chair Diane Linn 2002-2003 Executive Budget Message, Public Hearing and Consideration of Resolution Approving Executive Budget for Submission to Tax Supervising and Conservation Commission

Public Hearing and Consideration of Approval of the 2002-2003 Dunthorpe Riverdale Sanitary Service District No. 1 Proposed Budget for Submittal to the Tax Supervising and Conservation Commission

Public Hearing and Consideration of Approval of the 2002-2003 Mid County Street Lighting Service District No. 14 Proposed Budget for Submittal to the Tax Supervising and Conservation Commission

MULTNOMAH COUNTY 2002-2003 BUDGET WORK SESSIONS AND HEARINGS

Tuesday, May 7

9:30-10:15 Fiscal Year 2003 Budget – Financial Overview
10:15-11:00 Citizen Budget Advisory Committee Recommendations
11:00-12:00 Office of School and Community Partnerships

Wednesday, May 8

9:30-11:30 Non-Departmental

Thursday, May 9

10:00-12:00 Public Safety Group, Policy Framework Discussion

Tuesday, May 14

9:30-10:00 Public Safety Group Overview
10:00-11:00 District Attorney
11:00-12:00 Department of Juvenile and Adult Community Justice
**6:00 - 8:00 p.m. Public Hearing on the 2002-2003 Multnomah County Budget –
Portland Community College, Cascade Campus, Student
Center Building Cafeteria, 705 N Killingsworth, Portland**

Wednesday May 15

9:30-10:00 Health and Human Services Group Overview
10:00-12:00 Department of County Human Services

Thursday, May 16

11:00-12:00 Budget Questions, Responses and Amendment Proposals

Tuesday, May 21

9:30-10:30 Sheriff's Office
10:30-12:00 Department of Business and Community Services

Wednesday May 22

9:30-10:30 Department of Library Services
10:30-11:30 Health Department
11:30-12:00 Health and Human Services - Issues Discussion

MULTNOMAH COUNTY 2002-2003 BUDGET WORK SESSIONS AND HEARINGS

Tuesday, May 28

9:30-11:30 Capital Budget Review
11:30-12:00 Auditor's Office
**6:00 - 8:00 p.m. Public Hearing on the 2002-2003 Multnomah County Budget –
Multnomah County East Building, Sharron Kelley Conference
Room, 600 NE 8th Street, Gresham**

Wednesday, May 29

9:30-12:00 Response to Board questions from earlier meetings

Thursday, May 30

11:00-12:00 Budget Questions, Responses and Amendment Proposals

Tuesday, June 4

9:30-12:00 Review Amendments to Fiscal Year 2003 Approved Budget

Wednesday, June 5

9:30-12:00 If needed

Thursday, June 6

**10:30-12:00 p.m. Tax Supervising and Conservation Commission Public Hearing
on the 2002-2003 Multnomah County Budget - Multnomah
Building, Commissioners Boardroom 100, 501 SE Hawthorne
Boulevard, Portland**

Tuesday, June 11

9:30-12:00 Response to Board questions from earlier meetings
**6:00 - 8:00 p.m. Public Hearing on the 2002-2003 Multnomah County Budget –
Multnomah Building, Commissioners Boardroom 100, 501 SE
Hawthorne Boulevard, Portland**

MULTNOMAH COUNTY 2002-2003 BUDGET WORK SESSIONS AND HEARINGS

Thursday, June 13
9:30-12:00

Regular Board Meeting
Public Hearing and Consideration of Resolution Adopting the 2002-2003 Budget for Multnomah County and Making Appropriations Thereunder, Pursuant to ORS 294
Resolution Levying Ad Valorem Property Taxes for Multnomah County, Oregon for Fiscal Year 2002-03
Public Hearing and Consideration of Resolution Adopting the 2002-2003 Budget for Dunthorpe Riverdale Sanitary Service District No. 1 and Making Appropriations
Public Hearing and Consideration of Resolution Adopting the 2002-2003 Budget for Mid County Street Lighting Service District No. 14 and Making Appropriations
Hearing and Consideration of Resolution Adopting the Mt. Hood Cable Regulatory Commission 2002-2003 Budget

Cable Coverage

Multnomah County 2002-2003 Budget Work Sessions and Hearings

Cable Channel 22 Available to East County Cable Subscribers Only
Cable Channels 29 and 30 Available to Countywide Cable Subscribers

Multnomah County Budget Tuesday Morning Work Sessions

Tue	May 7	9:30 AM	Channel 22 - LIVE
Fri	May 10	8:30 AM	Channel 30 - Replay
Sun	May 12	3:00 PM	Channel 29 - Replay
Tue	May 14	9:30 AM	Channel 22 - LIVE
Fri	May 17	8:30 AM	Channel 30 - Replay
Sun	May 19	3:00 PM	Channel 29 - Replay
Tue	May 21	9:30 AM	Channel 22 - LIVE
Fri	May 24	8:30 AM	Channel 30 - Replay
Sun	May 26	3:00 PM	Channel 29 - Replay
Tue	May 28	9:30 AM	Channel 22 - LIVE
Fri	May 31	8:30 AM	Channel 30 - Replay
Sun	June 2	3:00 PM	Channel 29 - Replay
Tue	June 4	9:30 AM	Channel 22 - LIVE
Fri	June 7	8:30 AM	Channel 30 - Replay
Sun	June 9	3:00 PM	Channel 29 - Replay

MULTNOMAH COUNTY 2002-2003 BUDGET WORK SESSIONS AND HEARINGS

Tue	June 11	9:30 AM	Channel 22 - LIVE
Fri	June 14	8:30 AM	Channel 30 - Replay
Sun	June 16	3:00 PM	Channel 29 - Replay

Multnomah County Budget Wednesday Morning Work Sessions

Wed	May 8	9:30 AM	Channel 22 - LIVE
Sun	May 12	5:30 PM	Channel 29 - Replay
Tue	May 14	2:00 PM	Channel 30 - Replay

Wed	May 15	9:30 AM	Channel 22 - LIVE
Sun	May 19	5:30 PM	Channel 29 - Replay
Tue	May 21	2:00 PM	Channel 30 - Replay

Wed	May 22	9:30 AM	Channel 22 - LIVE
Sun	May 26	5:30 PM	Channel 29 - Replay
Tue	May 28	2:00 PM	Channel 30 - Replay

Wed	May 29	9:30 AM	Channel 22 - LIVE
Sun	June 2	5:30 PM	Channel 29 - Replay
Tue	June 4	2:00 PM	Channel 30 - Replay

Wed	June 5	9:30 AM	Channel 22 - LIVE
Sun	June 9	5:30 PM	Channel 29 - Replay
Tue	June 11	2:00 PM	Channel 30 - Replay

Multnomah County Tuesday Evening Budget Hearings

Tue	May 14	6:00 PM	Taped - PCC Cascade Campus Cafeteria
Fri	May 17	11:00 AM	Channel 30 - Replay
Sat	May 18	11:30 PM	Channel 30 - Replay
Sun	May 19	8:00 PM	Channel 29 - Replay

Tue	May 28	6:00 PM	Taped - East County Building
Thu	May 30	6:00 PM	Channel 30 - Replay
Fri	May 31	11:00 AM	Channel 30 - Replay
Sun	June 2	8:00 PM	Channel 29 - Replay

Tue	June 11	6:00 PM	Channel 29 - LIVE - Multnomah Building
Wed	June 12	6:30 PM	Channel 30 - Replay
Fri	June 14	11:00 AM	Channel 30 - Replay
Sat	June 15	6:30 PM	Channel 29 - Replay

MULTNOMAH COUNTY 2002-2003 BUDGET WORK SESSIONS AND HEARINGS

Multnomah County Thursday Board Meetings

Thursdays	9:30 AM	Channel 30 - LIVE - Multnomah Building
Fridays	11:00 PM	Channel 30 - Replay
Saturdays	10:00 AM	Channel 30 - Replay
Sundays	11:00 AM	Channel 30 - Replay

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Multnomah County Commissioner, District 1

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MEMORANDUM

TO: Chair Diane Linn
Commissioner Serena Cruz
Commissioner Lisa Naito
Commissioner Lonnie Roberts
Board Clerk Deb Bogstad

FROM: R. Lyne Martin
Staff to Commissioner Maria Rojo de Steffey

DATE: May 7, 2002

RE: Board Briefing/Meeting Absence

Commissioner Maria Rojo de Steffey will be leaving the regular Board meeting early (at 11:00 a.m.) on Thursday, May 2nd and Thursday, May 9th.

cc: Staff



Michael D. Schrunk, District Attorney

1021 SW Fourth Avenue, Room 600
Portland, OR 97204-1193
Phone: 503-988-3162 Fax: 503-988-3643
www.co.multnomah.or.us/da/

STAFF REPORT

TO: Board of County Commissioners

FROM: Erin K. Olson, DDA

DATE: April 30, 2002

RE: Intergovernmental Agreement with City of Portland Regarding
Asset Forfeitures

1. Recommendation/Action Requested:

Approval of Intergovernmental Agreement with the City of Portland regarding asset forfeitures associated with criminal cases brought by the District Attorney's Office.

2. Background/Analysis:

Following the passage of Ballot Measure 3 by the voters last year, civil forfeitures became too costly to pursue. The 2001 Oregon Legislature enacted criminal forfeiture legislation to address some of the problems with post-Ballot Measure 3 civil forfeiture. The new criminal forfeiture legislation, effective 01/01/02, makes forfeiture part of the criminal case. The net proceeds from criminal forfeiture (after liens, expenses, and court-ordered restitution to victims of person crimes are paid) go to local drug treatment (40%), law enforcement (40%), the state General Fund (10%), the Illegal Drug Cleanup Fund (7%), and the Asset Forfeiture Oversight Account (3%). The law enforcement share is to be shared equitably between the seizing police agency and forfeiture counsel, and may be pursuant to intergovernmental agreement. The intergovernmental agreement with the City of Portland is the first to be presented for Commission approval, with additional similar agreements with other police agencies to follow.

Civil forfeiture was included in this intergovernmental agreement as a fallback position to permit the potential recovery of the costs of forfeiture when a criminal defendant absconds before the disposition of the criminal case. It is expected to be used infrequently.

3. Financial Impact:

This agreement splits the law enforcement share of criminal forfeiture proceeds equally between the Portland Police Bureau and the District Attorney's Office until the District Attorney's Office has recovered from the four primary Multnomah County police agencies the \$150,000 annual estimated cost of prosecuting forfeitures. If that threshold is reached, the District Attorney will thereafter receive 20% of the law enforcement share of criminal forfeiture proceeds until the end of the fiscal year.

In addition, pursuant to Senate Bill 914, 40% of the net criminal forfeiture proceeds will go toward local drug treatment pursuant to a plan developed to integrate drug treatment services into the criminal justice system for offenders who commit nonviolent drug possession offenses. This plan is in the development stages by a committee composed of representatives from numerous affected local law enforcement and social service agencies.

The actual financial impact will vary since no historical information is available with which to make projections.

4. Legal Issues:

None anticipated.

5. Controversial Issues:

None anticipated.

6. Link to Current County Policies:

This agreement will yield additional funding for law enforcement and drug treatment.

7. Citizen Participation:

N/A

8. Other Government Participation:

The Multnomah County Sheriff's Office, City of Gresham, and City of Troutdale had committed to agreements with identical terms to this IGA with the City of Portland. The agreement with the Multnomah County Sheriff's Office is a Memorandum of Understanding which does not require Board approval. The IGAs with Gresham and Troutdale will be presented for approval in the near future. Similar IGAs with other law enforcement agencies will be presented as the need arises.

MULTNOMAH COUNTY CONTRACT APPROVAL FORM

Pre-approved Contract Boilerplate (with County Counsel signature) Attached Not Attached Contract #: 02-10315
 Amendment #: _____

<p style="text-align: center;">CLASS I</p> <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)	<p style="text-align: center;">CLASS II</p> <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)	<p style="text-align: center;">CLASS III</p> <input checked="" type="checkbox"/> Intergovernmental Agreement (IGA) that exceeds \$50,000 <input type="checkbox"/> Expenditure <input checked="" type="checkbox"/> Revenue <p style="text-align: center;">APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS</p> <p style="text-align: center;">AGENDA # <u>C-2</u> DATE <u>06.09.02</u> DEB BOGSTAD, BOARD CLERK</p>
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Department: District Attorney Division: Forfeitures Date: 04/26/02
 Originator: Erin K. Olson Phone: (503) 988-3135 Bldg/Rm: 101/837
 Contact: Erin K. Olson Phone: (503) 988-3135 Bldg/Rm: 101/837

Description of Contract: _____
 RENEWAL: PREVIOUS CONTRACT #(S): N/A
 RFP/BID: _____ 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 <u>City of Portland</u> Address <u>Portland Police Bureau</u> <u>1111 SW 2nd Avenue/AFU</u> <u>Portland, OR 97204</u> Phone <u>(503) 823-0006</u> Employer ID# or SS# _____ Effective Date <u>January 1, 2002</u> Termination Date <u>July 31, 2005</u> Original Contract Amount \$ _____ Total Amt of Previous Amendments \$ _____ Amount of Amendment \$ _____ Total Amount of Agreement \$ _____	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 checked="" type="checkbox"/> Other \$ <u>Forfeiture-based</u> <input type="checkbox"/> Other <input type="checkbox"/> Requirements Not to Exceed \$ _____ Encumber <input type="checkbox"/> Yes <input type="checkbox"/> No
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REQUIRED SIGNATURES:

Department Manager *Michael D. Seward* DATE 4-29-02
 Purchasing Manager _____ DATE _____
 (Class II Contracts Only)
 County Counsel *Sandra Duffey* DATE 4-16-02
 County Chair *Dean My* DATE 8.9.02
 Sheriff _____ DATE _____
 Contract Administration _____ DATE _____
 (Class I, Class II Contracts only)

LGFS VENDOR CODE						DEPT REFERENCE					
LINE #	FUND	AGENCY	ORG	SUB ORG	ACTIVITY	OBJ/REV	SUB OBJ	REP CAT	LGFS DESCRIPTION	AMOUNT	INC DEC
01											
02											
03											

GOVERNMENT CONTRACT (190 AGREEMENT)

This is an intergovernmental agreement (Agreement) between CITY OF PORTLAND, a municipal corporation (City), and MULTNOMAH COUNTY, a Home Rule County and political subdivision of the State of Oregon, (County), pursuant to authority granted in ORS Chapter 190.

PURPOSE:

The purpose of this Agreement is to provide for the dispersal of assets and property subject to forfeiture under Oregon Laws, Chapter 780 (2001) relating to civil forfeitures, and Oregon Laws, Chapter 666 (2001) relating to criminal forfeitures.

DEFINITIONS:

A. City is, for purposes of this Agreement, a "forfeiting agency" as defined in Oregon Laws, Chapter 780 (2001).

B. The Portland Police Bureau (Bureau) is an agency of City, and for purposes of this Agreement, a "seizing agency" as defined in Oregon Laws, Chapters 666 and 780 (2001).

C. The Multnomah County District Attorney's Office (District Attorney) is, for purposes of this Agreement, both a "law enforcement agency" and "forfeiture counsel" as those terms are defined in Oregon Laws, Chapters 666 and 780 (2001).

RECITALS:

A. The 2001 Legislature enacted Oregon Laws, Chapters 666 and 780 (2001) as uniform statutory schemes providing the procedural and logistical framework for all non-federally based civil and criminal forfeiture actions occurring in the State of Oregon.

B. City, Bureau and District Attorney wish to enter into a cooperative and mutually beneficial arrangement under the terms of Oregon Laws, Chapters 666 and 780 (2001) (hereinafter referred to as "Chapter 666" and "Chapter 780").

C. City, Bureau and District Attorney recognize that under the terms of Chapter 666 Section 15 and Chapter 780 Section 13, an intergovernmental agreement is desirable for the dispersal of funds received as a result of the prosecution of forfeiture actions.

D. District Attorney has the requisite expertise and resources to prosecute forfeiture actions taken pursuant to Chapters 666 and 780.

E. Bureau has the requisite expertise and resources to act as the seizing agency.

F. City has the requisite and necessary resources to act as the forfeiting agency.

TERM:

The term of this Agreement shall be from January 1, 2002 to July 31, 2005. This Agreement may be renewed by mutual agreement of the parties.

AGREEMENT:

A. Civil Forfeiture

1. When a judgment of civil forfeiture is entered in favor of City as the forfeiting agency pursuant to Chapter 780, and where forfeiture counsel is District Attorney, City shall within thirty (30) days of the end of the next City fiscal quarter reimburse District Attorney for all actual expenses incurred in prosecuting the forfeiture proceeding, and for attorney's fees at a rate of \$90/hour, subject to the limitations of paragraphs C.6 and C.8 and in accordance with ORS 475A.120.

2. In the event Bureau cooperates with other law enforcement agencies in specific civil forfeiture cases prosecuted by District Attorney as forfeiture counsel, City and Bureau shall ensure that any agreements between the cooperating agencies regarding the distribution of proceeds shall include the reimbursements set forth in paragraph A.1. above, subject to the limitations of paragraphs C.6 and C.8.

3. In the event a court of competent jurisdiction orders property and/or proceeds which were forfeited to City as forfeiting agency in a civil forfeiture action returned to a claimant, or transferred or otherwise conveyed to some third party, District Attorney shall return to City any attorney's fees it has received in accordance with paragraph 1 or 2 of this subsection A.

4. In the event that a claimant or financial institution is awarded costs, disbursements and/or attorney's fees pursuant to Chapter 780 Section 36, City and District Attorney shall each be responsible for 50% of those costs, disbursements, and/or attorney's fees.

5. City may elect not to liquidate any real or personal property subject to forfeiture under the terms of Chapter 780, provided written notice of said election is provided District Attorney no less than ten (10) days following the entry of a final judgment of civil forfeiture pursuant to Chapter 780 Sections 11, 12 and/or 35. If City proceeds under this paragraph, it shall make the disbursements otherwise required by Chapter 780 and this Agreement from other City funds based on the fair market value, appraisal value, or auction value, as agreed to by the parties to this Agreement, at the time of the entry of final judgment of forfeiture, except that the parties stipulate that property destroyed by agreement of the parties shall have a fair market, appraisal, and auction value of zero (\$0).

6. No civil forfeiture action involving property seized by Bureau that relates to a case criminally prosecuted by District Attorney will be commenced by any party to this Agreement without the mutual agreement of District Attorney and Bureau, except that nothing in this paragraph shall prohibit City from initiating civil forfeiture actions in cases in which District Attorney has declined to initiate a forfeiture proceeding. Civil forfeiture actions may be commenced by District Attorney pursuant to this Section A only in circumstances in which a criminal forfeiture action has been dismissed due to the criminal defendant's abscondence when a civil forfeiture action is the only means by which the parties may recover costs and expenses of seizure, maintenance, and pursuit of the forfeiture action.

B. Criminal Forfeiture

1. Notwithstanding the manner of service of notices of seizure for criminal forfeiture, the parties agree that in all criminal forfeiture actions which involve property seized by a member or agent of Bureau, Bureau shall be the "seizing agency" as that term is defined in Chapter 666 Section 1(13).

2. When a final judgment of criminal forfeiture is entered against the defendant and all claimants in a criminal forfeiture proceeding pursuant to Chapter 666, Bureau and City shall within thirty (30) days of the end of the next City fiscal quarter distribute the property and/or proceeds in accordance with Chapter 666 Section 16, together with any interest earned, as follows:

- a. Bureau shall first pay costs, including the expenses of publication, service of notices, towing, storage, and servicing or maintaining the seized property pursuant to Chapter 666 Section 6. For purposes of this subparagraph B.2.a., costs shall also include the statutorily allowed actual out-of-pocket expenses and costs incurred by District Attorney in prosecuting the criminal forfeiture action through its final disposition, including related appeals involving the forfeiture action. In the event that the final proceeds are less than the total of the expenses and costs incurred by Bureau and District Attorney, each shall be reimbursed its proportionate amount of the total expenses and costs from the proceeds received. The parties reserve the right to seek recovery of their costs and expenses in contested cases as against third party claimants, whether individually or jointly sought.
- b. After costs have been paid, Bureau shall distribute to the victim any amount Bureau was ordered to distribute pursuant to Chapter 666 Section 14(4).
- c. After the distributions in subparagraphs B.2.a. and B.2.b. have been paid, Bureau shall distribute the remaining property and/or proceeds to City's general fund. Pursuant to Chapter 666 Section 16(2), City shall distribute three percent (3%) of this amount to the Asset Forfeiture Oversight Account established in ORS 475A.160, seven percent (7%) to the Illegal Drug Cleanup

Fund established in ORS 475.495 for the purposes specified in ORS 475.495(5), and ten percent (10%) to the state General Fund.

- d. Of the balance remaining after the distributions in subparagraphs B.2.a. through B.2.c., fifty percent (50%) shall be used for substance abuse treatment pursuant to a plan developed under Oregon Laws Chapter 834 (2001), Section One, and the remaining fifty percent (50%) shall be used for official law enforcement use.
- e. Of the balance available for official law enforcement use, 50% shall be distributed to District Attorney and 50% shall be distributed to Bureau, subject to the limitations described in paragraph C.8. herein.

3. In the event Bureau cooperates with other law enforcement agencies in specific criminal forfeiture cases prosecuted by District Attorney as forfeiture counsel, Bureau shall ensure that any agreements between the cooperating agencies regarding the distribution of proceeds shall include the distributions set forth in paragraph B.2, subject to the limitations described in paragraph C.8. herein.

4. In the event a court of competent jurisdiction orders forfeited property, proceeds, and/or a related interest which was forfeited to City or Bureau in a criminal forfeiture action returned to a claimant or transferred or otherwise conveyed to some third party, District Attorney shall return its proportionate share of the property ordered returned, except that District Attorney shall not be liable for amounts ordered paid as a result of Bureau's noncompliance with Chapter 666 Section 6(a) unless such noncompliance was the result of an agreement between Bureau and District Attorney that the cash needed to be retained as evidence rather than being deposited in an interest-bearing account.

5. City or Bureau may elect not to liquidate any real or personal property subject to forfeiture under the terms of Chapter 666, provided written notice of said election is provided to District Attorney no less than ten (10) days following the entry of a final judgment of criminal forfeiture. If City or Bureau proceeds under this paragraph, it shall make the disbursements otherwise required by Chapter 666 and this Agreement from other City funds based on the fair market value, appraisal value, or auction value, as agreed to by the parties to this Agreement, at the time of the entry of final judgment of criminal forfeiture, except that the parties stipulate that property destroyed by agreement of the parties shall have a fair market, appraisal, and auction value of zero (\$0).

C. Provisions Applicable to All Cases

1. Bureau shall be responsible for arranging the towing, storage, insurance, and maintenance of property seized for forfeiture; for service of notices of seizure for forfeiture; for publication when required, and for obtaining proof of publication; for necessary investigative follow-up; for research of title to, and claims for, property seized for forfeiture; for other obligations involving the safekeeping and care of property seized

for forfeiture, and for timely notification of District Attorney of occurrences affecting District Attorney's obligations or requiring action by District Attorney pursuant to this Agreement.

2. District Attorney shall be responsible for arranging service of civil process when required; filing litigation-related documents with the applicable court; and for timely notification to Bureau of occurrences affecting Bureau's obligations or requiring action by Bureau pursuant to this Agreement.

3. Bureau and District Attorney agree to consult with each other, through agents designated by each to carry out this Agreement, prior to taking actions which potentially affect the obligations, liabilities, or rights of the other under this Agreement, including the initiation of forfeiture actions; the dismissal, settlement, or other disposition of forfeiture actions; or the storage, sale, transfer, or other disposition of property seized for forfeiture. Nothing in this paragraph shall be construed to require District Attorney to compromise the independent exercise of prosecutorial discretion in a criminal matter.

4. No party to this Agreement shall seek the forfeiture of any "facility" which has been designated a "hazardous waste disposal site" or "hazardous waste storage site," as those terms are defined in ORS 466.005, or an "illegal drug manufacturing site" as that is defined in ORS 453.858, without first obtaining the prior written approval of the other parties.

5. In forfeiture cases involving the storage of vehicles seized for forfeiture, unless there is a written agreement prior to the commencement of the forfeiture proceeding in individual cases which provides otherwise, City and Bureau agree that the expense for which City or Bureau is reimbursed pursuant to Chapter 780 Section 14(2) and Chapter 666 Section 6 (the latter, as described in subparagraph B.2.a.) shall be \$10 per day per stored vehicle for the first 120 days following the seizure of a vehicle for forfeiture, and \$16 per day thereafter, which per-vehicle expense shall cover storage, maintenance, and any damage sustained while the vehicle is so stored. The parties further agree that District Attorney shall not be liable for payments ordered or liabilities incurred as a result of damage occurring to items so stored.

6. In the event a forfeiture action is dismissed, disposed of, or otherwise resolved without provision for full recovery of the parties' costs and expenses, the parties agree to share equitably in such excess costs and expenses in amounts proportionate to their actually-incurred out-of-pocket costs and expenses, except that the parties agree that District Attorney shall not be entitled to attorney's fees pursuant to paragraphs A.1. and A.2. unless all other out-of-pocket expenses incurred in the civil forfeiture proceeding have been paid.

7. In cases in which District Attorney is prosecuting a criminal case involving the seizure of assets by Bureau, Bureau may transfer the seized assets to a Department of Treasury ("Treasury") agency for administrative or judicial

forfeiture after consultation with District Attorney. In such cases, forfeiture proceedings commenced by a Treasury agency which lead to Bureau's receipt of some or all of the "net proceeds available for sharing," as that is defined in Department of Treasury's Guide to Equitable Sharing for Foreign Countries and Federal, State, and Local Law Enforcement Agencies, shall be passed through to District Attorney in an amount equal to 20% of Bureau's equitable share, subject to the limitations described in paragraph C.8. herein if applicable. District Attorney shall use such shared monies for law enforcement purposes in accordance with Department of Treasury's Guide to Equitable Sharing for Foreign Countries and Federal, State, and Local Law Enforcement Agencies, Guidelines for Seized and Forfeited Property, and the related Directives. Nothing in this paragraph shall be construed to limit District Attorney's right to enter into similar agreements with other law enforcement agencies, or to apply for equitable shares in cases not otherwise covered by this Agreement.

8. Notwithstanding the provisions of paragraphs A.1, A.2, B.2, B.3, and C.7, upon District Attorney's receipt during its fiscal year (July 1-June 30) of a total of \$150,000 from attorney's fees for civil forfeiture cases pursuant to paragraphs A.1 and A.2 herein, distributions from criminal forfeiture proceedings pursuant to paragraphs B.2, and B.3 herein, and equitable share pass-throughs pursuant to paragraph C.7 herein, together with monies received by District Attorney pursuant to the similar provisions of District Attorney's agreements with the Multnomah County Sheriff's Office, Gresham Police Department, and Troutdale Police Department, the following shall occur: (a) City shall no longer be further obligated to pay attorney's fees in civil forfeiture cases as would otherwise be required by paragraphs A.1 and A.2; (b) Bureau shall be entitled to 80% of the balance of criminal forfeiture distributions available for law enforcement use rather than 50% as set forth in paragraphs B.2 and B.3; and (c) Bureau shall retain 100% of Bureau's equitable share of federal forfeiture proceeds rather than 80% as set forth in paragraph C.7.

D. Modification

This Agreement may be amended or altered at any time provided City and County agree to such change(s) in writing.

E. Termination

This Agreement may be terminated by either party upon 60 days written notice.

F. Indemnification

Subject to the conditions and limitations of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300, County shall indemnify, defend and hold harmless City from and against all liability, loss and costs arising out of or resulting from the acts of County, its officers, employees and agents in

the performance of this Agreement. Subject to the conditions and limitations of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300, City shall indemnify, defend and hold harmless County from and against all liability, loss and costs arising out of or resulting from the acts of County, its officers, employees and agents in the performance of this Agreement.

G. Insurance

Each party shall each be responsible for providing worker's compensation insurance as required by law. Neither party shall be required to provide or show proof of any other insurance coverage.

H. Adherence to Law

Each party shall comply with all federal, state, and local laws and ordinances, together with any ethical obligations, which are applicable to this Agreement, including but not limited to those set forth in Oregon Laws, Chapters 666 and 780 (2001).

I. Non-Discrimination

Each party shall comply with all requirements of federal and state civil rights and rehabilitation statutes and local non-discrimination ordinances.

J. Access to Records

Each party shall have access to the books, documents, and other records of the other which are related to this Agreement for the purpose of examination, copying, and audit, as needed to comply with reporting or other legal obligations of any party, unless otherwise limited by law.

K. Subcontracts and Assignment

No party to this Agreement will subcontract or assign any part of this Agreement without the written consent of the other party.

L. No Third Party Rights

Nothing in this Agreement shall be construed to create rights in any third party or other entity not a party hereto.

M. This Is The Entire Agreement

This Agreement constitutes the entire Agreement between the parties. This Agreement may be modified or amended only by the written agreement of the parties.

CITY OF PORTLAND:


Mark Kroeker, Chief of Police

4.16.02
Date

APPROVED AS TO FORM:


David Woboril,
Deputy City Attorney

4-14-02
Date

MULTNOMAH COUNTY:

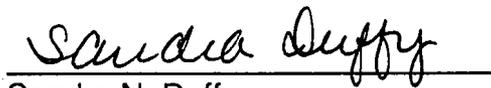

Diane Linn,
County Chair

5.7.02
Date


Michael D. Schrunck,
District Attorney

04-15-02
Date

APPROVED AS TO FORM:


Sandra N. Duffy,
Deputy County Attorney

4.16.02
Date

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-2 DATE 05.09.02
DEB BOGSTAD, BOARD CLERK



MULTNOMAH COUNTY OREGON

421 SW Sixth – Second Floor
Portland OR 97216-1618
(503) 988-6295

STAFF REPORT

TO: Board of County Commissioners

FROM: Lorenzo Poe Director
Office of School and Community Partnerships

DATE: May 2, 2002

SUBJECT: FY 2001/02 Revenue Agreement with Annie E. Casey Foundation for the SUN Initiative

I. Recommendation/Retroactive Action Requested: The Department of County Human Services recommends Board of County Commissioner approval of the revenue agreement with the Annie E. Casey Foundation for the period of July 1, 2001 through June 30, 2002. This revenue agreement is retroactive due to lengthy negotiations between the provider and program office.

II. Background/Analysis: The Department of County Human Services received an award from the Annie E. Casey Foundation to provide technical assistance to 15 SUN sites and three high school transition sites in Multnomah County to support and build upon community building efforts and to improve the organizational infrastructure in the SUN Initiative and individual SUN schools for governance, communication, tracking and evaluation.

III. Financial Impact: This revenue agreement is not to exceed \$147,911. This amount includes deferred revenue in the amount of \$47,911, remaining on the Multnomah County Oregon's books as of June 30, 2001. In addition the Foundation agrees to pay Multnomah County, Oregon up to an additional \$100,000 in two (2) payments. The first payment of \$50,000 will be disbursed upon receipt of this fully executed original Letter of Agreement. The final payment of up to \$50,000 will be available upon receipt and approval of both the Interim Progress and Expenditure Reports. A budget modification is pending.

IV. Legal Issue: None.

V. Controversial Issues: None.

VI. Link to Current County Policies: Sun Initiative programs are consistent with current County policies and supports the following County benchmarks: Increasing school success, reducing juvenile crime and reducing poverty. The County's commitment to community development and local neighborhood control and involvement is also reflected in the SUN model.

VII. Citizen Participation: An essential component of the SUN project is the involvement of youth their families and community members in the design, leadership, and participation in the program.

VIII. Other Government Participation: The SUN project is a partnership between the Multnomah County (Office of School and Community Partnership, Juvenile Justice and the Health Department), the City of Portland, Portland Public Schools, Oregon Department of Human Services, Multnomah Education Services and the Annie E. Casey Foundation.

MULTNOMAH COUNTY CONTRACT APPROVAL FORM
(See Administrative Procedure CON-1)

Contract #: 0210236

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

Amendment #: 0

<p align="center">Class I</p> <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)	<p align="center">Class II</p> <input type="checkbox"/> Professional Services that exceed \$50,000 or awarded by RFP or Exemption (regardless of amount) <input type="checkbox"/> PCR Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input checked="" type="checkbox"/> Revenue that exceeds \$50,000 or awarded by RFP or Exemption (regardless of amount) 190 Agreement	<p align="center">Class III</p> <input type="checkbox"/> Intergovernmental Agreement (IGA) that exceeds \$50,000 <input type="checkbox"/> Expenditure <input type="checkbox"/> Revenue <p align="center">APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS AGENDA # <u>C.3</u> DATE <u>0509.02</u> DEB BOGSTAD, BOARD CLERK</p>
--	--	---

Department: Office of School and Community Partnerships Division: _____ Date: April 15, 2002

Originator: Diane Iverson/Diana Hall Phone: 84786 & 84222 Bldg/Rm: 166/2

Contact: Lynn Ervins & Debra Crawford (GA) Phone: 26644 & 27243 Bldg/Rm: 166/7

Description of Contract **This revenue agreement funds the SUN School Initiative in the amount of \$147,911. \$47,911 is deferred revenue from FY 2000/2001. The new funding in the amount of \$100,000 is available for FY 2001/2002 expenditures.**

RENEWAL: <input checked="" type="checkbox"/>	PREVIOUS CONTRACT #(S): <u>0110875</u>
RFP/BID: <u>N/A</u>	RFP/BID DATE: _____
EXEMPTION: _____	EXEMPTION EXPIRATION: _____
#/DATE: _____	DATE: _____
CONTRACTOR IS: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> ESB <input type="checkbox"/> QRF <input type="checkbox"/> N/A <input type="checkbox"/> NONE (Check all boxes that apply)	

Contractor <u>The Annie E. Casey Foundation</u>		Remittance Address _____
Address <u>701 ST Paul Street</u>		(If different) _____
<u>Baltimore, MD 21202</u>		
Phone <u>401.547.6625</u>	Payment Schedule / Terms	
Employer ID# or SS# <u>N/A</u>	<input type="checkbox"/> Lump Sum \$ _____	<input type="checkbox"/> Due on Receipt
Effective Date <u>July 1, 2001</u>	<input type="checkbox"/> Monthly \$ <u>Invoice</u>	<input type="checkbox"/> Net 30
Termination Date <u>June 30, 2002</u>	<input type="checkbox"/> Other \$ _____	<input type="checkbox"/> Other
Original Contract Amount \$ <u>147,911</u>	<input type="checkbox"/> Requirements \$ _____	
Total Amt of Previous Amendments \$ <u>0</u>		
Amount of Amendment \$ <u>0</u>		
Total Amount of Agreement \$ <u>147,911</u>	Encumber <input type="checkbox"/> Yes <input type="checkbox"/> No	

REQUIRED SIGNATURES

Department Manager Lolanga T. Po, Jr. mcs DATE 4/16/02

Purchasing Manager _____ DATE _____

County Counsel Kate Griffin DATE 4/24/02

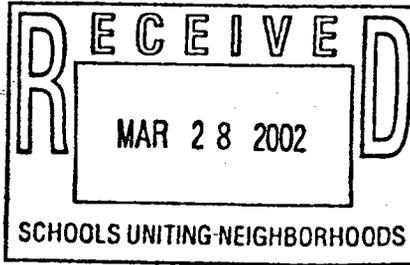
County Chair Dean G. J. DATE 5.9.02

Sheriff _____ DATE _____

Contract Administration _____ DATE _____

SAP CUSTOMER CODE 300000					PREVIOUS DEPT REFERENCE 00436				
LINE # 01					FM CODE	WBS	AMOUNT		
					68510	CFSDO SUN AECF	\$147,911		

701 St. Paul Street
Baltimore, MD 21202
410 547-6600
FAX 410 547-6624



The Annie E. Casey Foundation
January 8, 2002

Grant Number: 95.3301

Mr. David A. Boyer
Finance Director
Multnomah County Oregon
Department of Community and Family Services
421 SW Sixth Avenue, Suite 700
Portland, OR 97204-1618

Dear Mr. Boyer:

We are pleased to inform you that the Annie E. Casey Foundation (Foundation) has taken action to continue our support to Multnomah County, Oregon as a fiscal agent for Schools Uniting Neighborhoods (SUN), with a grant of up to \$100,000.00 for the period beginning July 1, 2001 through June 30, 2002. We are also authorizing total expenditures of up to \$147,911.00 of Foundation funds during this period, as detailed in the Multnomah County Oregon's attached submitted and approved budget. This amount includes the use of an unexpended balance of \$47,911.00 remaining on the Multnomah County Oregon's books as of June 30, 2001.

This grant is intended to support their community partnership and community building initiatives.

Bruno Manno will be the Foundation staff person responsible for the management of this grant.

Description of Work and Products

As specified in the proposal submitted to us on December 4, 2001, we understand that Multnomah County, Oregon and SUN will:

- Provide technical assistance to 15 Schools Uniting Neighborhoods (SUN) sites and 3 high school transition sites, with a special focus on family strengthening and youth development activities;
- Continue to gather data for SUN evaluation; and
- Document lessons learned during the early implementation phase of SUN.

Payment Provisions

The Foundation agrees to pay Multnomah County, Oregon up to \$100,000.00 in two (2) payments for this work. The first payment of up to \$50,000.00 will be disbursed upon receipt of this fully-executed original Letter of Agreement.

Final payment of up to \$50,000.00 will be available upon receipt and approval of both the Interim Progress and Expenditure Reports as detailed below.

Our understanding is that these funds will be spent according to the attached budget. Any changes in this approved budget that exceed 15% of any line item, as well as any changes in key personnel, must be approved in advance by the Foundation.

Reporting Requirements

Multnomah County, Oregon and SUN will submit Progress and Expenditure Reports to the Foundation according to the following schedule:

<u>Report Name</u>	<u>Due On or Before</u>	<u>Covering the Period of</u>
Interim Progress Report	02/28/2002	07/01/2001 – 01/31/2002
Interim Expenditure Report	02/28/2002	07/01/2001 – 01/31/2002
Final Progress Report	07/31/2002	02/01/2002 – 06/30/2002
Final Expenditure Report	07/31/2002	07/01/2001 – 06/30/2002

One (1) original and two (2) copies of each report should be submitted to the Foundation using the enclosed forms. They should be sent to the attention of **Grants Reporting**, and should include the grant number designated on the first page of this document.

Multnomah County, Oregon should also be aware of the following requirements related to the sub-granting of the Annie E. Casey Foundation funds:

- If you make sub-grants to 501(c)(3) organizations, your organization must: (a) inform the Foundation of the identities of sub-grantees promptly after they are selected; (b) obtain accounting from each sub-grantee and forward it to us directly; and (c) require that the sub-grantees be subject to the same Terms and Conditions imposed on you by the Foundation. In addition, if the sub-grantee is a private foundation, the Terms and Conditions (including, in particular, paragraphs 2(c) and 5) shall apply as if the grant had been made directly by the Foundation to it. These Terms and Conditions are attached to this Letter of Agreement.
- If you make payments to individuals or non-501(c)(3) organizations, you may enter into direct contracts with them so long as the goods and services provided to you by the individuals/organizations further the purpose of our grant to you. In these cases, your organization must: (a) incorporate their accounting of expenditures within your organization's accounting to us; and (b) require that no part of our grant funds to these individuals/organizations be used to carry on propaganda, or otherwise to influence legislation, or the outcome of any specific public election, as detailed in paragraph 5 of the attached Terms and Conditions for our grants.

Further specific provisions of this grant are described in the attached Terms and Conditions of the Annie E. Casey Foundation Grants.

I hope you find the terms of this grant acceptable. Please indicate this by signing below and returning the complete original Letter of Agreement to **Grants Reporting** in the enclosed self-addressed envelope.

On behalf of the Annie E. Casey Foundation, I look forward to a productive relationship.

Sincerely,



Douglas W. Nelson
President

Lorenzo T. Pas. Jr. mas 4/1/02
Mr. David A. Boyer (or Authorized Representative) Date

- Encl: Grant Budget
- Terms and Conditions
- Reporting Forms
- Return Envelope

File No. 931723.01

Multnomah County

By Lorenzo T. Pas. Jr. mas 4/16/02
~~Office of~~ Date
School and Community Partnerships, Director

By Diane M. Linn 5-9-02
Diane M. Linn Date
Multnomah County Chair

REVIEW:
THOMAS SPONSLER, County Attorney for
Multnomah County, Oregon

By Katie Galt 4/24/02
Date

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-3 DATE 05-09-02
DEB BOGSTAD, BOARD CLERK

**TERMS AND CONDITIONS FOR
ANNIE E. CASEY FOUNDATION GRANTS**

1. All grant funds must be used only for charitable, literary, scientific or educational purposes within the meaning of Internal Revenue Code Section 170(c)(2)(B) and, more specifically, for the purposes described in the attached grant agreement and substantially in accordance with the attached approved budget. The grant funds may not be expended for any other purpose without the Foundation's prior written approval. Any funds not expended for the purposes of the grant during the grant term must be immediately returned to the Foundation.
2. In addition to other required reports specified elsewhere in this agreement, the grantee will provide annual reports on the use of grant funds to the Foundation and a final report two months after the end of the grant period. Each report should include a narrative account of what was accomplished by the expenditure of funds (including a description of progress made towards achieving the goals of the grant) and a financial statement attested by the responsible financial officer of the grantee or a certified public accountant.
 - a. If any report is not received in a timely manner, the Foundation may withhold further grant payments until the report is received, and may terminate the grant if the report is not received within thirty (30) days following the date on which it is due.
 - b. If the grantee is a private non-profit organization, its report shall also include: (i) a statement the grantee distributed the grant funds as qualifying distributions (as defined in Section 4942 (g) of the Internal Revenue Code) by the end of the grantee's fiscal year following the fiscal year in which grantee received the grant funds; (ii) the name, address and amount received by each organizations to which the grantee made a qualifying distribution of grant funds: and (iii) a statement that such qualifying distributions were distributions out of the corpus (as defined in Section 4942 (g) of the Code).
3. Although the grant funds need not be maintained in a separate bank account, such funds must be shown on the grantee's books for ease of reference and verification. Records of receipts and expenditures under the grant, as well as copies of reports submitted to the Foundation, must be kept for at least four years following completion of the grant term. The grantee's books and records shall be made available for the Foundation's inspection at reasonable times for the purpose of making such financial audits, verifications or program evaluations as the Foundation deems necessary concerning the grant.
4. The grantee should provide the Foundation with immediate notification of any changes in its tax exempt status as soon as it occurs.

5. No part of the grant funds may be used:
 - a. to carry on propaganda, or otherwise attempt to influence legislation (within the meaning of Section 4945 (d)(1) of the Internal Revenue Code);
 - b. to influence the outcome of any specific public election, or to carry on, directly or indirectly, any voter registration drive (within the meaning of Section 4945 (d)(2) of the Internal Revenue Code);
 - c. to make any grant which does not comply with the requirements of Sections 4945 (d)(3) and (4) of the Internal Revenue Code; or
 - d. to make grants to other organizations which are not described in Section 509 (a)(1), (2) or (3) of the Internal Revenue Code.
6. Grantee acknowledges that the Foundation has not earmarked any of the grant funds for any organization or individual other than the grantee. Grantee agrees that it is solely responsible for the selection of any other organization to receive a portion of the proceeds of this grant. The Foundation will continue to list only the grantee's name as our grantee in our records and the grantee agrees to provide the Foundation with the progress and expenditure reports, as and when they become due, for the total grant amount paid to the grantee.
7. The foregoing conditions comply with obligations imposed on the Foundation by federal law to make reasonable efforts and establish adequate procedures to see the grant funds are spent solely for the purposes for which they were granted, and to obtain full and complete reports on how grant funds have been expended. Changes in federal law, or in regulations interpreting it, may require the Foundation to ask that more detailed reports be submitted or that other steps be taken. The Foundation will promptly inform the grantee of any such changes.
8. If the grantee is a publicly-supported non-profit organization, the grantee acknowledges that the grant will not cause the grantee to lose its status as a public charity as described in Section 170(b)(1)(A) of the Code, and its determination letter from the Internal Revenue Service that the grantee is a public charity is still valid and has not been revoked.
9. Any violation of the foregoing conditions will require refunding to the Foundation of any amounts subject to the violation. The Foundation may discontinue, modify or withhold any payments due under this grant award or to require a refund of any unexpended grant funds if, in its sole judgment, such action is necessary to comply with the requirements of any law of regulation affecting its responsibilities under this grant award.
10. The State and Federal Courts located in Pennsylvania shall have exclusive jurisdiction over any dispute which might arise in connection with this grant, and the laws of Pennsylvania shall govern the interpretation of the terms of the grant.

The Annie E. Casey Foundation: Expenditure Report

Interim Report

Annual/Final Report

Grantee: Multnomah County Oregon

Grant Number: 95.3301

Request ID Number: 931723.01

Project Title: to continue their community partnership and community building initiatives

Reporting Period: _____ through _____

Cost Category**	Annual Budget ⁽¹⁾	Expenditures for Period ⁽¹⁾	% of Annual Budget Expended to Date
Personnel ⁽²⁾	\$	\$	%
Fringe Benefits			
Travel			
Equipment			
Supplies/Office Expenses			
Subcontract ⁽³⁾			
Consultants ⁽³⁾			
Other Direct Costs			
Grant Total	\$	\$	%

** The Expenditure Report categories should reflect the approved grant budget

(1) Expenditures and Budget for Casey funds only

(2) Attach "Detailed Personnel Report"

(3) Attach addendum stating organization(s), purpose(s), duration and cost(s), rate(s)

Name of Project Director

Signature

Date

Name of Authorized Financial Personnel

Signature

Date

The Annie E. Casey Foundation: Key Personnel Report

Interim Report

Annual/Final Report

Grantee: Multnomah County Oregon

Grant Number: 95.3301

Request ID Number: 931723.01

Project Title: to continue their community partnership and community building initiatives

Reporting Period: _____ through _____

Name ⁽¹⁾	Title	Total Annual Salary	Fringe Benefits	% Time on Grant ⁽²⁾	Expenditures for Period
		\$	\$	%	\$
Total		\$	\$	%	\$

- (1) Key personnel should reflect principals named in grant
- (2) If a person is not employed during the entire reporting period, please indicate the dates employed.

The Annie E. Casey Foundation: Interim Progress Report

Grantee: Multnomah County Oregon

Grant Number: 95.3301

Request ID Number: 931723.01

Project Title: to continue their community partnership and community building initiatives

Reporting Period: _____ through _____

OBJECTIVES

ACTIVITIES AND RESULTS TO DATE

PROBLEMS/OBSTACLES

PLANNED ACTIVITIES FOR NEXT REPORTING PERIOD

The Annie E. Casey Foundation: Annual/ Final Progress Report

Grantee: Multnomah County Oregon

Grant Number: 95.3301

Request ID Number: 931723.01

Project Title: to continue their community partnership and community building initiatives

Reporting Period: _____ through _____

OBJECTIVES

ACTIVITIES AND FINAL RESULTS

GENERAL ASSESSMENT

MEETING DATE: May 9, 2002
AGENDA NO: C-4
ESTIMATED START TIME: 9:00 AM
LOCATION: Boardroom 100

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Request Approval of Repurchase Deed to the Former Owner

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: Thursday May 9, 2002
AMOUNT OF TIME NEEDED: N/A

DEPARTMENT: DBCS DIVISION: Housing/Tax Title
CONTACT: Gary Thomas TELEPHONE #: (503) 988-3590 x22591
BLDG/ROOM #: 503/4th/Tax Title

PERSON(S) MAKING PRESENTATION: Consent Calendar

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Requesting Approval of a Repurchase Deed to the Former Owner of Record, THE ESTATE OF ANDREW V HOUSTON SR

05.13.02 ORIGINAL Deed & copies to Gary Thomas

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)

DEPARTMENT MANAGER: M. Cecilia Johnson

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email deborah.l.bogstad@co.multnomah.or.us



Department of Business and Community Services
MULTNOMAH COUNTY OREGON

Tax Title
501 SE Hawthorne Blvd, Suite 310
Portland, Oregon 97214
(503) 988-3590 phone
(503) 988-3048 fax

STAFF REPORT

TO: BOARD OF COUNTY COMMISSIONERS

FROM: TAX TITLE/GARY THOMAS

DATE: May 9, 2002

RE: Request approval to allow repurchase of Tax Foreclosed Property to go forward.

I. Recommendation/Action Requested:

Approving repurchase of Tax Foreclosed Property to go forward after time allowed to repurchase under Multnomah County Code Chapter 7 has expired.

II. Site History/Background/Analysis:

The subject property (As shown in Exhibit A) was foreclosed on for delinquent property taxes and came into county ownership on September 19, 2001. On September 19, 2001 the County Attorney's Office received a phone call from Alan Houston, a relative of Andrew Houston JR requesting to be able to redeem the subject property which had been deeded to the County the same day that he called. In this same phone conversation it was discovered that Andrew Houston SR was deceased. Mr. Alan Houston said that he was unable to come up with the amount to redeem the property on that date and that they were in the process of hiring an attorney to handle the estate.

The letter allowing the former owner of record the opportunity to repurchase the property was sent on October 18, 2001 to the subject property. The certified mail copy was returned as having been received by Andrew Houston JR. On October 29, 2001 I received a phone call from Andrew Houston JR and met with him the next day at his request to discuss certain issues surrounding the subject property. Mr. Andrew Houston JR spoke about issues that he was working on regarding taxes that the former mortgage company was supposed to have paid and issues regarding the City of Portland liens on the property.

On November 6, 2001 our office received a phone call from Cecil Strange an attorney who was representing a Roslyn Adams who was acting as the personal representative of the estate of Andrew Houston SR. Mr. Strange said that the estate had not yet been probated but that the process of doing so would start soon.

Our office spoke with Andrew Houston JR on numerous occasions because he is the person who was occupying the property and he also wanted to repurchase it being an heir to Andrew Houston SR. In February 2002 our office was contacted by Davis Wright Tremaine LLP the attorney's office handling the probate of the estate who said that they were nearing the time when they would like to repurchase the property. I then put Andrew Houston JR in contact with that office so he would be informed of the process taking place. Because our office was aware that the estate of Andrew Houston SR was in the process of being probated no action was taken to have the subject property vacated.

III. Financial Impact:

Allowing the repurchase to proceed will allow for recovery of all delinquent property taxes, interest, fees, costs, and expenses. The repurchase will also place the property back on the tax roll.

IV. Legal Issues:

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

V. Controversial Issues:

None anticipated.

VI. Link to Current County Policies:

Multnomah County Code Chapter 7 allows for properties that are foreclosed on for delinquent property taxes to be repurchased by the former owner of record.

VII. Citizen Participation:

No citizen participation in the repurchase process is anticipated.

VII. Other Government Participation:

Properties that are foreclosed on for delinquent property taxes in Multnomah County can be repurchased by the former owner of record under the provisions of MCC Chapter 7. There is currently outstanding City of Portland liens against the property that the Estate of Andrew Houston SR is aware exist. These liens will be satisfied prior to allowing the property to be repurchased by the Estate of Andrew Houston SR.

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

RESOLUTION NO. _____

Authorizing Approval to Allow Repurchase of Tax Foreclosed Property to the Former Owner, THE ESTATE OF ANDREW V HOUSTON SR.

The Multnomah County Board of Commissioners Finds:

- a) Multnomah County acquired the real property hereinafter described through foreclosure of liens for delinquent taxes, and that THE ESTATE OF ANDREW V HOUSTON SR is the former owner of record.
- b) In accordance with Multnomah County Code Chapter 7, the former owner was provided the opportunity to repurchase the property within the 30-day time frame allowed. Due to extenuating circumstances the former owner, THE ESTATE OF ANDREW V HOUSTON SR, was unable to complete the repurchase.
- c) Even though the former owner did not repurchase the property at the original opportunity to do so as explained in Finding "(b)" above, MCC Section 7.356 does not preclude the County from offering the former owner the opportunity to do so again.
- d) THE ESTATE OF ANDREW V HOUSTON SR has applied to the County to repurchase the property for the amount of \$12,536.64 which amount is not less than that required by ORS 275.180; and it is in the best interest of the County that the property is sold to the former owner.
- e) The County's Tax Title Division has received \$12,536.64 from the former owner.

The Multnomah County Board of Commissioners Resolves:

- 1. The Chair is authorized to execute Deed D021839 as attached, conveying to the former owner the following described real property:

Lot 8, Block 14, DIXON PLACE in the City of Portland, Multnomah County, Oregon

ADOPTED this 9th day of May 2002.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

THOMAS SPONSLER, 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. 02-062

Authorizing Approval to Allow Repurchase of Tax Foreclosed Property to the Former Owner, THE ESTATE OF ANDREW V HOUSTON SR.

The Multnomah County Board of Commissioners Finds:

- a) Multnomah County acquired the real property hereinafter described through foreclosure of liens for delinquent taxes, and that THE ESTATE OF ANDREW V HOUSTON SR is the former owner of record.
- b) In accordance with Multnomah County Code Chapter 7, the former owner was provided the opportunity to repurchase the property within the 30 day time frame allowed. Due to extenuating circumstances the former owner, THE ESTATE OF ANDREW V HOUSTON SR, was unable to complete the repurchase.
- c) Even though the former owner did not repurchase the property at the original opportunity to do so as explained in Finding "(b)" above, MCC Section 7.356 does not preclude the County from offering the former owner the opportunity to do so again.
- d) THE ESTATE OF ANDREW V HOUSTON SR has applied to the County to repurchase the property for the amount of \$12,536.64 which amount is not less than that required by ORS 275.180; and it is in the best interest of the County that the property is sold to the former owner.
- e) The County's Tax Title Division has received \$12,536.64 from the former owner.

The Multnomah County Board of Commissioners Resolves:

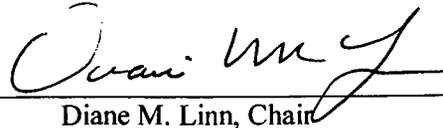
1. The Chair is authorized to execute Deed D021839 as attached, conveying to the former owner the following described real property:

Lot 8, Block 14, DIXON PLACE in the City of Portland, Multnomah County, Oregon

ADOPTED this 9th day of May 2002.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

Until a change is requested, all tax statements shall be sent to the following address:
THE ESTATE OF ANDREW V HOUSTON, SR
1300 SW FIFTH AVENUE
PORTLAND OR 97201

After recording return to:
THE ESTATE OF ANDREW V HOUSTON, SR
1300 SW FIFTH AVENUE
PORTLAND OR 97201

Deed D021839

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to THE ESTATE OF ANDREW V HOUSTON, SR, Grantee, that certain real property, located in the City of Portland, Multnomah County, Oregon more particularly described as follows:

Lot 8, Block 14, DIXON PLACE

The true and actual consideration paid for this transfer, stated in the terms of dollars is \$12,536.64.

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.

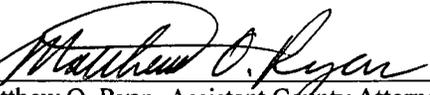
IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 9th day of May 2002, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Deed was acknowledged before me this 9th day of May 2002, 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

MEETING DATE: May 9, 2002
AGENDA NO: C-5
ESTIMATED START TIME: 9:00 AM
LOCATION: Boardroom 100

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Government Agreement with the City of Portland for the Morrison Bridge Multi-use Path Preliminary Engineering

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: Thursday, May 9, 2002
AMOUNT OF TIME NEEDED: Consent Calendar

DEPARTMENT: DBCS DIVISION: Transportation

CONTACT: April Siebenaler TELEPHONE #: (503) 988-5050 x 29637
BLDG/ROOM #: 455/Yeon Annex

PERSON(S) MAKING PRESENTATION: N/A

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Government Contract (190 Agreement) 0110978 with the City of Portland, Providing Funding for the Morrison Bridge Multi-use Path Public Involvement and Preliminary Engineering

05/13/02 ORIGINALS to CATHERY KRAMER

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)

DEPARTMENT MANAGER: M. Cecilia Johnson

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email
deborah.l.bogstad@co.multnomah.or.us



Department of Business and Community Services

MULTNOMAH COUNTY OREGON

Transportation Division
1600 SE 190th Avenue
Portland, Oregon 97233-5910
(503) 988-5050

STAFF REPORT

TO: BOARD OF COUNTY COMMISSIONERS

FROM: Kathy Busse, Land Use and Transportation Director
April Siebenaler, Transportation Planning Specialist

DATE: April 25, 2002

RE: Approval of GA between the City of Portland and Multnomah County
for the Morrison Bridge Multi-use Path Preliminary Engineering

1. Recommendation/Action Requested:

Approval of the GA between the City of Portland and Multnomah County for the Morrison Bridge Multi-use Path Preliminary Engineering.

2. Background/Analysis:

During the 2000 – 2001 Metropolitan Transportation Improvement Plan funding process the County received \$100,000 for the preliminary engineering of a multi-use path on the Morrison Bridge. The estimated cost of the preliminary engineering is \$250,000. The County and the City of Portland agreed to split the remaining cost of the preliminary engineering up to \$75,000 each.

The City of Portland will be involved throughout the facility's design development and will participate on the technical advisory committee that will oversee the design development. The City of Portland will also be present at all the public meetings. A work plan identifying staff responsibilities is attached.

The project will be completed in two phases, the preliminary engineering phase and the construction phase. The preliminary engineering will be completed by June 2003. \$1.345 million has been allocated to the construction phase of the project through the 2002 MTIP process. Those funds will become available to use for construction in October 2003.

3. Financial Impact:

The preliminary engineering phase of the project is estimated to cost \$250,000. The County will receive \$100,000 in federal funding. The County and the City of Portland are responsible for splitting the remaining cost of the project up to \$75,000 each. The \$75,000 contributed by the County will be provided by both cash and in-kind services and is budgeted in fiscal years 2002 and 2003.

4. Legal Issues:

There are no legal issues with this agreement.

5. Controversial Issues:

There are no controversial issues with this agreement.

6. Link to Current County Policies:

It is the County's policy (Comprehensive Plan Policy 33A and 33C) to provide a safe and efficient multi-modal transportation system.

7. Citizen Participation:

Extensive public support for this project has been voiced over the past three years. Over 450 post cards were received by the County Chair's office in 1998 in support of keeping a bicycle facility on the Morrison Bridge.

An extensive citizen participation process has been identified for the development of the project. There will be several opportunities for public input during the development of the facility's design including at least one open house and several smaller presentations to various stakeholder groups.

8. Other Government Participation:

Metro and ODOT will serve on the Technical Advisory Committee.

Attachment

MULTNOMAH COUNTY CONTRACT APPROVAL FORM

Pre-approved Contract Boilerplate (with County Counsel signature) Attached Not Attached Contract #: 0110978
 Amendment #: _____

<p style="text-align: center;">CLASS I</p> <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)	<p style="text-align: center;">CLASS II</p> <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)	<p style="text-align: center;">CLASS III</p> <input checked="" type="checkbox"/> Intergovernmental Agreement (IGA) that exceeds \$50,000 <input type="checkbox"/> Expenditure <input checked="" type="checkbox"/> Revenue <p style="text-align: center;">APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS</p> <p style="text-align: center;">AGENDA # <u>C-5</u> DATE <u>05-09-02</u> DEB BOGSTAD, BOARD CLERK</p>
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Department: Business and Community Services Division: Transportation Division Date: 4/25/02
 Originator: April Siebenaler Phone: x29637 Bldg/Rm: 455/Annex
 Contact: Cathy Kramer Phone: X22589 Bldg/Rm: 455/Annex

Description of Contract: Governmental Agreement with the City of Portland for the Morrison Bridge Multi-use Path Preliminary Engineering.

RENEWAL: PREVIOUS CONTRACT #(S): _____
 RFP/BID: _____ 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 <u>City of Portland</u> Address <u>1120 SW 5th Avenue, Suite 800</u> <u>Portland, OR 97204</u> <u>Roger Geller</u> Phone <u>(503) 823-7671</u>	Remittance address _____ (If different) _____ Payment Schedule / Terms <input checked="" 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 Not to Exceed \$ _____ Encumber <input type="checkbox"/> Yes <input type="checkbox"/> No
Employer ID# or SS# <u>N/A</u> Effective Date <u>October 1, 2001</u> Termination Date <u>June 30, 2003</u> Original Contract Amount \$ _____ Total Amt of Previous Amendments \$ _____ Amount of Amendment \$ _____ Total Amount of Agreement \$ <u>75,000.00</u>	

REQUIRED SIGNATURES:

Department Manager *[Signature]* DATE 4/30/02
 Purchasing Manager *[Signature]* DATE _____
 County Counsel *[Signature]* DATE 5/1/02
 County Chair *[Signature]* DATE 5.7.02
 Sheriff _____ DATE _____
 Contract Administration _____ DATE _____
 (Class I, Class II Contracts only)

LGFS VENDOR CODE						DEPT REFERENCE					
LINE #	PLANT	WBS	GL ACCT	SUB ORG	ACTIVITY	OBJ/REV	SUB OBJ	REP CAT	SAP DESCRIPTION	AMOUNT	INC DEC
01	F030	6700ET3026D	50170							\$75,000	
02											

Exhibit A, Rev. 3/25/98 DIST: Originator, Accts Payable, Contract Admin - Original If additional space is needed, attach separate page. Write contract # on top of page.

**AGREEMENT BETWEEN MULTNOMAH COUNTY AND THE CITY OF
PORTLAND FOR THE MORRISON BRIDGE MULTI-USE PATH PUBLIC
INVOLVEMENT AND PRELIMINARY ENGINEERING**

This agreement is entered into between the City of Portland, Oregon, (City), and Multnomah County, Oregon (County), pursuant to the authority granted in ORS Chapter 190.

RECITALS

1. The purpose of this Agreement is to detail the responsibilities, compensation and services to be provided by both Multnomah County and the City of Portland, Oregon regarding the public involvement and preliminary engineering for the Morrison Bridge Multi-use Path (Project).
2. The Board of County Commissioners and the Portland City Council both recognize the importance of providing transportation options to residents.
3. The County received \$100,000 in the 2000 MTIP allocation (ODOT Agreement No. 18,641) through Metro with the agreement that the City and County would provide equal amounts of funding for the balance of funds needed up to \$150,000.
4. The City and the County have agreed that it is desirable to have the City perform the traffic study and the County perform the project management and preliminary engineering for this project.

NOW, THEREFORE, the parties do mutually agree as follows:

I. SCOPE OF WORK

A. The County agrees to perform the following services:

1. Provide project management responsibilities for both the public involvement and preliminary engineering.
2. Complete 100% plans and specifications for the Project
3. Confer with the City on a regular basis and promptly respond to any inquiries from City personnel in regard to this project.
4. Provide funding for one half the Project costs up to \$75,000 for costs exceeding the \$100,000 provided to the Project through the Priorities 2000 MTIP process.
5. Perform work described in the Morrison Bridge Multi-use Path Public Involvement and Preliminary Engineering Work Plan identified as Attachment "A", and hereby incorporated by this reference.

B. The City agrees to perform the following services:

1. Provide funding for one half the Project costs up to \$75,000 for costs exceeding the \$100,000 provided to the Project through the Priorities 2000 MTIP process.
2. Provide timely response to inquiries received from the County.
3. Provide engineering and technical review of the project in a timely manner.
4. Perform work identified as a City responsibility in the Morrison Bridge Multi-use Path Public Involvement and Preliminary Engineering Work Plan.

II. TIME PERFORMANCE/SCHEDULE

The County shall make reasonable effort to complete project design and preparation of bidding documents by June 30, 2004.

III. EFFECTIVE AND TERMINATION DATES

This Agreement shall be effective as of October 1, 2001 and shall terminate as of June 30, 2003.

IV. ESTIMATED COST

The estimated cost for the public involvement and preliminary engineering on the Morrison Bridge Multi-use Path is \$250,000. Project work cannot exceed \$250,000.

V. COMPENSATION BY CITY

- A. The City shall submit its payment as requested by the County within 30 days following a written request for funds.
- B. County agrees that in kind services are acceptable as payment. City shall furnish County with an itemized statement of costs for in kind services on a monthly basis. It is estimated that the City's in kind services will be approximately \$66,500.00.

VI. AMENDMENT OF AGREEMENT

The City and the County may amend this agreement by mutual written agreement.

VII. NON-APPROPRIATION CLAUSE

The parties' obligations to perform under this agreement are subject to adequate future appropriations by the City Council or Board of County Commissioners.

The County may terminate this agreement if it fails to receive funding or other expenditure authority at levels sufficient to pay for the worked provided in the agreement.

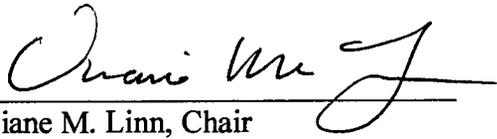
VIII. INDEMNIFICATION

Subject to the limitations and conditions of the Oregon Constitution and Oregon Tort Claims Act (ORS 30.260 et seq.), the County and the City each shall be solely responsible for any loss or injury caused to third parties arising from County's or City's own acts or omissions under the agreement; and County or City shall defend, hold harmless, and indemnify the other party to this agreement with respect to any claim, litigation, or liability arising from County's or City's own acts or omissions under this agreement.

CITY OF PORTLAND, OREGON

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

By: _____
Vera Katz, Mayor

By: 
Diane M. Linn, Chair

By: _____
Auditor

Dated: _____

Dated: May 9, 2002

REVIEWED:

REVIEWED:

By: _____
City Attorney

THOMAS SPONSLER, County Attorney
for Multnomah County, Oregon

Dated: _____

By: 
Assistant County Attorney

ASRJ3992 (6700ET3026D)

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-5 DATE 05.09.02
DEB BOGSTAD, BOARD CLERK

Morrison Bridge Multi-use Path Public Involvement and Preliminary Engineering Work Plan

PROJECT DESCRIPTION

The project will provide preliminary engineering for a multi-use path on the Morrison Bridge that accommodates safe, direct and convenient access for bicyclists and pedestrians between the City of Portland's downtown and the eastside.

BACKGROUND

The Morrison Bridge on the Willamette River in Portland, Oregon presents a significant barrier for direct bicycle, pedestrian and ADA access to the core of downtown. Multnomah County (County) is undertaking a project to address the following deficiencies on and near the bridge:

- Limited safe access on and off the bridge from East 2nd Avenue, Grand Avenue, and Water Avenue
- Shared use of existing narrow sidewalks by non-motorized users
- Limited safe access on and off the bridge from West 1st and 2nd Avenues
- Lack of proper non-motorized user circulation at the 2nd Avenue/Washington Street Ramp and 2nd Avenue/Alder Street intersections

To fix these deficiencies, the County intends to provide a multi-use bicycle and pedestrian facility to accommodate safe, direct and convenient access for bicycles, pedestrians and disabled persons across the Morrison Bridge.

Public support for providing pedestrian and bicycle access on the Morrison Bridge is strong. During rehabilitation of the Hawthorne Bridge in 1998 and 1999, a temporary bikeway was installed on the Morrison Bridge. After the temporary bikeway was removed upon completion of the Hawthorne Bridge project, over 450 "postcard" requests were submitted to the County from the bicycling community asking to maintain the bicycle access on the Morrison Bridge. To date, the public has expressed support for three possible options for a multi-use path facility across the Morrison Bridge:

- Remove one lane of traffic and construct a multi-use esplanade
- Install a multi-use facility similar to that constructed during the Hawthorne Bridge project
- Remove one lane of traffic and construct a multi-use facility along the center of the bridge

These three alternatives, as well as any others identified during the course of the project, shall be evaluated during the preliminary engineering stage. The County shall develop the design, engineering drawings and construction specifications of the multi-use path.

In May 1994, CH2M Hill completed a transportation system accessibility analysis on the bridges over the Willamette River in Multnomah County. The results are summarized in the report *Willamette River Bridges Accessibility Project*.

WORK PLAN

This work plan covers the work to complete the Preliminary Engineering through construction drawings of the Morrison Bridge Multi-use Path.

Project Management

The County will provide the overall project management. County Bicycle and Pedestrian Coordinator will take the lead with a co-project manager from the County Bridge Shop.

Technical Advisory Committee Meetings

A Technical Advisory Committee (TAC) of agency and stakeholder representatives will be formed. The TAC will meet as needed (four meetings anticipated) over the course of the project to review and make recommendations on the traffic analysis and all plans presented to the public. Participants from the City of Portland will include the Bicycle and Pedestrian Coordinators, a traffic engineer and other traffic and trails staff as appropriate. County participation will include County Bicycle and Pedestrian Coordinator, Traffic Engineering and Bridge Shop Engineering staff. Others invited to participate will include Metro, ODOT, Tri-Met, the Bicycle Transportation Alliance, the Willamette Pedestrian Coalition, an architect or landscape architect and one member from each of the County and City Bicycle and Pedestrian Citizen Advisory Committees.

WORK PLAN OUTLINE

Task 1 - Field Survey

A consultant will be employed to complete all biological assessment work and a noise study.

Lead: Consultant
Other Staff: County Engineer III
Start Date: 5/15/02
Finish Date: 6/27/02

Task 2 - Traffic Study

City of Portland shall conduct a traffic analysis to determine potential impacts and opportunities for all modes of travel on and off the bridge due to the proposed multi-use path. City shall submit a technical memorandum summarizing the methodology and results of the traffic analysis to the County. David Evans and Associates (DEA) shall review City's technical memorandum and develop a register of comments, questions and recommendations. DEA shall coordinate with the City and County to discuss comments, questions and recommendations. The traffic analysis shall consist of the following steps:

- Conduct 12-hour weekday bicycle and pedestrian counts on the Morrison, Hawthorne, Burnside, and Steel Bridges
- Conduct surveys to gather user origin and destination information and travel preferences. City shall develop up to six survey questions and distribute through existing County developed web sites and by postcard handout on the Hawthorne, Burnside, Steel, and Broadway bridges. Information from the returned survey forms shall be summarized and tabulated for each bridge in a form that facilitates easy comparison of results. The information shall be used to evaluate the multi-use path options and traffic lane closure scenarios.
- Identify and describe existing ADA access issues leading onto the bridge from the west and east approaches and other routes located off of the bridge
- Identify and describe ADA access issues across the bridge for each of the multi-use path options
- Perform a planning level analysis of traffic capacity and operations on the bridge, east and west bridge approaches, ramps and nearby intersections. Non-signalized ramp connections operations shall be evaluated for the proposed solutions that may impact ramp operations. Traffic impacts and operations levels for bridge approach intersections with traffic signals off both ends of the bridge shall be determined for each traffic scenario. Two intersections on the west approach (Alder ramp) and two intersections on the east approach (Morrison ramp) shall be analyzed for both weekday AM and PM peak periods.
- Make recommendations for any required traffic mitigation measures resulting from bridge lane closures

City shall assess after-construction quantitative and qualitative impacts for the following scenarios:

- Remove a motorized traffic lane in the center of the bridge and replace with a bicycle and pedestrian, or bicycle only, facility in the center of the bridge, and improve pedestrian access
- Remove a motorized traffic lane from the north side (west bound) of the bridge to accommodate bicycle traffic and improve pedestrian access
- Remove a motorized traffic lane from the south side (east bound) of the bridge to accommodate bicycle traffic and improve pedestrian access
- Analysis of Water Avenue and Naito Parkway ramp closures
- Narrow some or all of the existing traffic lanes to accommodate multi-use facility either on the north, center, or south sides of the bridge.

City shall assess up to 8 scenarios. Each alternative shall be reviewed for the connection implications at the ends of the bridge for all travel modes. Practicality of each lane closure scenario shall be considered in analyzing traffic operations and traffic lane geometry. Tri-Met bus and truck operations shall be considered as part of the traffic analysis. Safety impacts for all travel modes on the bridge shall be considered.

Lead: City of Portland Traffic Engineering
Other Staff: County Bicycle and Pedestrian Coordinator, County Engineer III and County Traffic Engineer, City of Portland Bicycle and Pedestrian Coordinators and other City staff as appropriate
Start Date: 5/15/02
Finish Date: 7/19/02

Task 3 – Develop Design Alternatives

Based on traffic analysis and information collected on the survey information collected, three preliminary design alternatives with rough cost estimates of different features will be developed. The three alternatives will be developed based on the following: the path proposed in the Willamette River Bridges Accessibility Project, the temporary path created during the Hawthorne Bridge closure, and an esplanade concept. The County Engineer III will largely perform this work. DEA will work with the County to provide a design concept for the esplanade concept. The County Bicycle and Pedestrian Coordinator and City of Portland Bicycle and Pedestrian Coordinators will provide guidance on the alternative development. The City and County Bicycle and Pedestrian Advisory Committees and the TAC will review the alternatives before they are presented to the public.

Lead: Multnomah County Engineer III
Other Staff: County Bicycle and Pedestrian Coordinator, City of Portland Bicycle and Pedestrian Coordinators and Consultant
Start Date: 7/23/02
Finish Date: 9/25/02

Task 4 - Preliminary Public Meetings

Schedule and hold two open houses, one on the east side and one on the west side of Portland to discuss the three design alternatives and to recommend a preferred alternative for final design and development. In addition to the open house, presentations will be made to other stakeholder and interested groups such as the APP, CEIC, the BTA, the Willamette Pedestrian Coalition, neighborhood groups, the City of Portland Bicycle and Pedestrian Advisory Committees, Multnomah County Bicycle and Pedestrian Advisory Committee. County Bicycle and Pedestrian Coordinator staff will manage the public involvement. City of Portland bicycle and pedestrian coordinators will participate in public meetings along with other city and county staff as appropriate.

Lead: County Bicycle and Pedestrian Coordinator,
County Engineer III
Other Staff: City of Portland Bicycle and Pedestrian Coordinators
Start Date: 8/13/02
Finish Date: 11/12/02

Task 5 – Alternative Refinement

Refine the chosen design alternative and cost estimate to take back to the public for their final comment. If the alternative preferred by the public for development costs more than we are asking for through the 2002 MTIP process, phasing of the project may be considered. The County Engineer III will largely perform this work. County Bicycle and Pedestrian Coordinator and City of Portland Bicycle and Pedestrian Coordinators provide guidance on the alternative refinement. The City and County Bicycle and Pedestrian Advisory Committees and the TAC will review the alternative before it is presented to the public.

Lead: County Engineer III
Other Staff: County Bicycle and Pedestrian Coordinator, City of Portland Bicycle and Pedestrian Coordinators
Start Date: 11/15/02
Finish Date: 12/20/02

Task 6 - Public Meetings on Refined Alternative

Schedule and hold two open houses, one on the east side and one on the west side of Portland to present the chosen alternative. This open house may not be necessary if one of the three preliminary alternatives is chosen with few changes for final design. Additional presentations will be made upon request to other stakeholder groups such as the APP, CEIC, the BTA, the Willamette Pedestrian Coalition, City of Portland Bicycle and Pedestrian Advisory Committees, Multnomah County Bicycle and Pedestrian Advisory Committee, and neighborhood groups. County Bicycle and Pedestrian Coordinator staff will manage the public involvement. City of Portland Bicycle and Pedestrian Coordinators will participate in public meetings along with other city and county staff as appropriate.

Lead: County Bicycle and Pedestrian Coordinator,
County Engineer III
Other Staff: City of Portland Bicycle and Pedestrian Coordinators
Start Date: 11/15/02
Finish Date: 2/5/03

Task 7 - Develop Selected Alternative

Develop contract drawings, cost estimates and special provisions on chosen alternative. The County Engineer III will largely perform this work. Coordination and review of design phases will continue with City and County staff including the County and City Bicycle and Pedestrian Coordinators and City and County traffic engineering.

Lead: County Engineer III
Other Staff: City of Portland Bicycle and Pedestrian Coordinators and
County Bicycle and Pedestrian Coordinator
Start Date: 2/10/03
Finish Date: 5/5/03

Morrison Bridge Multi-use Path Resource Allocation

	Consultant	County ET Senior Drafter	County Engineer III	County Engineering Services Administrator	County Public Information	County Bicycle and Pedestrian Coordinator	County Transportation Planning Manager	County Traffic Engineering Manager	City Bike Program Manager	City Pedestrian Program Manager	City Parks	City Traffic Engineer	City Traffic Engineer Rob Burchfield	City Engineer Brant Williams
		\$45.61	\$56.66	\$56.66	\$48.00	\$44.91	\$51.88	\$56.26	\$56.24	\$50.50	\$71.10	\$80.17	\$91.91	\$98.74
TAC Meetings			20	20	20	20	10	20	20	20	20	20	5	5
Task 1 Field Survey			20	10		8								
Task 2 Project Coordination			6			6			6			6		
Task 3 Traffic Study			20	20		10	8	30	10	10		385		
Task 4 Develop Design Alternatives		72	160	20		24	8	10	36	36	20	30		
Task 5 Preliminary Public Meetings			40		40	100	0	20	80	40	20	20	0	0
Task 6 Alternative Refinement		40	120	20		40	10	30	16	16	20	30	5	5
Task 7 Public Mtgs on Refined Alternative			40		40	100		20	40	40				
Task 8 Develop Selected Alternative		60	120	30		30	8	20	16	16	20	20	0	0
Total Hours	718	172	546	120	100	338	44	150	224	178	100	511	10	10
Total Cost	\$71,750.00	\$7,844.92	\$30,936.36	\$6,799.20	\$4,800.00	\$15,179.58	\$2,282.72	\$8,439.00	\$12,597.76	\$8,989.00	\$7,110.00	\$40,966.67	\$918.10	\$987.40
								County	City					
								Total hours	1470	1033				
								TOTAL	\$76,281.78	\$71,570.13				

MEETING DATE: May 9, 2002
AGENDA NO: C-6
ESTIMATED START TIME: 9:00 AM
LOCATION: Boardroom 100

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Revenue Agreement 0110979 with Pacific Salmon Watershed

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: Thursday, May 9, 2002
AMOUNT OF TIME NEEDED: Consent Calendar

DEPARTMENT: DBCS DIVISION: Transportation

CONTACT: Karen Schilling TELEPHONE #: 503 988-5050 x29635
BLDG/ROOM #: 455/2nd Floor

PERSON(S) MAKING PRESENTATION: N/A

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Revenue Agreement 0110979 with the Pacific Salmon Watershed Fund, Providing Funding for Beaver Creek Fish Ladder Improvements through December 31, 2002

05.13.02 ORIGINALS to CATHERY KEAMEE

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)

DEPARTMENT MANAGER: M. Cecilia Johnson

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email
deborah.i.bogstad@co.multnomah.or.us



Department of Business and Community Services

MULTNOMAH COUNTY OREGON

Transportation Division
1600 SE 190th Avenue
Portland, Oregon 97233-5910
(503) 988-5050

STAFF REPORT

TO: BOARD OF COUNTY COMMISSIONERS

FROM: Kathy Busse, Planning Director
Karen Schilling, Transportation Planning Manager

DATE: April 22, 2002

RE: Approval of Revenue Agreement between Pacific Salmon Watershed and Multnomah County for Beaver Creek Fish Ladder Improvements

1. Recommendation/Action Requested:

Approve revenue agreement between Pacific Salmon Watershed and Multnomah County for Beaver Creek Fish Ladder Improvements.

2. Background/Analysis:

The culvert on Beaver Creek at Stark Street is identified in a number of documents in the region as a critical culvert for fish passage. Improvements to the fish ladder will open up one-half mile of upstream habitat. The project will make structural improvement to the fish ladder as well as habitat restoration on one-half acre of creek banks within County owned right-of-way. The project will be constructed during Summer 2002 and completed by December 31, 2002.

Multnomah County will partner with Mount Hood Community College, the City of Troutdale, Sandy River Basin Watershed Council, and the Natural Resource programs at five high schools in East County to implement the full project. Partners are able to provide in-kind resources, volunteer time, and expertise that the County does not currently possess. The City of Troutdale has expertise in procurement of plants and planting. Volunteers from the Watershed Council and the high schools will plant native species on the banks. Students from MHCC will monitor the plants for survival rates.

Multnomah County has been awarded \$30,000 from the Pacific Salmon Watershed Fund for culvert improvements and habitat restoration.

3. Financial Impact:

The total cost of the project is valued at \$100,200, including the volunteer time for habitat restoration. The financial impact to the Transportation Capital fund will be \$49,520. In addition, County staff will contribute \$15,200 in engineering and Troutdale will contribute \$800 in staff time. Volunteer time is valued at \$4,680. The grant provides the balance of \$30,000. The FY03 CIP budget includes \$80,000 for this project.

4. Legal Issues:

There are no legal issues with this agreement.

5. Controversial Issues:

There are no controversial issues with this agreement.

6. Link to Current County Policies:

The County values preserving and protecting wildlife and streams as part of our continuing effort to improve our resource stewardship.

7. Citizen Participation:

Mount Hood Community College and the Sandy River Basin Watershed Council are fully supportive of these grants to restore fish passage in Beaver Creek.

8. Other Government Participation:

The City of Troutdale is contributing four days of staff time to assist the County with habitat restoration.

MULTNOMAH COUNTY CONTRACT APPROVAL FORM

Pre-approved Contract Boilerplate (with County Counsel signature) Attached Not Attached Contract #: 0110979
 Amendment #: _____

<p style="text-align: center;">CLASS I</p> <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 checked="" type="checkbox"/> Intergovernmental Agreement (IGA) not to exceed \$50,000 <input type="checkbox"/> Expenditure <input checked="" type="checkbox"/> Revenue <input type="checkbox"/> Architectural & Engineering not to exceed \$10,000 (for tracking purposes only)	<p style="text-align: center;">CLASS II</p> <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)	<p style="text-align: center;">CLASS III</p> <input type="checkbox"/> Intergovernmental Agreement (IGA) that exceeds \$50,000 <input type="checkbox"/> Expenditure <input type="checkbox"/> Revenue <p style="text-align: center;">APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS</p> <p style="text-align: center;">AGENDA # <u>C-6</u> DATE <u>05.09.02</u> DEB BOGSTAD, BOARD CLERK</p>
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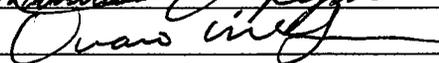
Department: Business and Community Services Division: Transportation Division Date: April 22, 2002
 Originator: Karen Schilling Phone: X29635 Bldg/Rm: 455/Annex
 Contact: Cathy Kramer Phone: X22589 Bldg/Rm: 455/Annex

Description of Contract: Revenue Agreement between Pacific Salmon Watershed Fund and Multnomah County for \$30,000, for Beaver Creek Fish Ladder Improvements.

RENEWAL: PREVIOUS CONTRACT #(S): _____
 RFP/BID: _____ 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 <u>Pacific Salmon Watershed Fund</u> Address <u>319 SW Washington St., Suite 706</u> <u>Portland OR 97204</u> <u>Betsy Kauffman</u> Phone <u>(503) 223-8511</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 checked="" type="checkbox"/> Other \$ <u>Billed quarterly</u> <input type="checkbox"/> Other <input type="checkbox"/> Requirements Not to Exceed \$ _____ Encumber <input type="checkbox"/> Yes <input type="checkbox"/> No
Employer ID# or SS# _____ Effective Date <u>Upon Execution</u> Termination Date <u>December 31, 2002</u> Original Contract Amount \$ _____ Total Amt of Previous Amendments \$ _____ Amount of Amendment \$ _____ Total Amount of Agreement \$ <u>30,000.00</u>	

REQUIRED SIGNATURES:

Department Manager  DATE 4/30/02
 Purchasing Manager _____ DATE _____
 (Class II Contracts Only)
 County Counsel  DATE 4/30/02
 County Chair  DATE 5-9-02
 Sheriff _____ DATE _____
 Contract Administration _____ DATE _____
 (Class I, Class II Contracts only)

LGFS VENDOR CODE						DEPT REFERENCE					
LINE #	PLANT	WBS	GL ACCT	SUB ORG	ACTIVITY	OBJ/REV	SUB OBJ	REP CAT	SAP DESCRIPTION	AMOUNT	INC DEC
01	F030										
02											

Exhibit A, Rev. 3/25/98 DIST: Originator, Accts Payable, Contract Admin - Original If additional space is needed, attach separate page. Write contract # on top of page.

**Agreement between
Multnomah County Transportation Division and Pacific Salmon Watershed Fund**

Grant recipient:

Multnomah County
1600 SE 190th Ave.
Portland, OR 97233-5910

Project Manager: Karen Schilling
503-988-5050 x29635
email: karen.c.schilling@co.multnomah.or.us

Funder:

Pacific Salmon Watershed Fund
319 SW Washington, Suite 706
Portland, OR 97204

Contact: Betsy Kauffman
503-223-8511 x4, bkauffman@4sos.org

Project title:

Beaver Creek Fish Ladder

A. Term of agreement:

This agreement shall become effective upon signature by all parties. Project completion/grant expiration shall be December 31, 2002. The completion report is due within 60 days following project completion. Monitoring is required for 2 years.

B. Grant Award

The Grantee agrees to perform the work described in the attached grant application for the Beaver Creek Fish Ladder. In return, PSWF agrees to provide up to a total of **\$30,000** according to the *Schedule For Release of Funds*, attached as Exhibit A.

The Grantee agrees that funds provided by PSWF shall only be used for the purposes specified in the grant application or as detailed in Exhibit A.

As a condition for the disbursement of any PSWF funds, the Grantee agrees:

1. To provide a sign on the project site and notice on any technical, educational or informational material produced through this project that partial funding was provided by the Salmon-Friendly Plan and PSWF.

2. Prior to release of PSWF funds, to submit written evidence that all applicable permits and licenses from local, state or federal agencies or governing bodies have been obtained or are not needed (see Exhibit B, *Permits and Licenses*).
3. To provide compliance monitoring of the project as described in Exhibit D.
4. To complete progress reports on the project to be filed in conjunction with invoices and a final report (Exhibit C) to be filed within 60 days of project completion.

Reports will be sent to:

Betsy Kauffman
Pacific Salmon Watershed Fund
319 SW Washington, Suite 706
Portland, OR 97204

Email: bkauffman@4sos.org

5. To comply with the **Oregon Aquatic Habitat Restoration Guideline under the Oregon Plan for Salmon and Watersheds**.
6. To inform the PSWF of any changes of address, contact person, and other contact information.
7. To adhere to the Project Implementation Conditions as described in Exhibit E.
8. To submit verifiable receipts and other accounting records throughout the project to document expenditure of grant fund installments, and to account for all other funding, in-kind contributions and donations in the project completion report.
9. To provide evidence satisfactory to PSWF that the matching funds identified in the grant application have been received or secured.
10. To allow descriptions and photos of the project to be featured in newsletters to Salmon-Friendly customers, on Salmon-Friendly Power website, and in news releases. PSWF will provide advance copies of any such materials to grantee to give grantee an opportunity to suggest edits and make comments.

C. Accounting for Funds Distributed

The Grantee shall account for funds distributed by PSWF using generally accepted accounting practices sufficient to account for the income and expenses related to this project. The Grantee shall also account for all other funds expended, as well as in-kind services and donated materials. The Grantee further agrees to make such accounting records available to PSWF.

D. Amendments

Any modifications of this agreement must be mutually agreed to in writing by both parties.

E. Termination of Funding

PSWF may terminate this agreement:

- (1) At any time by mutual written consent of both parties;
- (2) Upon written notice to Grantee for Grantee's failure to perform any other provision of this agreement;
- (3) Upon failure to provide a signed agreement within 60 days of the receipt of the agreement

Within 30 days of termination, Grantee shall return to PSWF any unspent funds provided by the PSWF under this agreement.

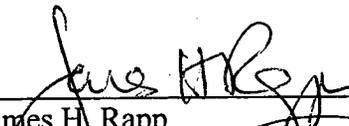
F. Compliance With Applicable Law

The Grantee and Landowner shall comply with all federal, state, and local laws and ordinances applicable to the work to be done under this agreement.

F. Indemnity

Subject to limitations and conditions of the Oregon Tort Claims Act, ORS 30.260 to 30.300, and specifically within the limits of ORS 30.270, the Grantee and property owner shall save and hold harmless PSWF, its Board of Directors, its officers, agents, employees and members, from all claims, suits, or actions of whatsoever nature resulting from, or arising out of, the activities of the Grantee, its agents or employees under this agreement. In any action to enforce this agreement, the prevailing party shall be entitled to reasonable costs and attorney fees.


 Diane Linn _____ Title Multnomah County Chair Date 5-9-02


 James H. Rapp _____ Title Secretary Date 4/18/02

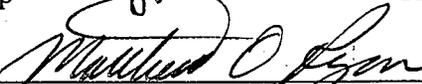
REVIEWED: 
 Matthew O. Ryan, Assistant County Attorney
 Multnomah County, Oregon _____ Date 4/30/02

EXHIBIT A

SCHEDULE FOR RELEASE OF FUNDS

Total funds granted: \$30,000.00

Funds will be distributed as follows:

- At least two-thirds of project funds (\$20,000.00) must be used for labor, capital, supplies, purchases, and fees related to the fish ladder and culvert repair. Up to one-third of project funds (\$10,000) may be used for labor, capital, supplies, purchases, and fees related to the planting project adjacent to the fish ladder.
- All fund requests must be submitted on an invoice signed by the project manager for the Grantee. Funds will be released upon presentation of receipts, invoices or bills for purchases or work accomplished. Receipts, invoices, or bills shall be presented no more often than quarterly.
- No funds will be released until a final design for the fish ladder project has been completed and approved by an Oregon Department of Fish and Wildlife Fish Passage Engineer and PSWF.
- No funds will be released until a final budget for the project has been submitted to and approved by PSWF.
- The final 10% of the grant (\$3,000.00) will be released for payment upon receipt of all project expenses, acceptance of the project completion report by PSWF, and inspection and approval of project by Oregon Department of Fish and Wildlife and PSWF.

EXHIBIT B

PERMITS, LICENSES & OTHER AGREEMENTS

Prior to the release of any PSWF funds, the Grantee must submit written evidence that the work under the Grant Agreement will comply with all applicable federal, state and local laws, as well as copies of all applicable permits, licenses and other agreements that have been obtained. If no federal, state or local permits are required, the Grantee will provide written notification that none are necessary.

The following are often required for projects involving waterway alteration or watershed enhancement (See Oregon Plan for Salmon and Watersheds, A Guide to Oregon Permits Issued by State and Federal Agencies, Spring 2000):

- Fill / Removal permit(s) from the Division of State Lands
- Water Right Permit(s)
- City or County Permit(s)
- Fill permit(s) from the Corps of Engineers
- Memorandum(s) of Understanding

EXHIBIT C

PROJECT COMPLETION REPORT REQUIREMENTS

Within sixty days following completion of the project, Grantee shall submit a Project Completion Report that includes but is not limited to:

1. A narrative description of the project including:
 - a. background on the problem which generated the project,
 - b. a description and explanation of any changes to the original proposal,
 - c. results of the project,
2. Documentation that the project complies with the Oregon Aquatic Habitat Restoration and Enhancement Guide.
3. Slides or photographs of the project areas before and after the project completion taken at pre-set photo points.

Report will be sent to:

Betsy Kauffman
Pacific Salmon Watershed Fund
319 SW Washington, Suite 706
Portland, OR 97204

Email: bkauffman@4sos.org

EXHIBIT D

COMPLIANCE MONITORING REQUIREMENTS

For monitoring purposes, Grantee shall provide photos of all elements of the project (i.e., fencing, planting or structures) taken before and after implementation and each subsequent year. Photo points shall be set up and photographs taken prior to beginning work, at the completion of the work and again each year to show changes occurring as a result of implementation of the project. Photographs should be taken with the same focal length lens at the same time of year.

Monitoring Report Guidelines:

Monitoring photographs are intended to show the compliance of the project with the PSWF funding decision. In addition, the Grantee shall provide any additional information collected during the two year period immediately following the completion of the project which document other conditions in the project area as specified in the application. The Monitoring Report should also include the following:

- 1) A description of any maintenance performed.
- 2) An accounting of any costs associated with maintenance and monitoring.
- 3) An assessment of whether the project continues to meet the goals specified in the grant agreement.
- 5) A summary of any public awareness or educational activities related to the project, including identification of any tours or presentations and copies of newspaper or other media coverage about the project.

EXHIBIT E

PROJECT IMPLEMENTATION CONDITIONS

During the implementation of the project, the Grantee shall notify PSWF when:

- 1) Final project design is developed and initial construction is scheduled.
- 2) Initial construction is scheduled for a site review with the contractor.
- 3) Any change or modification of the project is proposed.
- 4) Final completion review of the project is required. PSWF will approve project completion including the review and approval of all documents, permits, invoices, etc. PSWF may inspect the project site and request a written notification that project components are installed according to Oregon Department of Fish and Wildlife standards and guidelines.

#1 & 2

SPEAKER SIGN UP CARDS

DATE 05-08-2002

NAME William white / Carlos Jermaine Richard

ADDRESS PO Box 3442

Portland, OR 97208

PHONE ~~503-604-9726~~ 1-503-235-2127

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC County Chaplin / Prayer

GIVE TO BOARD CLERK

Date: 05-09-2002

To: Diane Linn, Chair Multnomah County Board Commissioners
Multnomah County Board of Commissioners
Elected Officials

From: Elder Carlos Jermaine Richard
Minister William White
Cathedral of Praise Ministries

RE: Prayer at the opening of County Board Meetings

Dear Board Chair and Commissioners,

It has been stated down through the annals of history that there is a separation between church and state. The subject of the separation between church and state is a philosophical as well as a political topic that has virtually divided mainstream America. The crux of the argument is embedded in the fact that some Americans are emphatically opposed to religious activities being sanctioned by Government. Furthermore, they believe that the Government would force Americans to accept the religion of Christianity and not possess the freedom to practice any other religion. Our great republic was founded upon the principles of democracy with all Americans having the ability to pursue life, liberty and happiness as well as the American Dream. The first amendment unequivocally states that Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. The first amendment does not prohibit the church and government from interacting and working together for the good of America.

Minister White and myself would very much like to interact and work with Multnomah County in efforts to enhance the number one livable city in America. We immensely believe in the power of prayer for all our County Board Members and elected officials in the City and State as well. It has come to our attention that Multnomah County does not have a Chaplain or Spiritual Adviser who advises the Board on Spiritual matters. We believe that it is of the utmost importance that Multnomah County allows for an individual to give an Invocation before the County Board Meetings begins its daily sessions. We emphatically believe that prayer will bring our city together, reduce crime, reduce the unemployment rate, reduce the need for government assistance and assist in the area of recidivism among delinquents. All throughout history every King, Magistrate, Governor and procurator had a Chaplain / or Spiritual Adviser who provided direction and guidance to the leader. An Invocation would be made before each County Board Session begins, the Invocation would be brief in scope and would consist of asking our

Father God to bless the Board Chair and Commissioners of Multnomah County and other elected officials. We believe that his will help the Board make sound decisions and always consider what is right morally, spiritually and ethically for the people. We must strive to live peaceably with all men and lead quiet lives loving our neighbor as thyself. In the wake of the earthquake that shook parts of Oregon, riots that have taken there toll on the citizens, businesses and property owners the need for prayer before County Board Sessions is crucial and vital. The Chair and Commissioners members have a difficult, cumbersome and stressful job as they conduct the affairs of the County and enforce the ordinances set forth in law. We believe that prayer and supplication before God will bring much needed direction and guidance in conducting the day to day operations of the County.

The Board Chair and distinguished Commissioners listen not only to the voice of their constituents but to many individuals in the public and private sectors on a daily basis. From these hearings decisions must be made in the best interest of the people even if it results in citizens seeing there issues not passed. Our desire is to see Multnomah County remain the number one livable place in America. As I watch on a daily basis I heard (as well as all citizens in Portland) about the man who killed himself with a single gunshot wound after a low speed pursuit from the Police. A young boy was bullied on the playground of Sitton Elementary School by other classmates and we were all touched by the fatal shooting of students by the hands of another student in San Diego, California.

Many issues face our County at this very moment. Budget issues in the Department of Community Justice and the release of inmates because of budget crisis. The young man who was released is now back in custody after breaking into a woman's residence. The recent pipe bomb suspect who took it upon himself to cause danger to innocent citizens and issues are children face in the school system at this juncture. Let us not forget the tragedy on 09-11-2002 which brought our Nation together at its most difficult time. We also realize that this is an election year in which we will elect a new Governor and other elected officials in the State of Oregon. For these and other reasons we at Cathedral of Praise Ministries strongly feel that praying with the Board Chair and distinguished Commissioners will enhance the quality of life for Multnomah County. We ask for expedient consideration of our request and thank The Board Chair and distinguished Commissioners for expeditious considerations of this request. Feel free to contact us at 503-282-9960 or 1-360-604-9276

SPEAKER SIGN UP CARDS

DATE 5-9-02

NAME CAROLE WINNER

ADDRESS 23410 NW Rocky Point Rd

Scappoose - OR 97056

PHONE 503-621-3320

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC Land Use Planning proposals

GIVE TO BOARD CLERK

R-1

MEETING DATE: May 9, 2002
AGENDA NO: R-1
ESTIMATED START TIME: 9:00 AM
LOCATION: Boardroom 100

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: A Public Hearing of an Ordinance amending Multnomah County Code sections pertaining to "lots of Record" and changes to other land use standards as required by recently adopted Oregon Administrative Rules for "Rural Residential Areas"

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: Thursday, May 9, 2002
AMOUNT OF TIME NEEDED: 20 minutes

DEPARTMENT: DBCS DIVISION: Land Use Planning

CONTACT: Gary Clifford TELEPHONE #: 503 988-3043, x 26782
BLDG/ROOM #: 455/116

PERSON(S) MAKING PRESENTATION: Gary Clifford and Susan Muir

ACTION REQUESTED:

[] INFORMATIONAL ONLY [] POLICY DIRECTION [X] APPROVAL [] OTHER

SUGGESTED AGENDA TITLE:

Second Reading and Possible Adoption of an ORDINANCE Adopting Amendments to Multnomah County Code Chapters 33, 34, and 35 Pertaining to "Lots of Record" and Changes to Other Land Use Standards as Required by Recently Adopted Oregon Administrative Rules for "Rural Residential Areas"

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)

DEPARTMENT MANAGER: M. Cecilia Johnson

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email
deborah.l.bogstad@co.multnomah.or.us



MULTNOMAH COUNTY OREGON

DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES
LAND USE PLANNING DIVISION
1600 SE 190TH AVE., SUITE 116
PORTLAND, OREGON 97233
(503) 988-3043 (503) 988-3389 FAX
land.use.planning@co.multnomah.or.us

BOARD OF COUNTY COMMISSIONERS
DIANE LINN - CHAIR OF THE BOARD
MARIA ROJO DE STEFFEY - DISTRICT 1 COMMISSIONER
SERENA CRUZ - DISTRICT 2 COMMISSIONER
LISA NAITO - DISTRICT 3 COMMISSIONER
LONNIE ROBERTS - DISTRICT 4 COMMISSIONER

STAFF REPORT

TO: Board of County Commissioners

FROM: Planning Staff

TODAY'S DATE: April 16, 2002

REQUESTED

PLACEMENT DATE: May 2, 2002

RE: Public hearing on an ordinance that amends zoning code sections pertaining to "Lots of Record" and changes to other land use standards as required by recently adopted Oregon Administrative Rules for "Rural Residential Areas." (Planning File No. PC 01-002)

I. RECOMMENDATION / ACTION REQUESTED:

Planning Commission recommends adoption of an ordinance that will enact a new "Lot of Record" definition that will provide consistency and clarity to the existing standards. In addition, as part of the 123 page ordinance are all changes needed to bring all the County Zoning Code Chapters into compliance with the 2000/2001 Oregon Administrative Rules for "Rural Residential Areas" that were adopted by the State Land Conservation and Development Commission.

II. BACKGROUND / ANALYSIS:

Lot of Record

A "Lot of Record" is the term for a parcel, lot, or grouping of parcels or lots, that met all zoning and land division requirements at the time it was created. In the Exclusive Farm Use and Commercial Forest Use zones there are additional standards which require "aggregation" of adjacent parcels in the same ownership into certain minimum acreage groupings. Recognition that a property is a "Lot of Record" is important to the development potential of a property.

The Zoning Ordinance first used the term "lot of record" in 1975 and 1977. It was then

that the minimum lot size for new parcels was increased for most of the rural areas from 1 or 2 acres to 5, 20, and 38 acres. Since that time, in compliance with Statewide Planning Rules, the 38 acre minimum has increased to 80 acres for farm and forest zoned areas. Because so many of the legally created parcels of land do not meet the current larger minimum lot sizes there is an increased need for consistent, workable, and understandable "lot of record" definition and standards.

New Goal 14 Rules for "Rural Residential Areas"

The Land Conservation and Development Commission on October 4, 2000 and April 3, 2001 adopted new State Rules that are now in effect for "Rural Residential Areas" (OAR Chapter 660 Division 004). In Multnomah County, those areas are the Multiple Use Agriculture, Rural Residential, and Rural Center zones. The State Rules were adopted to address what were appropriate minimum lot sizes and housing densities on "Rural Residential Areas" (not farm or forest areas) that were outside the Urban Growth Boundary. The Rules are already in effect. Placing the standards into the County Zoning Code is desirable for both administration of the standards and helping the standards to be more accessible to the public.

Summary of Primary Amendments to Zoning Code

Subject	Code Sections	Description/Explanation
1. Add a definition for "Lot of Record" to the General Definitions part of the Code.	33.0005 34.0005 35.0005	Based upon the current standards and definition of "Lot of Record," an expanded new definition is proposed to be added to the General Definitions section. The new definition will apply uniformly to all Zoning Districts; providing consistency, clarity, and added explanations for how to meet the standard of "lawfully created." Included in the definition is a chronology of land division ordinances that property would have been subject to through the years.
2. Add a list of the major rural zoning designation and code changes that have occurred particular to each zoning district.	33.2075(B) 33.2275(B) 33.2475(A) 33.2675(B) 33.2870(A) 33.3170(A) 33.3370(A) 34.2675(B) 34.2870(A) 34.3170(A) 34.3370(A) 35.2075(B) 35.2275(B) 35.2675(B) 35.2870(A)	One of the standards for a "Lot of Record" requires that when the land was subdivided or partitioned that the lots or parcels met all zoning standards at the time. Added to each zoning district is a list of major zoning and code changes that most likely occurred on properties in each zone. This list will assist the property owner and planning staff in determining what zoning standards were in effect on the date that a property was divided.

	35.3170(A) 35.3370(A)	
3. Amend- ment the “aggrega- tion” sec- tions of the farm and forest zones.	33.2075(A) 33.2275(A) 33.2675(A) 34.2675(A) 35.2075(A) 35.2275(A) 35.2675(A)	The basic concept of aggregation remains in place, being required grouping of adjacent parcels in the same ownership into minimum 19 acre groups. Added is more explanation of how the grouping takes place in example situations with three new diagrams to illustrate the requirement. One important change is the use of the ownerships on only one date, February 20, 1990, for determining the “aggregated” groupings, instead of on or after February 20, 1990.
4. Minimum lot sizes for new lots in the RR and RC zones amended to meet OARs.	33.3155(A) 33.3355(A) 34.3155(A) 34.3355(A) 35.3155(A) 35.3355(A)	Oregon Administrative Rules Chapter 660 Division 004 adopted by the State in 2000 and 2001 requires a minimum lot size of 20 acres within one mile of the Urban Growth Boundary and, therefore, the five acre RR zone and the one acre RC zone had to be amended as required. In addition, outside of the one mile limit there were additional provisions dealing with new lots in new “planned developments” and “acknowledged unincorporated communities.”
5. Only one dwelling al- lowed on a lot in MUA- 20, RR, and RC zones.	33.2825(B) 33.3125(B) 33.3325(B) 34.2825(B) 34.3125(B) 34.3325(B) 35.2825(B) 35.3125(B) 35.3325(B)	In accordance with the recently adopted State Rules, only one dwelling is allowed in “Rural Residential” areas. This requires the deletion of the code subsections that would allow for a “farm help dwelling” on these lands.
6. Designa- tion of a set of 1962 zon- ing maps as accurately reflecting the zoning designations on property upon the 1958 enact- ment of zon- ing in the	33.0015(B)(1) 34.0015(B)(1) 35.0015(B)(1)	One of the important parts of determining whether a parcel is a “Lot of Record” is if it met all the zoning regulations in effect on the date the parcel was first created. The first step in this verification is use a zoning map that shows the zoning on that date. Enactment of zoning in the rural areas took place on five different sets of maps, assembled by geographic areas, on three different dates during 1958. Later, in 1962 those sets of maps were superceded and replaced by one set of zoning maps that covered the entire County. It will be advantageous to establish by Code language that the 1962 maps should also be used for establishing the zon-

rural areas.	ing designations for the years prior to 1962 back to the enactment dates in 1958. This is because there is a complete set of the 1962 maps but over time the 1958 maps have been for the most part lost.
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III. FINANCIAL IMPACT:

No fiscal impact to the County has been identified.

IV. LEGAL ISSUES:

The “Lot of Record” amendments conform with all Statute and Administrative Rule requirements for what is a “lawfully created lot or parcel.” Where the “Lot of Record” provisions differ from State requirements is in the “aggregation” requirements of adjacent same ownership parcels/lots where in certain circumstances the County Code would reduce the potential number of parcels/lots upon which houses could be built. It has been confirmed at the Land Use Board of Appeals that Multnomah County may be more restrictive on development than State Rules.

V. CONTROVERSIAL ISSUES:

The language needed to define and describe what is a “Lot of Record” is by necessity very legal in nature in order to withstand any court challenges. Such challenges might come about as a result of when a property fails to meet the “lot of Record” standards and is made ineligible for development. The tendency of such code language to be difficult for a property owner to understand is recognized and the proposed language is a sincere attempt to be clearer than the existing language and for the first time uses graphics to illustrate certain concepts.

The “aggregation” of adjacent parcels in the same ownership that is required in the farm and forest zones is not a State requirement and does act to reduce the development potential for some properties. This legal option, which has been in the zoning code in some form or another since the late 1970s, serves to address the situation in Multnomah County where so much of the rural areas has already been divided into relatively small parcels. By keeping the “aggregation” requirement in the Code, the Planning Commission and staff seek to retain farm and forest lands in larger acreages which should better insure the ability to efficiently and without interference maintain farm produce and forest timber production capacities.

The use of only one date for the “aggregation” standard is estimated to only affect about a dozen properties – probably allowing fewer than that number new dwellings in the rural areas. It is the Planning Commission’s view that the simplification to one date is worth the small possible loss of resource land to those few dwellings. To gain from the use of one date is certainty for present and future property owners of what are the boundaries of a “Lot of Record” regardless of later purchases of adjacent parcels.

VI. LINK TO CURRENT COUNTY POLICIES:

Periodic updating of land use regulations is recognized to be necessary where an improvements can be made and where mandates from State Administrative Rules are enacted.

VII. CITIZEN PARTICIPATION:

Notice of three Planning Commission workshops on the "Lot of Record" issues and one Planning Commission public hearing on the proposed ordinance was published in the *Oregonian* newspaper. Notice of the Planning Commission hearing was mailed to 2,754 property owners. At the Planning Commission hearing there were about 40 citizens that attended with 14 giving testimony.

VIII. OTHER GOVERNMENT PARTICIPATION:

Coordination and review of the code amendments has taken place with the Department of Land Conservation and Development in accordance with State law.



MULTNOMAH COUNTY
DEPARTMENT OF BUSINESS AND COMMUNITY DEVELOPMENT
LAND USE PLANNING DIVISION
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**RURAL LOT OF RECORD AND
STATEWIDE PLANNING GOAL 14 RULE UPDATE
PROPOSED ZONING CODE AMENDMENTS**

**STAFF REPORT
APRIL 16, 2002
(Case # PC 01-002)**

INTRODUCTION:

“Lots of Record” are lots and parcels of land that were created legally. Where this is of particular importance to a property owner is when zoning and land division requirements have changed after the lot was created. The ability to verify Lot of Record status is usually the first step in any review for development of a lot.

In the rural areas, changes in zoning requirements have occurred several times during the last four decades; generally becoming more restrictive. For example, a property east of Gresham that is zoned EFU today likely has had the minimum lot size requirement increase since 1958 from no minimum to 2 acres to 19 acres to 38 acres to 80 acres. The result is that most existing lots and parcels in the rural areas do not meet the current minimum lot area requirements. This, of course, increases the importance of having an understandable and workable Lot of Record code provision that allows for early determination of the legal status of a property.

REVIEW:

Meetings and workshops to date

- There was a Lot of Record issues meeting held on March 16, 2001 with three Planning Commission members and two staff planners.
- On April 2, 2001 a workshop was held with the entire Planning Commission where background on the Lot of Record code sections was given along with several questions from staff regarding potential approaches to problem solving.
- On September 10, 2001 there was a second workshop with the Planning Commission. The Commission gave staff several key directions in drafting proposed ordinance standards.
- A third Planning Commission workshop was held on December 3, 2001.
- A public hearing before the Planning Commission was held on February 25, 2002 where the Planning Commission voted to recommend to the Board of County Commissioners that the amendments be adopted.

Background

A short listing of the history and issues related to Lots of Record covered at the workshops included the following topics:

1. Land Divisions
 - Subdivisions, 4 or more *lots*; Subdivision Plat – Named
 - Partitions, 3 or fewer *parcels*;
 - Before October 19, 1978, by metes and bounds description on deed
 - From October 19, 1978 through 1989 by “Survey Plat”
 - From 1989 to today by Partition Plat – Numbered by year recorded
2. “Lawfully Created”
 - ORS 92.017 “A lot or parcel lawfully created shall remain a discrete lot or parcel, unless the lot lines are vacated or the lot or parcel is further divided, . . .”
 - A lawfully created lot can be sold separately.
 - Some recognition of non-conforming lots/parcels has been in the zoning ordinance since its enactment.
 - A lawfully created lot may or may not be a “developable lot” – varies by zone.
3. “Lot of Record”
 - The term lot of record came into the code in 1975 when the first large acreage requirement was applied to certain farm and forest zoning districts.
 - Lot of record definitions vary by zone – exception zones (MUA, RR, RC) are similar; resource zones vary by the “aggregation” requirements of each.
 - A lot of record may be comprised of a single lot or parcel or it may be a grouping (aggregation) of adjacent lots or parcels based upon the “same ownership” as of a certain date and the area of each lawfully created lot.
4. “Aggregation” in the Farm and Forest Zones
 - Aggregation is the term used for the concept of grouping together adjacent parcels in the same ownership. Aggregation not only applies to parcels currently in the same ownership, it also is currently applied continuously after a specific date – sale of a lot or parcel that is part of an aggregation of lots or parcels making up a Lot of Record is a zoning violation. In other words, the aggregated grouping of lot or parcels is only one “Lot of Record” for development potential, (e.g. one forest “template dwelling”), even though the “lot of record” may consist of several discreet legally created parcels.
 - The purpose of aggregation is to keep land ownerships in larger and more viable production acreages and to reduce the potential number of non-farm or non-forest uses from occurring on farm and forest lands. Implementation of this concept sometimes requires examination of lengthy and complicated ownership deed chains over the years.
 - The aggregation requirement began in Multnomah County with the adoption of the Rural Lands – Conservation (RL-C) zone in 1975. In 1977, the RL-C zone was repealed and the Exclusive Farm Use-38 and the Commercial Forest Use-38 zoning districts were enacted containing the same aggregation language.
 - The next time that the aggregation concept was evaluated was in 1980 when the Land Conservation and Development Commission (LCDC) reviewed Multnomah County’s planning

program for compliance with Statewide Planning Program requirements. Multnomah County, with very few precedents to follow and no state administrative rules for a guide, addressed challenges to the concept of aggregation by stating the following in Ordinance 236:

G. 4. The aggregation provisions is a part of the 'mix' of zoning requirements for agricultural and forest development to satisfy the Goals. If aggregation were deleted, other provisions would need to be strengthened or enlarged to meet the same objectives. * * *

G. 6. Aggregation helps to achieve the objective of retaining rural lands in large parcel sizes for farm and forest use where commitments to other uses have not been made. * * *

G. 10. There are about 40 subdivisions with sub-standard lots in rural Multnomah County which pre-date the Goals. They were created some 50 to 80 years ago, are largely undeveloped and have little investment in support services. Most ownerships consist of multiple lots which are managed as one parcel for farm or forest uses. Aggregation requires that these properties be developed for uses in accord with Goals 3 and 4.

- The aggregation requirement was in place through the 1980's. Then, in 1990 the language was redrafted and February 20, 1990, the amendment adoption date, replaced the 1980 date.
- The "tract" concept is a different method of grouping parcels and lots in the same ownership that is required by State Statute and Administrative Rule and only comes into effect at the time of application for development . No change is proposed to this standard.

DRAFT CODE AMENDMENTS:

Primary objectives of proposed amendments.

Following are the objectives of the draft code amendments:

1. Add fuller explanation to how the phrase "satisfied all applicable laws" can be determined.
2. Delete provision that a road creates a Lot of Record in the MUA-20, RR, and RC zones.
3. Update the Lot of Exception and minimum parcel size to reflect the new State Goal 14 requirements.
4. Make the Lot of Record subsections as similar as possible for each zone, including changing "Legal Lot" to "Lot of Record" in the EFU zone.
5. Develop a better tie-in of Lot of Record to permitted land uses.
6. Modify the verb tenses and description of the aggregation provisions in the forest and farm zones.
7. For forest zones, add an allowance for "dis-aggregating" adjacent same ownership parcels if there is an existing legal house on each parcel.

Additional solutions/objectives from the September 10, 2001 Workshop

Following are the major changes to the draft amendments as discussed at the September 10th workshop with the Planning Commission:

1. Added definitions for *heritage tract dwelling*, *large acreage dwelling*, and *template dwelling*.
2. Moved definitions that apply to all zoning districts to the General Provisions definition section rather than repeating within each district. The definitions moved are *habitable dwelling*, *Lot of Record*, and *recordable form*.
3. Substituted the EFU *same ownership* definition language for the existing definition in the CFU districts.
4. In the CFU and EFU aggregation provision, the "comply as nearly as possible" phrase was changed to "shall be aggregated to comply" and then an exception was added for when the entire ownership is less than 19 acres. In another effort to simplify, one of the proposed figures was deleted. Also, general agreement was obtained to use one date of ownership, January 20, 1990, as the one point in time for County aggregation requirements (outside the State "Tract" standards).
5. Redrafted the provision which now allows the creation of new parcels where the MUA-20, RR and RC zoning district boundary intersects a parcels. In the new Goal 14 Rules there are various restrictions on the creation of new parcels in those zones. However, those restrictions do not apply to those areas designated as "acknowledged unincorporated communities". Therefore, it is proposed that the Lot of Record definition include recognition that an "unincorporated community" boundary that intersects a parcel may allow the partitioning of a parcel. That boundary only occurs around the existing Rural Center (RC) zone and only applies to a few properties in the Orient and Pleasant Home communities.
6. Added "an area of land created by court decree" to the list of areas that shall not be deemed a Lot of Record.

More proposed Code amendments that were discussed at the December 3, 2001 workshop

1. Addition of *lawfully established dwelling* definition.
2. *Date of creation and existence* definition moved from the CFU districts to the general definition section and clarified that the definition only applied to dwelling reviews in the CFU and EFU districts. A cross-reference to this standard was also added to the Lot of Record definition.
3. Deleted "dwelling for the housing of help" (farm help dwellings) as a review use in the MUA-20, RR, and RC zones in accordance with Goal 14 rules that apply to "rural residential" zoned lands.
4. Added provision that deemed the 1962 set of Zoning Maps to accurately depict the Zoning Maps adopted by geographic area from 1955 to 1958.

A listing of proposed changes to all the zoning districts is not part of this staff report. Instead, to avoid repetition, in this report are only those zoning districts in Chapter 33 that are representative of

the proposed changes in all the Zoning Code Chapters. A complete listing of amendments is found in the 123 page Ordinance.

It is expected that during the drafting of the new Chapter 36 West of Sandy River Zoning Code that these concepts will also be made a part of the zoning regulations for that area of the County.

Corresponding code sections that are part of code amendments:

Code sections in staff report	Related Code sections that will also be amended as part of this Lot of Record project
Chapter 33 General Provisions	Chapter 34 General Provisions Chapter 35 General Provisions
Chapter 33 Rural Residential	Chapter 33 Multiple Use Agriculture –20 Chapter 33 Rural Center Chapter 34 Multiple Use Agriculture –20 Chapter 34 Rural Residential Chapter 34 Rural Center Chapter 35 Multiple Use Agriculture –20 Chapter 35 Rural Residential Chapter 35 Rural Center
Chapter 33 Commercial Forest Use –1 Chapter 33 Commercial Forest Use –2	Chapter 33 Commercial Forest Use –5 Chapter 35 Commercial Forest Use –3 Chapter 35 Commercial Forest Use –4
Chapter 33 Exclusive Farm Use	Chapter 34 Exclusive Farm Use Chapter 35 Exclusive Farm Use

PROPOSED CODE AMENDMENTS
TO MULTNOMAH COUNTY CODE (MCC) CHAPTER 33, WEST HILLS

NOTE: THE PROPOSED CHAPTER 33 AMENDMENTS IN THIS STAFF REPORT ARE REPRESENTATIVE OF THE CHANGES THAT WOULD ALSO BE MADE TO MCC CHAPTER 34, SAUVIE ISLAND AND MCC CHAPTER 35, EAST OF SANDY RIVER. SEE ORDINANCE FOR COMPLETE LISTING OF AMENDMENTS.

Language underlined is proposed to be added and language with ~~strikethroughs~~ is proposed to be deleted. For reasons of brevity, three asterisks * * * are used to show where subsections have been skipped because they are not relevant to the topic. The same language to be incorporated into the other zoning districts in Code chapters 33, 34 and 35 are in a separate addendum to this staff report.

(Staff comments within the text are within parenthesis in italics and centered on the page.)

**MCC CHAPTER 33, WEST HILLS
General Provisions**

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.

* * *

(Definition for "Date of Creation and Existence" has been moved from the definition sections of the CFU-1, CFU-2, CFU-5 and EFU districts to be listed only once in the General Provisions definition section. This language is from the Oregon Administrative Rules and differs only in the use of the term "Lot of Record".)

(D) (1) Date of Creation and Existence – As used in the EFU and CFU districts and applicable only to 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.

* * *

("Habitable dwelling" is proposed to be defined in the General Provisions section so that the physical characteristics do not have to be repeated in the many places where it is listed, usually in regard to replacement dwellings.)

(H)(1) Habitable dwelling – An existing dwelling that:

(a) Has intact exterior walls and roof structure;

(b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(c) Has interior wiring for interior lights; and

(d) Has a heating system.

* * *

(It is proposed to add a definition for heritage tract dwelling. The specific approval criteria are found in the CFU and EFU districts. Multnomah County uses this name for what is referred to in Statute as a "Lot of Record Dwelling". The term "Heritage Tract Dwelling" is used in order to keep the County's historical use and meaning of the phrase "Lot of Record".)

(3) Heritage Tract Dwelling – A type of single family detached dwelling in the EFU and the CFU zoning districts with approval criteria that includes a requirement for ownership of the lot or parcel prior to January 1, 1985. The complete description of approval standards are in the use sections of the districts.

* * *

(It is proposed to add a definition for large acreage dwelling. The specific approval criteria are in the CFU districts. This dwelling type has been in the code since 1993.)

(L)(1) Large Acreage Dwelling – A type of single family detached dwelling in the CFU zoning districts with approval criteria that includes a requirement for single ownership of 160 contiguous forest zoned acres or single ownership of 200 forest zoned acres in Multnomah County or adjacent counties that are not contiguous. The complete description of approval standards are in the use sections of the districts.

* * *

(This phrase is used in the approval criteria for a replacement dwelling and in describing which dwellings may be used in a count of existing dwellings for qualifying a property for a template dwelling.)

(3) Lawfully established dwelling – A dwelling that was constructed in compliance with the laws in effect at the time of establishment. The laws in effect shall include zoning, land division and building code requirements. Compliance with Building Code requirements shall mean that all permits necessary to qualify the structure as a dwelling unit were obtained and all qualifying permitted work completed.

* * *

(5)(3) Lot – A unit of land created by a subdivision of land, see definition in MCC 33.7705. Depending upon the context in which the term appears in this Chapter, a Lot may also mean a A plot lot, parcel (result of partitioning), or area of land owned by or under the lawful control and in the lawful possession of one distinct ownership.

* * *

(It is proposed that one general definition of "Lot of Record" be used and be applied to all the zoning districts in the general definition section. The definition explains the important terms common to each zone. Additional provisions specific to each zone, such as aggregation require-

ments and a history of relevant ordinances, are found within the text of each Zoning District.)

(13) Lot of Record – Subject to additional provisions within each Zoning District, a Lot of Record is a parcel, lot, or a group thereof which when created and when reconfigured (a) satisfied all applicable zoning laws and (b) satisfied all applicable land division laws. Those laws shall include all required zoning and land division review procedures, decisions, and conditions of approval.

(a) “Satisfied all applicable zoning laws” shall mean: the parcel, lot, or group thereof was created and, if applicable, reconfigured in full compliance with all zoning minimum lot size, dimensional standards, and access requirements.

(b) “Satisfied all applicable land division laws” shall mean the parcel or lot was created:

1. By a subdivision plat under the applicable subdivision requirements in effect at the time; or

2. By a deed, or a sales contract dated and signed by the parties to the transaction, that was recorded with the Recording Section of the public office responsible for public records prior to October 19, 1978; or

3. By a deed, or a sales contract dated and signed by the parties to the transaction, that was in recordable form prior to October 19, 1978; or

4. By partitioning land under the applicable land partitioning requirements in effect on or after October 19, 1978; and

5. “Satisfied all applicable land division laws” shall also mean that any subsequent boundary reconfiguration completed on or after December 28, 1993 was approved under the property line adjustment provisions of the land division code. (See *Date of Creation and Existence* for the effect of property line adjustments on qualifying a Lot of Record for the siting of a dwelling in the EFU and CFU districts.)

(c) Separate Lots of Record shall be recognized and may be partitioned congruent with an “acknowledged unincorporated community” boundary which intersects a Lot of Record.

1. Partitioning of the Lot of Record along the boundary shall require review and approval under the provisions of the land division part of this Chapter, but not be subject to the minimum area and access requirements of this district.

2. An “acknowledged unincorporated community boundary” is one that has been established pursuant to OAR Chapter 660, Division 22.

* * *

(M) (4) **Mortgage Lot** – A lot having less than the minimum area required under this Chapter, created out of a tract which itself conforms to lot area requirements, to enable the contract purchaser of the tract to finance construction of a single family residence thereon. An area of land created solely for the purposes of financing a dwelling. A Mortgage Lot is not a Lot of Record and shall not be conveyed separate from the Lot of Record out of which it was described. The

tax roll accounts of the Mortgage Lot and the parent Lot of Record shall be consolidated into one account when title to both is secured. A Mortgage Lot may be created only in the EFU and CFU districts.

* * *

- (R) (3) **Recordable form** – A form sufficient to create the parcel on the date the document was signed if the deed or land sales contract had been recorded with the office responsible for public records. Characteristics of *recordable form* include a complete description of the property, the consideration given, and verification of the transaction by a witness such as a Notary Public.

* * *

(It is proposed to add a definition for a template dwelling. There are specific approval criteria in the CFU districts. A dwelling type with the same approval criteria has been in the code since 1993.)

- (T) (1) **Template Dwelling** – A type of single family detached dwelling in the CFU zoning districts with approval criteria that includes a requirement that a certain number of parcels and dwellings exist within a 160-acre square (map template) centered on the subject tract. The complete description of requirements are in the use sections of the district.

* * *

- (P) (1) **Parcel** – A unit of land created by a partitioning of land, see definition in MCC 33.7705. Depending upon the context in which the term appears in this Chapter, *Parcel* and *Lot* may at times be used interchangeably.

- ~~(1) **Permit Section** – The division of the Department of Environmental Services authorized to issue building and other land development permits or its designee.~~

* * *

33.0015 Zoning Map

* * *

- (B) A paper version of the Zoning Map and each amendment thereto shall be and remain on file in the office of the Director of the Division of Land Use Planning ~~Department of Environmental Services.~~

(The first zoning maps were organized by geographic area and then adopted on successive dates from 1955 through 1958:

Northeast County – April 19, 1955

Southeast County – July 3, 1956

Southwest County – November 27, 1956

East County – July 11, 1957

North County – May 8, 1958

Northwest County – July 10, 1958

Columbia Gorge – July 10, 1958

Far Eastern County – July 18, 1958

*Orient Area – July 18, 1958
Springdale-Corbett Area – December 11, 1958
Later, in 1962 the maps were readopted into one complete set of maps that used one map numbering system with a better index.*

By specifying the 1962 set of maps for locating the initial enactment of zoning in unincorporated Multnomah County, this amendment will provide certainty to staff and the public in researching zoning history on a property. Unfortunately, one of the reasons for this provision is the loss over time of some of the pre-1962 original maps. There is documentation for verifying that the 1962 zoning maps are an accurate reflection of the earlier zoning maps. However, this addition to the Code would answer one important issue in zoning history research.)

- (1) The set of paper Zoning Maps with the cover page dated the 15th of November, 1962 and signed by the Board of County Commissioners shall be deemed to be the accurate depiction of the Zoning Maps adopted for successive geographic areas from April 19, 1955 through December 11, 1958.

Rural Residential (RR)

* * *

33.3115 Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC 33.3120 through 33.3150 3130 when found to comply with MCC 33.3155 through 33.3185.

* * *

33.3120 Allowed Uses

* * *

- (C) Residential use consisting of a single family dwelling constructed on a 1 Lot of Record; ~~and,~~

33.3125 Review Uses

- (A) Residential use, consisting of a single family dwelling constructed off-site, including a mobile or modular home placed on a Lot of Record, subject to the following conditions:

- (1) Construction shall comply with the standards of the Building Code or as prescribed in ORS 446.002 through 446.200, relating to mobile homes.
- (2) The dwelling shall be attached to a foundation for which a building permit has been obtained.
- (3) The dwelling shall have a minimum floor area of 600 square feet.

(Dwellings for the "housing of help required to carry out a primary use" [farm help dwellings] are no longer allowed

in "Rural Residential Areas". Those areas in Multnomah County are the Rural Residential [RR], and Multiple Use Agriculture [MUA-20] zones. This prohibition became effective on October 4, 2000 in Oregon Administrative Rule [OAR] 660-004-0040(7)(f) with the requirement that a local government shall not allow more than one permanent house on a parcel.

While that prohibition does not apply to the Rural Center (RC) district, as those areas are "unincorporated communities" in the Rule, it is also proposed to make the same code amendment to the RC zone due to the small parcel sizes characteristic in these areas of a one-acre minimum lot size.

A better tie-in to the temporary uses already listed in MCC 35.0510 and 35.0515 can be made by giving the cross reference to these uses in this available subsection.)

(B) Temporary uses when approved pursuant to MCC 35.0510 and 35.0515.

~~Residential use consisting of a single family dwelling for the housing of help required to carry out a primary use listed in MCC 33.3120 (A) or (B), when the dwelling occupies the same lot as a residence permitted by MCC 33.3120 (C) or MCC 33.3125 (A), subject to the following conditions:~~

- ~~(1) In the event the dwelling is constructed off-site, construction shall comply with MCC 33.3125 (A) (1) and (3).~~
- ~~(2) The location of the dwelling shall be subject to approval of the Planning Director on a finding that:

 - ~~(a) The use is needed to carry out a use listed in MCC 33.3120 (A) or (B);~~
 - ~~(b) The standards of MCC 33.3155 (C) through (E) are satisfied; and~~
 - ~~(c) The minimum distance between dwellings will be 20 feet.~~~~
- ~~(3) The decision of the Director may be appealed to the Hearings Officer pursuant to MCC 33.0785 and 33.0790.~~

* * *

(F) Property Line Adjustment pursuant to the provisions of MCC 33.3160(E).

* * *

33.3130 Conditional Uses

The following uses may be permitted when found by the Hearings Officer to satisfy the applicable Ordinance standards:

* * *

(B) The following Conditional Uses under the provisions of MCC 33.6300 through 33.6660:

* * *

(OAR Chapter 660, Division 004 places several lengthy requirements on proposed planned developments. Instead of repeating them in the Code, it is proposed to make reference to them as additional approval criteria. The same lan-

language will be added to the MUA-20 zone.)

- (8) Planned Developments for single family residences as provided in MCC 33.4300 through 33.4970360 and the applicable current “planned unit developments” standards within the Oregon Administrative Rules Chapter 660, Division 004;

* * *

- (E) Lots of Exception pursuant to the provisions of MCC 33.3160-(A) through (C) or 33.3160-(D).

33.3155 Dimensional Requirements

(OAR Chapter 660, Division 004 places a 20 acre minimum lot size requirement within one mile of the Urban Growth Boundary (UGB). That area is mapped as a GIS layer at our public counter and advice to the public and adherence to the Rule is a matter of practice. Instead of trying to create a new zoning overlay district to administer the minimum lot size it is proposed to make reference to the standard in the minimum lot size paragraph of the RR code section.

There is no need to add the same language to the MUA-20 zone as the minimum lot size in that zone is 20 acres.)

- (A) Except as provided in MCC 33.3160, 33.3170, 33.3175 and 33.4300 through 33.437060, the minimum lot size for new parcels or lots shall be five acres. For properties within one mile of the Urban Growth Boundary, the minimum lot size shall be as currently required in the Oregon Administrative Rules Chapter 660, Division 004 (20 acre minimum as of October 4, 2000).

* * *

33.3160 Lots of Exception and Property Line Adjustments

(Creation of a lot smaller than the existing minimum lot size of 5 acres in the RR zone or 20 acres in the MUA-20 zone are allowed only where there more than one house existing on a parcel [OAR 660, Div 004]. These amendments bring the Code up to date as required.

The OAR does not apply to the Rural Center (RC) district. However, staff sees the objective of the OAR to also be valid for that district.)

- (A) Lots of Exception
An exception to permit creation of a lot parcel of less than five acres, ~~after October 6, 1977 out of a Lot of Record,~~ may be authorized when in compliance with the dimensional requirements of MCC 33.3155 (C) through (E). Any exception shall be based on the following findings that the proposal will:

(Attributes of “habitable dwelling” are found in the General Provisions definition section.)

- (1) ~~Substantially maintain or support the character and stability of the overall land use pattern of the area~~ The Lot of Record to be divided has two or more permanent habitable dwellings;

- ~~(2) Be situated upon land generally unsuitable for the production of farm crops and livestock or for forest use, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, and the location or size of the tract The permanent habitable dwellings were lawfully established on the Lot of Record before October 4, 2000;~~
- ~~(3) Be compatible with accepted farming or forestry practices on adjacent lands Each new parcel created by the partition will have at least one of the habitable dwellings; and~~
- ~~(4) Be consistent with the purposes described in MCC 33.3100 The partition will not create any vacant parcels on which a new dwelling could be established. ;~~
- ~~(5) Satisfy the applicable standards of water supply, sewage disposal and minimum access; and~~
- ~~(6) Not require public services beyond those existing or programmed for the area.~~
- ~~(B) Except as provided in MCC 33.3160 (D), no Lot of Exception shall be approved unless:~~
 - ~~(1) The Lot of Record to be divided exceeds the area requirements of MCC 33.3155 (A), and~~
 - ~~(2) The division will create no more than one lot which is less than the minimum area required in MCC 33.3155 (A).~~
- ~~(C) The approval authority may attach conditions to the approval of any Lot of Exception to insure that the use is consistent with the Comprehensive Plan and the purposes described in MCC 33.3170.~~
- ~~(D) The approval authority may grant a Lot of Exception based on a finding that the permitted number of dwellings will not thereby be increased above that otherwise allowed in this district.~~

~~(B E) Property Line Adjustment~~

~~Pursuant to the applicable provisions in the Multnomah County Land Division Ordinance, the approval authority may grant a property line adjustment between two contiguous Lots of Record lots or parcels upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.~~

~~* * *~~

33.3170 Lot of Record

- ~~(A) For the purposes of this district, a Lot of Record is a parcel:~~
 - ~~(1) For which a deed or other instrument dividing land was recorded with the Department of Administrative Services, or was in recordable form prior to October 6, 1977; and~~
 - ~~(2) Which, when established, satisfied all applicable laws.~~

In addition to the Lot of Record definition standards in MCC 33.005, for the purposes of this district the significant dates and ordinances for verifying zoning compliance may include, but are not limited to, the following:

 - (1) July 10, 1958, SR zone applied;
 - (2) July 10, 1958, F-2 zone applied;
 - (3) December 9, 1975, F-2 minimum lot size increased, Ord. 115 & 116;

- (4) October 6, 1977, RR zone applied, Ord. 148 & 149;
- (5) October 13, 1983, zone change from MUF-19 to RR for some properties, Ord. 395;
- (6) October 4, 2000, Oregon Administrative Rules Chapter 660 Division 004, 20 acre minimum lot size for properties within one mile of Urban Growth Boundary;
- (7) (Adoption date of this Ord.), Lot of Record section amended, Ord. _____.

- (B) A Lot of Record which has less than the area minimum lot size for new parcels or lots, or less than the front lot line minimums required, or which does not meet the access requirement of MCC 33.3185, may be occupied by any allowed use, permitted review use or approved conditional use when in compliance with the other requirements of this district.

(New Goal 14 Administrative Rules will not allow the creation of lots smaller than the existing minimum lot size in this zone. Therefore, the below provision allowing a street or zoning district boundary to create Lot of Record is proposed to be deleted.

The one situation where an exception to the zone boundary creating a Lot of Record, subject to land division approval, is when the an "acknowledged unincorporated community" boundary intersects a property. That proposed language is found within the Lot of Record definition in the General Provisions part of the Zoning Code Chapter.

- ~~(C) Separate Lots of Record shall be deemed created when a street or zoning district boundary intersects a parcel of land.~~

- ~~(CD)~~ Except as otherwise provided by MCC 33.3160, 33.3175, and 33.4300 through 33.437060, no sale or conveyance of any portion of a lot other than for a public purpose shall leave a structure on the remainder of the lot with less than minimum lot or yard requirements or result in a lot with less than the area or width requirements of this district.

- (D) The following shall not be deemed to be a lot of record:

- (1) An area of land described as a tax lot solely for assessment and taxation purposes;
- (2) An area of land created by the foreclosure of a security interest.
- (3) An area of land created by court decree.

33.3175 Lot Sizes for Conditional Uses

The minimum lot size for a conditional use permitted pursuant to MCC 33.3130, except subpart (B)(8) thereof, shall be based upon:

- (A) The site size needs of the proposed use;

(B) The nature of the proposed use in relation to the impacts on nearby properties; and

(C) Consideration of the purposes of this district; and

(D) A finding that the lot or parcel is at least two acres in area.

Commercial Forest Use-1 (CFU-1)

* * *

33.2000 Purposes

The purposes of the Commercial Forest Use District are to conserve and protect designated lands for continued commercial growing and harvesting of timber and the production of wood fiber and other forest uses; to conserve and protect watersheds, wildlife habitats and other forest associated uses; to protect scenic values; to provide for agricultural uses; to provide for recreational opportunities and other uses which are compatible with forest use; implement Comprehensive Framework Plan Policy 11, Commercial Forest Land; the Commercial Forest Use policies of the West Hills Rural Area Plan, and to minimize potential hazards or damage from fire, pollution, erosion or urban development.

One of the implementation tools to carry out the purposes of this District is a Lot of Record requirement to group into larger "Lots of Record" those contiguous parcels and lots that were in the same ownership on February 20, 1990. This requirement is in addition to all "tract" grouping requirements of State Statute and Rule.

* * *

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:

* * *

("Contiguous" definition moved from the Lot of Record section at the end of the district to this section part of the district where most of the definitions are found.)

(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.

* * *

("Date of Creation and Existence" definition moved to the General Provisions section at the beginning of the Chapter.)

~~(F) 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 of record pursuant to MCC 33.2075 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.~~

* * *

("Same Ownership" definition moved from the Lot of Record section at the end of the district.)

(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)(H) Tract - One or more contiguous Lots of Record, pursuant to MCC 33.2075, 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.~~

33.2015 Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC 33.2020 through 33.20552035 when found to comply with MCC 33.2045 through 33.2110.

33.2020 Allowed Uses

* * *

(Attributes of "habitable dwelling" are found in the General Provisions definition section.)

(D) Alteration, maintenance, or expansion of an existing lawfully established single-family habitable dwelling subject to the following:

~~(1) The existing dwelling~~

~~(a) Has intact exterior walls and roof structures;~~

~~(b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;~~

~~(c) Has interior wiring for interior lights; and~~

~~(d) Has a heating system.~~

~~(1 2) Satisfies ~~†~~ The dimensional standards of MCC 33.2060 are satisfied; and~~

~~(2 3) Satisfies ~~†~~ The development standards of MCC 33.2105 (A) (5) and (B) are satisfied if ~~an~~ the expansion that exceeds 400 square feet of ground coverage.~~

(E) Replacement of an existing lawfully established single-family habitable dwelling on the same lot, subject to the following:

(1) The replacement dwelling will be located within 200 feet of the existing dwelling; and

(2) The existing dwelling:

~~(a) Has intact exterior walls and roof structures;~~

~~(b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;~~

~~(c) Has interior wiring for interior lights;~~

~~(d) Has a heating system;~~

(e) ~~I~~ is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling; and

(3) The replacement dwelling shall satisfy the dimensional standards of MCC 33.2060 and the development standards of MCC 33.2105.

* * *

33.2025 Review Uses

(A) Replacement of an existing lawfully established ~~single family~~ *habitable dwelling* on the same lot more than 200 feet from the existing dwelling, subject to the following:

(1) The existing dwelling:

~~(a) Has intact exterior walls and roof structures;~~

~~(b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;~~

~~(c) Has interior wiring for interior lights;~~

~~(d) Has a heating system; and~~

(e) ~~I~~ is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling;

(2) The location of the replacement dwelling shall satisfy the dimensional standards of MCC 33.2060 and the development standards of MCC 33.2105.

(B) Restoration or replacement of a lawfully established ~~single family~~ *habitable dwelling* on the same lot when the restoration or replacement is made necessary by fire, other casualty or natural disaster, subject to the following:

(1) Restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster; and

(2) A replacement dwelling located more than 200 feet from the prior dwelling location shall satisfy the dimensional standards of MCC 33.2060 and the development standards of MCC 33.2105.

~~(3) The existing dwelling at the time of the fire, casualty, or natural disaster:~~

~~(a) Had intact exterior walls and roof structures;~~

~~(b) Had indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;~~

~~(c) Had interior wiring for interior lights; and~~

~~(d) Had a heating system.~~

* * *

33.2060 Dimensional Requirements

(A) Except as provided in MCC 33.2065, 33.2070, 33.2075, and 33.2080, the minimum lot size for

new parcels or lots shall be 80 acres.

* * *

33.2075 Lot of Record

(Multnomah County's "aggregation" standards are in addition to the State mandated "tract" requirements. As a way of introduction to these two concepts, "tract" only comes into effect at the time of application for approval of a dwelling in a farm or forest zone. A condition of approval is the filing of deed restrictions enforcing the one dwelling only on all adjacent same owned property at the time of application. Therefore, if the "tract" concept was in place without the County's "aggregation" standards, then an applicant would have the opportunity to sell adjacent legal lots prior to making application for the dwelling.

*However, with an "aggregation" provision in place, a property owner may only sell, **either prior to a development application or at any time**, those adjacent same ownership that meet the "Lot of Record" standards. Selling lots/parcels in groupings that do not meet the aggregation requirements would result in ownerships that are not "Lots of Record and, as a consequence would lose their development potential.*

The "aggregation" of adjacent same ownerships has been in the Lot of Record sections of Multnomah County's farm zones since 1975 and since 1980 in the forest zones – long before the State "tract" concept appeared in 1993/1994. This proposal retains today's concept of aggregating adjacent same ownerships into groupings of 19 acres using existing lot and parcel lines.

The significant difference in this proposal is establishing one date certain, February 20, 1990, as the only point in time that the "aggregation" requirements will be applied to determining what is a "Lot of Record" grouping of lots/parcels. The Code now requires "aggregation" anytime that a property owner acquires adjacent property; and as a consequence, sometimes unbeknownst to them, they have acquired a parcel that then has lost its separate "Lot of Record" status and development potential.

Using one date, February 20, 1990, will allow the compilation of records and maps establishing adjacent same ownerships from Deed Records on that one date. Thereafter, those compiled records will provide information on the Lot

of Record status for both the property owner and staff.)

(A) In addition to the Lot of Record definition standards in MCC 33.0005, F for the purposes of this district, a Lot of Record is either:

(1) A parcel of land:

- ~~(a) For which a deed or other instrument creating the parcel was recorded with the Department of General Services, or was in recordable form prior to August 14, 1980;~~
- ~~(b) Which satisfied all applicable laws when the parcel was created; and~~
- ~~(c) Which satisfies the minimum lot size requirements of MCC 33.2060, or~~

(2) A parcel of land:

- ~~(a) For which a deed or other instrument creating the parcel was recorded with the Department of General Services, or was in recordable form prior to February 20, 1990;~~
- ~~(b) Which satisfied all applicable laws when the parcel was created;~~
- ~~(c) Does not meet the minimum lot size requirements of MCC 33.2060; and~~
- ~~(d) Which is not contiguous to another substandard parcel or parcels under the same ownership, or~~

(3) A group of contiguous parcels of land:

- ~~(a) For which deeds or other instruments creating the parcels were recorded with the Department of General Services, or were in recordable form prior to February 20, 1990;~~
- ~~(b) Which satisfied all applicable laws when the parcels were created;~~
- ~~(c) Which individually do not meet the minimum lot size requirements of MCC 33.2060, but, when considered in combination, comply as nearly as possible with a minimum lot size of nineteen acres, without creating any new lot line; and~~
- ~~(d) Which are held under the same ownership.~~

(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:

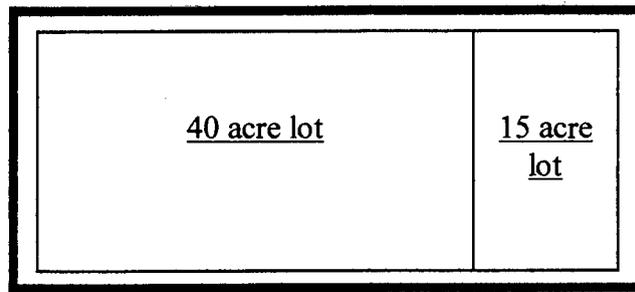
(a) Which were held under the same ownership on February 20, 1990; and

(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.

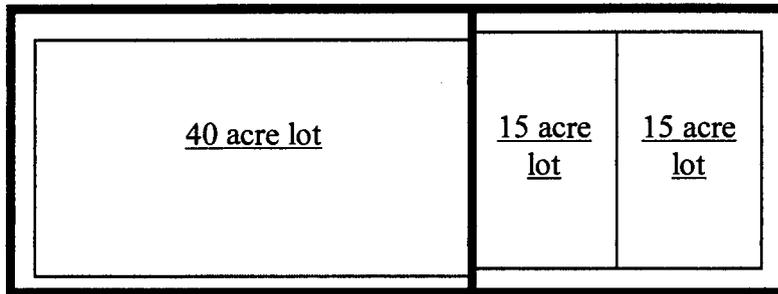
1. Each Lot of Record proposed to be segregated from the contiguous group of parcels or lots shall be a minimum of 19 acres in area using existing legally created lot lines and shall not result in any remainder individual parcel or lot, or remainder of contiguous combination of parcels or lots, with less than 19 acres in area.

2. There shall be an exception to the 19 acre minimum lot size requirement when the entire same ownership grouping of parcels or lots was less than 19 acres in area on February 20, 1990, and then the entire grouping shall be one Lot of Record.

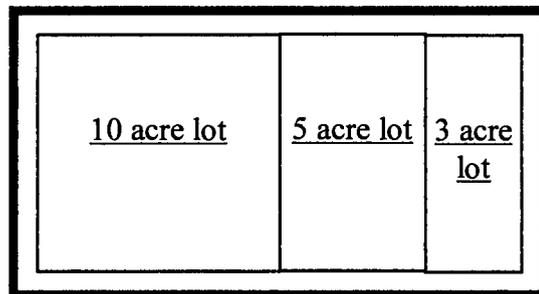
3. Three examples of how parcels and lots shall be aggregated are shown below with the solid thick line outlining individual Lots of Record:



Example 1:
One 55 acre Lot of Record



Example 2:
One 40 acre Lot of Record and
one 30 acre Lot of Record



Example 3:
One 18 acre Lot of Record

(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.

(B) For the purposes of this subsection:

- ~~(1) Contiguous refers to parcels of land which have any common boundary, excepting a single point, and shall include, but not be limited to, parcels separated only by an alley, street or other right-of-way.~~
- ~~(2) Substandard Parcel refers to a parcel which does not satisfy the minimum lot size requirements of MCC 33.2060 and~~
- ~~(3) Same Ownership refers to parcels in which greater than possessory interests are held by the same person or persons, spouse, minor age child, single partnership or business entity, separately or in tenancy in common.~~

(B) In this district, significant dates and ordinances applicable for verifying zoning compliance may include, but are not limited to, the following:

- (1) July 10, 1958, F-2 zone applied;
- (2) December 9, 1975, F-2 minimum lot size increased, Ord. 115 & 116;
- (3) October 6, 1977, MUF-20 and CFU-38 zones applied, Ord. 148 & 149;
- (4) August 14, 1980, MUF-19 & 38 and CFU-80 zones applied, Ord. 236 & 238;
- (5) February 20, 1990, Lot of Record definition amended, Ord. 643;
- (6) January 7, 1993, MUF-19 & 38 zones changed to CFU-80, Ord. 743 & 745;
- (7) August 8, 1998, CFU-1 zone applied, Ord. 916;
- (8) (Adoption date), Lot of Record section amended, Ord. _____;

(C) A Lot of Record which has less than the minimum lot size for new parcels, less than the front lot line minimums required, or which does not meet the access requirements of MCC 33.2090, may be occupied by any allowed use, permitted review use or approved conditional use when in compliance with the other requirements of this district.

(The provision for allowing a "Mortgage Lot" is proposed to be moved to the General Provisions definitions.)

(D) A Lot of Record may be comprised of a separate parcel, containing an area less than that required by MCC 33.2060 (A), created solely for the purposes of financing a dwelling. Such a parcel shall be considered a Mortgage Lot, subject to the following:

- ~~(1) A Mortgage Lot may be created without review providing the remainder of the Lot of Record is not developed with a residence.~~
- ~~(2) The remainder of the Lot of Record shall be ineligible for a permit for a dwelling.~~
- ~~(3) A Mortgage Lot shall not be conveyed as a lot separate from the tract out of which it was created.~~

~~(4) The tax roll accounts of the Mortgage Lot and parent lot shall be consolidated into one account when title to both parcels is secured.~~

The following shall not be deemed a Lot of Record:

(1) An area of land described as a tax lot solely for assessment and taxation purposes;

(2) An area of land created by the foreclosure of a security interest;

(3) A Mortgage Lot.

(4) An area of land created by court decree.

* * *

Commercial Forest Use-2 (CFU-2)

(All the preceding CFU-1 amendments also apply to the CFU-2 zone. Below are additional amendments that apply to the CFU-2 zone but not the CFU-1 zone.)

33.2240 Template and Heritage Tract Dwellings

* * *

(B) A *heritage tract dwelling* may be sited, subject to the following:

(1) On a tract:

* * *

(The following underlined phrase regarding access is a mandated Oregon Administrative Rule standard that should be added to bring the heritage tract dwelling approval criteria into compliance with the OAR language.

Heritage tract dwelling is the Multnomah County's name given to the state statute named "lot of record dwelling".)

(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.

* * *

(f) Notwithstanding the same ownership grouping requirements of the Lot of Record section, F that was acquired by the present owner:

1. Prior to January 1, 1985; or
2. By devise or by intestate succession by an antecedent of the person who acquired the lot or parcel prior to January 1, 1985.
3. For purposes of this subsection, "antecedent" includes the wife, husband, son, daughter,

ter, 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.

* * *

(One objective of these proposed amendments is to make the Lot of Record sections of the EFU and CFU districts as alike as possible, while remaining in compliance with all State requirements. Therefore, the preceding CFU-1/CFU-2 amendments and staff comments are also applicable to the following proposed EFU language changes.)

Exclusive Farm Use (EFU)

33.2600 Purpose

The purposes of the Exclusive Farm Use District are to preserve and maintain agricultural lands for farm use consistent with existing and future needs for agricultural products, forests and open spaces; to conserve and protect scenic and wildlife resources, to maintain and improve the quality of the air, water and land resources of the County and to establish criteria and standards for farm uses and related and compatible uses which are deemed appropriate. Land within this district shall be used exclusively for farm uses as provided in the Oregon Revised Statutes Chapter 215 and the Oregon Administrative Rules Chapter 660, Division 33 as interpreted by this Exclusive Farm Use code section.

One of the implementation tools to carry out the purposes of this District is a Lot of Record requirement to group into larger "Lots of Record" those contiguous parcels and lots that were in the same ownership on February 20, 1990. This requirement is in addition to all "tract" grouping requirements of State Statute and Rule.

* * *

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:

* * *

(C) *Contiguous* refers to parcels or lots ~~of land~~ 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.

* * *

(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.

* * *

(J)(F) *Tract* means one or more contiguous lots in the same ownership.

33.2615 Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC ~~2008~~ 33.2620 through ~~2014~~ 33.2630 when found to comply with MCC 33.2660 through 33.2690.

* * *

33.2620 Allowed Uses

* * *

(L) Alteration, restoration or replacement of a lawfully established habitable dwelling, that has:

- (1) ~~Intact exterior walls and roof structure;~~
- (2) ~~Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;~~
- (3) ~~Interior wiring for interior lights; and~~
- (4) ~~A heating system.~~

In the case of a replacement dwelling, the existing dwelling is must be removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling.

* * *

33.2625 Review Uses

* * *

(F) Notwithstanding the same ownership grouping requirements of the Lot of Record section, a A single family heritage tract dwelling may be allowed on land not identified as high-value farmland when:

* * *

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 ~~33.6340~~35:

* * *

(O) Notwithstanding the same ownership grouping requirements of the Lot of Record section, a A single family heritage tract dwelling may be allowed on land identified as high-value farmland when:

* * *

(P) Notwithstanding the same ownership grouping requirements of the Lot of Record section, a A single family heritage tract dwelling may be allowed on land identified as high-value farmland when:

* * *

33.2670 Lot Line Adjustment

- (A) An adjustment of the common lot line between contiguous legal lots Lots of Record may be authorized based on a finding that:
- (1) All dwellings that were situated on the same lot prior to the adjustments must remain together on the reconfigured lot; and
 - (2) The dimensional requirements of MCC 33.2660 (A) and (C) are met; or
 - (3) The reconfigured lot areas will each retain the same lot area that existed prior to the exchange.

~~The decision of the Planning Director may be appealed to the approval authority pursuant to MCC 33.0785 and 33.0790.~~

33.2675 Lot, Parcel and Tract Requirement Lot of Record

- (A) ~~The Lot, Parcel and Tract requirement shall be applied to all uses in this district except for Single Family Heritage Tract Dwellings: MCC 33.2625 (F), MCC 33.2630 (O) or MCC 33.2630 (P). In addition to the Lot of Record definition standards in MCC 33.0005, F for the purposes of this district a Lot of Record is either: , a lot, parcel or tract is defined as~~
- ~~(1) A lot or parcel of land:
 - (a) For which a deed or other instrument creating the parcel was recorded with the Department of Environmental Services or its predecessors; and
 - (b) Which satisfied all applicable laws, including but not limited to land divisions and zoning ordinance, when the parcel was created; and
 - (c) Which satisfies the minimum lot size requirements of MCC 33.2660; or~~
 - ~~(2) A lot or parcel of land:
 - (a) For which a deed or other instrument creating the parcel was recorded with the Department of General Services, or was in recordable form prior to February 20, 1990;
 - (b) Which satisfied all applicable laws, including but not limited to land divisions and zoning ordinance, when the parcel was created; and
 - (c) Does not meet the minimum lot size requirements of MCC 33.2660; and
 - (d) Which was not contiguous to another substandard parcel or parcels under the same ownership on or after February 20, 1990, or~~
 - ~~(3) A Tract of land:
 - (a) For which deeds or other instruments creating the parcels were recorded with the Department of General Services, or were in recordable form prior to February 20, 1990;
 - (b) Which satisfied all applicable laws, including but not limited to land divisions and zoning ordinance, when the parcel was created; and
 - (c) Which were held under the same ownership on or after February 20, 1990; and
 - (d) Which individually do not meet the minimum lot or parcel size requirements of MCC 33.2660, but, when considered in combination:
 1. One legal lot or parcel shall comply nearly as possible with a minimum area of nineteen acres, without creating any new lot lines; or
 2. More than one legal lot or parcel, each property must comply with the minimum area of nineteen acres, without creating any new property line.~~

(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:

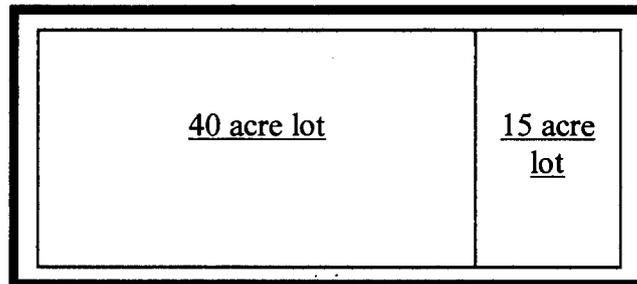
(a) Which were held under the same ownership on February 20, 1990; and

(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.

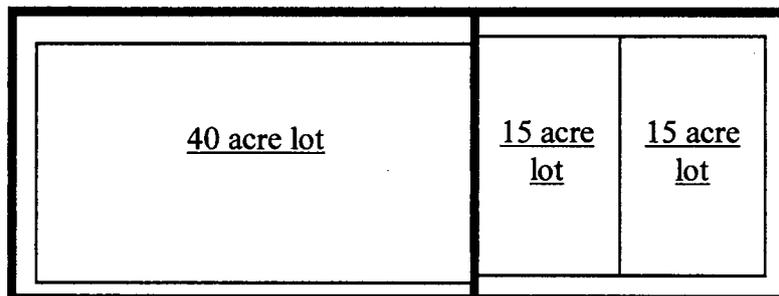
1. Each Lot of Record proposed to be segregated from the contiguous group of parcels or lots shall be a minimum of 19 acres in area using existing legally created lot lines and shall not result in any remainder individual parcel or lot, or remainder of contiguous combination of parcels or lots, with less than 19 acres in area.

2. An exception to the 19 acre minimum lot size requirement shall occur when the entire same ownership grouping of parcels or lots was less than 19 acres in area on February 20, 1990, and then the entire grouping shall be one Lot of Record.

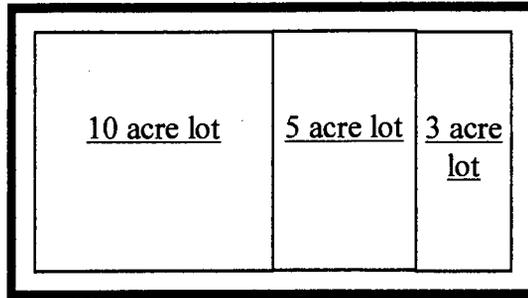
3. Three examples of how parcels and lots shall be aggregated are shown below with the solid thick line outlining individual Lots of Record:



Example 1:
One 55 acre Lot of Record



Example 2:
One 40 acre Lot of Record and
one 30 acre Lot of Record



Example 3:
One 18 acre Lot of Record

(3) 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.

~~(B) For the purposes of this subsection:~~

- ~~(1) *Substandard Lot or Parcel* refers to a parcel which does not satisfy the minimum lot size requirements of MCC 33.2660; and~~
- ~~(2) *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.~~

(B) In this district, significant dates and ordinances applicable for verifying zoning compliance may include, but are not limited to, the following:

- (1) July 10, 1958, F-2 zone applied;
- (2) December 9, 1975, F-2 minimum lot size increased, Ord. 115 & 116;
- (3) October 6, 1977, MUA-20 and EFU-38 zones applied, Ord. 148 & 149;
- (4) August 14, 1980, zone change from MUA-20 to EFU-38 for some properties, Ord. 236 & 238;
- (5) February 20, 1990, lot of record definition amended, Ord. 643;
- (6) April 5, 1997, EFU zone repealed and replaced with language in compliance with 1993 Ore-

gon Revised Statutes and 1994 Statewide Planning Goal 3 Oregon Administrative Rules for farmland, Ord. 876;

(7) (Adoption date), Lot of Record section amended, Ord. _____;

- (C) ~~A lot, parcel or tract which satisfies the applicable requirements of MCC .33.2675 and front lot line minimums required may be occupied by any permitted or approved use when in compliance with the other requirements of this district. A Lot of Record which has less than the minimum lot size for new parcels, less than the front lot line minimums required, or which does not meet the access requirements of MCC 33.2690 may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.~~

(Presently there is no provision for allowing a "Mortgage Lot" in the EFU district. It is proposed that allowing this financing method be allowed subject to the definition added to the General Provisions.)

(D) The following shall not be deemed a Lot of Record:

(1) An area of land described as a tax lot solely for assessment and taxation purposes;

(2) An area of land created by the foreclosure of a security interest;

(3) A Mortgage Lot.

(4) An area of land created by court decree.

* * *

**DECISION OF THE
MULTNOMAH COUNTY PLANNING COMMISSION**

In the matter of recommending adoption of an)
Ordinance amending MCC Chapters 33, 34, and 35,)
the Zoning Ordinance, to clarify the "Lot of Record")
Code definition and update several Code parts as)
mandated by recent Oregon Administrative Rule)
changes in regard to the application of State Goal 14)
requirements to "Rural Residential Areas.")

**RESOLUTION
PC-01-002**

WHEREAS, The Planning Commission is authorized by Multnomah County Code subsections 33.0140, 34.0140, 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; and

WHEREAS, Periodically, there is a need to amend code language to clarify wording, add useful information, and update provisions to conform with State of Oregon Administrative Rule requirements.; and

WHEREAS, The amendments in the proposed ordinance have been found by the Planning Commission to be needed changes and additions to the "Lot of Record" sections of the Zoning Codes that will add clarifying language and graphics, provide for consistency between the zoning districts, and establish the single date of February 20, 1990 as the date for "aggregation" requirements in the farm and forest zoning districts; and

WHEREAS, Other proposed amendments will bring the Zoning Code Chapters into compliance with the Oregon Administrative Rules regarding how Statewide Planning Goal 14 (Urbanization) applies to "Rural Residential Areas" (OAR 660-004-0040); and

WHEREAS, The Planning Commission considered these amendments at three workshops open to the public and at a public hearing on February 25, 2002 where all interested persons were given an opportunity to appear and be heard,

NOW, THEREFORE BE IT RESOLVED that the proposed Ordinance amending the "Lot of Record" and Statewide Planning Goal 14 Rule related parts of the Zoning Code is hereby recommended for adoption by the Board of County Commissioners.

Approved this 25th day of February, 2002



John Ingle, Chair
Multnomah County Planning Commission

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Adopting amendments to Multnomah County Code Chapters 33, 34, and 35 pertaining to "Lots of Record" and changes to other land use standards as required by recently adopted Oregon Administrative Rules for "Rural Residential Areas."

(~~Struckthrough~~ language is deleted; double underlined language is new.)

The Multnomah County Board of Commissioners Finds:

a. Periodically, there is a need to amend code language to clarify wording, add useful information, and update provisions to conform with State of Oregon Administrative Rule requirements.

b. The amendments in this ordinance have been found by the Planning Commission to be needed changes and additions to the "Lot of Record" sections of the different Rural Area Zoning Codes. A "Lot of Record" is the term for a parcel, lot, or grouping of parcels or lots, that met all zoning and land division requirements at the time they were created, with some additional grouping requirements for farm and forest zoned areas.

c. The "Lot of Record" amendments will: (1) add clarifying language and graphics, (2) provide for consistency, as appropriate, between the zoning districts, (3) and establish the single date of February 20, 1990 as the date for "aggregation" requirements in the farm and forest zoning districts, thereby providing more consistency and certainty for property owners over the present standard that requires tracking adjacent property ownerships not only on February 20, 1990 but all dates thereafter.

d. Other amendments will bring the Zoning Code Chapters into compliance with the Oregon Administrative Rules which specify how Statewide Planning Goal 14 (Urbanization) applies to "Rural Residential Areas" (OAR 660-004-0040). Included in this ordinance are changes to parts of the Multiple Use Agriculture-20, Rural Residential, and Rural Center zoning districts in regard to land division standards and dwellings for the housing of help to do farming and forestry.

e. The adoption in January 1, 2002 of separate Zoning Code Chapters that correspond to the different Rural Plan Areas requires that these amendments be repeated for each of the Code Chapters 33, 34, and 35, differing only as needed to retain conformance with specific provisions in each of the respective Rural Plan Policies.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 982

Adopting Amendments to Multnomah County Code Chapters 33, 34, and 35 Pertaining to "Lots of Record" and Changes to Other Land Use Standards as Required by Recently Adopted Oregon Administrative Rules for "Rural Residential Areas"

(Struckthrough language is deleted; double underlined language is new.)

The Multnomah County Board of Commissioners Finds:

a. Periodically, there is a need to amend code language to clarify wording, add useful information, and update provisions to conform with State of Oregon Administrative Rule requirements.

b. The amendments in this ordinance have been found by the Planning Commission to be needed changes and additions to the "Lot of Record" sections of the different Rural Area Zoning Codes. A "Lot of Record" is the term for a parcel, lot, or grouping of parcels or lots, that met all zoning and land division requirements at the time they were created, with some additional grouping requirements for farm and forest zoned areas.

c. The "Lot of Record" amendments will: (1) add clarifying language and graphics, (2) provide for consistency, as appropriate, between the zoning districts, (3) and establish the single date of February 20, 1990 as the date for "aggregation" requirements in the farm and forest zoning districts, thereby providing more consistency and certainty for property owners over the present standard that requires tracking adjacent property ownerships not only on February 20, 1990 but all dates thereafter.

d. Other amendments will bring the Zoning Code Chapters into compliance with the Oregon Administrative Rules which specify how Statewide Planning Goal 14 (Urbanization) applies to "Rural Residential Areas" (OAR 660-004-0040). Included in this ordinance are changes to parts of the Multiple Use Agriculture-20, Rural Residential, and Rural Center zoning districts in regard to land division standards and dwellings for the housing of help to do farming and forestry.

e. The adoption in January 1, 2002 of separate Zoning Code Chapters that correspond to the different Rural Plan Areas requires that these amendments be repeated for each of the Code Chapters 33, 34, and 35, differing only as needed to retain conformance with specific provisions in each of the respective Rural Plan Policies.

The Multnomah County Board of Commissioners Ordains as Follows:

Section 1. The following subsections of Multnomah County Code Volume II: Land Use, Chapter 33 West Hills Rural Plan Area are amended as follows:

PART 1. GENERAL PROVISIONS

Definitions

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 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.

(2)(1) **Day Nursery** – *****

(3)(2) **Development** – *****

(4)(3) **Director** – *****

(5)(4) **Drive-In** – *****

(6)(5) **Dwelling Unit** – *****

(7)(6) **Dwelling (Duplex or Two-Unit)** – *****

(8)(7) **Dwelling (Single Family Detached)** – *****

(9)(8) **Dwelling (Multi-Plex Structure)** – *****

(10)(9) **Duplex Dwelling** – *****

(H)(1) **Habitable dwelling** – An existing dwelling that:

(a) Has intact exterior walls and roof structure;

(b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(c) Has interior wiring for interior lights; and

(d) Has a heating system.

(2)(4) Hearings Officer – *****

(3) Heritage Tract Dwelling – A type of single family detached dwelling in the EFU and the CFU zoning districts with approval criteria that includes a requirement for ownership of the lot or parcel prior to January 1, 1985. The complete description of approval standards are in the use sections of the districts.

(4)(2) High School – *****

(5)(3) Highway (State) – *****

(6)(4) Historical Building – *****

(7)(5) Historical Resources – *****

(8)(6) Home Occupation – *****

(9)(7) Horticulture – *****

(10)(8) Hotel – *****

(L)(1) Large Acreage Dwelling – A type of single family detached dwelling in the CFU zoning districts with approval criteria that includes a requirement for single ownership of 160 contiguous forest zoned acres or single ownership of 200 forest zoned acres in Multnomah County or adjacent counties that are not contiguous. The complete description of approval standards are in the use sections of the districts.

(2)(4) Large Fill – *****

(3) Lawfully established dwelling – A dwelling that was constructed in compliance with the laws in effect at the time of establishment. The laws in effect shall include zoning, land division and building code requirements. Compliance with Building Code requirements shall mean that all permits necessary to qualify the structure as a *dwelling unit* were obtained and all qualifying permitted work completed.

(4)(2) Loading Space – *****

(5)(3) Lot – A unit of land created by a subdivision of land, see definition in MCC 33.7705. Depending upon the context in which the term

_____ appears in this Chapter, a Lot may also mean a A-plot lot, parcel (result of partitioning), or area of land owned by or under the lawful control and in the lawful possession of one distinct ownership.

(6)(4) **Lot Area** – *****

(7)(5) **Lot (Corner)** – *****

(8)(6) **Lot Coverage** – *****

(9)(7) **Lot Lines** – *****

(10)(8) **Lot Line (Front)** – *****

(11)(9) **Lot Line (Rear)** – *****

(12)(10) **Lot Line (Side)** – *****

(13)**Lot of Record** – Subject to additional provisions within each Zoning District, a Lot of Record is a parcel, lot, or a group thereof which when created and when reconfigured (a) satisfied all applicable zoning laws and (b) satisfied all applicable land division laws. Those laws shall include all required zoning and land division review procedures, decisions, and conditions of approval.

(a) “Satisfied all applicable zoning laws” shall mean: the parcel, lot, or group thereof was created and, if applicable, reconfigured in full compliance with all zoning minimum lot size, dimensional standards, and access requirements.

(b) “Satisfied all applicable land division laws” shall mean the parcel or lot was created:

1. By a subdivision plat under the applicable subdivision requirements in effect at the time; or
2. By a deed, or a sales contract dated and signed by the parties to the transaction, that was recorded with the Recording Section of the public office responsible for public records prior to October 19, 1978; or
3. By a deed, or a sales contract dated and signed by the parties to the transaction, that was in recordable form prior to October 19, 1978; or

4. By partitioning land under the applicable land partitioning requirements in effect on or after October 19, 1978; and

5. "Satisfied all applicable land division laws" shall also mean that any subsequent boundary reconfiguration completed on or after December 28, 1993 was approved under the property line adjustment provisions of the land division code. (See *Date of Creation and Existence* for the effect of property line adjustments on qualifying a Lot of Record for the siting of a dwelling in the EFU and CFU districts.)

(c) Separate Lots of Record shall be recognized and may be partitioned congruent with an "acknowledged unincorporated community" boundary which intersects a Lot of Record.

1. Partitioning of the Lot of Record along the boundary shall require review and approval under the provisions of the land division part of this Chapter, but not be subject to the minimum area and access requirements of this district.

2. An "acknowledged unincorporated community boundary" is one that has been established pursuant to OAR Chapter 660, Division 22.

(14)(11) Lot Width – *****

(M) (4) **Mortgage Lot** – ~~A lot having less than the minimum area required under this Chapter, created out of a tract which itself conforms to lot area requirements, to enable the contract purchaser of the tract to finance construction of a single family residence thereon. An area of land created solely for the purposes of financing a dwelling. A Mortgage Lot is not a Lot of Record and shall not be conveyed separate from the Lot of Record out of which it was described. The tax roll accounts of the Mortgage Lot and the parent Lot of Record shall be consolidated into one account when title to both is secured. A Mortgage Lot may be created only in the EFU and CFU districts.~~

(P) (1) **Parcel** – A unit of land created by a partitioning of land, see definition in MCC 33.7705. Depending upon the context in which the term appears in this Chapter, *Parcel* and *Lot* may at times be used interchangeably.

~~(1) **Permit Section** – The division of the Department of Environmental Services authorized to issue building and other land development permits or its designee.~~

(R) (3) Recordable form – A form sufficient to create the parcel on the date the document was signed if the deed or land sales contract had been recorded with the office responsible for public records. Characteristics of recordable form include a complete description of the property, the consideration given, and verification of the transaction by a witness such as a Notary Public.

(4)(3) Recreational Vehicle Park – *****

(5)(4) Residential Care Facility – *****

(6)(5) Residential Home – *****

(7)(6) Residential Trailer – *****

(8)(7) Residential Treatment Facility – *****

(9)(8) Road (County) – *****

(T) (1) Template Dwelling – A type of single family detached dwelling in the CFU zoning districts with approval criteria that includes a requirement that a certain number of parcels and dwellings exist within a 160-acre square (map template) centered on the subject tract. The complete description of requirements are in the use sections of the district.

(2)(4) Timber Growing – *****

(3)(2) Trade School – *****

(4)(3) Two-Unit Dwelling – *****

33.0015 Zoning Map

(B) A paper version of the Zoning Map and each amendment thereto shall be and remain on file in the office of the Director of the Division of Land Use Planning Department of Environmental Services.

(1) The set of paper Zoning Maps with the cover page dated the 15th of November, 1962 and signed by the Board of County Commissioners shall be deemed to be the accurate depiction of the Zoning Maps adopted for successive geographic areas from April 19, 1955 through December 11, 1958.

PART 4. ZONES

Commercial Forest Use –1 (CFU-1)

33.2000 Purposes

The purposes of the Commercial Forest Use District are to conserve and protect designated lands for continued commercial growing and harvesting of timber and the production of wood fiber and other forest uses; to conserve and protect watersheds, wildlife habitats and other forest associated uses; to protect scenic values; to provide for agricultural uses; to provide for recreational opportunities and other uses which are compatible with forest use; implement Comprehensive Framework Plan Policy 11, Commercial Forest Land; the Commercial Forest Use policies of the West Hills Rural Area Plan, and to minimize potential hazards or damage from fire, pollution, erosion or urban development.

One of the implementation tools to carry out the purposes of this District is a Lot of Record requirement to group into larger "Lots of Record" those contiguous parcels and lots that were in the same ownership on February 20, 1990. This requirement is in addition to all "tract" grouping requirements of State Statute and Rule.

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:

(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)(D) Cubic Foot Per Acre - *****

(E)(E) Cubic Foot Per Tract Per Year - *****

~~(F) 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 of record pursuant to MCC 33.2075 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.~~

(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)~~(H) *Tract* - One or more contiguous Lots of Record, pursuant to MCC 33.2075, 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.

33.2015 Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC 33.2020 through 33.2055 2035 when found to comply with MCC 33.2045 through 33.2110.

33.2020 Allowed Uses

(D) Alteration, maintenance, or expansion of an existing lawfully established ~~single family~~ habitable dwelling subject to the following:

~~(1)~~ The existing dwelling

~~(a) Has intact exterior walls and roof structures;~~

~~(b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;~~

~~(c) Has interior wiring for interior lights; and~~

~~(d) Has a heating system.~~

~~(1)~~~~(2)~~ Satisfies ~~t~~ The dimensional standards of MCC 33.2060 are satisfied; and

~~(2)~~~~(3)~~ Satisfies ~~t~~ The development standards of MCC 33.2105 (A) (5) and (B) are satisfied if an the expansion that exceeds 400 square feet of ground coverage.

(E) Replacement of an existing lawfully established ~~single family~~ habitable dwelling on the same lot, subject to the following:

(1) The replacement dwelling will be located within 200 feet of the existing dwelling; and

(2) The existing dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling; and :

- ~~(a) Has intact exterior walls and roof structures;~~
- ~~(b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;~~
- ~~(c) Has interior wiring for interior lights;~~
- ~~(d) Has a heating system;~~
- ~~(e) Is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling; and~~

(3) The replacement dwelling shall satisfy the dimensional standards of MCC 33.2060 and the development standards of MCC 33.2105.

33.2025 Review Uses

(A) Replacement of an existing lawfully established ~~single family~~ habitable dwelling on the same lot more than 200 feet from the existing dwelling, subject to the following:

(1) The existing dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling; and :

- ~~(a) Has intact exterior walls and roof structures;~~
- ~~(b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;~~
- ~~(c) Has interior wiring for interior lights;~~
- ~~(d) Has a heating system; and~~
- ~~(e) Is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling;~~

(2) The location of the replacement dwelling shall satisfy the dimensional standards of MCC 33.2060 and the development standards of MCC 33.2105.

(B) Restoration or replacement of a lawfully established ~~single family~~ habitable dwelling on the same lot when the restoration or replacement is made necessary by fire, other casualty or natural disaster, subject to the following:

(1) Restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster; and

(2) A replacement dwelling located more than 200 feet from the prior

dwelling location shall satisfy the dimensional standards of MCC 33.2060 and the development standards of MCC 33.2105.

- ~~(3) The existing dwelling at the time of the fire, casualty, or natural disaster:~~
- ~~(a) Had intact exterior walls and roof structures;~~
 - ~~(b) Had indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;~~
 - ~~(c) Had interior wiring for interior lights; and~~
 - ~~(d) Had a heating system.~~

33.2060 Dimensional Requirements

- (A) Except as provided in MCC 33.2065, 33.2070, 33.2075, and 33.2080, the minimum lot size for new parcels or lots shall be 80 acres.

33.2075 Lot of Record

- (A) In addition to the Lot of Record definition standards in MCC 33.0005, F for the purposes of this district, a Lot of Record is either:

~~(1) A parcel of land:~~

- ~~(a) For which a deed or other instrument creating the parcel was recorded with the Department of General Services, or was in recordable form prior to August 14, 1980;~~
- ~~(b) Which satisfied all applicable laws when the parcel was created; and~~
- ~~(c) Which satisfies the minimum lot size requirements of MCC 33.2060, or~~

~~(2) A parcel of land:~~

- ~~(a) For which a deed or other instrument creating the parcel was recorded with the Department of General Services, or was in recordable form prior to February 20, 1990;~~
- ~~(b) Which satisfied all applicable laws when the parcel was created;~~
- ~~(c) Does not meet the minimum lot size requirements of MCC 33.2060; and~~
- ~~(d) Which is not contiguous to another substandard parcel or parcels under the same ownership, or~~

~~(3) A group of contiguous parcels of land:~~

- ~~(a) For which deeds or other instruments creating the parcels were recorded with the Department of General Services, or were in recordable form prior to February 20, 1990;~~
- ~~(b) Which satisfied all applicable laws when the parcels were created;~~
- ~~(c) Which individually do not meet the minimum lot size requirements~~

of MCC 33.2060, but, when considered in combination, comply as nearly as possible with a minimum lot size of nineteen acres, without creating any new lot line; and
(d) Which are held under the same ownership.

(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:

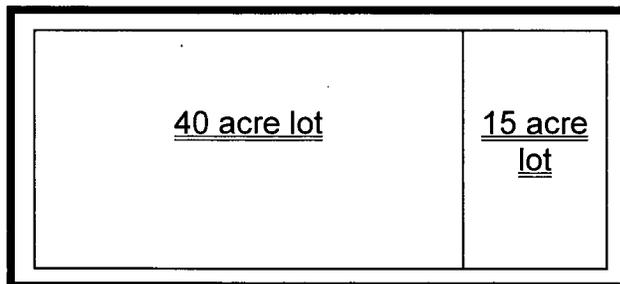
(a) Which were held under the same ownership on February 20, 1990; and

(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.

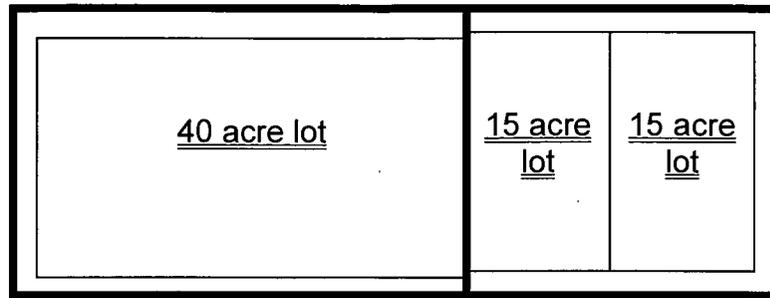
1. Each Lot of Record proposed to be segregated from the contiguous group of parcels or lots shall be a minimum of 19 acres in area using existing legally created lot lines and shall not result in any remainder individual parcel or lot, or remainder of contiguous combination of parcels or lots, with less than 19 acres in area.

2. There shall be an exception to the 19 acre minimum lot size requirement when the entire same ownership grouping of parcels or lots was less than 19 acres in area on February 20, 1990, and then the entire grouping shall be one Lot of Record.

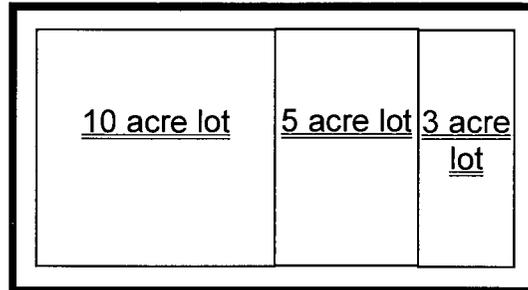
3. Three examples of how parcels and lots shall be aggregated are shown below with the solid thick line outlining individual Lots of Record:



Example 1:
One 55 acre Lot of Record



Example 2:
One 40 acre Lot of Record and
one 30 acre Lot of Record



Example 3:
One 18 acre Lot of Record

(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.

(B) For the purposes of this subsection:

(1) Contiguous refers to parcels of land which have any common boundary, excepting a single point, and shall include, but not be limited to,

~~parcels separated only by an alley, street or other right-of-way.~~

~~(2) Substandard Parcel refers to a parcel which does not satisfy the minimum lot size requirements of MCC 33.2060 and~~

~~(3) Same Ownership refers to parcels in which greater than possessory interests are held by the same person or persons, spouse, minor age child, single partnership or business entity, separately or in tenancy in common.~~

(B) In this district, significant dates and ordinances applicable for verifying zoning compliance may include, but are not limited to, the following:

(1) July 10, 1958, F-2 zone applied;

(2) December 9, 1975, F-2 minimum lot size increased, Ord. 115 & 116;

(3) October 6, 1977, MUF-20 and CFU-38 zones applied, Ord. 148 & 149;

(4) August 14, 1980, MUF-19 & 38 and CFU-80 zones applied, Ord. 236 & 238;

(5) February 20, 1990, lot of record definition amended, Ord. 643;

(6) January 7, 1993, MUF-19 & 38 zones changed to CFU-80, Ord. 743 & 745;

(7) August 8, 1998, CFU-1 zone applied, Ord. 916;

(8) (Adoption date), Lot of Record section amended, Ord. _____;

(C) A Lot of Record which has less than the minimum lot size for new parcels, less than the front lot line minimums required, or which does not meet the access requirements of MCC 33.2090, may be occupied by any allowed use, permitted review use or approved conditional use when in compliance with the other requirements of this district.

~~(D) A Lot of Record may be comprised of a separate parcel, containing an area less than that required by MCC 33.2060 (A), created solely for the purposes of financing a dwelling. Such a parcel shall be considered a Mortgage Lot, subject to the following:~~

~~(1) A Mortgage Lot may be created without review providing the remainder of the Lot of Record is not developed with a residence.~~

~~(2) The remainder of the Lot of Record shall be ineligible for a permit for a dwelling.~~

~~(3) A Mortgage Lot shall not be conveyed as a lot separate from the tract out of which it was created.~~

~~(4) The tax roll accounts of the Mortgage Lot and parent lot shall be con-~~

~~solidated into one account when title to both parcels is secured.~~
The following shall not be deemed a Lot of Record:

(1) An area of land described as a tax lot solely for assessment and taxation purposes;

(2) An area of land created by the foreclosure of a security interest;

(3) A Mortgage Lot;

(4) An area of land created by court decree.

PART 4. ZONES
Commercial Forest Use –2 (CFU-2)

33.2200 Purposes

The purposes of the Commercial Forest Use District are to conserve and protect designated lands for continued commercial growing and harvesting of timber and the production of wood fiber and other forest uses; to conserve and protect watersheds, wildlife habitats and other forest associated uses; to protect scenic values; to provide for agricultural uses; to provide for recreational opportunities and other uses which are compatible with forest use; implement Comprehensive Framework Plan Policy 11, Commercial Forest Land, the Commercial Forest Use policies of the West Hills Rural Area Plan, and to minimize potential hazards or damage from fire, pollution, erosion or urban development.

One of the implementation tools to carry out the purposes of this District is a Lot of Record requirement to group into larger "Lots of Record" those contiguous parcels and lots that were in the same ownership on February 20, 1990. This requirement is in addition to all "tract" grouping requirements of State Statute and Rule.

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:

(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)(D) Cubic Foot Per Acre - *****

(F)(E) Cubic Foot Per Tract Per Year - *****

~~(F) 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 of record pursuant to MCC 33.2075 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.~~

~~(G) Forest Operation - *****~~

~~(H) Heritage Tract - A tract of land that was acquired by the present owner:~~

- (1) Prior to January 1, 1985; or
- (2) By devise or by intestate succession by an antecedent of the person who acquired the lot or parcel prior to January 1, 1985.
- (3) For purposes of this definition, "antecedent" 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.

(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, pursuant to MCC 33.2275, 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.

33.2215 Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC 33.2220 through 33.2255 2240 when found to comply with MCC 33.2245 through 33.2310.

33.2220 Allowed Uses

(D) Alteration, maintenance, or expansion of an existing lawfully established single family habitable dwelling subject to the following:

- (1) ~~The existing dwelling~~
 - (a) ~~Has intact exterior walls and roof structures;~~
 - (b) ~~Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;~~
 - (c) ~~Has interior wiring for interior lights; and~~
 - (d) ~~Has a heating system.~~

(1)(2) Satisfies t The dimensional standards of MCC 33.2260 are satisfied; and

~~(2)~~(3) Satisfies ~~t~~ The development standards of MCC 33.2305(A)(5) and (B) are satisfied if an the expansion that exceeds 400 square feet of ground coverage.

(E) Replacement of an existing lawfully established ~~single-family~~ habitable dwelling on the same lot, subject to the following:

(1) The replacement dwelling will be located within 200 feet of the existing dwelling; and

(2) The existing dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling; and :

~~(a) Has intact exterior walls and roof structures;~~

~~(b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;~~

~~(c) Has interior wiring for interior lights;~~

~~(d) Has a heating system;~~

~~(e) Is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling; and~~

(3) The replacement dwelling shall satisfy the dimensional standards of MCC 33.2260 and the development standards of MCC 33.2305.

33.2225 Review Uses

(A) Replacement of an existing lawfully established ~~single-family~~ habitable dwelling on the same lot more than 200 feet from the existing dwelling, subject to the following:

(1) The existing dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling; and :

~~(a) Has intact exterior walls and roof structures;~~

~~(b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;~~

~~(c) Has interior wiring for interior lights;~~

~~(d) Has a heating system; and~~

~~(e) Is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling;~~

(2) The location of the replacement dwelling shall satisfy the dimensional standards of MCC 33.2260 and the development standards of MCC 33.2305.

(B) Restoration or replacement of a lawfully established ~~single-family~~ habitable dwelling on the same lot when the restoration or replacement is made necessary by fire, other casualty or natural disaster, subject to the following:

(1) Restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster; and

(2) A replacement dwelling located more than 200 feet from the prior dwelling location shall satisfy the dimensional standards of MCC 33.2260 and the development standards of MCC 33.2305.

~~(3) The existing dwelling at the time of the fire, casualty, or natural disaster:~~

~~(a) Had intact exterior walls and roof structures;~~

~~(b) Had indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;~~

~~(c) Had interior wiring for interior lights; and~~

~~(d) Had a heating system.~~

33.2240 Template and Heritage Tract Dwellings

(B) A *heritage tract dwelling* may be sited, subject to the following:

(1) On a tract:

(a) That is not developed with a single family residence, and

(b) That is not capable of producing 5,000 cubic feet per year of commercial tree species based on soil type, and

(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.

1. The road shall be maintained and either paved or surfaced with rock, and

2. The road shall not be a U.S. Forest Service road or Bureau of Land Management road.

- (d) For which deeds or other instruments creating the lots or parcels were recorded with the Department of General Services, or were in recordable form prior to January 1, 1985; and
- (e) That is comprised of lots or parcels that were lawfully created; and
- (f) Notwithstanding the same ownership grouping requirements of the Lot of Record section, F that was acquired by the present owner:
 1. Prior to January 1, 1985; or
 2. By devise or by intestate succession by an antecedent of the person who acquired the lot or parcel prior to January 1, 1985.
 3. For purposes of this subsection, "antecedent" 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.

33.2260 Dimensional Requirements

- (A) Except as provided in MCC 33.2265, 33.2270, 33.2275, and 33.2280, the minimum lot size for new parcels or lots shall be 80 acres.

33.2275 Lot of Record

- (A) In addition to the Lot of Record definition standards in MCC 33.0005, F for the purposes of this district, a Lot of Record is either:

(1) A parcel of land:

- ~~(a) For which a deed or other instrument creating the parcel was recorded with the Department of General Services, or was in recordable form prior to August 14, 1980;~~
- ~~(b) Which satisfied all applicable laws when the parcel was created; and~~
- ~~(c) Which satisfies the minimum lot size requirements of MCC 33.2260, or~~

(2) A parcel of land:

- ~~(a) For which a deed or other instrument creating the parcel was recorded with the Department of General Services, or was in recordable form prior to February 20, 1990;~~

- ~~(b) Which satisfied all applicable laws when the parcel was created;~~
- ~~(c) Does not meet the minimum lot size requirements of MCC 33.2260;~~
- ~~and~~
- ~~(d) Which is not contiguous to another substandard parcel or parcels under the same ownership, or~~
- (3) A group of contiguous parcels of land:
 - ~~(a) For which deeds or other instruments creating the parcels were recorded with the Department of General Services, or were in recordable form prior to February 20, 1990;~~
 - ~~(b) Which satisfied all applicable laws when the parcels were created;~~
 - ~~(c) Which individually do not meet the minimum lot size requirements of MCC 33.2260, but, when considered in combination, comply as nearly as possible with a minimum lot size of nineteen acres, without creating any new lot line; and~~
 - ~~(d) Which are held under the same ownership.~~

(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:

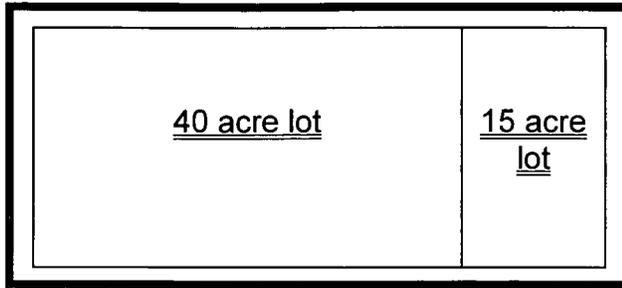
(a) Which were held under the *same ownership* on February 20, 1990;
and

(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.

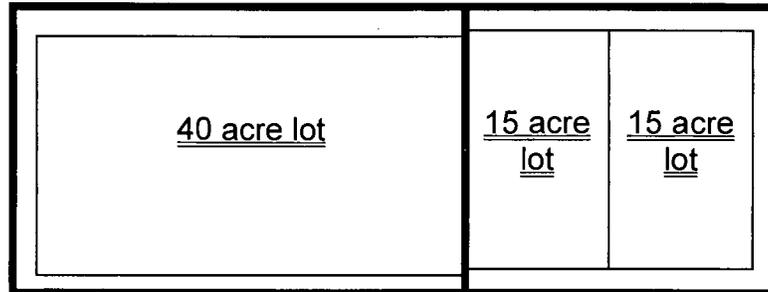
1. Each Lot of Record proposed to be segregated from the contiguous group of parcels or lots shall be a minimum of 19 acres in area using existing legally created lot lines and shall not result in any remainder individual parcel or lot, or remainder of contiguous combination of parcels or lots, with less than 19 acres in area.

2. There shall be an exception to the 19 acre minimum lot size requirement when the entire same ownership grouping of parcels or lots was less than 19 acres in area on February 20, 1990, and then the entire grouping shall be one Lot of Record.

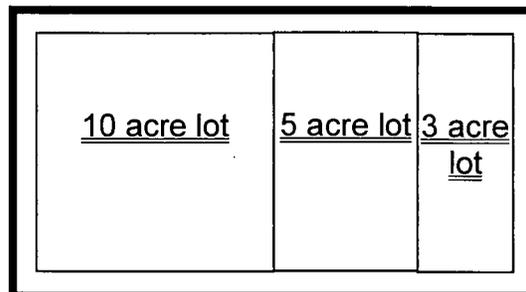
3. Three examples of how parcels and lots shall be aggregated are shown below with the solid thick line outlining individual Lots of Record:



Example 1:
One 55 acre Lot of Record



Example 2:
One 40 acre Lot of Record and
one 30 acre Lot of Record



Example 3:
One 18 acre Lot of Record

(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.

(B) For the purposes of this subsection:

~~(1) Contiguous refers to parcels of land which have any common boundary, excepting a single point, and shall include, but not be limited to, parcels separated only by an alley, street or other right-of-way.~~

~~(2) Substandard Parcel refers to a parcel which does not satisfy the minimum lot size requirements of MCC 33.2260 and~~

~~(3) *Same Ownership* refers to parcels in which greater than possessory interests are held by the same person or persons, spouse, minor age child, single partnership or business entity, separately or in tenancy in common.~~

(B) In this district, significant dates and ordinances applicable for verifying zoning compliance may include, but are not limited to, the following:

(1) July 10, 1958, F-2 zone applied;

(2) December 9, 1975, F-2 minimum lot size increased, Ord. 115 & 116;

(3) October 6, 1977, MUF-20 and CFU-38 zones applied, Ord. 148 & 149;

(4) August 14, 1980, MUF-19 & 38 and CFU-80 zones applied, Ord. 236 & 238;

(5) February 20, 1990, lot of record definition amended, Ord. 643;

(6) January 7, 1993, MUF-19 & 38 zones changed to CFU-80, Ord. 743 & 745;

(7) August 8, 1998, CFU-2 zone applied, Ord. 916;

(8) (Adoption date), Lot of Record section amended, Ord. _____;

(C) A Lot of Record which has less than the minimum lot size for new parcels, less than the front lot line minimums required, or which does not meet the access requirements of MCC 33.2290, may be occupied by any allowed use, permitted review use or approved conditional use when in compliance with the other requirements of this district.

~~(D) A Lot of Record may be comprised of a separate parcel, containing an area less than that required by MCC 33.2260 (A), created solely for the purposes of financing a dwelling. Such a parcel shall be considered a Mortgage Lot, subject to the following:~~

~~(1) A Mortgage Lot may be created without review providing the remainder of the Lot of Record is not developed with a residence.~~

~~(2) The remainder of the Lot of Record shall be ineligible for a permit for a dwelling.~~

~~(3) A Mortgage Lot shall not be conveyed as a lot separate from the tract out of which it was created.~~

~~(4) The tax roll accounts of the Mortgage Lot and parent lot shall be consolidated into one account when title to both parcels is secured.~~

The following shall not be deemed a Lot of Record:

(1) An area of land described as a tax lot solely for assessment and taxation purposes;

(2) An area of land created by the foreclosure of a security interest;

(3) A Mortgage Lot.

(4) An area of land created by court decree.

PART 4. ZONES
Commercial Forest Use –5 (CFU-5)

33.2400 Purpose

The purposes of the Commercial Forest Use District are to conserve and protect designated lands for continued commercial growing and harvesting of timber and the production of wood fiber and other forest uses; to conserve and protect watersheds, wildlife habitats and other forest associated uses; to protect scenic values; to provide for agricultural uses; to provide for recreational opportunities and other uses which are compatible with forest use; implement Comprehensive Framework Plan Policy 11, Commercial Forest Land, the Commercial Forest Use policies of the West Hills Rural Area Plan, and to minimize potential hazards or damage from fire, pollution, erosion or urban development.

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:

(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)(D) Cubic Foot Per Acre - *****

(F)(E) Cubic Foot Per Tract Per Year - *****

~~(F) 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 of record pursuant to MCC 33.2075 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.~~

(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)(H) Tract - *****

33.2415 Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC 33.2420 through 33.22552440 when found to comply with MCC 33.2445 through 33.2510.

33.2420 Allowed Uses

(D) Alteration, maintenance, or expansion of an existing lawfully established single family habitable dwelling subject to the following:

~~(1) The existing dwelling~~

~~(a) Has intact exterior walls and roof structures;~~

~~(b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;~~

~~(c) Has interior wiring for interior lights; and~~

~~(d) Has a heating system.~~

~~(1)(2) Satisfies t~~ The dimensional standards of MCC 33.2460 are satisfied; and

~~(2)(3) Satisfies t~~ The development standards of MCC 33.2505(A)(5) and (B) are satisfied if an the expansion that exceeds 400 square feet of ground coverage.

(E) Replacement of an existing lawfully established single family habitable dwelling on the same lot, subject to the following:

(1) The replacement dwelling will be located within 200 feet of the existing dwelling; and

(2) The existing dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling; and :

~~(a) Has intact exterior walls and roof structures;~~

~~(b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;~~

~~(c) Has interior wiring for interior lights;~~

~~(d) Has a heating system;~~

~~(e) Is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling; and~~

- (3) The replacement dwelling shall satisfy the dimensional standards of MCC 33.2460 and the development standards of MCC 33.2505.

33.2425 Review Uses

- (A) Replacement of an existing lawfully established single-family habitable dwelling on the same lot more than 200 feet from the existing dwelling, subject to the following:

- (1) ~~The existing dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling; and :~~

- ~~(a) Has intact exterior walls and roof structures;~~
- ~~(b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;~~
- ~~(c) Has interior wiring for interior lights;~~
- ~~(d) Has a heating system; and~~
- ~~(e) Is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling;~~

- (2) The location of the replacement dwelling shall satisfy the dimensional standards of MCC 33.2460 and the development standards of MCC 33.2505.

- (B) Restoration or replacement of a lawfully established single-family habitable dwelling on the same lot when the restoration or replacement is made necessary by fire, other casualty or natural disaster, subject to the following:

- (1) Restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster; and

- (2) A replacement dwelling located more than 200 feet from the prior dwelling location shall satisfy the dimensional standards of MCC 33.2460 and the development standards of MCC 33.2505.

- ~~(3) The existing dwelling at the time of the fire, casualty, or natural disaster:~~

- ~~(a) Had intact exterior walls and roof structures;~~
- ~~(b) Had indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;~~
- ~~(c) Had interior wiring for interior lights; and~~
- ~~(d) Had a heating system.~~

33.2460 Dimensional Requirements

- (A) Except as provided in MCC 33.2465, 33.2470, 33.2475, and 33.2480, the minimum lot size for new parcels or lots shall be 80 acres.

33.2475 Lot of Record

- (A) ~~For the purposes of this district, a Lot of Record is a parcel of land which, when established, satisfied all applicable laws. In addition to the Lot of Record definition standards in MCC 33.0005, for the purposes of this district the significant dates and ordinances for verifying zoning compliance may include, but are not limited to, the following:~~

(1) July 10, 1958, F-2 zone applied;

(2) December 9, 1975, F-2 minimum lot size increased, Ord. 115 & 116;

(3) October 6, 1977, MUF-20 and CFU-38 zones applied, Ord. 148 & 149;

(4) August 14, 1980, MUF-19 & 38 and CFU-80 zones applied, Ord. 236 & 238;

(5) February 20, 1990, lot of record definition amended, Ord. 643;

(6) January 7, 1993, MUF-19 & 38 zones changed to CFU-80, Ord. 743 & 745;

(7) January 21, 1999, CFU-5 zone applied, Ord. 924;

(8) (Adoption date), Lot of Record section amended, Ord. _____;

- (B) Separate Lots of Record may be created under the provisions of MCC 33.2480.

- (C) A Lot of Record which has less than the minimum lot size for new parcels, less than the front lot line minimums required, or which does not meet the access requirements of MCC 33.2490, may be occupied by any allowed use, permitted review use or approved conditional use when in compliance with the other requirements of this district.

- (D) ~~A Lot of Record may be comprised of a separate parcel, containing an area less than that required by MCC 33.2460 (A), created solely for the purposes of financing a dwelling. Such a parcel shall be considered a~~

Mortgage Lot, subject to the following:

- (1) A Mortgage Lot may be created without review providing the remainder of the Lot of Record is not developed with a residence.
- (2) The remainder of the Lot of Record shall be ineligible for a permit for a dwelling.
- (3) A Mortgage Lot shall not be conveyed as a lot separate from the tract out of which it was created.
- (4) The tax roll accounts of the Mortgage Lot and parent lot shall be consolidated into one account when title to both parcels is secured.

The following shall not be deemed a Lot of Record:

- (1) An area of land described as a tax lot solely for assessment and taxation purposes;
- (2) An area of land created by the foreclosure of a security interest;
- (3) A Mortgage Lot.
- (4) An area of land created by court decree.

PART 4. ZONES
Exclusive Farm Use (EFU)

33.2600 Purpose

The purposes of the Exclusive Farm Use District are to preserve and maintain agricultural lands for farm use consistent with existing and future needs for agricultural products, forests and open spaces; to conserve and protect scenic and wildlife resources, to maintain and improve the quality of the air, water and land resources of the County and to establish criteria and standards for farm uses and related and compatible uses which are deemed appropriate. Land within this district shall be used exclusively for farm uses as provided in the Oregon Revised Statutes Chapter 215 and the Oregon Administrative Rules Chapter 660, Division 33 as interpreted by this Exclusive Farm Use code section.

One of the implementation tools to carry out the purposes of this District is a Lot of Record requirement to group into larger "Lots of Record" those contiguous parcels and lots that were in the same ownership on February 20, 1990. This requirement is in addition to all "tract" grouping requirements of State Statute and Rule.

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:

(C) *Contiguous* refers to parcels or lots of land 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.

(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)(H) *Suitable for farm use* means *****

(J)(4) *Tract* means one or more contiguous lots in the same ownership.

33.2615 Uses

No building, structure or land shall be used and no building or structure shall be

hereafter erected, altered or enlarged in this district except for the uses listed in MCC 2008 33.2620 through 2014 33.2630 when found to comply with MCC 33.2660 through 33.2690.

33.2620 Allowed Uses

- (L) Alteration, restoration or replacement of a lawfully established habitable dwelling that has:
- (1) ~~Intact exterior walls and roof structure;~~
 - (2) ~~Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;~~
 - (3) ~~Interior wiring for interior lights; and~~
 - (4) ~~A heating system.~~

In the case of a replacement dwelling, the existing dwelling is must be removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling.

33.2625 Review Uses

- (F) Notwithstanding the same ownership grouping requirements of the Lot of Record section, a A single family heritage tract dwelling may be allowed on land not identified as high-value farmland when:

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 33.63406335:

- (O) Notwithstanding the same ownership grouping requirements of the Lot of Record section, a A single family heritage tract dwelling may be allowed on land identified as high-value farmland when:

- (P) Notwithstanding the same ownership grouping requirements of the Lot of Record section, a A single family heritage tract dwelling may be allowed on land identified as high-value farmland when:

33.2670 Lot Line Adjustment

- (A) An adjustment of the common lot line between contiguous legal lots Lots

of Record may be authorized based on a finding that:

- (1) All dwellings that were situated on the same lot prior to the adjustments must remain together on the reconfigured lot; and
- (2) The dimensional requirements of MCC 33.2660 (A) and (C) are met; or
- (3) The reconfigured lot areas will each retain the same lot area that existed prior to the exchange.

The decision of the Planning Director may be appealed to the approval authority pursuant to MCC 33.0785 and 33.0790.

33.2675 Lot, Parcel and Tract Requirement Lot of Record

(A) ~~The Lot, Parcel and Tract requirement shall be applied to all uses in this district except for Single Family Heritage Tract Dwellings: MCC 33.2625 (F), MCC 33.2630 (O) or MCC 33.2630 (P). In addition to the Lot of Record definition standards in MCC 33.0005, F for the purposes of this district a Lot of Record is either: , a lot, parcel or tract is defined as:~~

~~(1) A lot or parcel of land:~~

- ~~(a) For which a deed or other instrument creating the parcel was recorded with the Department of Environmental Services or its predecessors; and~~
- ~~(b) Which satisfied all applicable laws, including but not limited to land divisions and zoning ordinance, when the parcel was created; and~~
- ~~(c) Which satisfies the minimum lot size requirements of MCC 33.2660; or~~

~~(2) A lot or parcel of land:~~

- ~~(a) For which a deed or other instrument creating the parcel was recorded with the Department of General Services, or was in recordable form prior to February 20, 1990;~~
- ~~(b) Which satisfied all applicable laws, including but not limited to land divisions and zoning ordinance, when the parcel was created; and~~
- ~~(c) Does not meet the minimum lot size requirements of MCC 33.2660; and~~
- ~~(d) Which was not contiguous to another substandard parcel or parcels under the same ownership on or after February 20, 1990; or~~

~~(3) A Tract of land:~~

- ~~(a) For which deeds or other instruments creating the parcels were recorded with the Department of General Services, or were in recordable form prior to February 20, 1990;~~
- ~~(b) Which satisfied all applicable laws, including but not limited to land divisions and zoning ordinance, when the parcel was created; and~~

- ~~(c) Which were held under the same ownership on or after February 20, 1990; and~~
- ~~(d) Which individually do not meet the minimum lot or parcel size requirements of MCC 33.2660, but, when considered in combination:
 - ~~1. One legal lot or parcel shall comply nearly as possible with a minimum area of nineteen acres, without creating any new lot lines; or~~
 - ~~2. More than one legal lot or parcel, each property must comply with the minimum area of nineteen acres, without creating any new property line.~~~~

(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:

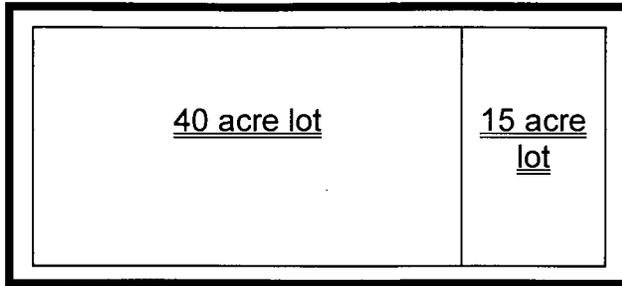
(a) Which were held under the *same ownership* on February 20, 1990; and

(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.

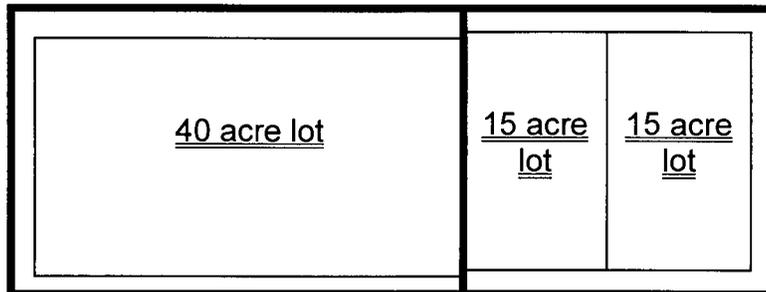
1. Each Lot of Record proposed to be segregated from the contiguous group of parcels or lots shall be a minimum of 19 acres in area using existing legally created lot lines and shall not result in any remainder individual parcel or lot, or remainder of contiguous combination of parcels or lots, with less than 19 acres in area.

2. An exception to the 19 acre minimum lot size requirement shall occur when the entire same ownership grouping of parcels or lots was less than 19 acres in area on February 20, 1990, and then the entire grouping shall be one Lot of Record.

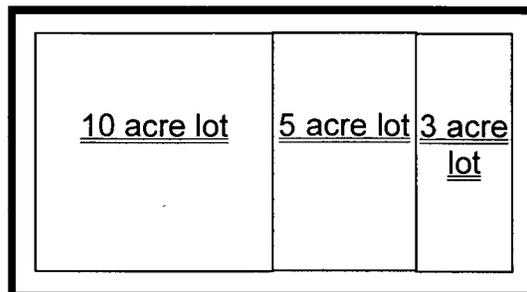
3. Three examples of how parcels and lots shall be aggregated are shown below with the solid thick line outlining individual Lots of Record:



Example 1:
One 55 acre Lot of Record



Example 2:
One 40 acre Lot of Record and
one 30 acre Lot of Record



Example 3:
One 18 acre Lot of Record

(3) 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.

~~(B) For the purposes of this subsection:~~

- ~~(1) Substandard Lot or Parcel refers to a parcel which does not satisfy the minimum lot size requirements of MCC 33.2660; and~~
- ~~(2) 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.~~

(B) In this district, significant dates and ordinances applicable for verifying zoning compliance may include, but are not limited to, the following:

(1) July 10, 1958, F-2 zone applied;

(2) December 9, 1975, F-2 minimum lot size increased, Ord. 115 & 116;

(3) October 6, 1977, MUA-20 and EFU-38 zones applied, Ord. 148 & 149;

(4) August 14, 1980, zone change from MUA-20 to EFU-38 for some properties, Ord. 236 & 238;

(5) February 20, 1990, lot of record definition amended, Ord. 643;

(6) April 5, 1997, EFU zone repealed and replaced with language in compliance with 1993 Oregon Revised Statutes and 1994 Statewide Planning Goal 3 Oregon Administrative Rules for farmland, Ord. 876;

(7) (Adoption date), Lot of Record section amended, Ord. _____;

~~(C) A lot, parcel or tract which satisfies the applicable requirements of MCC .33.2675 and front lot line minimums required may be occupied by any permitted or approved use when in compliance with the other requirements of this district. A Lot of Record which has less than the minimum lot size for new parcels, less than the front lot line minimums required, or which does not meet the access requirements of MCC 33.2690 may be~~

occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

(D) The following shall not be deemed a Lot of Record:

(1) An area of land described as a tax lot solely for assessment and taxation purposes;

(2) An area of land created by the foreclosure of a security interest;

(3) A Mortgage Lot.

(4) An area of land created by court decree.

PART 4. ZONES
Multiple Use Agriculture-20 (MUA-20)

33.2815 Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC 33.2820 through 33.28502830 when found to comply with MCC 33.2855 through 33.2885.

33.2820 Allowed Uses

- (C) Residential use consisting of a single family dwelling constructed on a Lot of Record; and,

33.2825 Review Uses

- (A) Residential use, consisting of a single family dwelling constructed off-site, including a mobile or modular home placed on a Lot of Record, subject to the following conditions:

- (1) Construction shall comply with the standards of the Building Code or as prescribed in ORS 446.002 through 446.200, relating to mobile homes.
- (2) The dwelling shall be attached to a foundation for which a building permit has been obtained.
- (3) The dwelling shall have a minimum floor area of 600 square feet.

- ~~(B) Residential use consisting of a single family dwelling for the housing of help required to carry out a primary use listed in MCC 33.2820 (A) or (B), when the dwelling occupies the same lot as a residence permitted by MCC 33.2820 (C) or MCC 33.2825 (A), subject to the following conditions:~~

- ~~(1) In the event the dwelling is constructed off-site, construction shall comply with MCC 33.2825 (A) (1) and (3).~~
- ~~(2) The location of the dwelling shall be subject to approval of the Planning Director on a finding that:
 - ~~(a) The use is needed to carry out a use listed in MCC 33.2820 (A) or (B);~~
 - ~~(b) The standards of MCC 33.2855 (C) through (E) are satisfied; and~~
 - ~~(c) The minimum distance between dwellings will be 20 feet.~~~~
- ~~(3) The decision of the Director may be appealed to the Hearings Officer pursuant to MCC 33.0785 and 33.0790.~~

Temporary uses when approved pursuant to MCC 33.0510 and 33.0515.

- (F) Property Line Adjustment pursuant to the provisions of MCC 33.2860-(E).

33.2830 Conditional Uses

The following uses may be permitted when found by the Hearings Officer to satisfy the applicable Ordinance standards:

- (C) The following Conditional Uses may be permitted on lands not predominantly of Agricultural Capability Class I, II, or III soils:

- (1) Planned Developments for single family residences, as provided in MCC 33.4300 through 33.43704360 and the applicable current "planned unit development" standards within the Oregon Administrative Rules Chapter 660, Division 004;

- (F) Lots of Exception pursuant to the provisions of MCC 33.2860-(A) through (C) or 33.2860-(D).

33.2855 Dimensional Requirements

- (A) Except as provided in MCC 33.2860, 33.2870, 33.2875 and 33.4300 through 33.43704360, the minimum lot size for new parcels or lots shall be 20 acres.

33.2860 Lots of Exception and Property Line Adjustments

- (A) Lots of Exception

An exception to permit creation of a ~~lot~~ parcel of less than 20 acres, ~~after October 6, 1977~~ out of a Lot of Record, may be authorized when in compliance with the dimensional requirements of MCC 33.2855(C) through (E). Any exception shall be based on the following findings ~~that the proposal will:~~

- (1) ~~Substantially maintain or support the character and stability of the overall land use pattern of the area~~ The Lot of Record to be divided has two or more permanent habitable dwellings;
- (2) ~~Be situated upon land generally unsuitable for the production of farm crops and livestock or for forest use, considering the terrain, adverse~~

~~soil or land conditions, drainage and flooding, vegetation, and the location or size of the tract The permanent habitable dwellings were lawfully established on the Lot of Record before October 4, 2000;~~

- ~~(3) Be compatible with accepted farming or forestry practices on adjacent lands Each new parcel created by the partition will have at least one of the habitable dwellings; and~~
- ~~(4) Be consistent with the purposes described in MCC 33.2800 The partition will not create any vacant parcels on which a new dwelling could be established. ;~~
- ~~(5) Satisfy the applicable standards of water supply, sewage disposal and minimum access; and~~
- ~~(6) Not require public services beyond those existing or programmed for the area.~~
- ~~(B) Except as provided in MCC 33.2860 (D), no Lot of Exception shall be approved unless:~~
 - ~~(1) The Lot of Record to be divided exceeds the area requirements of MCC 33.2855 (A), and~~
 - ~~(2) The division will create no more than one lot which is less than the minimum area required in MCC 33.2855 (A).~~
- ~~(C) The approval authority may attach conditions to the approval of any Lot of Exception to insure that the use is consistent with the Comprehensive Plan and the purposes described in MCC 33.2800.~~
- ~~(D) The approval authority may grant a Lot of Exception based on a finding that the permitted number of dwellings will not thereby be increased above that otherwise allowed in this district.~~

~~(B)(E) Property Line Adjustment~~

~~Pursuant to the applicable provisions in the Multnomah County Land Division Ordinance, the approval authority may grant a property line adjustment between two contiguous Lots of Record lots or parcels upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.~~

~~*****~~

33.2870 Lot of Record

- ~~(A) For the purposes of this district, a Lot of Record is a parcel of land for which a deed or other instrument dividing land was recorded with the De-~~

partment of Administrative Services or was in recordable form prior to October 6, 1977, and which, when established, satisfied all applicable laws. In addition to the Lot of Record definition standards in MCC 33.0005, for the purposes of this district the significant dates and ordinances for verifying zoning compliance may include, but are not limited to, the following:

(1) July 10, 1958, SR zone applied;

(2) July 10, 1958, F-2 zone applied;

(3) December 9, 1975, F-2 minimum lot size increased, Ord. 115 & 116;

(4) October 6, 1977, MUA-20 zone applied, Ord. 148 & 149;

(5) October 13, 1983, zone change from EFU to MUA-20 for some properties, Ord. 395;

(7) (Adoption date of this Ord.), Lot of Record section amended, Ord.
_____.

(B) A Lot of Record which has less than the area minimum lot size for new parcels or lots, or less than the front lot line minimums required, or which does not meet the access requirement of MCC 33.2885, may be occupied by any allowed use, permitted review use or approved conditional use when in compliance with the other requirements of this district.

~~(C) Separate Lots of Record shall be deemed created when a street or zoning district boundary intersects a parcel of land.~~

~~(C)~~(D) Except as otherwise provided by MCC 33.2860, 33.2875, and 33.4300 through 33.43704360, no sale or conveyance of any portion of a lot other than for a public purpose shall leave a structure on the remainder of the lot with less than minimum lot or yard requirements or result in a lot with less than the area or width requirements of this district.

(D) The following shall not be deemed to be a Lot of Record:

(1) An area of land described as a tax lot solely for assessment and taxation purposes;

(2) An area of land created by the foreclosure of a security interest.

(3) An area of land created by court decree.

33.2875 Lot Sizes for Conditional Uses

The minimum lot size for a Conditional Use permitted pursuant to MCC 33.2830, except subpart (C)(1) thereof, shall be based upon:

- (A) The site size needs of the proposed use;
- (B) The nature of the proposed use in relation to its impact on nearby properties; ~~and~~
- (C) Consideration of the purposes of this district; and
- (D) A finding that the lot or parcel is at least two acres in area.

PART 4. ZONES
Rural Residential (RR)

33.3115 Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC 33.3120 through 33.3150 3130 when found to comply with MCC 33.3155 through 33.3185.

33.3120 Allowed Uses

- (C) Residential use consisting of a single family dwelling constructed on a Lot of Record; and,

33.3125 Review Uses

- (A) Residential use, consisting of a single family dwelling constructed off-site, including a mobile or modular home placed on a Lot of Record, subject to the following conditions:

- (1) Construction shall comply with the standards of the Building Code or as prescribed in ORS 446.002 through 446.200, relating to mobile homes.
- (2) The dwelling shall be attached to a foundation for which a building permit has been obtained.
- (3) The dwelling shall have a minimum floor area of 600 square feet.

- ~~(B) Residential use consisting of a single family dwelling for the housing of help required to carry out a primary use listed in MCC 33.3120 (A) or (B), when the dwelling occupies the same lot as a residence permitted by MCC 33.3120 (C) or MCC 33.3125 (A), subject to the following conditions:~~

- ~~(1) In the event the dwelling is constructed off-site, construction shall comply with MCC 33.3125 (A) (1) and (3).~~
- ~~(2) The location of the dwelling shall be subject to approval of the Planning Director on a finding that:
 - ~~(a) The use is needed to carry out a use listed in MCC 33.3120 (A) or (B);~~
 - ~~(b) The standards of MCC 33.3155 (C) through (E) are satisfied; and~~
 - ~~(c) The minimum distance between dwellings will be 20 feet.~~~~
- ~~(3) The decision of the Director may be appealed to the Hearings Officer pursuant to MCC 33.0785 and 33.0790.~~

Temporary uses when approved pursuant to MCC 33.0510 and 33.0515.

- (F) Property Line Adjustment pursuant to the provisions of MCC 33.3160-(E).

33.3130 Conditional Uses

The following uses may be permitted when found by the Hearings Officer to satisfy the applicable Ordinance standards:

- (B) The following Conditional Uses under the provisions of MCC 33.6300 through 33.6660:

- (8) Planned Developments for single family residences as provided in MCC 33.4300 through ~~33.4970~~3360 and the applicable current "planned unit development" standards within the Oregon Administrative Rules Chapter 660, Division 004;

- (E) Lots of Exception pursuant to the provisions of MCC 33.3160-(A) through (C) or ~~33.3160-(D)~~.

33.3155 Dimensional Requirements

- (A) Except as provided in MCC 33.3160, 33.3170, 33.3175 and 33.4300 through ~~33.4370~~3360, the minimum lot size for new parcels or lots shall be five acres. For properties within one mile of the Urban Growth Boundary, the minimum lot size shall be as currently required in the Oregon Administrative Rules Chapter 660, Division 004 (20 acre minimum as of October 4, 2000).

33.3160 Lots of Exception and Property Line Adjustments

- (A) Lots of Exception

An exception to permit creation of a lot parcel of less than five acres, ~~after October 6, 1977~~ out of a Lot of Record, may be authorized when in compliance with the dimensional requirements of MCC 33.3155(C) through (E). Any exception shall be based on the following findings ~~that the proposal will:~~

- (1) ~~Substantially maintain or support the character and stability of the overall land use pattern of the area~~ The Lot of Record to be divided

has two or more permanent habitable dwellings;

- ~~(2) Be situated upon land generally unsuitable for the production of farm crops and livestock or for forest use, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, and the location or size of the tract The permanent habitable dwellings were lawfully established on the Lot of Record before October 4, 2000;~~
- ~~(3) Be compatible with accepted farming or forestry practices on adjacent lands Each new parcel created by the partition will have at least one of the habitable dwellings; and~~
- ~~(4) Be consistent with the purposes described in MCC 33.3100 The partition will not create any vacant parcels on which a new dwelling could be established. ;~~
- ~~(5) Satisfy the applicable standards of water supply, sewage disposal and minimum access; and~~
- ~~(6) Not require public services beyond those existing or programmed for the area.~~
- ~~(B) Except as provided in MCC 33.3160 (D), no Lot of Exception shall be approved unless:
 - ~~(1) The Lot of Record to be divided exceeds the area requirements of MCC 33.3155 (A), and~~
 - ~~(2) The division will create no more than one lot which is less than the minimum area required in MCC 33.3155 (A).~~~~
- ~~(C) The approval authority may attach conditions to the approval of any Lot of Exception to insure that the use is consistent with the Comprehensive Plan and the purposes described in MCC 33.3170.~~
- ~~(D) The approval authority may grant a Lot of Exception based on a finding that the permitted number of dwellings will not thereby be increased above that otherwise allowed in this district.~~

(B)(E) Property Line Adjustment

Pursuant to the applicable provisions in the Multnomah County Land Division Ordinance, the approval authority may grant a property line adjustment between two contiguous Lots of Record lots or parcels upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

33.3170 Lot of Record

- (A) ~~For the purposes of this district, a Lot of Record is a parcel:~~
- ~~(1) For which a deed or other instrument dividing land was recorded with the Department of Administrative Services, or was in recordable form prior to October 6, 1977; and~~
 - ~~(2) Which, when established, satisfied all applicable laws.~~
- In addition to the *Lot of Record* definition standards in MCC 33.0005, for the purposes of this district the significant dates and ordinances for verifying zoning compliance may include, but are not limited to, the following:
- (1) July 10, 1958, SR zone applied;
 - (2) July 10, 1958, F-2 zone applied;
 - (3) December 9, 1975, F-2 minimum lot size increased, Ord. 115 & 116;
 - (4) October 6, 1977, RR zone applied, Ord. 148 & 149;
 - (5) October 13, 1983, zone change from MUF-19 to RR for some properties, Ord. 395;
 - (6) October 4, 2000, Oregon Administrative Rules Chapter 660 Division 004, 20 acre minimum lot size for properties within one mile of Urban Growth Boundary;
 - (7) (Adoption date of this Ord.), Lot of Record section amended, Ord. _____.
- (B) A Lot of Record which has less than the area minimum lot size for new parcels or lots, or less than the front lot line minimums required, or which does not meet the access requirement of MCC 33.3185, may be occupied by any allowed use, permitted review use or approved conditional use when in compliance with the other requirements of this district.
- ~~(C) Separate Lots of Record shall be deemed created when a street or zoning district boundary intersects a parcel of land.~~
- ~~(C)~~(D) Except as otherwise provided by MCC 33.3160, 33.3175, and 33.4300 through 33.43704360, no sale or conveyance of any portion of a lot other than for a public purpose shall leave a structure on the remainder of the lot with less than minimum lot or yard requirements or result in a lot with less than the area or width requirements of this district.
- (D) The following shall not be deemed to be a lot of record:

(1) An area of land described as a tax lot solely for assessment and taxation purposes;

(2) An area of land created by the foreclosure of a security interest.

(3) An area of land created by court decree.

33.3175 Lot Sizes for Conditional Uses

The minimum lot size for a conditional use permitted pursuant to MCC 33.3130, except subpart (B)(8) thereof, shall be based upon:

(A) The site size needs of the proposed use;

(B) The nature of the proposed use in relation to the impacts on nearby properties; and

(C) Consideration of the purposes of this district; and

(D) A finding that the lot or parcel is at least two acres in area.

PART 4. ZONES
Rural Center (RC)

33.3315 Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC 33.3320 through 33.3350 3330 when found to comply with MCC 33.3355 through 33.3385.

33.3320 Allowed Uses

- (C) Residential use consisting of a single family dwelling constructed on a Lot of Record.

33.3325 Review Uses

- (A) Residential use, consisting of a single family dwelling constructed off-site, including a mobile or modular home placed on a Lot of Record, subject to the following conditions:

- (1) Construction shall comply with the standards of the Building Code or as prescribed in ORS 446.002 through 446.200, relating to mobile homes.
- (2) The dwelling shall be attached to a foundation for which a building permit has been obtained.
- (3) The dwelling shall have a minimum floor area of 600 square feet.

- ~~(B) Residential use consisting of a single family dwelling for the housing of help required to carry out a primary use listed in MCC 33.3320 (A) or (B), when the dwelling occupies the same lot as a residence permitted by MCC 33.3320 (C) or MCC 33.3325 (A), subject to the following conditions:~~

- ~~(1) In the event the dwelling is constructed off-site, construction shall comply with MCC 33.3325 (A) (1) and (3).~~
- ~~(2) The location of the dwelling shall be subject to approval of the Planning Director on a finding that:
 - ~~(a) The use is needed to carry out a use listed in MCC 33.3320 (A) or (B);~~
 - ~~(b) The standards of MCC 33.3355 (C) through (E) are satisfied; and~~
 - ~~(c) The minimum distance between dwellings will be 20 feet.~~~~
- ~~(3) The decision of the Director may be appealed to the Hearings Officer pursuant to MCC 33.0785 and 33.0790.~~

Temporary uses when approved pursuant to MCC 33.0510 and 33.0515.

(F) Property Line Adjustment pursuant to the provisions of MCC 33.3360-(E).

33.3330 Conditional Uses

The following uses may be permitted when found by the Hearings Officer to satisfy the applicable Ordinance standards:

(C) Planned Developments pursuant to the provisions of MCC 33.4300 through 33.49704360. If the property is outside of an "acknowledged unincorporated community", then the applicable current "planned unit development" standards within the Oregon Administrative Rules Chapter 660, Division 004 shall also be satisfied.

(G) Lots of Exception pursuant to the provisions of MCC 33.3360-(A) through (C) ~~or 33.3360 (D)~~.

33.3355 Dimensional Requirements

(A) Except as provided in MCC 33.3360, 33.3370, 33.3375 and 33.4300 through 33.43704360, the minimum lot size for new parcels or lots shall be one acre for those RC zoned lands inside the boundary of an "acknowledged unincorporated community". For RC zoned properties outside an "acknowledged unincorporated community" the minimum lot size is two acres except for those properties within one mile of the Urban Growth Boundary and then the minimum lot size shall be as currently required in the Oregon Administrative Rules Chapter 660, Division 004 (20 acre minimum as of October 4, 2000).

33.3360 Lots of Exception and Property Line Adjustments

(A) Lots of Exception

An exception to permit creation of a lot parcel of less than one acre, ~~after October 6, 1977~~ out of a Lot of Record, may be authorized when in compliance with the dimensional requirements of MCC 33.3355(C) through (E). Any exception shall be based on the following findings ~~that the proposal will:~~

(1) ~~Substantially maintain or support the character and stability of the overall land use pattern of the area~~ The Lot of Record to be divided has two or more permanent *habitable dwellings*;

- ~~(2) Be situated upon land generally unsuitable for the production of farm crops and livestock or for forest use, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, and the location or size of the tract The permanent habitable dwellings were lawfully established on the Lot of Record before October 4, 2000;~~
- ~~(3) Be compatible with accepted farming or forestry practices on adjacent lands Each new parcel created by the partition will have at least one of the habitable dwellings; and~~
- ~~(4) Be consistent with the purposes described in MCC 33.3300 The partition will not create any vacant parcels on which a new dwelling could be established. ;~~
- ~~(5) Satisfy the applicable standards of water supply, sewage disposal and minimum access; and~~
- ~~(6) Not require public services beyond those existing or programmed for the area.~~
- ~~(B) Except as provided in MCC 33.3360 (D), no Lot of Exception shall be approved unless:

 - ~~(1) The Lot of Record to be divided exceeds the area requirements of MCC 33.3355 (A), and~~
 - ~~(2) The division will create no more than one lot which is less than the minimum area required in MCC 33.3355 (A).~~~~
- ~~(C) The approval authority may attach conditions to the approval of any Lot of Exception to insure that the use is consistent with the Comprehensive Plan and the purposes described in MCC 33.3300.~~
- ~~(D) The approval authority may grant a Lot of Exception based on a finding that the permitted number of dwellings will not thereby be increased above that otherwise allowed in this district.~~

(B)(E) Property Line Adjustment

Pursuant to the applicable provisions in the Multnomah County Land Division Ordinance, the approval authority may grant a property line adjustment between two contiguous Lots of Record lots or parcels upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

33.3370 Lot of Record

- (A) For the purposes of this district, a Lot of Record is a parcel of land:
- ~~(1) For which a deed or other instrument dividing land was recorded with the Department of Administrative Services, or was in recordable form, prior to October 6, 1977; and~~
 - ~~(2) Which, when established, satisfied all applicable laws.~~
- In addition to the Lot of Record definition standards in MCC 33.0005, for the purposes of this district the significant dates and ordinances for verifying zoning compliance may include, but are not limited to, the following:
- (1) July 10, 1958, SR and R zones applied;
 - (2) July 10, 1958, F-2 zone applied;
 - (3) December 9, 1975, F-2 minimum lot size increased, Ord. 115 & 116;
 - (4) October 6, 1977, RC zone applied, Ord. 148 & 149;
 - (5) October 13, 1983, zone change to RC for some properties, Ord. 395;
 - (6) October 4, 2000, Oregon Administrative Rules Chapter 660 Division 004 applied a minimum 2 acre lot size to RC zoned areas outside "acknowledged unincorporated communities" except where properties are within one mile of the Urban Growth Boundary the minimum is 20 acres;
 - (7) (Adoption date of this Ord.), Lot of Record section amended, Ord. _____;
- (B) A Lot of Record which has less than the area minimum lot size for new parcels or lots, or less than the front lot line minimums required, or which does not meet the access requirement of MCC 33.3385, may be occupied by any allowed use, permitted review use or approved conditional use when in compliance with the other requirements of this district.
- ~~(C) Separate Lots of Record shall be deemed created when a street or zoning district boundary intersects a parcel of land.~~
- ~~(C)~~(D) Except as otherwise provided by MCC 33.3360, 33.3375, and 33.4300 through 33.43704360, no sale or conveyance of any portion of a lot other than for a public purpose shall leave a structure on the remainder of the lot with less than minimum lot or yard requirements or result in a lot with less than the area or width requirements of this district.
- (D) The following shall not be deemed to be a lot of record:

- (1) An area of land described as a tax lot solely for assessment and taxation purposes;
- (2) An area of land created by the foreclosure of a security interest.
- (3) An area of land created by court decree.

Section 2. The following subsections of Multnomah County Code Volume II: Land Use, Chapter 34 Sauvie Island / Multnomah Channel Rural Plan Area are amended as follows:

PART 1. GENERAL PROVISIONS

Definitions

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 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. Re-configured means any change in the boundary of the lot of record or tract.

(2)(1) **Day Nursery** – *****

(3)(2) **Development** – *****

(4)(3) **Director** – *****

(5)(4) **Drive-In** – *****

(6)(5) **Dwelling Unit** – *****

(7)(6) **Dwelling (Duplex or Two-Unit)** – *****

(8)(7) **Dwelling (Single Family Detached)** – *****

(9)(8) **Dwelling (Multi-Plex Structure)** – *****

(10)(9) **Duplex Dwelling** – *****

(H)(1) **Habitable dwelling** – An existing dwelling that:

(a) Has intact exterior walls and roof structure;

(b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(c) Has interior wiring for interior lights; and

(d) Has a heating system.

(2)(4) **Hearings Officer** – *****

(3) **Heritage Tract Dwelling** – A type of single family detached dwelling in the EFU zoning district with approval criteria that includes a requirement for ownership of the lot or parcel prior to January 1, 1985. The complete description of approval standards are in the use sections of the district.

(4)(2) **High School** – *****

(5)(3) **Highway (State)** – *****

(6)(4) **Historical Building** – *****

(7)(5) **Historical Resources** – *****

(8)(6) **Home Occupation** – *****

(9)(7) **Horticulture** – *****

(10)(8) **Hotel** – *****

(L) (2) **Lawfully established dwelling** – A dwelling that was constructed in compliance with the laws in effect at the time of establishment. The laws in effect shall include zoning, land division and building code requirements. Compliance with Building Code requirements shall mean that all permits necessary to qualify the structure as a *dwelling unit* were obtained and all qualifying permitted work completed.

(3)(2) **Loading Space** – *****

(4)(3) **Lot** – A unit of land created by a subdivision of land, see definition in MCC 34.7705. Depending upon the context in which the term appears in this Chapter, a Lot may also mean a *A plot lot*, parcel (result of partitioning), or area of land owned by or under the lawful control and in the lawful possession of one distinct ownership.

(5)(4) **Lot Area** – *****

(6)(5) **Lot (Corner)** – *****

(7)(6) **Lot Coverage** – *****

(8)(7) **Lot Lines** – *****

(9)(8) Lot Line (Front) – *****

(10)(9) Lot Line (Rear) – *****

(11)(40) Lot Line (Side) – *****

(12) Lot of Record – Subject to additional provisions within each Zoning District, a Lot of Record is a parcel, lot, or a group thereof which when created and when reconfigured (a) satisfied all applicable zoning laws and (b) satisfied all applicable land division laws. Those laws shall include all required zoning and land division review procedures, decisions, and conditions of approval.

(a) “Satisfied all applicable zoning laws” shall mean: the parcel, lot, or group thereof was created and, if applicable, reconfigured in full compliance with all zoning minimum lot size, dimensional standards, and access requirements.

(b) “Satisfied all applicable land division laws” shall mean the parcel or lot was created:

1. By a subdivision plat under the applicable subdivision requirements in effect at the time; or
2. By a deed, or a sales contract dated and signed by the parties to the transaction, that was recorded with the Recording Section of the public office responsible for public records prior to October 19, 1978; or
3. By a deed, or a sales contract dated and signed by the parties to the transaction, that was in recordable form prior to October 19, 1978; or
4. By partitioning land under the applicable land partitioning requirements in effect on or after October 19, 1978; and
5. “Satisfied all applicable land division laws” shall also mean that any subsequent boundary reconfiguration completed on or after December 28, 1993 was approved under the property line adjustment provisions of the land division code. (See *Date of Creation and Existence* for the effect of property line

adjustments on qualifying a Lot of Record for the siting of a dwelling in the EFU district.)

(c) Separate Lots of Record shall be recognized and may be partitioned congruent with an "acknowledged unincorporated community" boundary which intersects a Lot of Record.

1. Partitioning of the Lot of Record along the boundary shall require review and approval under the provisions of the land division part of this Chapter, but not be subject to the minimum area and access requirements of this district.

2. An "acknowledged unincorporated community boundary" is one that has been established pursuant to OAR Chapter 660, Division 22.

(13)(14) Lot Width – *****

(M) (4) **Mortgage Lot** – ~~A lot having less than the minimum area required under this Chapter, created out of a tract which itself conforms to lot area requirements, to enable the contract purchaser of the tract to finance construction of a single family residence thereon.~~ An area of land created solely for the purposes of financing a dwelling. A Mortgage Lot is not a Lot of Record and shall not be conveyed separate from the Lot of Record out of which it was described. The tax roll accounts of the Mortgage Lot and the parent Lot of Record shall be consolidated into one account when title to both is secured. A Mortgage Lot may be created only in the EFU district.

(P) (1) **Parcel** – A unit of land created by a partitioning of land, see definition in MCC 34.7705. Depending upon the context in which the term appears in this Chapter, Parcel and Lot may at times be used interchangeably.

~~(1) **Permit Section** – The division of the Department of Environmental Services authorized to issue building and other land development permits or its designee.~~

(R) (3) **Recordable form** – A form sufficient to create the parcel on the date the document was signed if the deed or land sales contract had been recorded with the office responsible for public records. Characteristics of recordable form include a complete description of the property, the consideration given, and verification of the transaction by a witness such as a Notary Public.

(4)(3) **Recreational Vehicle Park** – *****

(5)(4) **Residential Care Facility** – *****

(6)(5) **Residential Home** – *****

(7)(6) **Residential Trailer** – *****

(8)(7) **Residential Treatment Facility** – *****

(9)(8) **Road (County)** – *****

34.0015 Zoning Map

(B) A paper version of the Zoning Map and each amendment thereto shall be and remain on file in the office of the Director of the Division of Land Use Planning Department of Environmental Services.

(1) The set of paper Zoning Maps with the cover page dated the 15th of November, 1962 and signed by the Board of County Commissioners shall be deemed to be the accurate depiction of the Zoning Maps adopted for successive geographic areas from April 19, 1955 through December 11, 1958.

PART 4. ZONES
Exclusive Farm Use (EFU)

34.2600 Purpose

The purposes of the Exclusive Farm Use District are to preserve and maintain agricultural lands for farm use consistent with existing and future needs for agricultural products, forests and open spaces; to conserve and protect scenic and wildlife resources, to maintain and improve the quality of the air, water and land resources of the County and to establish criteria and standards for farm uses and related and compatible uses which are deemed appropriate. Land within this district shall be used exclusively for farm uses as provided in the Oregon Revised Statutes Chapter 215 and the Oregon Administrative Rules Chapter 660, Division 33 as interpreted by this Exclusive Farm Use code section.

One of the implementation tools to carry out the purposes of this District is a Lot of Record requirement to group into larger "Lots of Record" those contiguous parcels and lots that were in the same ownership on February 20, 1990. This requirement is in addition to all "tract" grouping requirements of State Statute and Rule.

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:

(C) *Contiguous* refers to parcels or lots of land 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.

(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)(H) *Suitable for farm use* means *****

(J)(4) *Tract* means one or more contiguous lots in the same ownership.

34.2615 Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC ~~2008~~ 34.2620 through ~~2014~~ 34.2630 when found to comply with MCC 34.2660 through 34.2690.

34.2620 Allowed Uses

(L) Alteration, restoration or replacement of a lawfully established habitable dwelling, that has:

- ~~(1) Intact exterior walls and roof structure;~~
- ~~(2) Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;~~
- ~~(3) Interior wiring for interior lights; and~~
- ~~(4) A heating system.~~

In the case of a replacement dwelling, the existing dwelling is must be removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling.

34.2625 Review Uses

(F) Notwithstanding the same ownership grouping requirements of the Lot of Record section, a A single family *heritage tract dwelling* may be allowed on land not identified as high-value farmland when:

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 ~~34.6340~~34.6345:

(O) Notwithstanding the same ownership grouping requirements of the Lot of Record section, a A single family *heritage tract dwelling* may be allowed on land identified as high-value farmland when:

(P) Notwithstanding the same ownership grouping requirements of the Lot of Record section, a A single family *heritage tract dwelling* may be allowed on land identified as high-value farmland when:

34.2670 Lot Line Adjustment

- (A) An adjustment of the common lot line between contiguous legal lots Lots of Record may be authorized based on a finding that:
- (1) All dwellings that were situated on the same lot prior to the adjustments must remain together on the reconfigured lot; and
 - (2) The dimensional requirements of MCC 34.2660 (A) and (C) are met; or
 - (3) The reconfigured lot areas will each retain the same lot area that existed prior to the exchange.

The decision of the Planning Director may be appealed to the approval authority pursuant to MCC 34.0785 and 34.0790.

34.2675 Lot, Parcel and Tract Requirement Lot of Record

- (A) ~~The Lot, Parcel and Tract requirement shall be applied to all uses in this district except for Single Family Heritage Tract Dwellings: MCC 34.2625 (F), MCC 34.2630 (O) or MCC 34.2630 (P). In addition to the Lot of Record definition standards in MCC 34.0005, F for the purposes of this district a Lot of Record is either:~~ a lot, parcel or tract is defined as
- ~~(1) A lot or parcel of land:
 - (a) For which a deed or other instrument creating the parcel was recorded with the Department of Environmental Services or its predecessors; and
 - (b) Which satisfied all applicable laws, including but not limited to land divisions and zoning ordinance, when the parcel was created; and
 - (c) Which satisfies the minimum lot size requirements of MCC 34.2660; or~~
 - ~~(2) A lot or parcel of land:
 - (a) For which a deed or other instrument creating the parcel was recorded with the Department of General Services, or was in recordable form prior to February 20, 1990;
 - (b) Which satisfied all applicable laws, including but not limited to land divisions and zoning ordinance, when the parcel was created; and
 - (c) Does not meet the minimum lot size requirements of MCC 34.2660; and
 - (d) Which was not contiguous to another substandard parcel or parcels under the same ownership on or after February 20, 1990; or~~
 - ~~(3) A Tract of land:
 - (a) For which deeds or other instruments creating the parcels were recorded with the Department of General Services, or were in re-~~

cordable form prior to February 20, 1990;

- (b) Which satisfied all applicable laws, including but not limited to land divisions and zoning ordinance, when the parcel was created; and
- (c) Which were held under the same ownership on or after February 20, 1990; and
- (d) Which individually do not meet the minimum lot or parcel size requirements of MCC 34.2660, but, when considered in combination:
 - 1. One legal lot or parcel shall comply nearly as possible with a minimum area of nineteen acres, without creating any new lot lines; or
 - 2. More than one legal lot or parcel, each property must comply with the minimum area of nineteen acres, without creating any new property line.

(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:

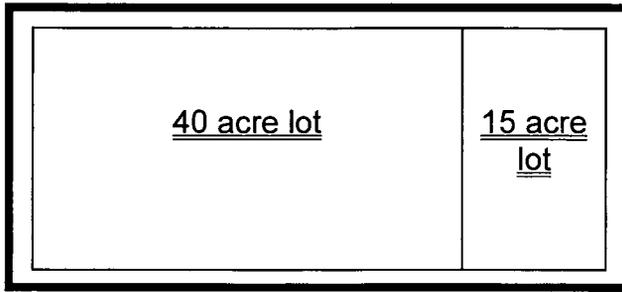
(a) Which were held under the same ownership on February 20, 1990; and

(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.

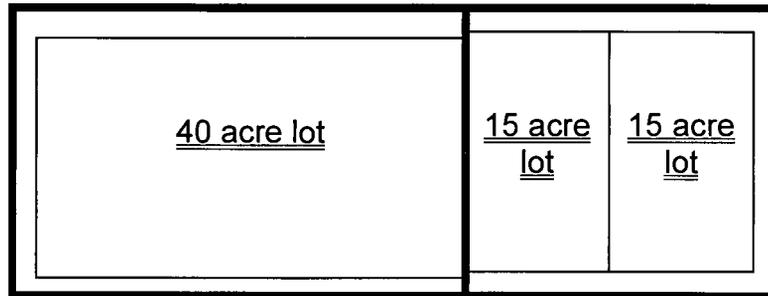
1. Each Lot of Record proposed to be segregated from the contiguous group of parcels or lots shall be a minimum of 19 acres in area using existing legally created lot lines and shall not result in any remainder individual parcel or lot, or remainder of contiguous combination of parcels or lots, with less than 19 acres in area.

2. An exception to the 19 acre minimum lot size requirement shall occur when the entire same ownership grouping of parcels or lots was less than 19 acres in area on February 20, 1990, and then the entire grouping shall be one Lot of Record.

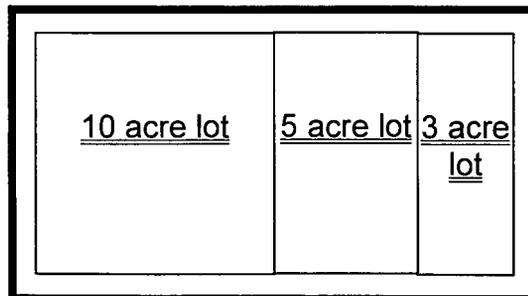
3. Three examples of how parcels and lots shall be aggregated are shown below with the solid thick line outlining individual Lots of Record:



Example 1:
One 55 acre Lot of Record



Example 2:
One 40 acre Lot of Record and
one 30 acre Lot of Record



Example 3:
One 18 acre Lot of Record

(3) 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.

~~(B) For the purposes of this subsection:~~

- ~~(1) Substandard Lot or Parcel refers to a parcel which does not satisfy the minimum lot size requirements of MCC 34.2660; and~~
- ~~(2) 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.~~

(B) In this district, significant dates and ordinances applicable for verifying zoning compliance may include, but are not limited to, the following:

(1) July 10, 1958, F-2 zone applied;

(2) December 9, 1975, RL-C zone applied, F-2 minimum lot size increased, Ord. 115 & 116;

(3) October 6, 1977, MUA-20 and EFU-38 zones applied, Ord. 148 & 149;

(4) August 14, 1980, zone change from MUA-20 to EFU-38 for some properties, zone change from EFU-38 to EFU-76 for some properties, Ord. 236 & 238;

(5) February 20, 1990, lot of record definition amended, Ord. 643;

(6) April 5, 1997, EFU zone repealed and replaced with language in compliance with 1993 Oregon Revised Statutes and 1994 Statewide Planning Goal 3 Oregon Administrative Rules for farmland, Ord. 876;

(7) (Adoption date), Lot of Record section amended, Ord. _____;

~~(C) A lot, parcel or tract which satisfies the applicable requirements of MCC 34.2675 and front lot line minimums required may be occupied by any permitted or approved use when in compliance with the other requirements of this district. A Lot of Record which has less than the minimum lot~~

size for new parcels, less than the front lot line minimums required, or which does not meet the access requirements of MCC 34.2690 may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

(D) The following shall not be deemed a Lot of Record:

(1) An area of land described as a tax lot solely for assessment and taxation purposes;

(2) An area of land created by the foreclosure of a security interest;

(3) A Mortgage Lot.

(4) An area of land created by court decree.

PART 4. ZONES
Multiple Use Agriculture-20 (MUA-20)

34.2815 Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC 34.2820 through ~~34.2850~~2830 when found to comply with MCC 34.2855 through 34.2885.

34.2820 Allowed Uses

- (C) Residential use consisting of a single family dwelling constructed on a Lot of Record; and,

34.2825 Review Uses

- (A) Residential use, consisting of a single family dwelling constructed off-site, including a mobile or modular home placed on a Lot of Record, subject to the following conditions:

- (1) Construction shall comply with the standards of the Building Code or as prescribed in ORS 446.002 through 446.200, relating to mobile homes.
- (2) The dwelling shall be attached to a foundation for which a building permit has been obtained.
- (3) The dwelling shall have a minimum floor area of 600 square feet.

- ~~(B) Residential use consisting of a single family dwelling for the housing of help required to carry out a primary use listed in MCC 34.2820 (A) or (B), when the dwelling occupies the same lot as a residence permitted by MCC 34.2820 (C) or MCC 34.2825 (A), subject to the following conditions:~~

- ~~(1) In the event the dwelling is constructed off-site, construction shall comply with MCC 34.2825 (A) (1) and (3).~~
- ~~(2) The location of the dwelling shall be subject to approval of the Planning Director on a finding that:
 - ~~(a) The use is needed to carry out a use listed in MCC 34.2820 (A) or (B);~~
 - ~~(b) The standards of MCC 34.2855 (C) through (E) are satisfied; and~~
 - ~~(c) The minimum distance between dwellings will be 20 feet.~~~~
- ~~(3) The decision of the Director may be appealed to the Hearings Officer pursuant to MCC 34.0785 and 34.0790.~~

Temporary uses when approved pursuant to MCC 34.0510 and 34.0515.

(F) Property Line Adjustment pursuant to the provisions of MCC 34.2860-(E).

34.2830 Conditional Uses

The following uses may be permitted when found by the Hearings Officer to satisfy the applicable Ordinance standards:

(C) The following Conditional Uses may be permitted on lands not predominantly of Agricultural Capability Class I, II, or III soils:

(1) Planned Developments for single family residences, as provided in MCC 34.4300 through 34.43704360 and the applicable current "planned unit developments" standards within the Oregon Administrative Rules Chapter 660, Division 004;

(F) Lots of Exception pursuant to the provisions of MCC 34.2860-(A) through (C) or ~~33.2860-(D)~~.

34.2855 Dimensional Requirements

(A) Except as provided in MCC 34.2860, 34.2870, 34.2875 and 34.4300 through 34.43704360, the minimum lot size for new parcels or lots shall be 20 acres.

34.2860 Lots of Exception and Property Line Adjustments

(A) Lots of Exception

An exception to permit creation of a lot parcel of less than 20 acres, ~~after October 6, 1977~~ out of a Lot of Record, may be authorized when in compliance with the dimensional requirements of MCC 34.2855(C) through (E). Any exception shall be based on the following findings ~~that the proposal will:~~

(1) ~~Substantially maintain or support the character and stability of the overall land use pattern of the area~~ The Lot of Record to be divided has two or more permanent habitable dwellings;

(2) ~~Be situated upon land generally unsuitable for the production of farm crops and livestock or for forest use, considering the terrain, adverse~~

~~soil or land conditions, drainage and flooding, vegetation, and the location or size of the tract The permanent habitable dwellings were lawfully established on the Lot of Record before October 4, 2000;~~

- ~~(3) Be compatible with accepted farming or forestry practices on adjacent lands Each new parcel created by the partition will have at least one of the habitable dwellings; and~~
- ~~(4) Be consistent with the purposes described in MCC 34.2800 The partition will not create any vacant parcels on which a new dwelling could be established. ;~~
- ~~(5) Satisfy the applicable standards of water supply, sewage disposal and minimum access; and~~
- ~~(6) Not require public services beyond those existing or programmed for the area.~~
- ~~(B) Except as provided in MCC 34.2860 (D), no Lot of Exception shall be approved unless:
 - ~~(1) The Lot of Record to be divided exceeds the area requirements of MCC 34.2855 (A), and~~
 - ~~(2) The division will create no more than one lot which is less than the minimum area required in MCC 34.2855 (A).~~~~
- ~~(C) The approval authority may attach conditions to the approval of any Lot of Exception to insure that the use is consistent with the Comprehensive Plan and the purposes described in MCC 34.2800.~~
- ~~(D) The approval authority may grant a Lot of Exception based on a finding that the permitted number of dwellings will not thereby be increased above that otherwise allowed in this district.~~

~~(B)(E) Property Line Adjustment~~

Pursuant to the applicable provisions in the Multnomah County Land Division Ordinance, the approval authority may grant a property line adjustment between two contiguous Lots of Record ~~lots or parcels~~ upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

34.2870 Lot of Record

- ~~(A) For the purposes of this district, a Lot of Record is a parcel of land for which a deed or other instrument dividing land was recorded with the De-~~

partment of Administrative Services or was in recordable form prior to October 6, 1977, and which, when established, satisfied all applicable laws. In addition to the Lot of Record definition standards in MCC 34.0005, for the purposes of this district the significant dates and ordinances for verifying zoning compliance may include, but are not limited to, the following:

(1) July 10, 1958, SR zone applied;

(2) July 10, 1958, F-2 zone applied;

(3) December 9, 1975, F-2 minimum lot size increased, Ord. 115 & 116;

(4) October 6, 1977, MUA-20 zone applied, Ord. 148 & 149;

(5) October 13, 1983, zone change from EFU to MUA-20 for some properties, Ord. 395;

(6) (Adoption date of this Ord.), Lot of Record section amended, Ord.

(B) A Lot of Record which has less than the area minimum lot size for new parcels or lots, or less than the front lot line minimums required, or which does not meet the access requirement of MCC 34.2885, may be occupied by any allowed use, permitted review use or approved conditional use when in compliance with the other requirements of this district.

~~(C) Separate Lots of Record shall be deemed created when a street or zoning district boundary intersects a parcel of land.~~

~~(C)~~(D) Except as otherwise provided by MCC 34.2860, 34.2875, and 34.4300 through 34.4370~~34360~~, no sale or conveyance of any portion of a lot other than for a public purpose shall leave a structure on the remainder of the lot with less than minimum lot or yard requirements or result in a lot with less than the area or width requirements of this district.

(D) The following shall not be deemed to be a Lot of Record:

(1) An area of land described as a tax lot solely for assessment and taxation purposes;

(2) An area of land created by the foreclosure of a security interest.

(3) An area of land created by court decree.

34.2875 Lot Sizes for Conditional Uses

The minimum lot size for a Conditional Use permitted pursuant to MCC 34.2830, except subpart (C)(1) thereof, shall be based upon:

- (A) The site size needs of the proposed use;
- (B) The nature of the proposed use in relation to its impact on nearby properties; and
- (C) Consideration of the purposes of this district; and
- (D) A finding that the lot or parcel is at least two acres in area.

PART 4. ZONES
Rural Residential (RR)

34.3115 Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC 34.3120 through 34.3150 3130 when found to comply with MCC 34.3155 through 34.3185.

34.3120 Allowed Uses

- (C) Residential use consisting of a single family dwelling constructed on a Lot of Record; and,

34.3125 Review Uses

- (A) Residential use, consisting of a single family dwelling constructed off-site, including a mobile or modular home placed on a Lot of Record, subject to the following conditions:
- (1) Construction shall comply with the standards of the Building Code or as prescribed in ORS 446.002 through 446.200, relating to mobile homes.
 - (2) The dwelling shall be attached to a foundation for which a building permit has been obtained.
 - (3) The dwelling shall have a minimum floor area of 600 square feet.
- ~~(B) Residential use consisting of a single family dwelling for the housing of help required to carry out a primary use listed in MCC 34.3120 (A) or (B), when the dwelling occupies the same lot as a residence permitted by MCC 34.3120 (C) or MCC 34.3125 (A), subject to the following conditions:~~
- ~~(1) In the event the dwelling is constructed off site, construction shall comply with MCC 34.3125 (A) (1) and (3).~~
 - ~~(2) The location of the dwelling shall be subject to approval of the Planning Director on a finding that:~~
 - ~~(a) The use is needed to carry out a use listed in MCC 34.3120 (A) or (B);~~
 - ~~(b) The standards of MCC 34.3155 (C) through (E) are satisfied; and~~
 - ~~(c) The minimum distance between dwellings will be 20 feet.~~
 - ~~(3) The decision of the Director may be appealed to the Hearings Officer~~

~~pursuant to MCC 34.0785 and 34.0790.~~
Temporary uses when approved pursuant to MCC 34.0510 and 34.0515.

(F) Property Line Adjustment pursuant to the provisions of MCC 34.3160 ~~(E)~~.

34.3130 Conditional Uses

The following uses may be permitted when found by the Hearings Officer to satisfy the applicable Ordinance standards:

(B) The following Conditional Uses under the provisions of MCC 34.6300 through 34.6660:

(8) ~~Planned Developments for single family residences as provided in MCC 34.4300 through 34.4970~~4360 and the applicable current "planned unit developments" standards within the Oregon Administrative Rules Chapter 660, Division 004;

(E) Lots of Exception pursuant to the provisions of MCC 34.3160 ~~(A) through (C) or 34.3160 (D)~~.

34.3155 Dimensional Requirements

(A) Except as provided in MCC 34.3160, 34.3170, 34.3175 and 34.4300 through ~~34.4370~~4360, the minimum lot size for new parcels or lots shall be five acres. For properties within one mile of the Urban Growth Boundary, the minimum lot size shall be as currently required in the Oregon Administrative Rules Chapter 660, Division 004 (20 acre minimum as of October 4, 2000).

34.3160 Lots of Exception and Property Line Adjustments

(A) Lots of Exception

An exception to permit creation of a ~~lot~~ parcel of less than five acres, ~~after October 6, 1977~~ out of a Lot of Record, may be authorized when in compliance with the dimensional requirements of MCC 34.3155(C) through (E). Any exception shall be based on the following findings ~~that the proposal will:~~

(1) ~~Substantially maintain or support the character and stability of the~~

overall land use pattern of the area The Lot of Record to be divided has two or more permanent habitable dwellings;

- (2) ~~Be situated upon land generally unsuitable for the production of farm crops and livestock or for forest use, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, and the location or size of the tract The permanent habitable dwellings were lawfully established on the Lot of Record before October 4, 2000;~~
- (3) ~~Be compatible with accepted farming or forestry practices on adjacent lands Each new parcel created by the partition will have at least one of the habitable dwellings; and~~
- (4) ~~Be consistent with the purposes described in MCC 34.3100 The partition will not create any vacant parcels on which a new dwelling could be established. ;~~
- (5) ~~Satisfy the applicable standards of water supply, sewage disposal and minimum access; and~~
- (6) ~~Not require public services beyond those existing or programmed for the area.~~
- (B) ~~Except as provided in MCC 34.3160 (D), no Lot of Exception shall be approved unless:
 - (1) ~~The Lot of Record to be divided exceeds the area requirements of MCC 34.3155 (A), and~~
 - (2) ~~The division will create no more than one lot which is less than the minimum area required in MCC 34.3155 (A).~~~~
- (C) ~~The approval authority may attach conditions to the approval of any Lot of Exception to insure that the use is consistent with the Comprehensive Plan and the purposes described in MCC 34.3170.~~
- (D) ~~The approval authority may grant a Lot of Exception based on a finding that the permitted number of dwellings will not thereby be increased above that otherwise allowed in this district.~~

(B)(E) Property Line Adjustment

Pursuant to the applicable provisions in the Multnomah County Land Division Ordinance, the approval authority may grant a property line adjustment between two contiguous Lots of Record ~~lots or parcels~~ upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

34.3170 Lot of Record

- (A) For the purposes of this district, a Lot of Record is a parcel:
- (1) ~~For which a deed or other instrument dividing land was recorded with the Department of Administrative Services, or was in recordable form prior to October 6, 1977; and~~
 - (2) ~~Which, when established, satisfied all applicable laws.~~
In addition to the *Lot of Record* definition standards in MCC 34.0005, for the purposes of this district the significant dates and ordinances for verifying zoning compliance may include, but are not limited to, the following:
- (1) July 10, 1958, SR zone applied;
 - (2) July 10, 1958, F-2 zone applied;
 - (3) December 9, 1975, F-2 minimum lot size increased, Ord. 115 & 116;
 - (4) October 6, 1977, RR zone applied, Ord. 148 & 149;
 - (5) October 13, 1983, zone change from MUF-19 to RR for some properties, Ord. 395;
 - (6) October 4, 2000, Oregon Administrative Rules Chapter 660 Division 004, 20 acre minimum lot size for properties within one mile of Urban Growth Boundary;
 - (7) (Adoption date of this Ord.), Lot of Record section amended, Ord. _____.
- (B) A Lot of Record which has less than the area minimum lot size for new parcels or lots, or less than the front lot line minimums required, or which does not meet the access requirement of MCC 34.3185, may be occupied by any allowed use, permitted review use or approved conditional use when in compliance with the other requirements of this district.
- ~~(C) Separate Lots of Record shall be deemed created when a street or zoning district boundary intersects a parcel of land.~~
- ~~(C)~~(D) Except as otherwise provided by MCC 34.3160, 34.3175, and 34.4300 through 34.43704360, no sale or conveyance of any portion of a lot other than for a public purpose shall leave a structure on the remainder of the lot with less than minimum lot or yard requirements or result in a lot with less than the area or width requirements of this district.

(D) The following shall not be deemed to be a lot of record:

(1) An area of land described as a tax lot solely for assessment and taxation purposes;

(2) An area of land created by the foreclosure of a security interest.

(3) An area of land created by court decree.

34.3175 Lot Sizes for Conditional Uses

The minimum lot size for a conditional use permitted pursuant to MCC 34.3130, except subpart (B)(8) thereof, shall be based upon:

(A) The site size needs of the proposed use;

(B) The nature of the proposed use in relation to the impacts on nearby properties; ~~and~~

(C) Consideration of the purposes of this district; and

(D) A finding that the lot or parcel is at least two acres in area.

PART 4. ZONES
Rural Center (RC)

34.3315 Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC 34.3320 through 34.3350 3330 when found to comply with MCC 34.3355 through 34.3385.

34.3320 Allowed Uses

- (C) Residential use consisting of a single family dwelling constructed on a Lot of Record.

34.3325 Review Uses

- (A) Residential use, consisting of a single family dwelling constructed off-site, including a mobile or modular home placed on a Lot of Record, subject to the following conditions:

- (1) Construction shall comply with the standards of the Building Code or as prescribed in ORS 446.002 through 446.200, relating to mobile homes.
- (2) The dwelling shall be attached to a foundation for which a building permit has been obtained.
- (3) The dwelling shall have a minimum floor area of 600 square feet.

- ~~(B) Residential use consisting of a single family dwelling for the housing of help required to carry out a primary use listed in MCC 34.3320 (A) or (B), when the dwelling occupies the same lot as a residence permitted by MCC 34.3320 (C) or MCC 34.3325 (A), subject to the following conditions:~~

- ~~(1) In the event the dwelling is constructed off-site, construction shall comply with MCC 34.3325 (A) (1) and (3).~~
- ~~(2) The location of the dwelling shall be subject to approval of the Planning Director on a finding that:
 - ~~(a) The use is needed to carry out a use listed in MCC 34.3320 (A) or (B);~~
 - ~~(b) The standards of MCC 34.3355 (C) through (E) are satisfied; and~~
 - ~~(c) The minimum distance between dwellings will be 20 feet.~~~~
- ~~(3) The decision of the Director may be appealed to the Hearings Officer pursuant to MCC 34.0785 and 34.0790.~~

Temporary uses when approved pursuant to MCC 34.0510 and 34.0515.

- (F) Property Line Adjustment pursuant to the provisions of MCC 34.3360-(E).

34.3330 Conditional Uses

The following uses may be permitted when found by the Hearings Officer to satisfy the applicable Ordinance standards:

- (C) Planned Developments pursuant to the provisions of MCC 34.4300 through 34.43704360. If the property is outside of an "acknowledged unincorporated community", then the applicable current "planned unit developments" standards within the Oregon Administrative Rules Chapter 660, Division 004 shall also be satisfied.

- (G) Lots of Exception pursuant to the provisions of MCC 34.3360-(A) through (C) ~~or 34.3360 (D)~~.

34.3355 Dimensional Requirements

- (A) Except as provided in MCC 34.3360, 34.3370, 34.3375 and 34.4300 through 34.43704360, the minimum lot size for new parcels or lots shall be one acre for those RC zoned lands inside the boundary of an "acknowledged unincorporated community". For RC zoned properties outside an "acknowledged unincorporated community" the minimum lot size is two acres except for those properties within one mile of the Urban Growth Boundary and then the minimum lot size shall be as currently required in the Oregon Administrative Rules Chapter 660, Division 004 (20 acre minimum as of October 4, 2000).

34.3360 Lots of Exception and Property Line Adjustments

- (A) Lots of Exception

An exception to permit creation of a lot parcel of less than one acre, after ~~October 6, 1977~~ out of a Lot of Record, may be authorized when in compliance with the dimensional requirements of MCC 34.3355(C) through (E). Any exception shall be based on the following findings ~~that the proposal will:~~

- (1) ~~Substantially maintain or support the character and stability of the~~

~~overall land use pattern of the area The Lot of Record to be divided has two or more permanent habitable dwellings;~~

- ~~(2) Be situated upon land generally unsuitable for the production of farm crops and livestock or for forest use, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, and the location or size of the tract The permanent habitable dwellings were lawfully established on the Lot of Record before October 4, 2000;~~
- ~~(3) Be compatible with accepted farming or forestry practices on adjacent lands Each new parcel created by the partition will have at least one of the habitable dwellings; and~~
- ~~(4) Be consistent with the purposes described in MGC 34.3300 The partition will not create any vacant parcels on which a new dwelling could be established. ;~~
- ~~(5) Satisfy the applicable standards of water supply, sewage disposal and minimum access; and~~
- ~~(6) Not require public services beyond those existing or programmed for the area.~~
- ~~(B) Except as provided in MGC 34.3360 (D), no Lot of Exception shall be approved unless:
 - ~~(1) The Lot of Record to be divided exceeds the area requirements of MGC 34.3355 (A), and~~
 - ~~(2) The division will create no more than one lot which is less than the minimum area required in MGC 34.3355 (A).~~~~
- ~~(C) The approval authority may attach conditions to the approval of any Lot of Exception to insure that the use is consistent with the Comprehensive Plan and the purposes described in MGC 34.3300.~~
- ~~(D) The approval authority may grant a Lot of Exception based on a finding that the permitted number of dwellings will not thereby be increased above that otherwise allowed in this district.~~

(B)(E) Property Line Adjustment

Pursuant to the applicable provisions in the Multnomah County Land Division Ordinance, the approval authority may grant a property line adjustment between two contiguous Lots of Record lots or parcels upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

34.3370 Lot of Record

- (A) For the purposes of this district, a Lot of Record is a parcel of land:
- ~~(1) For which a deed or other instrument dividing land was recorded with the Department of Administrative Services, or was in recordable form, prior to October 6, 1977; and~~
 - ~~(2) Which, when established, satisfied all applicable laws.~~
- In addition to the *Lot of Record* definition standards in MCC 34.0005, for the purposes of this district the significant dates and ordinances for verifying zoning compliance may include, but are not limited to, the following:
- (1) July 10, 1958, SR and R zones applied;
 - (2) July 10, 1958, F-2 zone applied;
 - (3) December 9, 1975, F-2 minimum lot size increased, Ord. 115 & 116;
 - (4) October 6, 1977, RC zone applied, Ord. 148 & 149;
 - (5) October 13, 1983, zone change to RC for some properties, Ord. 395;
 - (6) October 4, 2000, Oregon Administrative Rules Chapter 660 Division 004 applied a minimum 2 acre lot size to RC zoned areas outside "acknowledged unincorporated communities" except where properties are within one mile of the Urban Growth Boundary the minimum is 20 acres;
 - (7) (Adoption date of this Ord.), Lot of Record section amended, Ord. _____;
- (B) A Lot of Record which has less than the area minimum lot size for new parcels or lots, or less than the front lot line minimums required, or which does not meet the access requirement of MCC 34.3385, may be occupied by any allowed use, permitted review use or approved conditional use when in compliance with the other requirements of this district.
- ~~(C) Separate Lots of Record shall be deemed created when a street or zoning district boundary intersects a parcel of land.~~
- ~~(C)~~(D) Except as otherwise provided by MCC 34.3360, 34.3375, and 34.4300 through 34.43704360, no sale or conveyance of any portion of a lot other than for a public purpose shall leave a structure on the remainder of the lot with less than minimum lot or yard requirements or result in a lot with less than the area or width requirements of this district.

(D) The following shall not be deemed to be a lot of record:

(1) An area of land described as a tax lot solely for assessment and taxation purposes;

(2) An area of land created by the foreclosure of a security interest.

(3) An area of land created by court decree.

Section 3. The following subsections of Multnomah County Code Volume II: Land Use, Chapter 35 East of Sandy River Rural Plan Area are amended as follows:

PART 1. GENERAL PROVISIONS
Definitions

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 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.

(2)(1) **Day Nursery** – *****

(3)(2) **Development** – *****

(4)(3) **Director** – *****

(5)(4) **Drive-In** – *****

(6)(5) **Dwelling Unit** – *****

(7)(6) **Dwelling (Duplex or Two-Unit)** – *****

(8)(7) **Dwelling (Single Family Detached)** – *****

(9)(8) **Dwelling (Multi-Plex Structure)** – *****

(10)(9) **Duplex Dwelling** – *****

(H)(1) **Habitable dwelling** – An existing dwelling that:

(a) Has intact exterior walls and roof structure;

(b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(c) Has interior wiring for interior lights; and

(d) Has a heating system.

(2)(1) Hearings Officer – *****

(3) Heritage Tract Dwelling – A type of single family detached dwelling in the EFU and the CFU zoning districts with approval criteria that includes a requirement for ownership of the lot or parcel prior to January 1, 1985. The complete description of approval standards are in the use sections of the districts.

(4)(2) High School – *****

(5)(3) Highway (State) – *****

(6)(4) Historical Building – *****

(7)(5) Historical Resources – *****

(8)(6) Home Occupation – *****

(9)(7) Horticulture – *****

(10)(8) Hotel – *****

(L)(1) Large Acreage Dwelling – A type of single family detached dwelling in the CFU zoning districts with approval criteria that includes a requirement for single ownership of 160 contiguous forest zoned acres or single ownership of 200 forest zoned acres in Multnomah County or adjacent counties that are not contiguous. The complete description of approval standards are in the use sections of the districts.

(2)(1) Large Fill – *****

(3) Lawfully established dwelling – A dwelling that was constructed in compliance with the laws in effect at the time of establishment. The laws in effect shall include zoning, land division and building code requirements. Compliance with Building Code requirements shall mean that all permits necessary to qualify the structure as a dwelling unit were obtained and all qualifying permitted work completed.

(4)(2) Loading Space – *****

(5)(3) Lot – A unit of land created by a subdivision of land, see definition in MCC 35.7705. Depending upon the context in which the term appears in this Chapter, a Lot may also mean a A-plot lot, parcel (result of partitioning), or area of land owned by or under the lawful control and in the lawful possession of one distinct ownership.

(6)(4) Lot Area – *****

(7)(5) Lot (Corner) – *****

(8)(6) Lot Coverage – *****

(9)(7) Lot Lines – *****

(10)(8) Lot Line (Front) – *****

(11)(9) Lot Line (Rear) – *****

(12)(10) Lot Line (Side) – *****

(13) Lot of Record – Subject to additional provisions within each Zoning District, a Lot of Record is a parcel, lot, or a group thereof which when created and when reconfigured (a) satisfied all applicable zoning laws and (b) satisfied all applicable land division laws. Those laws shall include all required zoning and land division review procedures, decisions, and conditions of approval.

(a) "Satisfied all applicable zoning laws" shall mean: the parcel, lot, or group thereof was created and, if applicable, reconfigured in full compliance with all zoning minimum lot size, dimensional standards, and access requirements.

(b) "Satisfied all applicable land division laws" shall mean the parcel or lot was created:

1. By a subdivision plat under the applicable subdivision requirements in effect at the time; or

2. By a deed, or a sales contract dated and signed by the parties to the transaction, that was recorded with the Recording Section of the public office responsible for public records prior to October 19, 1978; or

3. By a deed, or a sales contract dated and signed by the parties to the transaction, that was in recordable form prior to October 19, 1978; or

4. By partitioning land under the applicable land partitioning requirements in effect on or after October 19, 1978; and

5. "Satisfied all applicable land division laws" shall also mean that any subsequent boundary reconfiguration completed on or after December 28, 1993 was approved under the property line adjustment provisions of the land division code. (See *Date of Creation and Existence* for the effect of property line adjustments on qualifying a Lot of Record for the siting of a dwelling in the EFU and CFU districts.)

(c) Separate Lots of Record shall be recognized and may be partitioned congruent with an "acknowledged unincorporated community" boundary which intersects a Lot of Record.

1. Partitioning of the Lot of Record along the boundary shall require review and approval under the provisions of the land division part of this Chapter, but not be subject to the minimum area and access requirements of this district.

2. An "acknowledged unincorporated community boundary" is one that has been established pursuant to OAR Chapter 660, Division 22.

(14)(11) Lot Width – *****

(M) (4) **Mortgage Lot** – ~~A lot having less than the minimum area required under this Chapter, created out of a tract which itself conforms to lot area requirements, to enable the contract purchaser of the tract to finance construction of a single family residence thereon.~~ An area of land created solely for the purposes of financing a dwelling. A Mortgage Lot is not a Lot of Record and shall not be conveyed separate from the Lot of Record out of which it was described. The tax roll accounts of the Mortgage Lot and the parent Lot of Record shall be consolidated into one account when title to both is secured. A Mortgage Lot may be created only in the EFU and CFU districts.

(P) (1) **Parcel** – A unit of land created by a partitioning of land, see definition in MCC 35.7705. Depending upon the context in which the term appears in this Chapter, *Parcel* and *Lot* may at times be used interchangeably.

(1) **Permit Section** – ~~The division of the Department of Environmental~~

Services authorized to issue building and other land development permits or its designee.

(R) (3) Recordable form – A form sufficient to create the parcel on the date the document was signed if the deed or land sales contract had been recorded with the office responsible for public records. Characteristics of *recordable form* include a complete description of the property, the consideration given, and verification of the transaction by a witness such as a Notary Public.

(4)(3) Recreational Vehicle Park – *****

(5)(4) Residential Care Facility – *****

(6)(5) Residential Home – *****

(7)(6) Residential Trailer – *****

(8)(7) Residential Treatment Facility – *****

(9)(8) Road (County) – *****

(T) (1) Template Dwelling – A type of single family detached dwelling in the CFU zoning districts with approval criteria that includes a requirement that a certain number of parcels and dwellings exist within a 160-acre square (map template) centered on the subject tract. The complete description of requirements are in the use sections of the district.

(2)(1) Timber Growing – *****

(3)(2) Trade School – *****

(4)(3) Two-Unit Dwelling – *****

35.0015 Zoning Map

(B) A paper version of the Zoning Map and each amendment thereto shall be and remain on file in the office of the Director of the Division of Land Use Planning Department of Environmental Services.

(1) The set of paper Zoning Maps with the cover page dated the 15th of November, 1962 and signed by the Board of County Commissioners

shall be deemed to be the accurate depiction of the Zoning Maps adopted for successive geographic areas from April 19, 1955 through December 11, 1958.

PART 4. ZONES
Commercial Forest Use-3 (CFU-3)

35.2000 Purposes

The purposes of the Commercial Forest Use District are to conserve and protect designated lands for continued commercial growing and harvesting of timber and the production of wood fiber and other forest uses; to conserve and protect watersheds, wildlife habitats and other forest associated uses; to protect scenic values; to provide for agricultural uses; to provide for recreational opportunities and other uses which are compatible with forest use; implement Comprehensive Framework Plan Policy 11, Commercial Forest Land; the Commercial Forest Use policies of the East of Sandy River Rural Area Plan, and to minimize potential hazards or damage from fire, pollution, erosion or urban development.

One of the implementation tools to carry out the purposes of this District is a Lot of Record requirement to group into larger "Lots of Record" those contiguous parcels and lots that were in the same ownership on February 20, 1990. This requirement is in addition to all "tract" grouping requirements of State Statute and Rule.

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:

(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)(D) Cubic Foot Per Acre - *****

(F)(E) Cubic Foot Per Tract Per Year - *****

~~(F) 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 of record pursuant to MCC 33.2075 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.~~

(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.

~~(1)(H)~~ *Tract* - One or more contiguous Lots of Record, pursuant to MCC 35.2075, 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.

35.2015 Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC 35.2020 through 35.2055 2030 when found to comply with MCC 35.2045 through 35.2110.

35.2020 Allowed Uses

(D) Alteration, maintenance, or expansion of an existing lawfully established ~~single family~~ habitable dwelling subject to the following:

~~(1)~~ The existing dwelling

~~(a) Has intact exterior walls and roof structures;~~

~~(b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;~~

~~(c) Has interior wiring for interior lights; and~~

~~(d) Has a heating system.~~

~~(1)(2)~~ Satisfies ~~t~~ The dimensional standards of MCC 35.2060 are satisfied; and

~~(2)(3)~~ Satisfies ~~t~~ The development standards of MCC 35.2105(A)(5) and (B) are satisfied if an the expansion that exceeds 400 square feet of ground coverage.

(E) Replacement of an existing lawfully established ~~single family~~ habitable dwelling on the same lot, subject to the following:

(1) The replacement dwelling will be located within 200 feet of the existing dwelling; and

(2) The existing dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling; and :

- ~~(a) Has intact exterior walls and roof structures;~~
- ~~(b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;~~
- ~~(c) Has interior wiring for interior lights;~~
- ~~(d) Has a heating system;~~
- ~~(e) Is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling; and~~

(3) The replacement dwelling shall satisfy the dimensional standards of MCC 35.2060 and the development standards of MCC 35.2105.

35.2025 Review Uses

(A) Replacement of an existing lawfully established single-family habitable dwelling on the same lot more than 200 feet from the existing dwelling, subject to the following:

(1) The existing dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling; and :

- ~~(a) Has intact exterior walls and roof structures;~~
- ~~(b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;~~
- ~~(c) Has interior wiring for interior lights;~~
- ~~(d) Has a heating system; and~~
- ~~(e) Is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling;~~

(2) The location of the replacement dwelling shall satisfy the dimensional standards of MCC 35.2060 and the development standards of MCC 35.2105.

(B) Restoration or replacement of a lawfully established single-family habitable dwelling on the same lot when the restoration or replacement is made necessary by fire, other casualty or natural disaster, subject to the following:

(1) Restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster; and

(2) A replacement dwelling located more than 200 feet from the prior

dwelling location shall satisfy the dimensional standards of MCC 35.2060 and the development standards of MCC 35.2105.

- ~~(3) The existing dwelling at the time of the fire, casualty, or natural disaster:~~
- ~~(a) Had intact exterior walls and roof structures;~~
 - ~~(b) Had indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;~~
 - ~~(c) Had interior wiring for interior lights; and~~
 - ~~(d) Had a heating system.~~

35.2060 Dimensional Requirements

- (A) Except as provided in MCC 35.2065, 35.2070, 35.2075, and 35.2080, the minimum lot size for new parcels or lots shall be 80 acres.

35.2075 Lot of Record

- (A) In addition to the Lot of Record definition standards in MCC 35.0005, F for the purposes of this district, a Lot of Record is either:

~~(1) A parcel of land:~~

- ~~(a) For which a deed or other instrument creating the parcel was recorded with the Department of General Services, or was in recordable form prior to August 14, 1980;~~
- ~~(b) Which satisfied all applicable laws when the parcel was created; and~~
- ~~(c) Which satisfies the minimum lot size requirements of MCC 35.2060, or~~

~~(2) A parcel of land:~~

- ~~(a) For which a deed or other instrument creating the parcel was recorded with the Department of General Services, or was in recordable form prior to February 20, 1990;~~
- ~~(b) Which satisfied all applicable laws when the parcel was created;~~
- ~~(c) Does not meet the minimum lot size requirements of MCC 35.2060; and~~
- ~~(d) Which is not contiguous to another substandard parcel or parcels under the same ownership, or~~

~~(3) A group of contiguous parcels of land:~~

- ~~(a) For which deeds or other instruments creating the parcels were recorded with the Department of General Services, or were in recordable form prior to February 20, 1990;~~
- ~~(b) Which satisfied all applicable laws when the parcels were created;~~
- ~~(c) Which individually do not meet the minimum lot size requirements~~

~~of MCC 35.2060, but, when considered in combination, comply as nearly as possible with a minimum lot size of nineteen acres, without creating any new lot line; and~~

~~(d) Which are held under the same ownership.~~

(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:

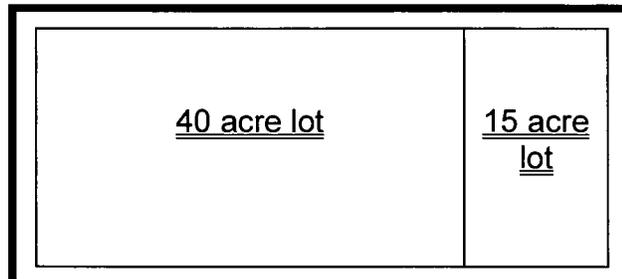
(a) Which were held under the *same ownership* on February 20, 1990; and

(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.

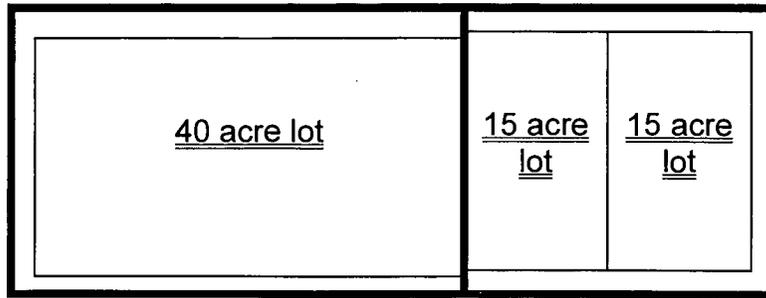
1. Each Lot of Record proposed to be segregated from the contiguous group of parcels or lots shall be a minimum of 19 acres in area using existing legally created lot lines and shall not result in any remainder individual parcel or lot, or remainder of contiguous combination of parcels or lots, with less than 19 acres in area.

2. There shall be an exception to the 19 acre minimum lot size requirement when the entire same ownership grouping of parcels or lots was less than 19 acres in area on February 20, 1990, and then the entire grouping shall be one Lot of Record.

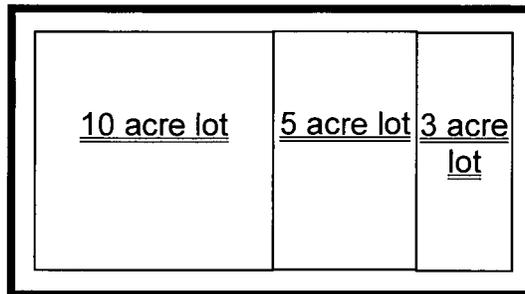
3. Three examples of how parcels and lots shall be aggregated are shown below with the solid thick line outlining individual Lots of Record:



Example 1:
One 55 acre Lot of Record



Example 2:
One 40 acre Lot of Record and
one 30 acre Lot of Record



Example 3:
One 18 acre Lot of Record

(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.

(B) For the purposes of this subsection:

(1) ~~Contiguous refers to parcels of land which have any common boundary, excepting a single point, and shall include, but not be limited to,~~

~~parcels separated only by an alley, street or other right-of-way.~~

~~(2) Substandard Parcel refers to a parcel which does not satisfy the minimum lot size requirements of MCC 35.2060 and~~

~~(3) Same Ownership refers to parcels in which greater than possessory interests are held by the same person or persons, spouse, minor age child, single partnership or business entity, separately or in tenancy in common.~~

(B) In this district, significant dates and ordinances applicable for verifying zoning compliance may include, but are not limited to, the following:

(1) July 10, 1958, F-2 zone applied;

(2) December 9, 1975, F-2 minimum lot size increased, Ord. 115 & 116;

(3) October 6, 1977, MUF-20 and CFU-38 zones applied, Ord. 148 & 149;

(4) August 14, 1980, MUF-19 & 38 and CFU-80 zones applied, Ord. 236 & 238;

(5) February 20, 1990, Lot of Record definition amended, Ord. 643;

(6) January 7, 1993, MUF-19 & 38 zones changed to CFU-80, Ord. 743 & 745;

(7) August 8, 1998, CFU-3 zone applied, Ord. 916;

(8) (Adoption date), Lot of Record section amended, Ord. _____;

(C) A Lot of Record which has less than the minimum lot size for new parcels, less than the front lot line minimums required, or which does not meet the access requirements of MCC 35.2090, may be occupied by any allowed use, permitted review use or approved conditional use when in compliance with the other requirements of this district.

~~(D) A Lot of Record may be comprised of a separate parcel, containing an area less than that required by MCC 35.2060 (A), created solely for the purposes of financing a dwelling. Such a parcel shall be considered a Mortgage Lot, subject to the following:~~

~~(1) A Mortgage Lot may be created without review providing the remainder of the Lot of Record is not developed with a residence.~~

~~(2) The remainder of the Lot of Record shall be ineligible for a permit for a dwelling.~~

~~(3) A Mortgage Lot shall not be conveyed as a lot separate from the tract out of which it was created.~~

~~(4) The tax roll accounts of the Mortgage Lot and parent lot shall be con-~~

~~solidated into one account when title to both parcels is secured.~~
The following shall not be deemed a Lot of Record:

(1) An area of land described as a tax lot solely for assessment and taxation purposes;

(2) An area of land created by the foreclosure of a security interest;

(3) A Mortgage Lot.

(4) An area of land created by court decree.

PART 4. ZONES

Commercial Forest Use-4 (CFU-4)

35.2200 Purposes

The purposes of the Commercial Forest Use District are to conserve and protect designated lands for continued commercial growing and harvesting of timber and the production of wood fiber and other forest uses; to conserve and protect watersheds, wildlife habitats and other forest associated uses; to protect scenic values; to provide for agricultural uses; to provide for recreational opportunities and other uses which are compatible with forest use; implement Comprehensive Framework Plan Policy 11, Commercial Forest Land, the Commercial Forest Use policies of the East of Sandy River Rural Area Plan; and to minimize potential hazards or damage from fire, pollution, erosion or urban development.

One of the implementation tools to carry out the purposes of this District is a Lot of Record requirement to group into larger "Lots of Record" those contiguous parcels and lots that were in the same ownership on February 20, 1990. This requirement is in addition to all "tract" grouping requirements of State Statute and Rule.

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:

(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)(D) Cubic Foot Per Acre - *****

(F)(E) Cubic Foot Per Tract Per Year - *****

~~(F) 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 of record pursuant to MCC 35.2275 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.~~

~~(H) Heritage Tract - A tract of land that was acquired by the present owner:~~

~~(1) Prior to January 1, 1985; or~~

~~(2) By devise or by intestate succession by an antecedent of the person who acquired the lot or parcel prior to January 1, 1985.~~

~~(3) For purposes of this definition, "antecedent" 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.~~

(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, pursuant to MCC 35.2275, 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.~~

35.2215 Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC 35.2220 through 35.2255 2240 when found to comply with MCC 35.2245 through 35.2310.

35.2220 Allowed Uses

(D) Alteration, maintenance, or expansion of an existing lawfully established single family habitable dwelling subject to the following:

~~(1) The existing dwelling~~

~~(a) Has intact exterior walls and roof structures;~~

~~(b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;~~

~~(c) Has interior wiring for interior lights; and~~

~~(d) Has a heating system.~~

~~(1)(2) Satisfies t~~ The dimensional standards of MCC 35.2260 are satisfied; and

~~(2)(3) Satisfies t~~ The development standards of MCC 35.2305(A)(5) and (B) are satisfied if an the expansion that exceeds 400 square feet of ground coverage.

(E) Replacement of an existing lawfully established single-family *habitable dwelling* on the same lot, subject to the following:

- (1) The replacement dwelling will be located within 200 feet of the existing dwelling; and
- (2) The existing dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling; and :
 - (a) ~~Has intact exterior walls and roof structures;~~
 - (b) ~~Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;~~
 - (c) ~~Has interior wiring for interior lights;~~
 - (d) ~~Has a heating system;~~
 - (e) ~~Is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling; and~~
- (3) The replacement dwelling shall satisfy the dimensional standards of MCC 35.2260 and the development standards of MCC 35.2305.

35.2225 Review Uses

(A) Replacement of an existing lawfully established single-family *habitable dwelling* on the same lot more than 200 feet from the existing dwelling, subject to the following:

- (1) The existing dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling; and :
 - (a) ~~Has intact exterior walls and roof structures;~~
 - (b) ~~Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;~~
 - (c) ~~Has interior wiring for interior lights;~~
 - (d) ~~Has a heating system; and~~
 - (e) ~~Is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling;~~
- (2) The location of the replacement dwelling shall satisfy the dimensional standards of MCC 35.2260 and the development standards of MCC 35.2305.

(B) Restoration or replacement of a lawfully established ~~single-family~~ habitable dwelling on the same lot when the restoration or replacement is made necessary by fire, other casualty or natural disaster, subject to the following:

- (1) Restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster; and
- (2) A replacement dwelling located more than 200 feet from the prior dwelling location shall satisfy the dimensional standards of MCC 35.2260 and the development standards of MCC 35.2305.
- ~~(3) The existing dwelling at the time of the fire, casualty, or natural disaster:~~
 - ~~(a) Had intact exterior walls and roof structures;~~
 - ~~(b) Had indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;~~
 - ~~(c) Had interior wiring for interior lights; and~~
 - ~~(d) Had a heating system.~~

35.2240 Template and Heritage Tract Dwellings

(B) A *heritage tract dwelling* may be sited, subject to the following:

- (1) On a *tract*:
 - (a) That is not developed with a single family residence, and
 - (b) That is not capable of producing 5,000 cubic feet per year of commercial tree species based on soil type, and
 - (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.
 1. The public right-of-way shall be maintained to the standards set forth in the County Right-of-Way Access Permit, and
 2. The public right-of-way shall not be a U.S. Forest Service road or Bureau of Land Management road.
 - (d) For which deeds or other instruments creating the lots or parcels were recorded with the Department of General Services, or were in recordable form prior to January 1, 1985; and

- (e) That is comprised of lots or parcels that were lawfully created; and
- (f) Notwithstanding the same ownership grouping requirements of the Lot of Record section, F that was acquired by the present owner:
 1. Prior to January 1, 1985; or
 2. By devise or by intestate succession by an antecedent of the person who acquired the lot or parcel prior to January 1, 1985.
 3. For purposes of this subsection, "antecedent" 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.

35.2260 Dimensional Requirements

- (A) Except as provided in MCC 35.2265, 35.2270, 35.2275, and 35.2280, the minimum lot size for new parcels or lots shall be 80 acres.

35.2275 Lot of Record

- (A) In addition to the Lot of Record definition standards in MCC 35.0005, F for the purposes of this district ; a Lot of Record is either:

(1) A parcel of land:

- (a) ~~For which a deed or other instrument creating the parcel was recorded with the Department of General Services, or was in recordable form prior to August 14, 1980;~~
- (b) ~~Which satisfied all applicable laws when the parcel was created; and~~
- (c) ~~Which satisfies the minimum lot size requirements of MCC 35.2260, or~~

(2) A parcel of land:

- (a) ~~For which a deed or other instrument creating the parcel was recorded with the Department of General Services, or was in recordable form prior to February 20, 1990;~~
- (b) ~~Which satisfied all applicable laws when the parcel was created;~~
- (c) ~~Does not meet the minimum lot size requirements of MCC 35.2260; and~~
- (d) ~~Which is not contiguous to another substandard parcel or parcels~~

- under the same ownership, or
- (3) ~~A group of contiguous parcels of land:~~
- ~~(a) For which deeds or other instruments creating the parcels were recorded with the Department of General Services, or were in recordable form prior to February 20, 1990;~~
 - ~~(b) Which satisfied all applicable laws when the parcels were created;~~
 - ~~(c) Which individually do not meet the minimum lot size requirements of MCC 35.2260, but, when considered in combination, comply as nearly as possible with a minimum lot size of nineteen acres, without creating any new lot line; and~~
 - ~~(d) Which are held under the same ownership.~~

(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:

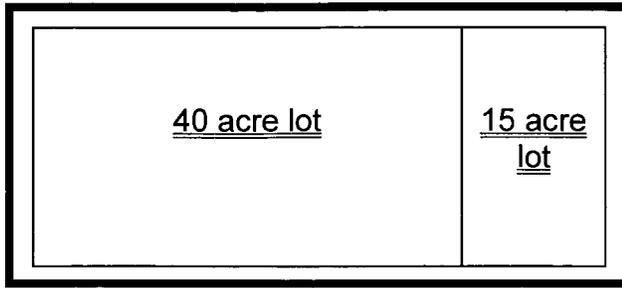
(a) Which were held under the same ownership on February 20, 1990; and

(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.

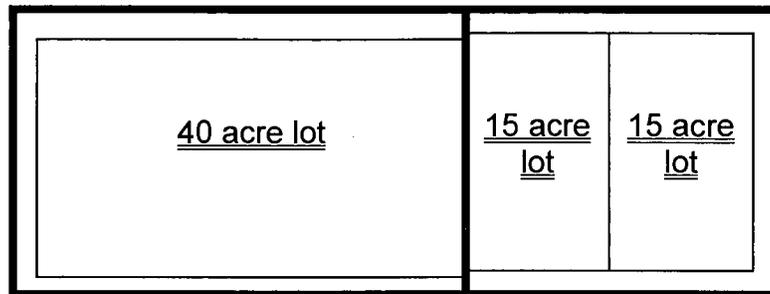
1. Each Lot of Record proposed to be segregated from the contiguous group of parcels or lots shall be a minimum of 19 acres in area using existing legally created lot lines and shall not result in any remainder individual parcel or lot, or remainder of contiguous combination of parcels or lots, with less than 19 acres in area.

2. There shall be an exception to the 19 acre minimum lot size requirement when the entire same ownership grouping of parcels or lots was less than 19 acres in area on February 20, 1990, and then the entire grouping shall be one Lot of Record.

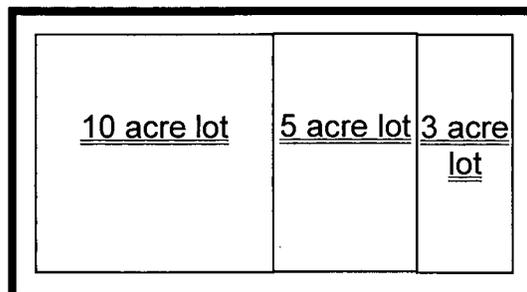
3. Three examples of how parcels and lots shall be aggregated are shown below with the solid thick line outlining individual Lots of Record:



Example 1:
One 55 acre Lot of Record



Example 2:
One 40 acre Lot of Record and
one 30 acre Lot of Record



Example 3:
One 18 acre Lot of Record

(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.

(c) Dis-aggregation of a Lot of Record for consideration of a new *tem-plate* or *heritage tract dwelling* may be allowed subject to the standards in (E) below.

(B) For the purposes of this subsection:

- ~~(1) Contiguous refers to parcels of land which have any common boundary, excepting a single point, and shall include, but not be limited to, parcels separated only by an alley, street or other right of way.~~
- ~~(2) Substandard Parcel refers to a parcel which does not satisfy the minimum lot size requirements of MCC 35.2260 and~~
- ~~(3) *Same Ownership* refers to parcels in which greater than possessory interests are held by the same person or persons, spouse, minor age child, single partnership or business entity, separately or in tenancy in common.~~

(B) In this district, significant dates and ordinances applicable for verifying zoning compliance may include, but are not limited to, the following:

(1) July 10, 1958, F-2 zone applied;

(2) December 9, 1975, F-2 minimum lot size increased, Ord. 115 & 116;

(3) October 6, 1977, MUF-20 and CFU-38 zones applied, Ord. 148 & 149;

(4) August 14, 1980, MUF-19 & 38 and CFU-80 zones applied, Ord. 236 & 238;

(5) February 20, 1990, Lot of Record definition amended, Ord. 643;

(6) January 7, 1993, MUF-19 & 38 zones changed to CFU-80, Ord. 743 & 745;

(7) August 8, 1998, CFU-4 zone applied, Ord. 916;

(8) (Adoption date), Lot of Record section amended, Ord. _____;

(C) A Lot of Record which has less than the minimum lot size for new parcels, less than the front lot line minimums required, or which does not meet the access requirements of MCC 35.2290, may be occupied by any allowed use, permitted review use or approved conditional use when in compliance with the other requirements of this district.

~~(D) A Lot of Record may be comprised of a separate parcel, containing an area less than that required by MCC 35.2260 (A), created solely for the purposes of financing a dwelling. Such a parcel shall be considered a Mortgage Lot, subject to the following:~~

~~(1) A Mortgage Lot may be created without review providing the remainder of the Lot of Record is not developed with a residence.~~

~~(2) The remainder of the Lot of Record shall be ineligible for a permit for a dwelling.~~

~~(3) A Mortgage Lot shall not be conveyed as a lot separate from the tract out of which it was created.~~

~~(4) The tax roll accounts of the Mortgage Lot and parent lot shall be consolidated into one account when title to both parcels is secured.~~

The following shall not be deemed a Lot of Record:

(1) An area of land described as a tax lot solely for assessment and taxation purposes.

(2) An area of land created by the foreclosure of a security interest.

(3) A Mortgage Lot.

(4) An area of land created by court decree.

(E) Dis-aggregation of Lots of Record existing on or before August 8, 1998, being the effective date of Ordinance 916.

(1) A Lot of Record may be dis-aggregated for consideration of a new dwelling under MCC 35.2240 if:

(a) It consists of two legally created, aggregated lots or parcels and:

1. The dis-aggregation occurs along existing lot or parcel lines without creating any new lots or parcels;

2. One of the lots or parcels is currently developed with a legally established dwelling;

3. The lot or parcel on which application will be made for the new dwelling is less than 19 acres; and
4. The lots or parcels constituting the dis-aggregated Lot of Record were ~~owned by the current owner~~ in the same ownership prior to January 1, 1985.

(b) It consists of three or more lots or parcels and:

1. Only one lot of less than 19 acres shall be dis-aggregated;
2. The remaining lots or parcels shall be combined into a single lot; and
3. The dis-aggregation occurs along existing lot or parcel lines without creating any new lots or parcels;
4. One of the lots or parcels is currently developed with a legally established dwelling;
5. The lot or parcel on which application will be made for the new dwelling is less than 19 acres; and
6. The lots or parcels constituting the dis-aggregated Lot of Record were ~~owned by the current owner~~ in the same ownership prior to January 1, 1985.

(2) A property that was originally a portion of a Lot of Record that would otherwise satisfy the standards of 35.2275(E)(1) above, but has subsequently been legally transferred to another owner, may be developed with a single family dwelling if found to satisfy the standards of MCC 35.2240 (A) or (B).

PART 4. ZONES
Exclusive Farm Use (EFU)

35.2600 Purpose

The purposes of the Exclusive Farm Use District are to preserve and maintain agricultural lands for farm use consistent with existing and future needs for agricultural products, forests and open spaces; to conserve and protect scenic and wildlife resources, to maintain and improve the quality of the air, water and land resources of the County and to establish criteria and standards for farm uses and related and compatible uses which are deemed appropriate. Land within this district shall be used exclusively for farm uses as provided in the Oregon Revised Statutes Chapter 215 and the Oregon Administrative Rules Chapter 660, Division 33 as interpreted by this Exclusive Farm Use code section.

One of the implementation tools to carry out the purposes of this District is a Lot of Record requirement to group into larger "Lots of Record" those contiguous parcels and lots that were in the same ownership on February 20, 1990. This requirement is in addition to all "tract" grouping requirements of State Statute and Rule.

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:

- (C) *Contiguous* refers to parcels or lots of land 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.

- (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)~~(H) *Suitable for farm use* *****

- ~~(J)~~(4) *Tract* means one or more contiguous lots in the same ownership.

35.2615 Uses

No building, structure or land shall be used and no building or structure shall be

hereafter erected, altered or enlarged in this district except for the uses listed in MCC ~~2008~~35.2620 through ~~2014~~35.2630 when found to comply with MCC 35.2660 through 35.2690.

35.2620 Allowed Uses

(L) Alteration, restoration or replacement of a lawfully established habitable dwelling, that has:

- ~~(1) Intact exterior walls and roof structure;~~
- ~~(2) Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;~~
- ~~(3) Interior wiring for interior lights; and~~
- ~~(4) A heating system.~~

In the case of a replacement dwelling, the existing dwelling is must be removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling.

35.2625 Review Uses

(F) Notwithstanding the same ownership grouping requirements of the Lot of Record section, a A single family *heritage tract dwelling* may be allowed on land not identified as high-value farmland when:

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 35.6340~~335~~:

(O) Notwithstanding the same ownership grouping requirements of the Lot of Record section, a A single family *heritage tract dwelling* may be allowed on land identified as high-value farmland when:

(P) Notwithstanding the same ownership grouping requirements of the Lot of Record section, a A single family *heritage tract dwelling* may be allowed on land identified as high-value farmland when:

35.2670 Lot Line Adjustment

- (A) An adjustment of the common lot line between contiguous legal lots Lots of Record may be authorized based on a finding that:
- (1) All dwellings that were situated on the same lot prior to the adjustments must remain together on the reconfigured lot; and
 - (2) The dimensional requirements of MCC 35.2660(A) and (C) are met; or
 - (3) The reconfigured lot areas will each retain the same lot area that existed prior to the exchange.

The decision of the Planning Director may be appealed to the approval authority pursuant to MCC 35.0785 and 35.0790.

35.2675 Lot, Parcel and Tract Requirement Lot of Record

- (A) ~~The Lot, Parcel and Tract requirement shall be applied to all uses in this district except for Single Family Heritage Tract Dwellings: MCC 35.2625 (F), MCC 35.2630 (O) or MCC 35.2630 (P). In addition to the Lot of Record definition standards in MCC 35.0005, F for the purposes of this district a Lot of Record is either:~~ a lot, parcel or tract is defined as:
- (1) ~~A lot or parcel of land:~~
 - (a) ~~For which a deed or other instrument creating the parcel was recorded with the Department of Environmental Services or its predecessors; and~~
 - (b) ~~Which satisfied all applicable laws, including but not limited to land divisions and zoning ordinance, when the parcel was created; and~~
 - (c) ~~Which satisfies the minimum lot size requirements of MCC 35.2660; or~~
 - (2) ~~A lot or parcel of land:~~
 - (a) ~~For which a deed or other instrument creating the parcel was recorded with the Department of General Services, or was in recordable form prior to February 20, 1990;~~
 - (b) ~~Which satisfied all applicable laws, including but not limited to land divisions and zoning ordinance, when the parcel was created; and~~
 - (c) ~~Does not meet the minimum lot size requirements of MCC 35.2660; and~~
 - (d) ~~Which was not contiguous to another substandard parcel or parcels under the same ownership on or after February 20, 1990; or~~
 - (3) ~~A Tract of land:~~
 - (a) ~~For which deeds or other instruments creating the parcels were recorded with the Department of General Services, or were in re-~~

- cordable form prior to February 20, 1990;
- (b) Which satisfied all applicable laws, including but not limited to land divisions and zoning ordinance, when the parcel was created; and
 - (c) Which were held under the same ownership on or after February 20, 1990; and
 - (d) Which individually do not meet the minimum lot or parcel size requirements of MCC 35.2660, but, when considered in combination:
 - 1. One legal lot or parcel shall comply nearly as possible with a minimum area of nineteen acres, without creating any new lot lines; or
 - 2. More than one legal lot or parcel, each property must comply with the minimum area of nineteen acres, without creating any new property line.

(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:

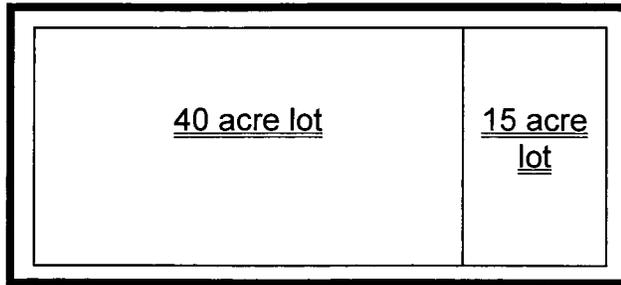
(a) Which were held under the same ownership on February 20, 1990; and

(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.

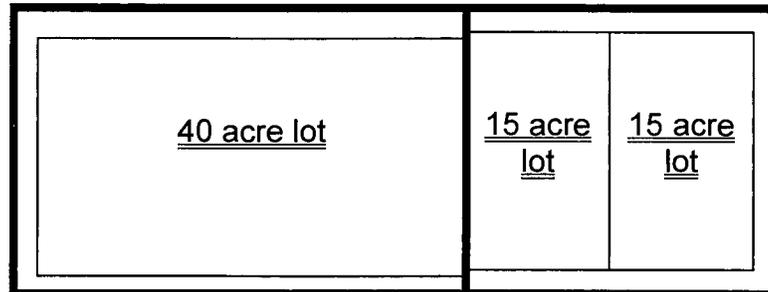
1. Each Lot of Record proposed to be segregated from the contiguous group of parcels or lots shall be a minimum of 19 acres in area using existing legally created lot lines and shall not result in any remainder individual parcel or lot, or remainder of contiguous combination of parcels or lots, with less than 19 acres in area.

2. An exception to the 19 acre minimum lot size requirement shall occur when the entire same ownership grouping of parcels or lots was less than 19 acres in area on February 20, 1990, and then the entire grouping shall be one Lot of Record.

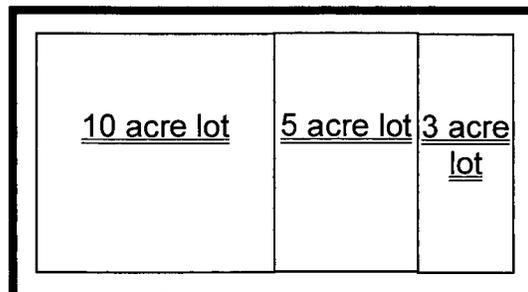
3. Three examples of how parcels and lots shall be aggregated are shown below with the solid thick line outlining individual Lots of Record:



Example 1:
One 55 acre Lot of Record



Example 2:
One 40 acre Lot of Record and
one 30 acre Lot of Record



Example 3:
One 18 acre Lot of Record

(3) 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.

~~(B) For the purposes of this subsection:~~

- ~~(1) *Substandard Lot or Parcel* refers to a parcel which does not satisfy the minimum lot size requirements of MCC 34.2660; and~~
- ~~(2) *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.~~

(B) In this district, significant dates and ordinances applicable for verifying zoning compliance may include, but are not limited to, the following:

(1) July 10, 1958, F-2 zone applied;

(2) December 9, 1975, F-2 minimum lot size increased, Ord. 115 & 116;

(3) October 6, 1977, MUA-20 and EFU-38 zones applied, Ord. 148 & 149;

(4) August 14, 1980, zone change from MUA-20 to EFU-38 for some properties, Ord. 236 & 238;

(5) February 20, 1990, lot of record definition amended, Ord. 643;

(6) April 5, 1997, EFU zone repealed and replaced with language in compliance with 1993 Oregon Revised Statutes and 1994 Statewide Planning Goal 3 Oregon Administrative Rules for farmland, Ord. 876;

(7) (Adoption date), Lot of Record section amended, Ord. _____ ;

~~(C) A lot, parcel or tract which satisfies the applicable requirements of MCC 35.2675 and front lot line minimums required may be occupied by any permitted or approved use when in compliance with the other requirements of this district. A Lot of Record which has less than the minimum lot size for new parcels, less than the front lot line minimums required, or which does not meet the access requirements of MCC 35.2690 may be~~

occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

(D) The following shall not be deemed a Lot of Record:

(1) An area of land described as a tax lot solely for assessment and taxation purposes;

(2) An area of land created by the foreclosure of a security interest;

(3) A Mortgage Lot.

(4) An area of land created by court decree.

PART 4. ZONES
Multiple Use Agriculture-20 (MUA-20)

35.2815 Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC 35.2820 through 35.2850 2830 when found to comply with MCC 35.2855 through 35.2885.

35.2820 Allowed Uses

- (C) Residential use consisting of a single family dwelling constructed on a Lot of Record; and,

35.2825 Review Uses

- (A) Residential use, consisting of a single family dwelling constructed off-site, including a mobile or modular home placed on a Lot of Record, subject to the following conditions:

- (1) Construction shall comply with the standards of the Building Code or as prescribed in ORS 446.002 through 446.200, relating to mobile homes.
- (2) The dwelling shall be attached to a foundation for which a building permit has been obtained.
- (3) The dwelling shall have a minimum floor area of 600 square feet.

- ~~(B) Residential use consisting of a single family dwelling for the housing of help required to carry out a primary use listed in MCC 35.2820 (A) or (B), when the dwelling occupies the same lot as a residence permitted by MCC 35.2820 (C) or MCC 35.2825 (A), subject to the following conditions:~~

- ~~(1) In the event the dwelling is constructed off-site, construction shall comply with MCC 35.2825 (A) (1) and (3).~~
- ~~(2) The location of the dwelling shall be subject to approval of the Planning Director on a finding that:
 - ~~(a) The use is needed to carry out a use listed in MCC 35.2820 (A) or (B);~~
 - ~~(b) The standards of MCC 35.2855 (C) through (E) are satisfied; and~~
 - ~~(c) The minimum distance between dwellings will be 20 feet.~~~~
- ~~(3) The decision of the Director may be appealed to the Hearings Officer pursuant to MCC 35.0785 and 35.0790.~~

Temporary uses when approved pursuant to MCC 35.0510 and 35.0515.

(F) Property Line Adjustment pursuant to the provisions of MCC 35.2860-(E).

35.2830 Conditional Uses

The following uses may be permitted when found by the Hearings Officer to satisfy the applicable Ordinance standards:

(C) The following Conditional Uses may be permitted on lands not predominantly of Agricultural Capability Class I, II, or III soils:

(1) Planned Developments for single family residences, as provided in MCC 35.4300 through 35.43704360 and the applicable current "planned unit developments" standards within the Oregon Administrative Rules Chapter 660, Division 004;

(F) Lots of Exception pursuant to the provisions of MCC 35.2860-(A) through (C) or 35.2860-(D).

35.2855 Dimensional Requirements

(A) Except as provided in MCC 35.2860, 35.2870, 35.2875 and 35.4300 through 34.43704360, the minimum lot size for new parcels or lots shall be 20 acres.

35.2860 Lots of Exception and Property Line Adjustments

(A) Lots of Exception

An exception to permit creation of a lot parcel of less than 20 acres, after ~~October 6, 1977~~ out of a Lot of Record, may be authorized when in compliance with the dimensional requirements of MCC 35.2855(C) through (E). Any exception shall be based on the following findings that ~~the proposal will:~~

(1) ~~Substantially maintain or support the character and stability of the overall land use pattern of the area~~ The Lot of Record to be divided has two or more permanent habitable dwellings;

(2) ~~Be situated upon land generally unsuitable for the production of farm crops and livestock or for forest use, considering the terrain, adverse~~

~~soil or land conditions, drainage and flooding, vegetation, and the location or size of the tract The permanent habitable dwellings were lawfully established on the Lot of Record before October 4, 2000;~~

- ~~(3) Be compatible with accepted farming or forestry practices on adjacent lands Each new parcel created by the partition will have at least one of the habitable dwellings; and~~
- ~~(4) Be consistent with the purposes described in MCC 34.2800 The partition will not create any vacant parcels on which a new dwelling could be established. ;~~
- ~~(5) Satisfy the applicable standards of water supply, sewage disposal and minimum access; and~~
- ~~(6) Not require public services beyond those existing or programmed for the area.~~
- ~~(B) Except as provided in MCC 35.2860 (D), no Lot of Exception shall be approved unless:
 - ~~(1) The Lot of Record to be divided exceeds the area requirements of MCC 35.2855 (A), and~~
 - ~~(2) The division will create no more than one lot which is less than the minimum area required in MCC 35.2855 (A).~~~~
- ~~(C) The approval authority may attach conditions to the approval of any Lot of Exception to insure that the use is consistent with the Comprehensive Plan and the purposes described in MCC 35.2800.~~
- ~~(D) The approval authority may grant a Lot of Exception based on a finding that the permitted number of dwellings will not thereby be increased above that otherwise allowed in this district.~~

~~(B)(E) Property Line Adjustment~~

Pursuant to the applicable provisions in the Multnomah County Land Division Ordinance, the approval authority may grant a property line adjustment between two contiguous Lots of Record lots or parcels upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

35.2870 Lot of Record

- ~~(A) For the purposes of this district, a Lot of Record is a parcel of land for which a deed or other instrument dividing land was recorded with the De-~~

~~partment of Administrative Services or was in recordable form prior to October 6, 1977, and which, when established, satisfied all applicable laws. In addition to the Lot of Record definition standards in MCC 35.0005, for the purposes of this district the significant dates and ordinances for verifying zoning compliance may include, but are not limited to, the following:~~

- ~~(1) July 10, 1958, SR zone applied;~~
- ~~(2) July 10, 1958, F-2 zone applied;~~
- ~~(3) December 9, 1975, F-2 minimum lot size increased, Ord. 115 & 116;~~
- ~~(4) October 6, 1977, MUA-20 zone applied, Ord. 148 & 149;~~
- ~~(5) October 13, 1983, zone change from EFU to MUA-20 for some properties, Ord. 395;~~
- ~~(6) (Adoption date of this Ord.), Lot of Record section amended, Ord.~~

~~(B) A Lot of Record which has less than the area minimum lot size for new parcels or lots, or less than the front lot line minimums required, or which does not meet the access requirement of MCC 35.2885, may be occupied by any allowed use, permitted review use or approved conditional use when in compliance with the other requirements of this district.~~

~~(C) Separate Lots of Record shall be deemed created when a street or zoning district boundary intersects a parcel of land.~~

~~(C)(D) Except as otherwise provided by MCC 35.2860, 35.2875, and 35.4300 through 35.43704360, no sale or conveyance of any portion of a lot other than for a public purpose shall leave a structure on the remainder of the lot with less than minimum lot or yard requirements or result in a lot with less than the area or width requirements of this district.~~

~~(D) The following shall not be deemed to be a lot of record:~~

- ~~(1) An area of land described as a tax lot solely for assessment and taxation purposes;~~
- ~~(2) An area of land created by the foreclosure of a security interest.~~
- ~~(3) An area of land created by court decree.~~

35.2875 Lot Sizes for Conditional Uses

The minimum lot size for a Conditional Use permitted pursuant to MCC 35.2830, except subpart (C)(1) thereof, shall be based upon:

- (A) The site size needs of the proposed use;
- (B) The nature of the proposed use in relation to its impact on nearby properties; ~~and~~
- (C) Consideration of the purposes of this district; and
- (D) A finding that the lot or parcel is at least two acres in area.

PART 4. ZONES
Rural Residential (RR)

35.3115 Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC 35.3120 through 35.3150 3130 when found to comply with MCC 35.3155 through 34.3185.

35.3120 Allowed Uses

- (C) Residential use consisting of a single family dwelling constructed on a Lot of Record; and,

35.3125 Review Uses

- (A) Residential use, consisting of a single family dwelling constructed off-site, including a mobile or modular home placed on a Lot of Record, subject to the following conditions:

- (1) Construction shall comply with the standards of the Building Code or as prescribed in ORS 446.002 through 446.200, relating to mobile homes.
- (2) The dwelling shall be attached to a foundation for which a building permit has been obtained.
- (3) The dwelling shall have a minimum floor area of 600 square feet.

- ~~(B) Residential use consisting of a single family dwelling for the housing of help required to carry out a primary use listed in MCC 35.3120 (A) or (B), when the dwelling occupies the same lot as a residence permitted by MCC 35.3120 (C) or MCC 35.3125 (A), subject to the following conditions:~~

- ~~(1) In the event the dwelling is constructed off-site, construction shall comply with MCC 35.3125 (A) (1) and (3).~~
- ~~(2) The location of the dwelling shall be subject to approval of the Planning Director on a finding that:
 - ~~(a) The use is needed to carry out a use listed in MCC 35.3120 (A) or (B);~~
 - ~~(b) The standards of MCC 35.3155 (C) through (E) are satisfied; and~~
 - ~~(c) The minimum distance between dwellings will be 20 feet.~~~~
- ~~(3) The decision of the Director may be appealed to the Hearings Officer pursuant to MCC 35.0785 and 35.0790.~~

Temporary uses when approved pursuant to MCC 35.0510 and 35.0515.

- (F) Property Line Adjustment pursuant to the provisions of MCC 35.3160-(E).

35.3130 Conditional Uses

The following uses may be permitted when found by the Hearings Officer to satisfy the applicable Ordinance standards:

- (B) The following Conditional Uses under the provisions of MCC 35.6300 through 35.6660:

- (8) Planned Developments for single family residences as provided in MCC 35.4300 through 35.49704360 and the applicable current "planned unit developments" standards within the Oregon Administrative Rules Chapter 660, Division 004;

- (E) Lots of Exception pursuant to the provisions of MCC 35.3160-(A) through (C) or ~~34.3160-(D)~~.

35.3155 Dimensional Requirements

- (A) Except as provided in MCC 35.3160, 35.3170, 35.3175 and 35.4300 through 35.43704360, the minimum lot size for new parcels or lots shall be five acres. For properties within one mile of the Urban Growth Boundary, the minimum lot size shall be as currently required in the Oregon Administrative Rules Chapter 660, Division 004 (20 acre minimum as of October 4, 2000).

35.3160 Lots of Exception and Property Line Adjustments

- (A) Lots of Exception

An exception to permit creation of a lot parcel of less than five acres, after ~~October 6, 1977~~ out of a Lot of Record, may be authorized when in compliance with the dimensional requirements of MCC 35.3155(C) through (E). Any exception shall be based on the following findings that the proposal will:

- (1) ~~Substantially maintain or support the character and stability of the overall land use pattern of the area~~ The Lot of Record to be divided has two or more permanent habitable dwellings;

- ~~(2) Be situated upon land generally unsuitable for the production of farm crops and livestock or for forest use, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, and the location or size of the tract The permanent habitable dwellings were lawfully established on the Lot of Record before October 4, 2000;~~
- ~~(3) Be compatible with accepted farming or forestry practices on adjacent lands Each new parcel created by the partition will have at least one of the habitable dwellings; and~~
- ~~(4) Be consistent with the purposes described in MCC 35.3100 The partition will not create any vacant parcels on which a new dwelling could be established. ;~~
- ~~(5) Satisfy the applicable standards of water supply, sewage disposal and minimum access; and~~
- ~~6) Not require public services beyond those existing or programmed for the area.~~
- ~~(B) Except as provided in MCC 35.3160 (D), no Lot of Exception shall be approved unless:

 - ~~(1) The Lot of Record to be divided exceeds the area requirements of MCC 35.3155 (A), and~~
 - ~~(2) The division will create no more than one lot which is less than the minimum area required in MCC 35.3155 (A).~~~~
- ~~(C) The approval authority may attach conditions to the approval of any Lot of Exception to insure that the use is consistent with the Comprehensive Plan and the purposes described in MCC 35.3170.~~
- ~~(D) The approval authority may grant a Lot of Exception based on a finding that the permitted number of dwellings will not thereby be increased above that otherwise allowed in this district.~~

(B)(E) Property Line Adjustment

Pursuant to the applicable provisions in the Multnomah County Land Division Ordinance, the approval authority may grant a property line adjustment between two contiguous Lots of Record lots or parcels upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

35.3170 Lot of Record

- (A) For the purposes of this district, a Lot of Record is a parcel:
- (1) ~~For which a deed or other instrument dividing land was recorded with the Department of Administrative Services, or was in recordable form prior to October 6, 1977; and~~
 - (2) ~~Which, when established, satisfied all applicable laws.~~
In addition to the Lot of Record definition standards in MCC 35.0005, for the purposes of this district the significant dates and ordinances for verifying zoning compliance may include, but are not limited to, the following:
 - (1) July 10, 1958, SR zone applied;
 - (2) July 10, 1958, F-2 zone applied;
 - (3) December 9, 1975, F-2 minimum lot size increased, Ord. 115 & 116;
 - (4) October 6, 1977, RR zone applied, Ord. 148 & 149;
 - (5) October 13, 1983, zone change from MUF-19 to RR for some properties, Ord. 395;
 - (6) October 4, 2000, Oregon Administrative Rules Chapter 660 Division 004, 20 acre minimum lot size for properties within one mile of Urban Growth Boundary;
 - (7) (Adoption date of this Ord.), Lot of Record section amended, Ord. _____;
- (B) A Lot of Record which has less than the area minimum lot size for new parcels or lots, or less than the front lot line minimums required, or which does not meet the access requirement of MCC 35.3185, may be occupied by any allowed use, permitted review use or approved conditional use when in compliance with the other requirements of this district.
- (C) ~~Separate Lots of Record shall be deemed created when a street or zoning district boundary intersects a parcel of land.~~
- ~~(C)~~(D) Except as otherwise provided by MCC 35.3160, 35.3175, and 35.4300 through 35.43704360, no sale or conveyance of any portion of a lot other than for a public purpose shall leave a structure on the remainder of the lot with less than minimum lot or yard requirements or result in a lot with less than the area or width requirements of this district.

(D) The following shall not be deemed to be a lot of record:

(1) An area of land described as a tax lot solely for assessment and taxation purposes;

(2) An area of land created by the foreclosure of a security interest.

(3) An area of land created by court decree.

35.3175 Lot Sizes for Conditional Uses

The minimum lot size for a conditional use permitted pursuant to MCC 35.3130, except subpart (B)(8) thereof, shall be based upon:

(A) The site size needs of the proposed use;

(B) The nature of the proposed use in relation to the impacts on nearby properties; ~~and~~

(C) Consideration of the purposes of this district; and

(D) A finding that the lot or parcel is at least two acres in area.

PART 4. ZONES
Rural Center (RC)

35.3315 Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC 35.3320 through 35.33503330 when found to comply with MCC 35.3355 through 35.3385.

35.3320 Allowed Uses

- (C) Residential use consisting of a single family dwelling constructed on a Lot of Record.

35.3325 Review Uses

- (A) Residential use, consisting of a single family dwelling constructed off-site, including a mobile or modular home placed on a Lot of Record, subject to the following conditions:

- (1) Construction shall comply with the standards of the Building Code or as prescribed in ORS 446.002 through 446.200, relating to mobile homes.
- (2) The dwelling shall be attached to a foundation for which a building permit has been obtained.
- (3) The dwelling shall have a minimum floor area of 600 square feet.

- ~~(B) Residential use consisting of a single family dwelling for the housing of help required to carry out a primary use listed in MCC 35.3320 (A) or (B), when the dwelling occupies the same lot as a residence permitted by MCC 35.3320 (C) or MCC 35.3325 (A), subject to the following conditions:~~

- ~~(1) In the event the dwelling is constructed off-site, construction shall comply with MCC 35.3325 (A) (1) and (3).~~
- ~~(2) The location of the dwelling shall be subject to approval of the Planning Director on a finding that:
 - ~~(a) The use is needed to carry out a use listed in MCC 35.3320 (A) or (B);~~
 - ~~(b) The standards of MCC 35.3355 (C) through (E) are satisfied; and~~
 - ~~(c) The minimum distance between dwellings will be 20 feet.~~~~
- ~~(3) The decision of the Director may be appealed to the Hearings Officer pursuant to MCC 35.0785 and 35.0790.~~

Temporary uses when approved pursuant to MCC 35.0510 and 35.0515.

- (F) Property Line Adjustment pursuant to the provisions of MCC 35.3360-(E).

35.3330 Conditional Uses

The following uses may be permitted when found by the Hearings Officer to satisfy the applicable Ordinance standards:

- (C) Planned Developments pursuant to the provisions of MCC 35.4300 through ~~35.4370~~4360. If the property is outside of an "acknowledged unincorporated community", then the applicable current "planned unit developments" standards within the Oregon Administrative Rules Chapter 660, Division 004 shall also be satisfied.

- (G) Lots of Exception pursuant to the provisions of MCC 35.3360-(A) through (C) ~~or 34.3360-(D)~~.

35.3355 Dimensional Requirements

- (A) Except as provided in MCC 35.3360, 35.3370, 35.3375 and 35.4300 through ~~35.4370~~4360, the minimum lot size for new parcels or lots shall be one acre for those RC zoned lands inside the boundary of an "acknowledged unincorporated community". For RC zoned properties outside an "acknowledged unincorporated community" the minimum lot size is two acres except for those properties within one mile of the Urban Growth Boundary and then the minimum lot size shall be as currently required in the Oregon Administrative Rules Chapter 660, Division 004 (20 acre minimum as of October 4, 2000).

35.3360 Lots of Exception and Property Line Adjustments

- (A) Lots of Exception

An exception to permit creation of a lot parcel of less than one acre, ~~after October 6, 1977~~ out of a Lot of Record, may be authorized when in compliance with the dimensional requirements of MCC 35.3355(C) through (E). Any exception shall be based on the following findings that ~~the proposal will~~:

- (1) ~~Substantially maintain or support the character and stability of the~~

~~overall land use pattern of the area The Lot of Record to be divided has two or more permanent habitable dwellings;~~

- ~~(2) Be situated upon land generally unsuitable for the production of farm crops and livestock or for forest use, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, and the location or size of the tract The permanent habitable dwellings were lawfully established on the Lot of Record before October 4, 2000;~~
- ~~(3) Be compatible with accepted farming or forestry practices on adjacent lands Each new parcel created by the partition will have at least one of the habitable dwellings; and~~
- ~~(4) Be consistent with the purposes described in MCC 35.3300 The partition will not create any vacant parcels on which a new dwelling could be established. ;~~
- ~~(5) Satisfy the applicable standards of water supply, sewage disposal and minimum access; and~~
- ~~(6) Not require public services beyond those existing or programmed for the area.~~
- ~~(B) Except as provided in MCC 35.3360 (D), no Lot of Exception shall be approved unless:
 - ~~(1) The Lot of Record to be divided exceeds the area requirements of MCC 35.3355 (A), and~~
 - ~~(2) The division will create no more than one lot which is less than the minimum area required in MCC 35.3355 (A).~~~~
- ~~(C) The approval authority may attach conditions to the approval of any Lot of Exception to insure that the use is consistent with the Comprehensive Plan and the purposes described in MCC 35.3300.~~
- ~~(D) The approval authority may grant a Lot of Exception based on a finding that the permitted number of dwellings will not thereby be increased above that otherwise allowed in this district.~~

(B)(E) Property Line Adjustment

Pursuant to the applicable provisions in the Multnomah County Land Division Ordinance, the approval authority may grant a property line adjustment between two contiguous Lots of Record ~~lots or parcels~~ upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

35.3370 Lot of Record

- (A) ~~For the purposes of this district, a Lot of Record is a parcel of land:~~
- ~~(1) For which a deed or other instrument dividing land was recorded with the Department of Administrative Services, or was in recordable form, prior to October 6, 1977; and~~
 - ~~(2) Which, when established, satisfied all applicable laws.~~
- In addition to the Lot of Record definition standards in MCC 35.0005, for the purposes of this district the significant dates and ordinances for verifying zoning compliance may include, but are not limited to, the following:
- (1) July 10, 1958, SR and R zones applied;
 - (2) July 10, 1958, F-2 zone applied;
 - (3) December 9, 1975, F-2 minimum lot size increased, Ord. 115 & 116;
 - (4) October 6, 1977, RC zone applied, Ord. 148 & 149;
 - (5) October 13, 1983, zone change to RC for some properties, Ord. 395;
 - (6) October 4, 2000, Oregon Administrative Rules Chapter 660 Division 004 applied a minimum 2 acre lot size to RC zoned areas outside "acknowledged unincorporated communities" except where properties are within one mile of the Urban Growth Boundary the minimum is 20 acres;
 - (7) (Adoption date of this Ord.), Lot of Record section amended, Ord. _____
- (B) A Lot of Record which has less than the area minimum lot size for new parcels or lots, or less than the front lot line minimums required, or which does not meet the access requirement of MCC 35.3385, may be occupied by any allowed use, permitted review use or approved conditional use when in compliance with the other requirements of this district.
- ~~(C) Separate Lots of Record shall be deemed created when a street or zoning district boundary intersects a parcel of land.~~
- ~~(C)~~(D) Except as otherwise provided by MCC 35.3360, 35.3375, and 35.4300 through 35.43704360, no sale or conveyance of any portion of a lot other than for a public purpose shall leave a structure on the remainder of the lot with less than minimum lot or yard requirements or result in a lot with less than the area or width requirements of this district.

(D) The following shall not be deemed to be a lot of record:

(1) An area of land described as a tax lot solely for assessment and taxation purposes;

(2) An area of land created by the foreclosure of a security interest.

(3) An area of land created by court decree.

Section 4. The effective date of this ordinance amending Chapters 33, 34, and 35 is June 8, 2002.

FIRST READING: May 2, 2002

SECOND READING AND ADOPTION: May 9, 2002

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By Sandra Duffy
Sandra N. Duffy, Deputy County Attorney



DEPARTMENT OF
BUSINESS AND COMMUNITY SERVICES
LAND USE PLANNING DIVISION

1600 SE 190TH Avenue
Portland, OR 97233
(503) 988-3043 FAX: (503) 988 -3389

Memorandum

Date: May 7, 2002
To: Board of County Commissioners
From: Gary Clifford, Senior Planner
RE: Issues raised by public speakers during First Reading of "Lot of Record" Ordinance

This memo is a short summary of the major points/questions raised by the four citizens that spoke at the First Reading of the proposed "Lot of Record" Ordinance last Thursday (May 2nd). Below are the speakers concerns that they expressed, followed by my comments on the particular situations after doing some research.

(1) Phil Thompson, 709 N. Tomahawk Island Drive, Portland, OR

Mr. Thompson owns properties that are zoned Commercial Forest Use-5 (CFU-5). The CFU-5 zone is different from the other CFU zones in that there is no requirement for "aggregation" or grouping of adjacent parcels in the same ownership. Mr. Thompson stated that he agrees with the proposed Ordinance as long as there is no change in that part of the Code.

No change is proposed to the CFU-5 zone on this subject.

(2) Scott Anderson, 3213 NE 110th Street, Vancouver, WA

Mr. Anderson said he has a 12 acre parcel on Sauvie Island on which he has not been able to get approval for a dwelling.

The proposed Lot of Record Ordinance does not affect this situation.

The property is zoned Exclusive Farm Use where land uses are regulated by State Statutes and Rules. In an effort to preserve the best farm lands, the circumstances which allow the approval of dwellings are very few. To qualify for a dwelling, generally, the property must be in farm production and have recently produced \$80,000 dollars worth of gross income from farming. Mr. Anderson told me that there is presently no farming taking place on the property.

Another circumstance that would allow for a new dwelling is called a replacement dwelling. This is where a new house could replace an existing

house. From available records, there is an existing residential structure on the property that was built in the 1930's. However, the structure is without indoor bathroom facilities. The lack of a bathroom is a problem because, by State Rules, in order to allow a replacement dwelling, the existing dwelling is required to have indoor plumbing (including a toilet and bathing facilities connected to a sanitary waste disposal system).

One type of application that the property could pursue is a request for "alteration of a nonconforming use." We cannot make a prediction at this point as to the likelihood of approval of such a request. However, this particular Code provision has different standards today than when Mr. Anderson last contacted Land Use Planning in 1999 about this situation.

(3) Kathleen Worma, 57588 Bay View Ridge, Warren, OR

The concern of the speaker was regarding one of the "Template Test" standards used for approval of a dwelling in forest zoned areas.

The proposed "Lot of Record" Ordinance does not involve the "Template Test" part of the Zoning Code.

The issue raised is that Multnomah County's standards are more restrictive than the State of Oregon minimum standards for approval of dwellings. On the phone I explained the history of the standards and advised the property owner that the usual timetable for reevaluating such Zoning Code sections as they apply to her property would be when the West Hills Rural Area Plan was next updated. Of course, one can also advocate for a sooner timetable for change at the public comment periods that are available at all Planning Commission hearings.

(4) Carole Winner, 23410 NW Rocky Point Road, Scappoose, OR

Ms. Winner's concerns arise from the "aggregation," or grouping, requirements of adjacent small parcels that were in the same ownership on February 20, 1990. This requirement, if the speaker's two parcels were in the same ownership on that particular date, would allow only one house on the two parcels.

The "aggregation" requirement has been part of the forest zone requirements since 1980. The concept was reexamined by the Planning Commission in 1990 and then again last year. The purpose of the requirement is to group together smaller clusters of parcels in the same ownership into larger "Lots of Record" with a minimum lot size of 19 acres. **The proposed Ordinance does not change the concept in place, only adds clarification on how it is applied.**

One of the unusual circumstances on this property which Ms. Winner raises is that she says a septic system was installed in 1982 in anticipation of building a house. Her contention is that putting in the septic system and the construction of the access road should be sufficient to give her the ability to obtain a building permit for a dwelling today.

The right to get a building permit because of past construction or expenditures is outside the scope of the proposed "Lot of Record" Ordinance. The name given to this type of issue is whether the owner has a "vested right" to a dwelling. Application under those standards can be presented to a Hearings Officer under a public hearing process.

BOGSTAD Deborah L

From: nereus [nereus@crpud.net]
Sent: Tuesday, May 14, 2002 3:27 PM
To: BOGSTAD Deborah L
Subject: Re: Thursday Commissioner Meeting

Thank you, Deborah! The snail mail copy arrived today. I saw that 10 a.m. is the time allotted for that item. Sorry about the incomplete data on the card. I hurriedly filled it out in order to speak because I didn't see them when I looked around the back when I arrived. My address is 57588 Bay View Ridge, Warren 97053. If you need to call me, 503-366-1799.

Dedicating the May Asian American History month went on quite a while. But it's understandable they comprise a substantial sector of the community. During the late 70's, I worked at the Indochinese Refugee Program for CSD. It was most interesting getting to know them and learning about their customs. I made a lot of friends there.

I hope to attend this Thursday. Thanks again! Your dependable help is appreciated!

Kathleen Worman

BOGSTAD Deborah L wrote:

> There you are! I finally got your address from the tax office - the speaker
> card you signed at the first reading was missing the "n" in your last name
> and just had the street address, not town and zip, and no phone number, so I
> mailed you an agenda yesterday evening. I am so sorry about last week - I
> had absolutely no idea there were going to be so many folks here for the
> Asian Pacific Heritage Month proclamation. The third reading of the
> ordinance is at approximately 10:00 a.m. Thursday. It is R-5. Here is the
> electronic agenda in case you don't get your snail mail copy!
>
> -----Original Message-----
> From: nereus [mailto:nereus@crpud.net]
> Sent: Tuesday, May 14, 2002 11:39 AM
> To: deborah.l.bogstad@co.multnomah.or.us
> Subject: Thursday Commissioner Meeting
>
> Hi Deborah!
>
> Will the mortgage lot definition be last on the agenda?
>
> Thanks!
>
> Kathleen Worman
>
> -----
> Name: 05-16-02Revised.doc
> 05-16-02Revised.doc Type: Microsoft Word Document (application/msword)
> Encoding: base64

MEETING DATE: May 9, 2002
AGENDA NO: R-2
ESTIMATED START TIME: 9:10 AM
LOCATION: Boardroom 100

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Consenting to the Issuance by Gilliam County Solid Waste Revenue Bonds

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: Thursday, May 9, 2002
AMOUNT OF TIME NEEDED: 10 minutes

DEPARTMENT: DBCS DIVISION: Finance

CONTACT: Dave Boyer TELEPHONE #: (503) 988-3903
BLDG/ROOM #: 503/401

PERSON(S) MAKING PRESENTATION: Dave Boyer

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

RESOLUTION Approving and Consenting to the Issuance by Gilliam County, Oregon, of its Solid Waste Disposal Revenue Bonds for the Purpose of Financing, Among other things, the Acquisition, Construction, and Improvement of Certain Solid Waste Disposal Facilities Located in Multnomah County, and Related Matters

05.09.02 copies to DAVE BOYER

SIGNATURES REQUIRED:

ELECTED OFFICIAL: Diane M. Linn

(OR)
DEPARTMENT MANAGER: _____

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email
deborah.l.bogstad@co.multnomah.or.us



MULTNOMAH COUNTY, OREGON

COUNTY COMMISSIONERS

DIANE LINN, CHAIR
MARIA ROJO DE STEFFEY, DISTRICT #1
SERENA CRUZ, DISTRICT #2
LISA NAITO, DISTRICT #3
LONNIE ROBERTS, DISTRICT #4

DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES

MULTNOMAH BUILDING
501 SE HAWTHORNE BLVD., 4TH FLOOR
PO BOX 14700
PORTLAND, OR 97293-0700
PHONE (503) 988-3312
FAX (503) 988-3292

STAFF REPORT

TO: Board of County Commissioners

FROM: David Boyer, Finance Director

DATE: April 29, 2002

REQUESTED PLACEMENT DATE: May 9, 2002

SUBJECT: Consenting to the issuance by Gilliam County Solid Waste Revenue Bonds.

I. Recommendation / Action:

Approve resolution ratifying that the Finance Director has served as the hearings Officer at the Tax Exempt Finance and Reform Act Hearing and accepts his report and grants written consent for Gilliam County to issue Solid Waste Disposal Revenue Bonds for projects located in Multnomah County.

II. Background / Analysis:

Gilliam County, Oregon has received a request from Waste Management, Inc., a Delaware corporation and its affiliates, to issue Solid Waste Disposal Revenue Bonds for the following purposes: (1) to acquire, construct, and improve real and personal property constituting the solid waste disposal facilities and facilities functionally related and subordinate thereto which will be an integral part of the Corporation's or its affiliates' solid waste disposal facilities located in Gilliam County, Clackamas County, Oregon, Multnomah County, Oregon, Washington County, Oregon and Yamhill County, Oregon.

Gilliam County is authorized to issue revenue bonds to finance pollution control facilities, as defined in ORS 468.263(2), which include facilities that abate, control, dispose or store "solid waste". Gilliam County has found that (a) the completion of the Project would be in the best interests of the citizens of Gilliam County

Gilliam County will enter into a loan agreement and loan the proceeds of the Solid Waste Disposal Revenue Bonds to the Corporation or its affiliates for the purpose of financing the Project. Gilliam County is authorized by ORS 468.265(1)(e) to issue the Solid Waste Disposal Revenue Bonds to finance the Project, including the portions of the Project located outside Gilliam County if Gilliam County obtains the written consent of each county in which portions of

the Project are located. Pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), the Solid Waste Disposal Revenue Bonds may not be issued as tax-exempt qualified bonds until the applicable elected representatives of Multnomah County approve the bonds after a public hearing following reasonable public notice, in order to allow the residents of Multnomah County to have a reasonable opportunity to be heard by Multnomah County relating to the issuance of the Solid Waste Disposal Revenue Bonds (the "TEFRA Hearing").

Historically, the Multnomah County Director of Finance (the "Finance Director") has served as the Hearings Officer for TEFRA Hearings of Multnomah County. A Notice of Public Hearing ("TEFRA Notice") was published on April 22, 2002 in *The Oregonian* 14 days prior to the TEFRA Hearing in accordance with the provisions of, Section 147(f) of the Code. The Finance Director served as Hearings Officer for the TEFRA Hearing held on May 7, 2002, in accordance with the requirements of Section 147(f) of the Code. Attached is a report of the TEFRA Hearing.

III. Financial Impact:

Multnomah County does not have or will assume any liability for the payment of the Solid Waste Disposal Revenue Bonds nor any assets or funds of Multnomah County be pledged.

IV. Legal Issues:

The Resolution contains all legal requirements and was reviewed by all parties. Ater Wynne Hewitt Dodson & Skerritt is special counsel to the County.

V. Controversial Issues:

None that I am aware of.

VI. Link to Current County Policy:

Is consistent with the Financial and Budget Policy adopted by the Board.

VII. Citizen Participation:

Tax Exempt Financing Reform Act (TEFRA) hearing will be held before the bonds are issued.

VIII. Other Government Participation:

Gilliam County will get approval from other Counties as required.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 02-063

Approving and Consenting to the Issuance by Gilliam County, Oregon, of its Solid Waste Disposal Revenue Bonds for the Purpose of Financing or Refinancing, Among Other Things, the Acquisition, Installation, Construction, Relocating, Equipping and Improving of Certain Solid Waste Disposal Facilities Located in Multnomah County, and Related Matters

The Multnomah County Board of Commissioners finds:

- a. Gilliam County, Oregon ("Gilliam County") has received a request from Waste Management, Inc., a Delaware corporation (the "Corporation") and its affiliates, to issue Solid Waste Disposal Revenue Bonds for the following purposes: (1) to acquire, install, construct, relocate, equip, and improve real and personal property constituting the solid waste disposal facilities and facilities functionally related and subordinate thereto which will be an integral part of the Corporation's or its affiliates' solid waste disposal facilities located in Gilliam County, Multnomah County "Multnomah County", Oregon, Washington County, Oregon and Yamhill County, Oregon; and (2) to pay the costs of issuance of the Solid Waste Disposal Revenue Bonds (collectively, the "Project"); and
- b. Pursuant to ORS 468.263 to 468.272, as amended (collectively, the "Act"), Gilliam County is authorized to issue revenue bonds to finance pollution control facilities, as defined in ORS 468.263(2), which include facilities that abate, control, dispose or store "solid waste" (the "Solid Waste Disposal Revenue Bonds"); and
- c. Gilliam County has found that (a) the completion of the Project would be in the best interests of the citizens of Gilliam County, (b) Solid Waste Disposal Revenue Bond financing would be appropriate, (c) the Project would foster the control of environmental damage and general health and welfare of the citizens of Gilliam County and the State by encouraging the installation of anti-pollution devices, equipment and facilities as set forth in ORS 468.264, and (d) the Project will also promote the economic development of Gilliam County and the State; and
- d. Gilliam County will enter into a loan agreement and loan the proceeds of the Solid Waste Disposal Revenue Bonds to the Corporation or its affiliates for the purpose of financing the Project; and
- e. Gilliam County is authorized by ORS 468.265(1)(e) to issue the Solid Waste Disposal Revenue Bonds to finance the Project, including the portions of the

Project located outside Gilliam County if Gilliam County obtains the written consent of each county in which portions of the Project are located; and

- f. Pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), the Solid Waste Disposal Revenue Bonds may not be issued as tax-exempt qualified bonds until the applicable elected representatives of Multnomah County approve the bonds after a public hearing following reasonable public notice, in order to allow the residents of Multnomah County to have a reasonable opportunity to be heard by Multnomah County relating to the issuance of the Solid Waste Disposal Revenue Bonds (the "TEFRA Hearing"); and
- g. Historically, the Multnomah County Director of Finance (the "Finance Director") has served as the Hearings Officer for TEFRA Hearings of Multnomah County; and
- h. A Notice of Public Hearing ("TEFRA Notice") was published on April 22, 2002 in *The Oregonian* at least 14 days prior to the TEFRA Hearing pursuant to, and in accordance with the provisions of, Section 147(f) of the Code; and
- i. The Finance Director served as Hearings Officer for the TEFRA Hearing held on May 7, 2002, in accordance with the requirements of Section 147(f) of the Code; and
- j. The Solid Waste Disposal Revenue Bonds will be secured solely by the covenant of the Corporation to provide sufficient funds for the repayment of the maturing principal, interest and premium, if any, on the Solid Waste Disposal Revenue Bonds as they respectively become due and any letter of credit or other credit enhancement obtained by the Corporation, if any; and
- k. Multnomah County shall not have or assume any liability for the payment of the Solid Waste Disposal Revenue Bonds nor shall any assets or funds of Multnomah County be pledged therefore; and
- l. The Solid Waste Disposal Revenue Bonds shall not be a charge upon the tax revenues of Multnomah County and shall be secured solely by the solid waste facilities revenues pledged by the Corporation or its affiliates or any credit enhancement such as a letter of credit obtained by the Corporation to secure payment of the Solid Waste Disposal Revenue Bonds; and
- m. The Board finds that it would be in the best interest of Multnomah County to approve of the issuance of the Solid Waste Disposal Revenue Bonds pursuant to the requirements of Section 147(f) of the Code.

The Multnomah County Board of Commissioners Resolves:

1. The Board hereby ratifies the Finance Director having served as the Hearings Officer for the TEFRA Hearing and accepts his report as the Hearings Officer.
2. The Board hereby grants its written consent, pursuant to the terms of ORS 468.265(1)(e), to the issuance of the Solid Waste Disposal Revenue Bonds by Gilliam County for purpose of financing the portion of the Project located in Multnomah County.
3. Pursuant to Section 147(f) of the Code, the Board, as the applicable elected representative of Multnomah County, does hereby approve the issuance of the Solid Waste Disposal Revenue Bonds by Gilliam County provided that Multnomah County shall not act as issuer of the Solid Waste Disposal Revenue Bonds nor shall it have any legal liability with respect to the Solid Waste Disposal Revenue Bonds.
4. This Resolution shall become effective immediately upon its approval and adoption.

ADOPTED this 9th day of May, 2002.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M Linn, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
John Thomas, Assistant County Attorney

**REPORT TO THE BOARD OF COUNTY COMMISSIONERS OF
MULTNOMAH COUNTY, OREGON**

RE: Public Hearing on Issuance of
The Gilliam County, Oregon Solid Waste Disposal Bonds

Notice of the hearing was published in The Oregonian on Monday, April 22, 2002 providing for a hearing to be held at 11:00 a.m. on Tuesday May 7, 2002 in the Multnomah Building, 501 SE Hawthorne Blvd, 4th floor, Cypress Conference Room, with respect to the issuance of Gilliam County, Oregon Solid Waste Disposal Bonds to finance or refinance, among other things, the acquisition, installation, construction, relocating, equipping and improving of certain solid waste disposal facilities located in Multnomah County, and related matters.

At 11:01 a.m. on Tuesday May 7, 2002, the Hearings Official convened the public hearing in the Multnomah Building, Portland, Oregon 97214, and requested any oral or written comments. The following individuals were present: David A. Boyer, the Hearings Official; and Theresa Deibele, Ater Wynn.

No one from the public was present; no comments, written or oral, were submitted to the Hearings Officer. At approximately 11:12 a.m. the hearing was adjourned.

Respectfully submitted,

Director, Finance Division
Multnomah County, Oregon

By: 
David A. Boyer

DATED: May 7. 2002

#1

SPEAKER SIGN UP CARDS

DATE 05-09-02

NAME Narcisca C. Pimentel

ADDRESS 7722 N. Dunbar Ave

Portland, OR 97217

PHONE (503) 289-0963

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC Asian Pacific American Heritage

GIVE TO BOARD CLERK

#2

SPEAKER SIGN UP CARDS

DATE 5-9-02

NAME Bria Her

ADDRESS Hmong Association of OR
8916 N. Woolsey Ave. PH. OR

PHONE (503) 544-6743 97205

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC _____

GIVE TO BOARD CLERK

interpreter available

#3

SPEAKER SIGN UP CARDS

DATE 5/9/02

NAME Holden Leung

ADDRESS 3633 SE SE 85th Pl

PDx. OR. 97202.

PHONE (503) 872-8822

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC A Proclamation of Asian

GIVE TO BOARD CLERK Pacific Heritage
(Asian Mental Health)

#4 F

SPEAKER SIGN UP CARDS

DATE 5-9-02

NAME Youa cher Thau

ADDRESS Hmong Community

1488916 N. Woolsey Ave. Portland,
OR 97203

PHONE (503) 544-6743

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC _____

GIVE TO BOARD CLERK

interpreter will provided

MEETING DATE: May 9, 2002
AGENDA NO: R-3
ESTIMATED START TIME: 9:20 AM
LOCATION: Boardroom 100

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Proclaiming May 2002 as Asian Pacific American Heritage Month

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: Thursday, May 9, 2002
AMOUNT OF TIME NEEDED: 10 minutes

DEPARTMENT: Non-Departmental DIVISION: Commission District #3

CONTACT: Teri Naito TELEPHONE #: 503 988-4105
BLDG/ROOM #: 503/600

PERSON(S) MAKING PRESENTATION: Commissioner Lisa Naito

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

PROCLAMATION Proclaiming May 2002 as ASIAN PACIFIC AMERICAN HERITAGE MONTH in Multnomah County, Oregon

05-09-02 copies to audience members and dignitaries

SIGNATURES REQUIRED:

ELECTED OFFICIAL: Lisa Naito

(OR)
DEPARTMENT MANAGER: _____

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email deborah.l.bogstad@co.multnomah.or.us

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

PROCLAMATION NO. _____

Proclaiming May 2002 as Asian Pacific American Heritage Month in Multnomah County, Oregon

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County remains dedicated to building a community that celebrates and draws strength from its diversity.
- b. Asian Pacific Americans have been a part of the cultural heritage of Oregon and Multnomah County. Their labor was essential to the rapid growth of the State in the late nineteenth century. They worked the canneries in Astoria. They mined in Eastern Oregon. They farmed in the Willamette Valley. They helped build railroads throughout the Northwest. Everywhere they settled in Oregon, Asian Pacific Americans established thriving businesses and helped shape their adopted communities.
- c. The population of Asian Pacific Americans has dramatically increased in the past three decades, from less than 1.5 million nationally in 1970 to approximately 10.6 million in 2000, due in large part to the migration of people from China, Taiwan, Cambodia, Vietnam, Laos, the Philippines, Japan, Korea, Samoa, Guam and other Asian and Pacific Island nations. Their population adds to the many Americans of Asian Pacific descent that have resided in Multnomah County for generations, making Asian Pacific Americans a highly diversified ethnic group.
- d. The Asian Pacific American population in Multnomah County numbers nearly 50,000 (including 10,000 children), or 7.5 % of the County's total population. Among counties, Multnomah County ranks 47th in the nation in its Asian American population.
- e. Whether recent immigrants or descendants of families who have been here for generations, Asian Pacific Americans have added immeasurably to the prosperity and vitality of Multnomah County as involved citizens and essential members of our community. Asian Pacific Americans inspire us to embrace the wider world, and to acknowledge and appreciate the diversity among our neighbors.

- f. Asian Pacific American Heritage Month, established in 1992 during the 102nd Congress, is a time to recognize and celebrate the contribution of Asian Pacific Americans in our community's economic, social and democratic institutions. As noted by the President's Advisory Commission on Asian Americans and Pacific Islanders, Asian Pacific Americans have been "MIH" – "Missing in History." It is our challenge to reclaim and re-insert their history, their stories, their faces, and their voices into our everyday understanding.

The Multnomah County Board of Commissioners Proclaims:

The month of May 2002 to be the first American Pacific American Heritage Month in Multnomah County, Oregon. We honor Asian Pacific Americans as integral members of our community and pay tribute to their role in making Multnomah County an ethnically rich and culturally prosperous place to live.

ADOPTED this 9th day of May, 2002.

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

Diane M. Linn, County Chair

Maria Rojo de Steffey,
Commissioner Dist 1

Serena Cruz,
Commissioner Dist 2

Lisa Naito,
Commissioner Dist 3

Lonnie Roberts,
Commissioner District 4

BOGSTAD Deborah L

From: NAITO Terri W
Sent: Monday, May 13, 2002 11:03 AM
To: BOGSTAD Deborah L
Cc: NAITO Lisa H; COMITO Charlotte A
Subject: RE: spelling help via the Commissioners' Board meeting notes

Deb,

I think this is what you were looking for.

Let me know if it's not quite right, or if any names appear to be missing.

Terri

- Holden Leung, Executive Director, Chinese Service Center
- Dr. Erik Szeto, President, Chinese Service Center
- Thao Xiong, Executive Director, Hmong Association
- Yvon Moua, President, Hmong Association
- Lee Po Cha, executive director, Asian Family Center
- Gemma Kim, Korean mental health therapist
- Clients of the Chinese Service Center
- Clients of the Hmong Association
- Seniors from the Korean Community
- Narcisa Pimental, Asian American Seniors

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

From: BOGSTAD Deborah L
Sent: Monday, May 13, 2002 10:08 AM
To: NAITO Terri W
Subject: RE: spelling help via the Commissioners' Board meeting notes

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

PROCLAMATION NO. 02-064

Proclaiming May 2002 as Asian Pacific American Heritage Month in Multnomah County, Oregon

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County remains dedicated to building a community that celebrates and draws strength from its diversity.
- b. Asian Pacific Americans have been a part of the cultural heritage of Oregon and Multnomah County. Their labor was essential to the rapid growth of the State in the late nineteenth century. They worked the canneries in Astoria. They mined in Eastern Oregon. They farmed in the Willamette Valley. They helped build railroads throughout the Northwest. Everywhere they settled in Oregon, Asian Pacific Americans established thriving businesses and helped shape their adopted communities.
- c. The population of Asian Pacific Americans has dramatically increased in the past three decades, from less than 1.5 million nationally in 1970 to approximately 10.6 million in 2000, due in large part to the migration of people from China, Taiwan, Cambodia, Vietnam, Laos, the Philippines, Japan, Korea, Samoa, Guam and other Asian and Pacific Island nations. Their population adds to the many Americans of Asian Pacific descent that have resided in Multnomah County for generations, making Asian Pacific Americans a highly diversified ethnic group.
- d. The Asian Pacific American population in Multnomah County numbers nearly 50,000 (including 10,000 children), or 7.5 % of the County's total population. Among counties, Multnomah County ranks 47th in the nation in its Asian American population.
- e. Whether recent immigrants or descendants of families who have been here for generations, Asian Pacific Americans have added immeasurably to the prosperity and vitality of Multnomah County as involved citizens and essential members of our community. Asian Pacific Americans inspire us to embrace the wider world, and to acknowledge and appreciate the diversity among our neighbors.

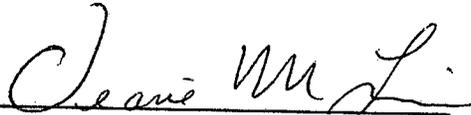
- f. Asian Pacific American Heritage Month, established in 1992 during the 102nd Congress, is a time to recognize and celebrate the contribution of Asian Pacific Americans in our community's economic, social and democratic institutions. As noted by the President's Advisory Commission on Asian Americans and Pacific Islanders, Asian Pacific Americans have been "MIH" – "Missing in History." It is our challenge to reclaim and re-insert their history, their stories, their faces, and their voices into our everyday understanding.

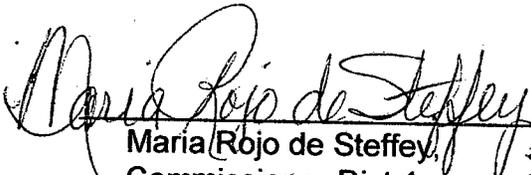
The Multnomah County Board of Commissioners Proclaims:

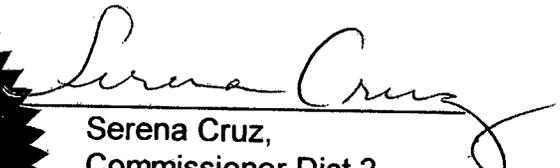
The month of May 2002 to be the first American Pacific American Heritage Month in Multnomah County, Oregon. We honor Asian Pacific Americans as integral members of our community and pay tribute to their role in making Multnomah County an ethnically rich and culturally prosperous place to live.

ADOPTED this 9th day of May, 2002.

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

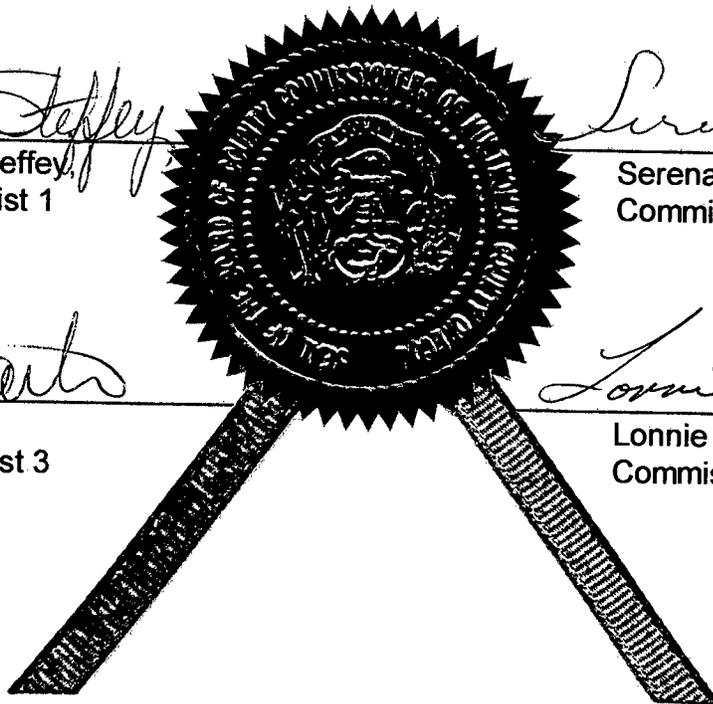

Diane M. Linn, County Chair


Maria Rojo de Steffey,
Commissioner Dist 1


Serena Cruz,
Commissioner Dist 2


Lisa Naito,
Commissioner Dist 3

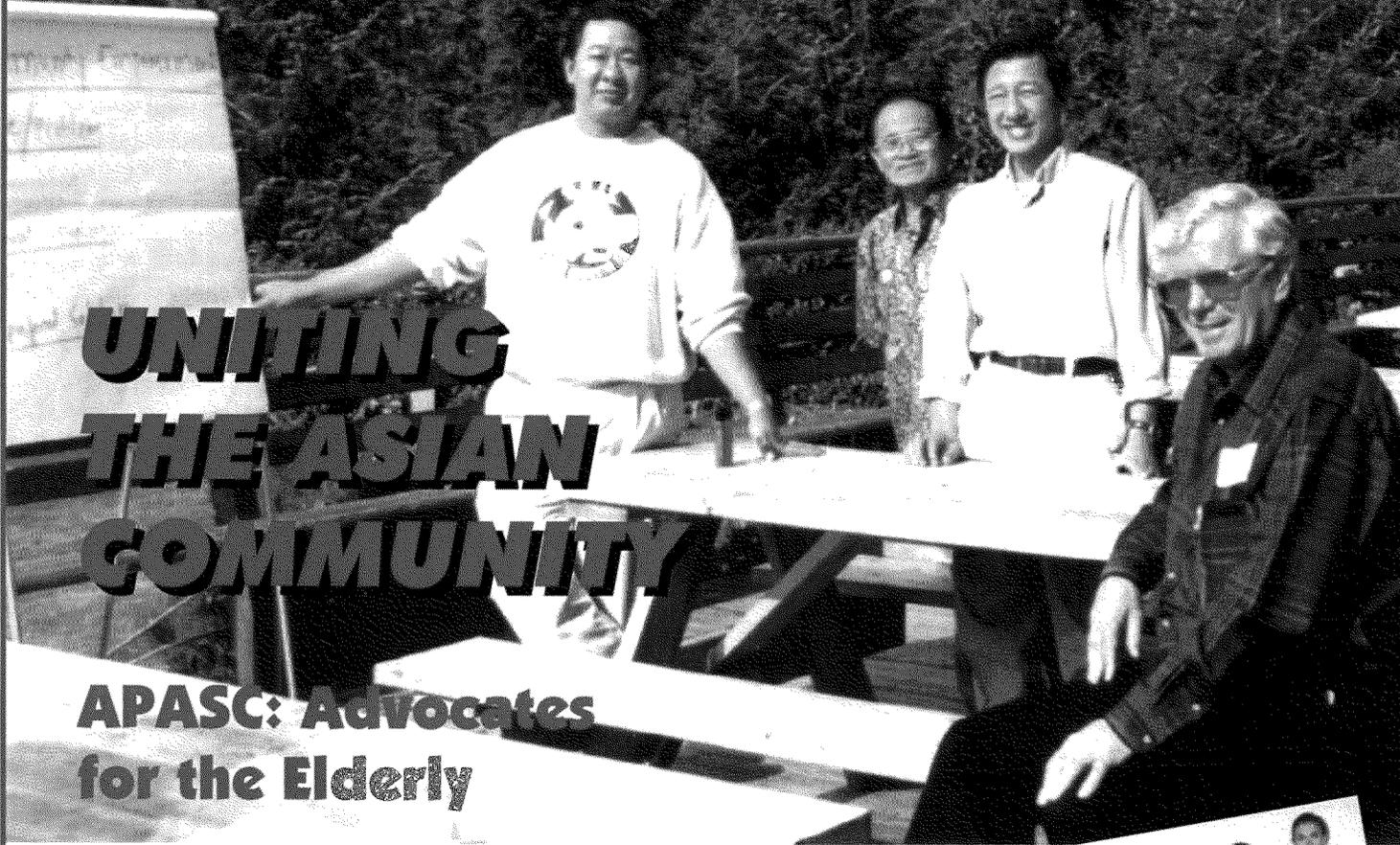

Lonnie Roberts,
Commissioner District 4



Magnet

Pan-Asian Community Magazine ■ No. 70

April 25, 2002 ■ www.magnetpublishing.net



UNITING THE ASIAN COMMUNITY

**APASC: Advocates
for the Elderly**

THE LAST KAPAMPANGANS ON EARTH

*Asian community leaders come together
to create the Asian Pacific American
Network of Oregon, APANO*

PHOTOS/SIMEON MAMARIL



Latebreakers

Help Build a Healthy Community

Join us at the Country Morning Café to celebrate Mothers' Day and Asian Heritage Month and help raise money to build healthy communities, from



May 10-12, Fri-Sun from 3-8pm. All proceeds from your meal will be donated to the Asian/Pacific American Consortium on Substance Abuse (APACSA) for promoting health and multi-cultural programs. Serving Chinese cuisine Hong Kong style, costs from \$4 and up. The place is at 8202 SE Flavel in Portland. For more information call 503-775-2458.

Media Training for Nonprofits

Marylhurst University is sponsoring Get Ready to Meet the Press, a media relations training for nonprofit organizations and small businesses, May 17 from 8:30a at the Woodburn Company Stores' conference room, I-5 exit 271. Panelists include Grey Montgomery of The Statesman Journal, Rod Stevens of KGW, and Janet Goetze of The Oregonian. Fee is \$65. Call 503-981-1900.

Outrageous Tales from Pinoyland

In our work of chronicling our community, we have amassed some pretty amusing anecdotes about our culture.

A subscriber wrote telling us of her efforts to encourage other people to sign on with MagNet because it is a "very informative and well-produced magazine that we would be proud to collect." One such recipient, our subscriber reports, was quite impressed with the issue that she wrote back in Tagalog, "paganda nang paganda ang MagNet, magaya nga."

Another reader, having been shown a complimentary copy, was known to have said, perhaps in jest, perhaps not, that he wouldn't want to be interviewed, because the magazine is a commercial business and he wouldn't want to give any information away for free.

And these days we are seeing "democracy in action" with the ongoing discussions through email in the Filipino community on how to hold a first-ever Philippine Heritage Festival, a picnic-style celebration honoring our native country's independence from Spain. This event is planned for June 15 at the O'Hara School gym in Eugene. At presstime, plans are being finalized, but organizers are hoping for a big publicity opportunity for the community, which according to Ernie Turla doesn't "seem to appear significant enough as to command the kind of attention other groups of Asians do."

InsideFront FROM THE PUBLISHER



■ Ronnie Lim

As far as the plans are going, Charlie Catala has summed it up very nicely: "Very simple, if we get participation from every Fil-Am association, organization etc., and we do invite the right State officials to it, and we do get the media to attend (we'll even include MagNet in that category), then it could make it one of the most important events as far as exposure, future clout with the State, and all the good things that could come from that. But these are big IF's - if everyone has your attitude then it won't work, and yes we do have to come up with an official program that I hope they are working on already, and I hope everyone is pumped up for this, all the little voices from every place in the state can be heard as one. Remember what I said, it could and it should."

Amen to that. Thankfully not everyone is a journalist and in the publishing business, else we would all have an "attitude" problem. □

As scheduled, with this issue we begin to profile community-wide pan-Asian organizations. We hope to continue with the series as long as there are groups out there to write about.

MagNet

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- 13 issues \$25
- 26 issues \$50

Single Copy Price & Back Issues **\$3**

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Issue Number 70

MagNet

April 25, 2002

Published fortnightly (every other Thursday), MagNet is an independent magazine serving the Filipino, Asian and ethnic communities in Oregon and southwestern Washington. Our mission is to increase public knowledge and understanding of ethnic life and culture. It aims to promote and celebrate the contributions of hyphenated Americans in the fields of the arts, history, business, politics, civics, social services and contemporary affairs.

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Advertising rates furnished on request.

MagNet Publishing, 3718 NE 150th Ave., Portland Oregon USA 97230. Phone (503) 256-3542 Fax (503) 257-7010. Email: <magnet.ed@attbi.com>. Website: www.magnetpublishing.net

Publisher/Editor: Ronnie Lim

Community Editors: Concordia Borja-Mamaril, Melissa Christoffels, Angie Collas-Dean, Barry Lee Coyne, Catherine Hockman, Simeon Mamaril, Eric Tadeo, Ernie Turla

FANTASY IN A NIGHTMARE

The Last Kapampangans on Earth

By Ernie C. Turla

President, Aguman Capampangan Northwest USA

The year is 2112. I've just wakened up from a deep slumber as part of a secret experimental project. The brains among scientists who initiated it have been dead for sometime now and their followers took over to continue with the experiment.

As I recollect the past, the last thing I remember was being given an elixir injection that would make me sleep for a hundred years inside a time capsule. I, along with hundreds of other "guinea pigs", have participated in this experiment that scientists thought could become a breakthrough in their efforts to find ways by which life could be preserved. During the time gap, which was a full century, I was fed intravenously and placed in a sealed container similar to that of Ripley in the movie *Alien*.

It was like being in an H.G. Wells time machine, except that I was not awake but rather asleep with no awareness at all for all the passing time. Well, the experiment has proven to be a success, me and the others having survived the lapse of time.

But what is amazing is its wonderful side effect. It seems that a reverse trend has occurred for I've even grown younger-looking, and my vitality as a teenager is revived. My muscles are once again intact, the deep lines of my brow faded, and my white hair, black again and with no more sign of balding. Now, after being given a physical exam, and under observation for a week, we are being released from their custody and are free to go anywhere and do whatever pleases us, and with the hefty sum of



I try to listen to the people around us. But true to what she says, I can't hear any Kapampangan. Everything I hear is in Tagalog!

Mrs. Josie Henson, seated center, president of the Akademiyang Kapampangan, with Aguman members in 2000.

money we received as part of the benefit package bestowed upon us for volunteering in the experiment, we want to catch up with what we have missed during the last hundred years.

As I get out of the giant laboratory building in New York City, I am amazed to see skyscrapers one thousand stories tall and with lots of flying conveyances buzzing all over the metropolis! I can't believe my eyes when I see the place so different from how it was a hundred years ago then when the restored twin towers towered over most of the buildings, compared to now when they are the ones dwarfed by these many skyscrapers erected all around Manhattan.

With anxiety I hail a taxi and head for the airport. Then I board a huge jet

bound for the Philippines, and to my amazement, the trip just takes 45 minutes! What a vast improvement in technology, and in transportation! I alight from the jet at the old Diosdado Macapagal International Airport (formerly, Clark) and take a taxi to nearby Angeles. I decide to visit my good friend Josie Henson who I know had also gone to New York to participate in the same experiment I have been in, though belonging to the batch a month ahead of ours.

At Villa Gloria, I am surprised to see modern houses four times bigger than how they were when Josie invited us over to their place during our medical mission a century ago. I ring their doorbell and I am met and greeted in Tagalog by her great grandson. Josie, looking like a mere 30-year old Sigourney Weaver, comes out of her quarters and we hug each other like long lost friends.

She quickly whisks me to her art gallery where her now antiquated paintings still emblazon the marble walls. I notice conspicuously displayed in a showcase some masterpieces that have gathered the dust of time: the books by Evangelina H. Lacson, Rafaelita H. Soriano, Rosalina Icbán Castro, Edna Zapanta Manlapaz, Jose Gallardo, Vedasto Ocampo, John Larkins and my own classic dictionary. I also get to take a passing glance of a grand portrait she painted of her loving husband, Dr. Ruben Henson, nearby.

Well, we start talking about the experiment and its success, how we find it quite a thrill to still be alive and young after a hundred years. We are delighted to know about all the changes that have taken place in the world. Yes, very happy until the topic turns to be about the Akademyang Kapampangan which we both head - she in the Philippines, and me, in the U.S. She says, "Do you know that the two of us are the only remaining Kapampangan speakers here on earth?"

"Well, just what do you mean by that?" I say.

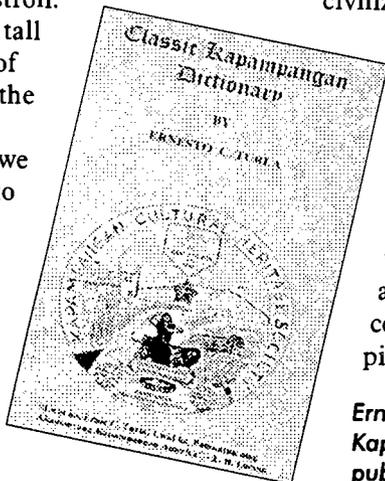
"You heard it, we are the only Kapampangans left, everybody here in Pampanga now speaks Tagalog!"

"You gotta be kidding! What happened to our cabalens, did they leave the province on exodus?"

"No. They just all became Tagalog-speaking. Just like my 75 year old great grandson here, he can't utter a word in Kapampangan."

"So, we're survivors? Incredible!"
"Let's go out and you can take a look for yourself."

So we take a stroll. There are many tall buildings, a lot of businesses, and the place is teeming with people. As we inch our way into the crowd, I try to listen to the people around us. But true to what she says, I can't hear any Kapampanga



n. Everything I hear is in Tagalog! Even inside the restaurant where we eat, everybody speaks Tagalog, including the waitresses! I am as bewildered as Charlton Heston in that movie I saw 130 years ago, "The Planet of the Apes", when he realized he did not land on another planet but was just back on earth and that the place was now dominated by those war-like apes!

"Let's find out if the same thing has happened all over the country," I say to Josie. "Let's go to the north."

"Very well," Josie agrees. "Let's find out if the Ilocanos are still around."

So, we rent a space-bug and fly to Laoag. Once there, we head for the marketplace, and to our disbelief, the language we hear is also in Tagalog! We ask the people we meet if there are still Ilocanos there, and we are told that they had been so greatly reduced in number in recent years that they doubt if there are still any left! They are, according to a history professor we luckily meet there, members of the cultural minorities. To that, I say, what about the Ibanags, the Igorots, the Ilongots? Being much fewer before, they must have all vanished by this time.

And he says, "Oh no, as a matter of fact, those are still around. They are left untouched by society as they had been during the Spanish times. They kept to themselves so much, and so they survived. The ones that were gravely affected by ethnic weeding were the most civilized groups as they were the ones

most susceptible to changes and who acquired education the most. If you go to the Visayas, you will see the same situation. Cebuanos who used to even outnumber Tagalogs have been wiped out completely. Same way with the Hiligaynons, Warays and Bicolanos. You see, 99.9 per cent of people here in the Philippines now speak Tagalog. Everybody

Ernie Turla is the author of the "Classic Kapampangan Dictionary," which he published in 1999.

"Just how did all this come about? Did people lose their love for their native languages?"

here in the Ilocos is proud of the Tagalog language and has forgotten Ilocano completely.

"Just how did all this come about? Did people lose their love for their native languages?" Josie queried.

"In what I've read, the government at first tried to kill all the minority languages softly, but later on decided to exterminate them once and

for all to pave the way more easily for a one-language nation. It declared martial law and forced all people to switch to Tagalog and become monolingual. It is said that it was all done in one click, since all Filipinos then could already speak the language quite fluently because of the schools and the media. Getting rid of their own languages was at first painful, and in fact many die-hard language proponents committed suicide. But nowadays, as you see, everything is just normal. People don't miss at all what they never learned at all, such as in my case, whose grandfather spoke the Zambal language. By the way, you have quite an accent. I hope you won't take offense if I ask what your mother tongue is."

And we say, almost in unison, "Kapampangan".

Appearing quite shocked he exclaims, "Oh, the Pampanguenos I thought, have also completely disappeared, along with the Pangasinenses.

Their nearness to Manila made them the most vulnerable to getting swallowed by the Tagalog language. I'm sure the National Language Commission and the Department of the Interior would take an interest in you. They want to capture and study remnant specimens like you, find out how you have survived the so-called ethnic cleansing, and probably detain you in the national exhibits." Before I can even reply, he presses a button on his belt, sending a bunch of policemen rushing to the scene in no time.

Quickly, Josie and I head back to the space car and sped through the stratosphere with ten patrol space cabs hot on our trail. We speed past Pampanga and on to Manila.

Continued on page 15

MAGNET MAGAZINE

Aquino to Receive Honorary Degree at Seattle U

◆◆◆
Honorary Degree Ceremony
Friday, May 3rd, 1:30 pm
Connolly Center North Court
(14th and Cherry St.)
Seattle University
◆◆◆

Seattle University will recognize former President of the Philippines Corazon Aquino in an honorary degree ceremony on May 3. This will be followed by a campus dialogue with Mrs. Aquino on worldwide social justice.

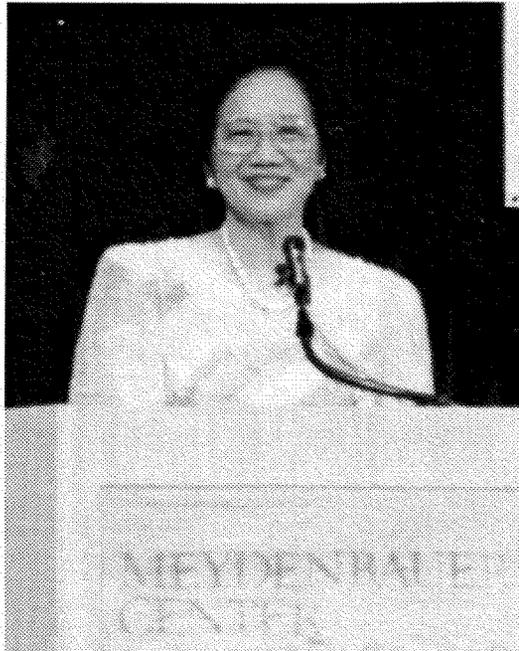
Expected to attend are students, faculty, staff, alumni, regents, trustees, civic and corporate leaders, and other special guests. The ceremony will include a presentation about Mrs. Aquino, music by the Seattle University Chorale, the presentation of an honorary doctorate by Fr. Sundborg, Mrs. Aquino's remarks, and a question and answer period with students.

The following day, Mrs. Aquino will hear Mass at 2pm at Saint James Catholic Cathedral with Archbishop Alexander Brunett presiding. She will be invited to provide reflections. It is anticipated that the Mass will be heavily attended by members of the region's Filipino community. Following the Mass, a reception will be hosted by Seattle University at 3:30pm.

From housewife to political widow to quiet revolutionary, Corazon Aquino has distinguished her legacy through commitment to economic justice, nonviolent change and the restoration of power to the people. "I am not embarrassed to tell you that I believe in miracles."

If you plan to attend this event, RSVP by April 26 and call 206-296-6100 or e-mail mrsaquinosvp@seattleu.edu.

SU is a private Catholic university in the heart of the Emerald City. The Jesuit tradition is the wellspring of its educational values and mission.



Corazon Aquino speaking before the Washington Pangasinan Sister State Association in 1999.

been wanting to live at a slower, less stressful pace. "At last I'll be able to have a life, with time to hang out with my husband, volunteer, and pursue a few hobbies," she added.

Ms. Plass said she will miss the friendships she has developed with the Filipino community. As a UO executive, she was instrumental in bringing former Philippine President Corazon Aquino twice to the UO campus, the first in 1995 to deliver the commencement address and receive an honorary doctorate, the university's first such award in nearly 50 years. Aquino's visit was such a success and so well received that the UO invited her back as a visiting professor in International Relations and Peace.

"We believe that the relationship with Mrs. Aquino is unique among U.S. universities. One of the most gratifying aspects of the relationship is that it has engendered a number of spinoff initiatives at the UO that are strengthening our Southeast Asian studies program and our academic focus on the Philippines," Ms. Plass wrote.

Susan was then the assistant vice provost for International Affairs when she raised the idea of an endowed professorial chair at the UO in Corazon Aquino's name. The chair would not only honor her but would raise the profile and become the centerpiece of the Southeast Asian studies program at the UO. It would spur the UO to give even greater

UO couple opts for life in the slow lane

Susan Plass, director of corporate and foundation relations of the University of Oregon, and husband Jack Sanders are leaving Eugene next month to begin a new life in Eastern Oregon, where she has accepted a position at Blue Mountain Community College in Pendleton. Sanders is now fully retired from his UO faculty position.

"We have long been attracted to Eastern Oregon, and we have friends in Pendleton who can help integrate us into the community," Ms. Plass said. The primary reason for the move is that they've



Susan and Jack at the 1998 FANHS National Conference.

New DCFAA Board Offers Diversity

By Barry Lee Coyne
Roseburg

The new board of directors of the Douglas County Filipino-American Association covers a large spectrum of localities both here and in the Philippines.

Equally significant is the variation of individual occupations and specialties.

The incoming President is Bill Bellando of Camas Valley, an active volunteer at the St. Joseph's Catholic Church in Roseburg.

Serving as Vice President is Winchester's Gene Keller, a native of Marion, Ohio. Gene is a retired administrator in the utilities field, who moved here from California.

Oakland offers us Treasurer Iyvee Dubose, backed up by Michael Cyr from Roseburg as Assistant Treas-

urer, a Pasco, Washington transplant. Mike is in the ranks of accountancy.

Secretary Ruby Hubbard now lives here in Roseburg; her hometown was Cebu City. She serves as care specialist at Callahan Village. Assistant secretary Trish Keller was born in Oakland, but her parents hail from Rizal province. She's an executive assistant involved in the utilities arena.

Other members of the Board:

Angel de la Cruz, born in Quezon City, is CADD designer at Oregon Department of Transportation; Carlita Hatch, a new CNA originally from Calbayog City, presently lives in Winston; Rosie Snyder, retired homemaker born in Manila; Mark Boyer of Glide, whose roots are in Bellevue, Illinois, is involved in public contact works; and Fred Curry of Myrtle Creek owns Fredrick Trucking.

attention to Philippine studies and to US-Philippine relations. The idea was heartily endorsed by UO President Dave Frohnmayer.

Difficulties in achieving the target endowment of \$1.2 million forced the plan to be scaled down to a scholarship program, which is today being pursued by the Council of Filipino American Associations.

PACCO Revives

By Angie Collás-Dean, Eugene

The Philippine American Chamber of Commerce of Oregon general membership meeting held April 13 experienced unexpected attendance by warmly enthusiastic PACCO members and highly charged first timers. People were knee to knee in extra chairs. It was tight to get up for a drink of water or to get up to go to the restroom. Even the doorway was crowded. The potluck merienda overflowed to serve two meriendas instead of just one. Everybody got to introduce themselves and state their vision of how PACCO could serve the community and what they could individually contribute to help PACCO's mission. The spirit to interface was palpable and spirited.

The elected PACCO officers are: President - Jaime Lim, Executive Vice Presi-

dent - Ephraim Roxas, Membership VP - Mary Balino, Trade VP - Bob Aguirre, Tourism VP - Lorelei Hosmillo, Civic Affairs VP - Marci Hope, Grants VP - Jun Pioquinto, Fund Raising VP - Charlie Catala, Secretary - Simeon Mamaril, Treasurer - Melissa Miller, Auditor - Freddy Mamaril.

With inspired leadership PACCO can be of significant service to the FilAm community in particular, and the broad Oregon public in general. PACCO was primarily engendered to enhance the Oregon economy by promoting the Philippines as an active trading partner to Oregon and vice versa. Secondly, to enhance the economy of FilAm communities by encouraging FilAm entrepreneurship to become viable and visible to the general public.

Congratulations and Mabuhay! Here's hoping PACCO is there to serve all of Oregon and southwestern Washington.

Scholarships available

The Kwak Thai Pek Memorial Fund is awarding two \$500 scholarships to college-bound high school seniors this year. Application forms are available through Portland area high school academic counseling offices, or Portland City Hall Office of Neighborhood Involvement, Rm. 110, or call Mercedes Lanuza at 503-775-6031. Deadline for submission is May 15.

How my Asian Connection Began

By Bill Bellando
*President, Douglas County
Filipino American Association*

Did you know that I was born and reared in San Francisco, California? That happens to be the port of call for much of the Asian community. So at an early age people from China and Japan as well as The Philippines became a part of my life. I came to respect them.

Somewhat later, I served in the US Navy during World War II, aboard the cruiser New Orleans. We spent over 3 years sailing the Pacific where I served as a communications officer.

While with the Navy in 1945, we cruised right by The Philippines. I am sorry the ship did not sail into port, and would have liked to meet the people we fought for.

For a number of years I was in the radiology field and also taught college courses. Later on, I moved to Oregon and worked in lumber.

After my retirement from the lumber industry, I decided to join Project Literacy here in Oregon. My job was to tutor. I saw there was a strong desire to help people learn to read. My feeling to somebody born overseas is: English will certainly drive you nuts!

At the start, I worked with a Chinese family that is in the restaurant business. They now live in Oakland and Portland. I've also worked with a Filipino mother of two to learn speaking English. All of these people have become citizens.

As your new President of the Fil-Am Association, I want to keep the continuity of programs started by Cynthia and Digna. I also want to encourage the involvement of our young people.

Everybody has a background to share with us. Please join me in making our dream a reality.

COMMUNITY CALENDAR AT A GLANCE

- April 7-May 5. Roving exhibit of **Anne Frank: A History for Today**. Lloyd Center Mall (skating rink level), Portland. Computer technology, photos, and a reconstructed room of the Frank house shed new light on this timeless tragedy. 503-203-3283; www.annefrankinportland.org
- April 25 - May 16, every Thurs, 6-7:30p. **Chinese Brush Painting** lessons, at Fook Lok Loaves & Fishes Center, 4937 SE Woodstock, Portland. 6 classes for \$30. Bring your own material. Info: Jean Choy, 503-775-2458
- April 24-28, **Portland Taiko Unplugged!** A "Live House" performance of innovative taiko. 1300 NW Northrup, Portland. Times: 7:30pm Wed-Sat and 2pm Sat-Sun matinee. Tickets available at Fastixx, 503-224-8499. www.portlandtaiko.org
- April 30, Tues, 6p. **APANO Candidates Forum**. IRCO Community Center, 10301 NE Glisan, Portland.
- May 2, Thurs, 10a. **OAME 14th Annual Tradeshow & Conference**. Oregon Convention Center, Portland. Keynote speaker: Junki Yoshida. Sponsored by Oregon Association of Minority Entrepreneurs. Call 503-248-7744; email: oame@uswest.net; www.oame.org
- May 3, Fri, 1:30 pm. Seattle University, Connolly Center North Court (14th and Cherry St.) **Honorary Degree Ceremony for Corazon Aquino**, former President of the Philippines. The ceremony will be followed by a campus dialogue with Mrs. Aquino on worldwide social justice.
- May 7, Tues, 11a. **PCC Job & Career Information Fair**. PCC Cascade Campus gymnasium. Students & community members welcome. Call Molly Oliver, 503-978-5242
- May 8, Wed, 10:30a. **Celebrating Asian Heritage Month**, by Asian Pacific American Senior Coalition. Fook Lok Loaves & Fishes Center, 4937 SE Woodstock. 503-771-3601
- May 9, Thurs, 8:30a. **10th Annual Asian American Youth Leadership Conference**. Warner Pacific College, 68th & SE Division, Portland.
- May 10, Fri, 7th Annual **Asian Cultural Night**, hosted by Asian Family Center, Legin Restaurant, 8001 SE Division, Portland, 6pm-midnight. Theme: "Stories from the Past, Hopes for the Future." Tickets: \$25. 503-235-9396.
- May 11, Sat, 2p. **People of Oregon Series: Ethnic & Occupational Influences in Oregon**. Featuring authors and their perspective on the many cultural groups that have made Oregon their home. Public Library Lecture Room, Eugene. Free. Call Bonnie Hirsch, 541-682-5353
- May 23, Thurs, 8a. **13th Annual YWCA Cultural Diversity Conference**. Willamette University, Salem. Speaker: Victor Vasquez Jr, on "Nurturing Diversity in a Conservative Era." Call YWCA 503-581-9922 x128, www.open.org/ywsalem
- May 25, Sat, 5p. Aguman **Santa Cruzan/Coronation Pageant**, with dinner and dance, St. Therese Church gym, 1260 NE 132nd Ave., Portland.
- June 1 - Sept. 22. **Splendors of Imperial Japan**, on exhibit at Portland Art Museum. 400 objects from the Meiji Art, one of the greatest collections of this period of Japanese art. Phone: 503-226-2811; www.portlandartmuseum.org
- June 8, Sat - **GSFAA Annual Picnic** in celebration of Filipino-American Friendship Day. Venue TBA. Please call coordinators if you wish to help out: mikefidler@attbi.com
- June 8, Sat, 2p. **People of Oregon Series: My Journey from Cambodia to Oregon**. Featuring author Chanrithy Him. Public Library Lecture Room, Eugene. Free. Call Bonnie Hirsch, 541-682-5353
- June 15, Sat. **CFAA Philippine Heritage Festival & Picnic**. O'Hara School gym, 715 W18th, Eugene. Info: 541-485-5291; arcee@computerconnect.net
- June 22, Sat, 6p. **Philippine Fiesta & Luau**, hosted by Filipino-American Center, 8917 SE Stark, Portland. For info, 503-253-7636, filamport@msn.com
- June 29-30, Sat-Sun. Fifth annual **Salem World Beat Festival**, Salem Riverfront Park.
- July 24-28. **FANHS 9th National Conference**. Loyola Marymount University, Los Angeles, California. www.fanhsla.org/calendar.html
- July 27, Sat. **Pioneer Heritage Festival**, Baker City. Hands-on history for the whole family. Take part in pioneer activities at this all-day event hosted by the Oregon Trail Interpretive Center at Flagstaff Hill. Phone: 800-523-1235; www.bakercity.com
- August 2-4. **Mexican Fiesta**, Woodburn. A traditional event for over three decades, featuring folkloric dancing and entertainment, music, a carnival, and plentiful Mexican delicacies. Open-air mass on Sunday night. Phone: 503-982-2563.
- August 22-September 2. **Oregon State Fair**, Salem. Phone: 503-947-3247; website: www.oregonstatefair.org
- August 24-25. Annual **Charleston Seafood Festival**. A feast of fresh seafood, plus plenty of family activities and entertainment. 800-824-8486; www.charlestonmarina.com
- August 24-25. **Blackberry Arts Festival**, Coos Bay. Phone: 541-267-1022
- September 7, Sat. **CFAA Community Fair & Awards Night**. Venue TBA. Info: filamport@msn.com
- September 8, Sun. **Asian Kite Festival**, Eugene. Enjoy a day of kite flying, competitions and classes. Info: 541-687-9600.

Send Calendar items or listings at least three weeks before event date to: <magnet.ed@attbi.com>

Asian Youth Leadership Conference on May 9

The 10th annual Asian American Youth Leadership Conference will be held on May 9 at Warner Pacific College, 68th & SE Division in Portland.

The conference is committed to addressing the concerns and needs of Asian students and to helping each student reach his/her fullest potential.

This year's event has the theme "Wisdom + Culture + Identity = Power."

A primary goal is to help students increase their understanding and appreciation of the history, culture and contributions of Asian Americans, as well as foster the development of leadership skills.

Participants will meet other Asian youth from their community, meet Asian leaders, broaden and deepen understanding of their own heritage and culture.

The conference is supported in part by the Portland-area school districts, Portland Police Youth Crime Prevention Division, Chinese American Citizens Alliance, Japanese American Citizens League, Asian Family Center and the Oregon Commission on Asian Affairs.

Health Event: Stroke and your family

Is there a stroke survivor in your family? Stroke can lead to serious, long-term disability that affects the entire family.

Roles and relationships can be challenged. And as time passes, the needs of the stroke survivor and the family are likely to change. These issues can be difficult to understand and navigate.

The American Stroke Association, a division of the American Heart Association, is hosting a conference designed to support and educate families living with the impact of stroke, no matter where they are in the recovery process. Guest speakers will address how the brain is affected by stroke, offer tips to help the family cope and help survivors deal with disability.



FILE PHOTO

The conference is on Saturday, May 18 at the DoubleTree Hotel, 310 SW Lincoln in downtown Portland. Fee is \$15 per person or \$25 for two, and includes lunch. To register, call the American Stroke Association, 503-233-0100 or 800-452-9445 by May 13.

Tule Lake Pilgrimage

Sixty years ago, during WWII, the United States government rounded up over 110,000 Americans of Japanese ancestry and incarcerated them in camps far from their homes and communities. Over 18,000 of these Japanese Americans spent some time in the largest concentration camp at Tule Lake, California. Many of these internees came from Washington and Oregon.

The Tule Lake Pilgrimage is a special event weaving historical, emotional, cultural, personal and educational elements together in a safe, supportive and interactive environment. Learn, share, and grow with us as we explore a dark chapter in our nation's history. Come with questions, leave with hope!

The 2002 TLP will take place from July 4-7. Registration deadline is June 1, and space is limited. A chartered motor coach will carry participants from Seattle, with stops in Portland and Eugene.

Other participants will arrive from San Francisco, Berkeley, San Jose, Los Angeles and Japan.

Registration fees cover all transportation, lodging at Oregon Institute of Technology in Klamath Falls, food and program (camp tour, cultural programs, workshops, discussions, etc) for the four days of the Pilgrimage.

For more information on the Tule Lake concentration camp, the Tule Lake Pilgrimage, and to download a Registration Form, see the Tule Lake Committee web-site, www.tulelake.org.

Washington Bans Term "Oriental"

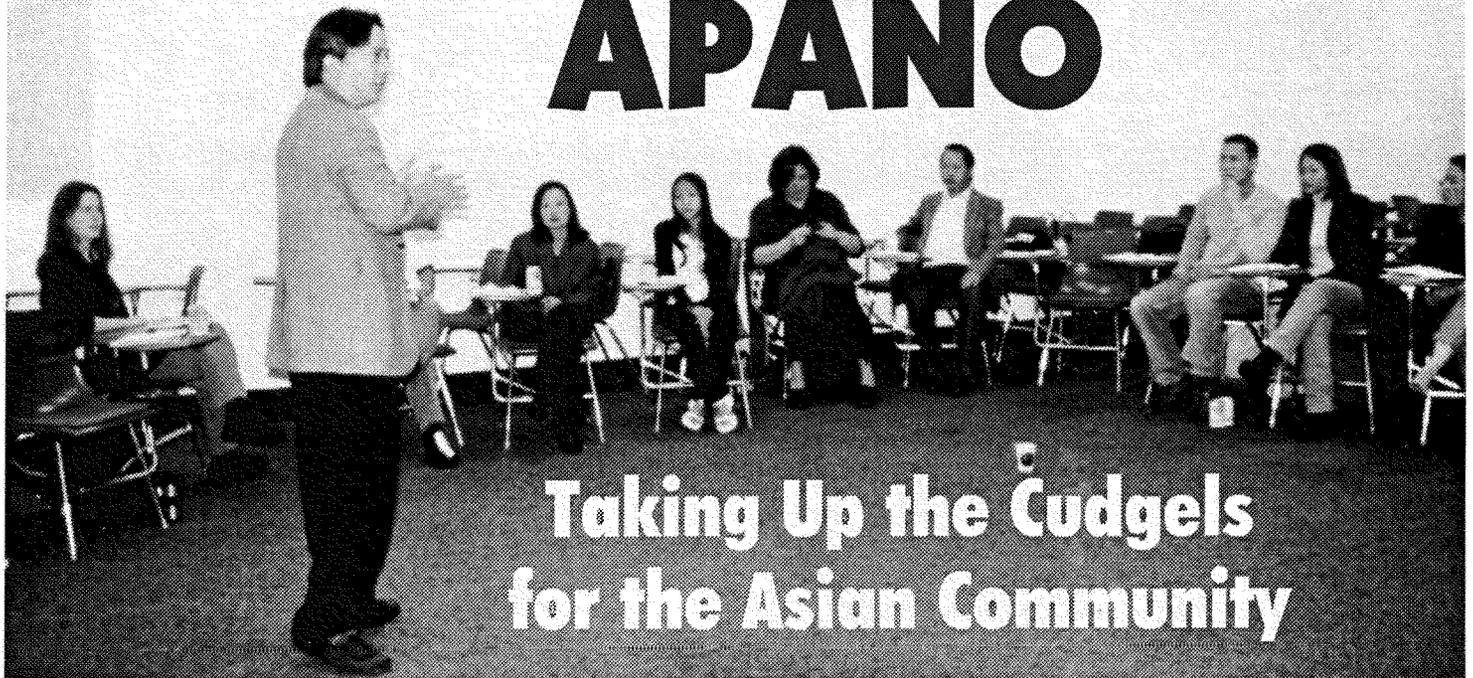
Washington State Governor Gary Locke has signed into law a bill that prohibits the use of the word "Oriental" on all state and local government statutes, codes, rules, regulations, and other official documents, effective on July 1.

The bill (Engrossed Senate Bill 5954) was originally introduced on February 9, sponsored by Paul Shin (D-21), currently the only Asian Pacific American incumbent in the Washington State Senate, among others.

After July 1, the use of the term "Oriental" is prohibited. All state and local government statutes, codes, rules, regulations, and other official documents are required to use the term "Asian" when referring to persons of Asian descent. The bill also "urges all state and local entities to review their statutes, codes, rules, regulations, and other official documents and revise them to omit the use of the term 'Oriental' when referring to persons of Asian descent."

Debate on the bill also sparked discussion on the definition of the term "minority business." Such businesses include those where at least fifty-one percent of which is owned by minority group members. The definition of minority now includes, but is not limited to, blacks, women, native Americans, Asians, Eskimos, Aleuts, and Hispanics.

APANO



Taking Up the Cudgels for the Asian Community

Taro O'Sullivan leads a discussion on leadership and political activism in an APANO brainstorming session.

In this issue and in celebration of the coming Heritage Month, we begin a series of profiles on the various organizations serving the Asian Pacific communities. We invite those that we have not yet featured to send us information about their organization for inclusion in this series. Please contact the editor at magnet.ed@attbi.com.

♦♦♦

By Ronnie Lim
MagNet

Thach Nguyen has worked with youth and families for over twenty years, currently as Juvenile Justice administrator with the Multnomah County Department of Community Justice.

It is through this professional capacity that he has seen and assessed the needs of the Asian and Pacific Islander communities in Oregon. He belongs to a group that Polo, a prominent writer and community lawyer, fittingly describes as "agency Asians." Through their positions in various levels of government, they advocate and fight for the needs of the greater Asian community.

He has provided training to community-based organizations, colleges,

school districts, media and social service agencies on topics ranging from strategic planning, leadership skills and community development, to program evaluation, cultural competency, diversity and minority representation. He also serves on numerous boards and committees both government and private nonprofit.

His connections with the powers-that-be has led Thach to found the Asian Family Center in 1995, an entity under the umbrella of the Immigrant and Refugee Center of Oregon (IRCO). Later on, he created the Asian Law Enforcement Advisory Council, to give credence to the community policing efforts of the Portland Police Bureau.

The latest in Thach's organizational acumen is the Asian Pacific American Network of Oregon, APANO, established in 1998. As the name implies, it is a network of leaders, activists and allies from the state's Asian and Pacific Island communities.

At the outset, Thach and his colleagues believed that bridges can and should exist between all communities regardless of race or background. "Strengthening the API network will prove to be a valuable resource toward

building more unified communities," he said.

Such belief is reflected in APANO's vision: "Our many skills and abilities can translate into prosperity; prosperity which embraces cultural, spiritual and material success for our children and families, and for the community as a whole. This is what APANO seeks."

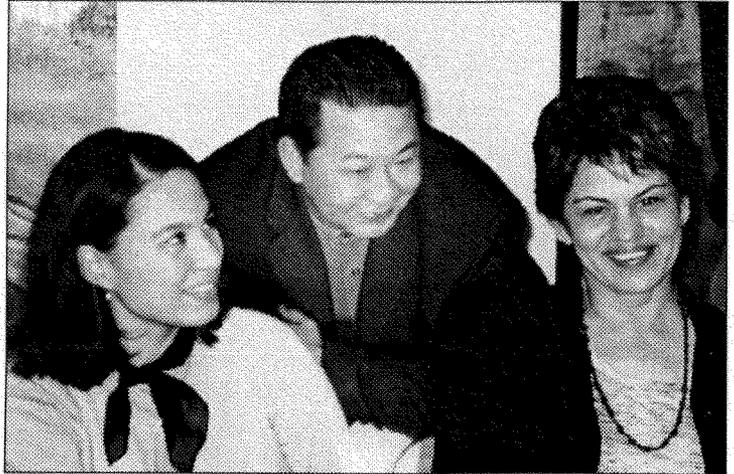
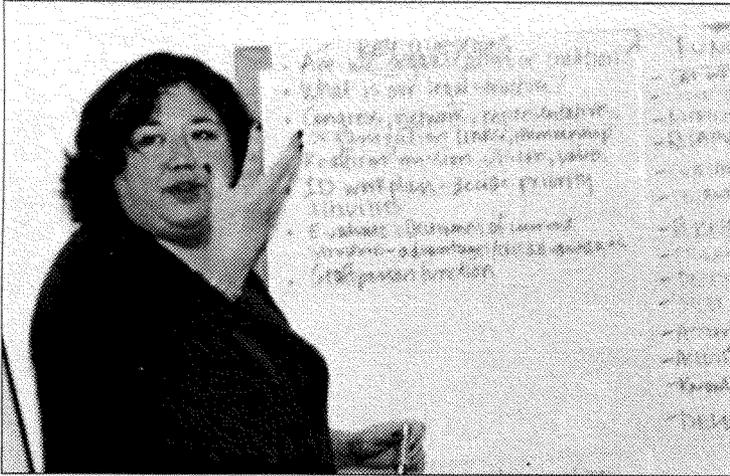
After three years, APANO has created an alliance of leaders that have allowed the network to accomplish its goals through advocacy, networking and collaboration.

What is True Today?

Here are the facts that APANO lives by:

- Families care about each other yet intergenerational conflicts exist and youth are often torn between the values of two cultures. Many youth feel that their community does not value them and this has led to an increase in juvenile and other crime.

A 1997 Multnomah County youth assets study of 774 Oregon youth found that only 24% claim to have positive family communication; only 57% believe they have family support.



PHOTOS BY SIMEON MAMARIL

Left, Mary Li discussing a point. Right, Claire Oliveros and APANO founder/president Thach Nguyen with County Commissioner Maria Rojo Steffi.

➤ Youth are raised to value education yet many still drop out and parents are alienated from school involvement due to cultural and linguistic barriers.

The same study found that only 21% of API parents were involved in their child's school.

➤ Entrepreneurial spirit is strong among Asians, but many of us are not business owners and must work multiple jobs at low wages or live on the brink of poverty.

According to a 1996 county report, "all non-white racial and ethnic populations of Multnomah County are disproportionately poor compared to whites."

➤ The laws of this country are respected

and followed by Asians, yet these laws are sometimes misunderstood due to language barriers or differences in cultural norms.

Child abuse, domestic violence, mental health and other services are rarely staffed with bilingual and bicultural workers who can provide support and education to communities.

➤ Stereotyping Asians as the "model minority" often reduces their access to services, because leaders do not recognize that domestic violence, juvenile crime, substance abuse and other problems exist in our communities.

➤ While most API contribute significant

monetary amounts through taxes, culturally specific services are not sufficiently funded relative to the needs of these growing communities.

Cultural belief in self-sufficiency, past mistrust of authority, complicated by language and cultural barriers, cause people to ask for and demand less help from public agencies.

➤ While communities have good leaders who care, there is a lack of unified leadership able to move effectively within mainstream systems.

There are at least 50 multi-ethnic Mutual Assistance Associations in Oregon. However, their voices are seldom sought by government, and they do not always work to-

Community Leader Profile: Taro O'Sullivan

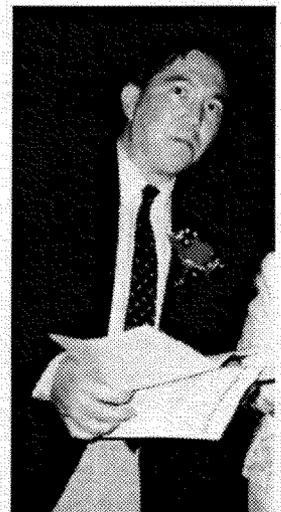
Taro was the first executive director of the Oregon Commission on Asian Affairs, the leading advocate for the Asian American community as well as for other communities of color in a predominantly white state. He brought together the four existing commissions to work for a common cause for the first time to advocate for communities statewide.

He is currently the Diversity Manager for Clackamas County where he is responsible for developing and implementing the county's first diversity initiative. He has extensive experience in diversity training, public relations, communication, workforce diversity, new market outreach, cultural competence strategies and technical assistance to numerous organizations including the Portland Public Schools, area businesses, state, county and local government, and ethnic media associations. He has conducted diversity training for federal and state entities as well as for the Oregon Newspaper Publishers Association and has worked to promote diversity in the workplace and in the community.

For the past several years, he has been an advocate and activist in the community. Taro frequently testifies at the legislature as well as local government on issues ranging from affirmative action to funding of state commissions. He is a charter member of the Asian Pacific Islander Network of Oregon and one of the original members of the Portland Coalition Against Hate Crimes (this year's Rus-

sell A. Payton award winner). He serves on the President's Board of Visitors for Minority Affairs at Oregon State University where he has been active in advising President Risser and actively recruiting minority students to attend the university. He is on the Board of Directors of the Immigrant & Refugee Center of Oregon. He has served on various statewide organizations including the Multicultural HIV/AIDS Alliance of Oregon, and other advocacy activities throughout the state. He served on statewide boards for the Oregon Health Division in the area of HIV/AIDS advocacy and on the Diversity board with Tri-Metro transit system. He has been a member of the Superintendent's Multiracial Multicultural Task Force at the Portland Public Schools, and continues to serve on other boards and commission throughout the state.

Taro was born and raised in Tokyo, Japan. He is fluent in Japanese. He is a custodial single parent of three children and lives in Portland Oregon.



gether to further their causes.

➤ While many of us immigrated to this country and value the freedom we have found, citizenship and voter registration is low

♦♦♦

In a two day retreat took place in Newport in October 1998, the reasons for forming an alliance of Asian Pacific Islander communities were identified: to create a "collective voice" so that our mutual needs will be more easily heard; to have one group to collect and disseminate information to other groups and provide follow-up; form a "clearing-house;" to develop a group that can be politically active with mainstream groups, a group that will have political clout; to validate and help legitimize new groups who share our goals, values; to recruit new leaders, community activists, who will build on the work we do and avoid duplication of efforts of advocacy and services to our communities.

Legal Issues and Rights

A Supreme Court study found that there is often inadequate and or incompetent legal representation in the judicial system. APANO will advocate for resources that meet the linguistic and cultural needs of API people.

Policy Development and Community Action

There is frequently little inclusion of API community representation in policy formation and resource allocation planning processes. APANO consistently invites government officials in its regular meeting sessions to participate in decisions that affect our communities.

Political Agenda and Advocacy

Not enough of our community members understand the power of a political voice. Education on issues important to our communities and the electoral process needs to take place. A Voter Registration Plan being developed includes targeted outreach, translated materials, and creating a political agenda.

Education and Cultural Preservation

Few of our talented young people today are choosing education as a profession; we need teachers who can serve as role models and communicate our values to future generations.



The Asian Pacific American Senior Coalition (APASC) board during their 1997 retreat at the Southeast Multicultural Center in Portland. Front row from left: guest, Avelina Samsom, Lang Nguyen, Narcisa Pimentel, Sue Sakai, Nena Ibañez, two guests. Back row: Donald Yongchu, Hoa Noang, Simeon Mamaril, Hongsa Chantavong, Victor Leo, Sik Yin Chan.

Asian Pacific American Senior Coalition

Taking Care of Seniors

By Ronnie Lim
MagNet

On September 11, 1993, the former members of a minority services task force of the Portland Multnomah Commission on

Aging were invited to a reunion of sorts by Donald Yongchu, multi-ethnic coordinator of the Aging Services Division, the purpose of which was to trace the progress of the county's work since the task force released its report in 1989.

The task force had reported that ethnic minorities of color have been a "significant part of Oregon's history, growth and development despite their small numbers." Unfortunately, the report continued, and in part due to small numbers, they have historically been discounted by human services planners and state policy makers.

The folks who came for that meeting

**APASC Celebraton of
Asian Pacific Heritage Month
May 8, 10:30 am
Fook Lok Loaves & Fishes Center
4937 SE Woodstock, Portland**

included Hongsa Chantavong, a Lao; Victor Leo, Chinese; Narcisa Pimentel, Filipino, and Sue Sakai, Japanese, who was also the task force's facilitator. By the following meeting, they had brought along more seniors from their respective communities. Sik Yin Chan and Emily Chow represented the Chinese community. The Filipino community had Julie London, Nene Aguinaldo, Avelina Samsom, Florence Gonzales, Bessie Alcantara and Nena Ibañez. From the Vietnamese community came Lang Nguyen, Paul Duong, Thuan Pham and

The Coalition brings Asian Pacific American seniors together to work cooperatively to address needs and advocate for services to improve their quality of life.

Xinh Tran. The Lao community had Vanhlang Khamsouk, Jason Sanyadeth and Lavieng Vong Soury. Chong Lao came for the Cambodian community, Bruce Bliatout for the Hmong, Lury Sato for the Japanese, and Sengfo Chao for the Mien community.

By the following month the group had decided to form the Asian Pacific American Senior Coalition (APASC). Julie London and Hongsa Chantavong worked on the incorporation papers, while city, county and nonprofit agencies like Loaves & Fishes promised funding support. They created an organizational committee chaired by Narcisa Pimentel, its current president, and decided that its first order of business was to provide nutritious lunch to the elderly community. Sik Yin Chan was elected chair, with Emily Chow, Xinh Tran, Avelina Samsom and Joan Smith of Loaves & Fishes as members.

When APASC was inaugurated in June 1994, the Fil-Am Center became its office and 'Oriental hot lunch' mealsite, courtesy of L&F. It hired Fumie Brandenburg, a Japanese American, as center manager, with the Filipino senior group handing the program of activities, including simple exercises, medical check-ups, bingo socials, dancing and other special events. It stayed there until April 1998 when it moved to the newly-constructed East Portland Community Center.

APASC brings together seniors from the different Asian communities to cooperate with each other in making their lives more productive and enjoyable.

At right, Fumie Brandenburg and Nene Aguinaldo prepare lunch at the Fil-Am Center mealsite in 1994.



Today, APASC is housed at the Fook Lok L&F Center at 4937 SE Woodstock, on property leased from the Chinese Presbyterian Church. In seven years, it has maintained nutrition as its principal activity, although it cooperates with other Asian organizations in advocating for the elderly and in celebrating May as the Asian Pacific Heritage Month. Its mission is to bring Asian Pacific American seniors together to work cooperatively with other organizations to address needs and advocate for services to improve their quality of life.

APASC is currently headed by Mrs. Pimentel, an active and persevering leader of the Filipino community. "It is through her remarkable efforts of bringing together the segmented ethnic groups that the coalition exists today," said fellow senior visionary Hongsa

Chantavong.

In its retreat last January, APASC has focused on two main issues for future activity: expanding recruitment and increasing visibility. Recruitment goals including enlarging representation from different ethnic communities, increasing members' sense of buy-in and participation, developing new programs to draw in and retain members. They identified the need to recruit members from the Korean, Hmong, Mien, Pacific Islander and South Asian communities. The Korean community, being already well established, may have much to offer APASC in the form of successful groups and activities currently underway. Communities with fewer resources may benefit from a stronger relationship with the more established groups.

For visibility, the coalition is busy preparing an open house on May 8 Asian month celebraton at the Fook Lok center. Timed with the May celebration, it will have for its theme, "Honoring the Asian Pacific Cultural Heritage." Several speakers have been invited to share their experiences living in America. In addition, APASC will continue its advocacy activities like voter registration, English and citizenship classes, as well as work closely with the American Association of Retired Persons (AARP) in meeting its goals.

The Aging Task Force Report

(Excerpts from the PMCOA Minority Task Force Report, 1989. Joseph Gallegos, staff; Sue Sakai, facilitator.)

Chinese Community

The Chinese community in the Portland/Multnomah county has one of the longest histories of all the area minority populations, yet access to services for this community are particularly hampered by language and cultural barriers. These barriers are compounded by diversity which exists within the group. For example, Chinese immigrants may come from any part of the world and thus although not ethnically dissimilar to other Chinese, may have a different language and culture. Common to the Chinese community as with other groups is a strong family orientation and community support system as exemplified by numerous family and church organizations.

American Indian Community

Services for Indian elderly have had a difficult history. A need that this community shares with others is for aging services to be more flexible. American Indian cultures do not separate families along age lines to the degree of the mainstream human service systems. Fourteen Indian organizations in the metropolitan area provide an array of services and networks.

Southeast Asian Refugee Community

Most of the state's refugees live in the Portland metropolitan area. A barrier to service is the diversity of the refugee groups since there are at least eight groups in the refugee community. Elderly refugees have to struggle with the problems of aging in a new culture and isolation is a common result. Isolation is fostered by the lack of job training and employment services. Many refugee elderly depend on children to take them to services which are designed for mainstream American aged. Many services are unknown or are inaccessible due to cultural barriers and differences.

Hispanic Community

The Hispanic population is diverse, composed primarily of Mexican Americans, but there are also those of Cuban heritage and refugees from Central America. A major barrier to gaining access to services is language and the lack of interpretation services. The needs of this community include transportation, health care, social services, housing, education and cash assistance. Community resources include strong family and church affiliations.

African American Community

Multnomah County's African American population is located primarily in the north and northeast Portland. Although a community with a long history in the area, it remains underserved and overrepresented on all social need indicators.

Filipino Community

Filipinos are spread out over the metro area. A rising need is for long-term care for the elderly. There is a general lack of understanding of how the system works and how to gain access to benefits and services. The emphasis on the family members caring for the elderly means that it is sometimes hard to get help from government without first impoverishing oneself.

Japanese Community

The Japanese community differentiates between generations. The elder are mostly Isei (first generation) and Nisei (second generation) Americans. The elderly usually live with their children. They are experiencing problems similar to the Filipinos in terms of conflicts and confusion about long term care services. There can be conflicts about accepting Medicaid and other services because of a feeling that such things are charity. Barriers in language, religious differences and traditional family structure are not accommodated by mainstream services.

Korean Community

It is estimated that seventy percent of Korean seniors live alone, and 90% are low-income households. Traditionally children support seniors and do not rely on government. Barriers include lack of communication, transportation and trained service providers. There is a need for a senior social service to help with socialization, recreation, education, arts and crafts. It is difficult financially to provide needed care for the elderly, yet the children are expected to do so.

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Great Women in Philippine History

History Repeats Itself

Part 4 of 4

Joseph Estrada had been President of the Philippines for less than two years in his six-year term when the news exploded that he had been receiving millions of pesos as bribes in an illegal gambling operation and from tobacco tax kickbacks. The allegation came from the disclosure of one of Estrada's close friends. The popular movement to kick him out of office soon snowballed into the "People Power 2" uprising that installed another woman, Gloria Macapagal Arroyo, as President of the Philippines.

Corazon Aquino joined the anti-Estrada movement early on in 2000. At a massive rally that November that took place at EDSA, Aquino said that these allegations must be answered or else there will be a continuous round of protests that will write off the Philippine economy. She ended by saying, "These are the times that try men's souls and moments when love of country calls for supreme self sacrifice even if it means resignation."

The three leaders of the anti-Estrada coalition — former presidents Aquino and Fidel Ramos, and Manila Archbishop Jaime Cardinal Sin — and the twelve justices of the Supreme Court

were present during the oath-taking of Gloria Macapagal Arroyo as the 14th president of the Philippines. On that sunny morning of January 20, 2001 at the Our Lady of Lourdes Shrine on EDSA, they were joined by close to a million Filipinos from all walks of life.

Gloria is the daughter of former President Diosdado Macapagal (1961-65). Her father must be looking down at her from above, proud and beaming. She is a recipient of academic honors since high school. She graduated magna cum laude in economics from Assumption College, was on the dean's list at Georgetown University where President Bill Clinton was a classmate. She received a master's degree in economics at Ateneo de Manila University and a Ph.D. in economics at the UP.

She is not lacking in experience in the public political stage. During the Aquino administration, she was Undersecretary of Trade and Industry. She was elected Senator in 1992 and reelected in 1995 as the first woman vice president with the largest electoral margin in history.

She led the "united opposition group" that proposed her first one hundred days as the next president of the Philippines. Her strength as the leader of the opposition movement that dubbed itself "Peo-

Filipino-American History



■ Concordia Borja-Mamaril
FANHS Oregon Chapter

ple Power II" was shown in her being a defiant and vocal figure in the opposition. She remained firm in her decision to reject Estrada's call for sharing presidential power with her.

Here are some interesting quotes from President Arroyo's inaugural address: "I feel that God has put me in this particular position in this particular point in my life at this particular point in history... The Filipino has done it again on the hallowed ground of EDSA. People Power II, the oneness of will and vision has made a new beginning... As we break from the past in our quest for a new Philippines, the unity, the Filipino's sense of history and his unshakable faith in the Almighty that prevailed in EDSA '86 and EDSA 2001 will continue to guide us... The task is formidable and so I pray that we will all be one in our priorities, one in our values and commitments and one because of EDSA 2001."

She outlined her administration in four major areas of concern, namely: 1) to win the fight against poverty within the decade, 2) to improve moral standards in government and society, 3) to change personality-driven to program-based politics, 4) to promise leadership by good example.



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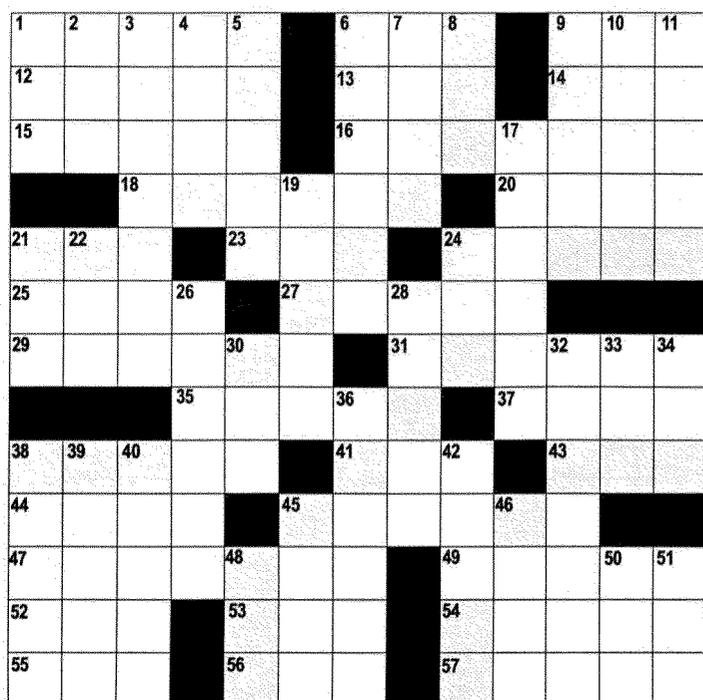


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- 6 TV network
- 9 Pub drink
- 12 Knowing
- 13 Self-description
- 14 Workplace
- 15 Travel industry grp.
- 16 External
- 18 Exit
- 20 Fruitful
- 21 Pub counter
- 23 ___ Fernando
- 24 Eastwood of films
- 25 Fertilizer
- 27 Range
- 29 Horse seat
- 31 Head of the family
- 35 Superman's dad
- 37 Abominable Snowman
- 38 Henry ___ Lodge
- 41 Wipe away

- 43 Computer memory
- 44 Before cot or cate
- 45 ___ McDonald House
- 47 Arm ornament
- 49 Demureness
- 52 Contraction
- 53 Advanced formulaic equation?
- 54 Immigrant's island
- 55 Kim Dae Jung's nation
- 56 Jewish lang.
- 57 Kingly

DOWN

- 1 Animal sound
- 2 Advance warning system?
- 3 Runny
- 4 Indian boat
- 5 Time measures
- 6 "It's all gone!" (Tag.)
- 7 Pope
- 8 Negative
- 9 Excuse
- 10 Osama bin ___

- 11 Film reviewer
- 17 Passionate
- 19 Avid
- 21 Mode of transportation
- 22 Macaw
- 24 ___ pao, Chinese roll
- 26 Lie next to
- 28 Summer fruit
- 30 Biblican man who looked back
- 32 In a geeky sort of way
- 33 Airline sched.
- 34 Edge
- 36 Acted
- 38 Serve food
- 39 Afterwards (Fr.)
- 40 Edge
- 42 Pen's partner
- 45 Mortgage term
- 46 Grampa (Tag.)
- 48 Woman's name
- 50 Asian airline
- 51 Immigrant class

Solution on page 18

Quoted

"I have been complimented many times and they always embarrass me; I always feel that they have not said enough." — Mark Twain

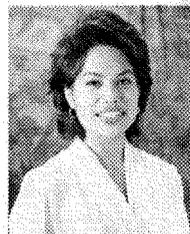
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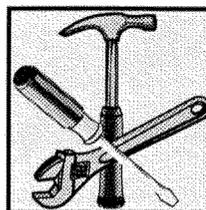
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503-775-2458; jchoy@aracnet.com

Asian Pacific American Senior Coalition
4937 SE Woodstock, Portland OR 97206
Narcisa Pimentel, president
503-289-0963; alanalicia@aol.com

Elders In Action
501 SW Washington, Portland OR 97204
503-823-5269; volunteer@eldersaction.org

Filipino American Association of Portland & Vicinity
8917 SE Stark St., Portland OR 97216
Fernando Sacdalan, president
503-253-7636; filampart@msn.com

Filipino American National Historical Society - FANHS Oregon Chapter
6020 SW Corbett St., Portland OR 97201
Simeon Mamaril, president
503-246-7720; sidama@juno.com

Fook Lok Loaves & Fishes Center
4937 SE Woodstock, Portland OR 97206
Yen Bee, manager
503-771-3601; ybee@lfcpxd.org

Immigrant & Refugee Community Organization (IRCO)
10301 NE Glisan, Portland OR 97202
503-234-1541

Multnomah County Aging & Disability Services
421 SW 5th Ave., 3rd Fl., Portland OR 97204
503-988-3646

Oregon Commission on Asian Affairs
asian.affairs@state.or.us

Philippine Department of Tourism
447 Sutter St., Suite 507
San Francisco, CA 94108
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Washington Commission on Asian Pacific American Affairs
Website: www.capaa.wa.gov
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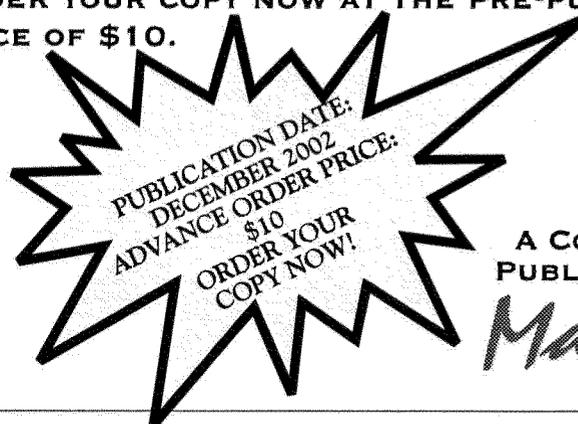
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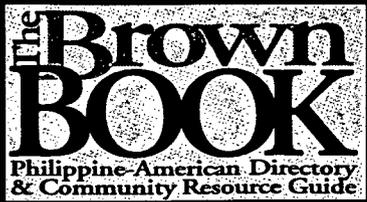
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Forces of Nature

Brandon Jensen of Vancouver, Washington was in Bicol when Mayon Volcano erupted last year. He took this photo of the mountain unleashing its fury, standing in the same spot as the artist who painted this scene. The painting is hung in the hallway of the Filipino-American Center in Portland.

Got any good shots to share with MagNet readers? Submit your photo masterpieces for this section. Send your photos in digital format, describing the photo, including information about the photographer, to magnet.ed@attbi.com.



MEETING DATE: May 9, 2002
AGENDA NO: R-4
ESTIMATED START TIME: 9:30 AM
LOCATION: Boardroom 100

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Design of an Asian-Specific Comprehensive Mental Health Services Program

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: Thursday, May 9, 2002
AMOUNT OF TIME NEEDED: 30 minutes

DEPARTMENT: Non-Departmental DIVISION: Commission District #3

CONTACT: Terri Naito TELEPHONE #: 503 988-4105
BLDG/ROOM #: 503/600

PERSON(S) MAKING PRESENTATION: Commissioner Lisa Naito

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

RESOLUTION: *Design of an Asian-Specific Comprehensive Mental Health Services Program*

SIGNATURES REQUIRED:

ELECTED OFFICIAL: *Lisa Naito*

(OR)
DEPARTMENT MANAGER: _____

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email
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MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
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PORTLAND, OREGON 97204
(503) 988-5217

LISA NAITO • DISTRICT 3 COMMISSIONER

STAFF REPORT

TO: Board of County Commissioners

FROM: Commissioner Lisa Naito

DATE: May 1, 2002

RE: To design and adopt an Asian-Specific Comprehensive Mental Health Services Program for Multnomah County

1. Recommendation/Action Requested:

Approval of resolution.

2. Background/Analysis:

As part of the redesign of Multnomah County's mental health and behavioral health system, Asian Americans were identified as one of five major racial/ethnic groups that have been underserved due to in part to the availability of culturally competent services.

3. Financial Impact:

None immediately. At the time the County Chair presents to the Board of County Commissioners the Program, the County will then assess the financial impact. It is expected that funding will be requested for a three year period to build mental health services in the Asian American community.

4. Legal Issues:

None.

5. Controversial Issues:

As in the case of all potential funding for services to Multnomah County's Asian American community, there is concern that the process be fair and inclusive. There is great fear that the individual needs and concerns of everyone in this very diverse community be heard – Chinese and Taiwanese, Japanese and Korean, Mien and Hmong, Vietnamese and Cambodian to name but a few of the many ethnic groups that make up the Asian American community. It is the intent of this resolution to include not only the lead planning partners, but also other Asian American organizations in the process.

6. Link to Current County Policies:

This resolution supports the Multnomah County Benchmark goal of increasing the percentage of population with access to treatment for mental and emotional problems, increasing the percent of citizens who have geographic access to health care; and to the County's vision in its redesign of the mental health care system.

7. Citizen Participation:

Commissioner Naito and her staff gathered input from representatives of the Chinese Service Center, OHSU's Intercultural Psychiatric Program, the Asian Pacific American Network of Oregon (APANO), the Asian Family Center, the International Refugee Center of Oregon (IRCO), and on May 3rd, the Cultural Competency Committee

8. Other Government Participation:

Letters in support of the resolution were received from Portland City Commissioners Jim Francesconi and Dan Saltzman.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Design of an Asian-Specific Comprehensive Mental Health Services Program

The Multnomah County Board of Commissioners Finds:

- a. The Asian American population in Multnomah County has reached more than 45,000 people, 6.8% of our total population – significantly higher than the national rate of 3.6 % – according to Census 2000 figures. Ethnic groups that make up the Asian American community are varied and include Chinese, Vietnamese, Korean, Japanese, Filipino, Cambodians, Laotians, Hmong, Mien, Burmese, Taiwanese and others.
- b. Nearly half of the Asian American population’s ability to use the mental health care system is limited due to lack of English proficiency, as well as to the shortage of providers who possess appropriate language skills, as stated in the Surgeon General’s report, *Mental Health: Culture, Race, Ethnicity* (August 2001). Further, Asian Americans have the lowest rates of utilization of mental health services among ethnic populations, attributable to stigma, lack of financial resources, differing concepts of health and treatment, and cultural inappropriateness of available services.
- c. Especially critical in Multnomah County is the lack of mental services provided to Asian American children. The County Office of Mental Health Services found that from July 2000 to June 2001, “Asian or Pacific Islanders and Hispanics are the most markedly underserved children’s populations” for mental health services. 6.8% of children in Multnomah County are Asian/Pacific Islanders, and represent 6.1% of children enrolled in the Oregon Health Plan. Yet only 1.1% of Asian/Pacific Islander children received Multnomah County mental health services during the 2000/2001 Fiscal Year.
- d. The Chinese Service Center (CSC) has provided bilingual social services in a culturally familiar environment to Asian Americans for nearly 20 years. Since its inception CSC has operated a successful mental health program providing clinical treatment to Asian Americans with chronic mental illness and behavioral disturbances by teams of multi-lingual mental health professionals. In its southeast Portland location, the program currently serves 111 clients who come from Burma, China, Cambodia, Hong Kong, Laos, Taiwan, Vietnam plus American born Chinese.
- e. The Intercultural Psychiatric Program (IPP) at Oregon Health Sciences University (OHSU) has partnered with CSC in providing quality, accessible mental health services to the Asian American community since 1985 serving an additional 540 clients.
- f. Both the Chinese Service Center and the OHSU Intercultural Psychiatric Program have demonstrated professional skill and expertise, competency and results in delivering mental health services to Asian Americans in Multnomah County.

The Multnomah County Board of Commissioners Resolves:

1. The Chair will enhance mental health services for Asian Americans by providing high quality, culturally responsive, and language-appropriate mental health services in locations accessible for that population.
2. The Chair will work with the Chinese Service Center, the OHSU Intercultural Psychiatric Program, and other Asian American organizations as appropriate to design and adopt an Asian-Specific Comprehensive Mental Health Services Program. It should improve the racial and ethnic disparities in accessibility and availability of mental health services and include prevention and treatment services that are relevant, attractive, and effective for the Asian American population.
3. The Chair will ensure that the program addresses the needs of Asian ethnic communities. The program will address the severely under-met needs of Asian American children by incorporating a family-based system of care. Outreach and education will be part of the program.
4. The Chair will present a draft program to the Board within 30 days of the adoption of this resolution.
5. The Board will provide adequate and sufficient funding for the Asian-Specific Comprehensive Mental Health Services System through fiscal year 2005.

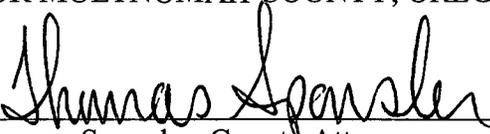
ADOPTED this 9th day of May, 2002.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON


Thomas Sponsler, County Attorney

NOVICK Steve

From: ROJO DE STEFFEY Maria
Sent: Monday, May 06, 2002 4:01 PM
To: NOVICK Steve
Subject: FW: Proposed resolution for API mental health redesign

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

From: NAITO Terri W
Sent: Monday, May 06, 2002 3:39 PM
To: LINN Diane M; ROJO DE STEFFEY Maria; CRUZ Serena M; ROBERTS Lonnie J
Cc: BALL John; RAKOWITZ John A; ROMERO Shelli D; MARTINEZ David; CARROLL Mary P; COMITO Charlotte A; WALKER Gary R; MARTIN Chuck T
Subject: FW: Proposed resolution for API mental health redesign

Chair and Commissioners,
Please find below a response from APANO regarding the Asian-Specific Mental Health Services resolution and Lisa's position. Lisa will speak to you regarding this and other points when she meets with you to talk about the resolution in the next day or two. Again, please let me know if you have any questions in the interim.

Terri Naito
Office of Commissioner LISA NAITO
Multnomah County Oregon
503.988.4105
terri.w.naito@co.multnomah.or.us

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

From: NGUYEN Thach V
Sent: Monday, May 06, 2002 1:41 PM
To: NAITO Lisa H
Cc: NAITO Terri W; 'sokhom_tauch@yahoo.com'; 'maew364@hotmail.com'
Subject: RE: Proposed resolution for API mental health redesign

Dear Commissioner Naito,

Thank you for your leadership in addressing the mental health services/needs for Asian Pacific communities. I understand what you need to do in order to move this issue forward and I agree that this is an urgency. Unfortunately, at this time I cannot publicly support the resolution due to three major concerns:

1. APANO has been collaborating with other communities of color to address several important issues. By supporting this resolution I would alienate other communities and damage our partnerships/relationships which I have been working very hard to build.
2. As the president of APANO, I represent more than 15 Asian ethnic groups. We have been working hard to be recognized as one of the caring communities in Multnomah County. By supporting this resolution and accepting APANO as just one of many other Asian American organizations, I would move the Asian Pacific communities 10 years backward.
3. APANO leaders strongly believe that if APANO is not one of the leading planning agencies, whatever the model that the Chinese Social Service Center and OHSU come up with will not be comprehensive and inclusive. We cannot support something that does not meet our standards.

However, I will not publicly oppose this resolution. There has been talk in the API communities about getting individuals and organizations writing

letters to oppose this resolution. If such effort is underway, there would be hundreds of letters to overshadow the support letters. I have discouraged such effort because I want to avoid conflicts within the API communities. One of my goals is to unify the API communities so we can have one collective voice and that's why APANO is created.

If the resolution is passed and APANO is requested to be a part of the planning process, I am committed to support the planning process and its implementation. I will do whatever I can in the best interest of youth, families, and communities.

Respectfully,

Thach Nguyen

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

From: NAITO Lisa H

Sent: Wednesday, May 01, 2002 3:55 PM

To: NGUYEN Thach V; 'sokhom_tauch@yahoo.com'; 'maew364@hotmail.com'

Cc: NAITO Terri W

Subject: FW: Proposed resolution for API mental health redesign

Dear Lee, Thach and Sokham,

Thank you for the suggestions and the input. We have made changes to the resolution as outlined below. In addition, I intend to increase the planning time from 30 to 60 days to make sure there is enough time for inclusion of other organizations in the planning process, including the organizations you represent. My intention is to keep the Chinese Service Center and OHSU as the lead planning agencies for several reasons. First and foremost, they have been providing services and have the expertise in recruitment, hiring and service delivery. Their record has been exemplary, and we should build on that. Certainly, the point of the resolution is to increase services and build additional capacity. Additionally, they have been involved in the Mental Health Redesign process and the Cultural Competency Committee all along.

I hope you can support the resolution with the changes we have made. My belief is that unless we come together in a clear direction, there will be no increase in services for the Asian American population. I am committed to making sure that the needs of the people you represent are included in any proposal that the Board adopts.

Sincerely,

Lisa

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

From: NAITO Terri W

Sent: Wednesday, May 01, 2002 2:41 PM

To: CARROLL Mary P

Cc: NAITO Lisa H

Subject: RE: Proposed resolution for API mental health redesign

Mary,

Yes, the resolution has been filed for consideration by the BCC on May 9. Lisa will be sending an email either this afternoon or tomorrow morning to Serena, the other Commissioners and the Chair to further clarify the need "to design and adopt an Asian-Specific Comprehensive Mental Health Services Program for Multnomah County," plus her care and thoughts that went into the resolution.

Thach Nguyen of APANO expressed concerns similar to Mr. Tauch's, as did Lee Po Cha.

We amended our draft to read:

(Page 2, # 2, addition of highlighted phrase:)

"The County Chair will work with the Chinese Service Center, OHSU's Intercultural Psychiatric Program, and other Asian American organizations as appropriate to design and adopt an Asian-Specific Comprehensive Mental Health Services Program for Multnomah County that will improve the racial and ethnic disparities in accessibility and availability of mental health services to the Asian American community and includes prevention and treatment services that are relevant, attractive, and effective for Multnomah County's Asian American population no later than thirty (30) days following adoption of this resolution."

(Page 2, #3, deletion of "strikethrough" phrase:)

"The Chair will ensure that the program addresses the needs of Asian ethnic communities, particularly the Korean and Hmong communities for whom no culturally appropriate services are now available."

Please note that we have received 12 letters in support of the resolution from Asian American organizations, health care professionals, and two City Commissioners:

- Dan Saltzman, Commissioner, City of Portland
- Jim Francesconi, Commissioner, City of Portland
- Helen Ying, President, Chinese American Citizens Alliance
- Yvon Moua, President, Hmong Association of Oregon, Inc.
- Byuag Cho, President, The Korean Society of Oregon
- Leslie Ford, CEO, Cascadia Behavioral Healthcare
- George A. Keepers, MD, Interim Chair, Department of Psychiatry, School of Medicine, Oregon Health Science University
- Gemma K. Kim, RN, LCSW, Korean American Mental Health Therapist
- Six Yin Chan, LCSW, Executive Director, Asian/Pacific American Consortium on Substance Abuse
- John Y. Kim, DC; Lac (?), President, Korean American Health Professionals Alliance
- Vathara Oung, Past President, Cambodian-American Community of Oregon, advocate for the Cambodian community since 1988
- Connie Dunkle-Weyrauch, Director of Finance/Administration, Tualatin Valley Centers

Let me know if you have any additional questions!

Terri Naito
Office of Commissioner LISA NAITO
Multnomah County Oregon
503.988.4105
terri.w.naito@co.multnomah.or.us

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

From: CARROLL Mary P
Sent: Wednesday, May 01, 2002 12:49 PM
To: NAITO Terri W
Subject: FW: Proposed resolution for API mental health redesign

Terri:
Are you still going forward with your resolution in light of the opposition from IRCO?
Have you heard from APANO about the proposal yet?

Mary Carroll
Executive Assistant
Commissioner Serena Cruz
501 SE Hawthorne Blvd. Suite 600
Portland OR 97214
(503)988-5275 phn (503)988-5440 fax
mary.p.carroll@co.multnomah.or.us

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

*X-Sybari-Space: 00000000 00000000 00000000

From: sokhom tauch [mailto:sokhom_tauch@yahoo.com]

Sent: Monday, April 29, 2002 5:19 PM

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

Cc: district1@co.multnomah.or.us; serena.m.cruz@co.multnomah.or.us;

lisa.h.naito@co.multnomah.or.us; lonnie.j.roberts@co.multnomah.or.us;

john.ball@co.multnomah.or.us; mary.p.carroll@co.multnomah.or.us

Subject: Proposed resolution for API mental health redesign

Dear Chair Linn, County Commissioners and John Ball,

Attached is a letter regarding IRCO's position about the proposed resolution for the API mental health redesign. Thank you for your consideration in this matter.

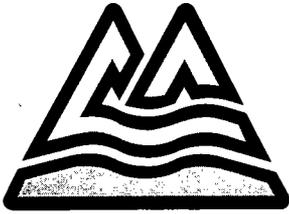
Best regards,

Sokhom Tauch

Do You Yahoo!?

Yahoo! Health - your guide to health and wellness

<http://health.yahoo.com>



Commissioner LISA NAITO
MULTNOMAH COUNTY • DISTRICT 3

BOARD OF COUNTY COMMISSIONERS • 501 S.E. HAWTHORNE BLVD., SUITE 600 • PORTLAND, OREGON 97214
(503) 988-5217 phone
(503) 988-5262 fax

May 7, 2002

Diane Linn
Chair
Multnomah County
501 SE Hawthorne Blvd.
Portland, OR 97214

Dear Chair Linn,

Thank you for meeting with me this morning regarding the resolution I put forth "To Design and Adopt an Asian-Specific Comprehensive Mental Health Services Program for Multnomah County" for consideration by the Board at this week's meeting on May 9 (agenda item R-4).

I appreciate the effort you outlined to move forward at an administrative level to ensure that mental health services for Asian Americans are increased. I understand that you plan to work with the Chinese Service Center (CSC), OHSU's Intercultural Psychiatric Program (OHSU/IPP), and other Asian American organizations as appropriate to devise and implement a mental health services program that will improve the racial and ethnic disparities in accessibility and availability of mental health services to Multnomah County's Asian American community. I further understand that you plan to implement the results of your efforts by contract no later than July 1, 2002.

I applaud your intention to keep the Chinese Service Center and OHSU/IPP as the lead planning agencies, and to involve other appropriate Asian American organizations in the development process. As you know, collectively CSC and OHSU/IPP have been providing mental health services for more than 35 years, and have the demonstrated expertise in recruitment, hiring and service delivery. Their record has been exemplary, and we should build on their experience to increase services and build additional capacity. Additionally, they have been involved in the Mental Health Redesign process and the Cultural Competency Committee since its inception.

As a result of your leadership and commitment, I will withdraw the resolution from consideration at this time. It is my sincere hope that the renewed efforts of you and your staff will result in high-quality, culturally responsive, and language-appropriate mental health services in location(s) accessible to the County's Asian American population.

Thank you again for your leadership!

Sincerely,

LISA NAITO
Commissioner
Multnomah County

cc: Maria Rojo de Steffey, Multnomah County Commissioner
Serena Cruz, Multnomah County Commissioner
Lonnie Roberts, Multnomah County Commissioner
Holden Leung, Chinese Service Center
Erik Szeto, D.O.
Paul Leung, M.D., OHSU Intercultural Psychiatric Program
Helen Ying, Chinese American Citizens Alliance
Yvon Moua, Hmong Association of Oregon, Inc.
Byuag Cho, The Korean Society of Oregon
Vathara Oung, Cambodian-American Community of Oregon
Sik Yin Chan, Asian/Pacific American Consortium on Substance Abuse
John Y. Kim, Korean American Health Professionals Alliance
George A. Keepers, M.D., OHSU Department of Psychiatry
Gemma K. Kim, mental health therapist
Leslie Ford, Cascadia Behavioral Healthcare
Connie Dunkle-Weyrauch, Tualatin Valley Centers
Jim Francesconi, Portland City Commissioner
Dan Saltzman, Portland City Commissioner

Chinese American Citizens Alliance

11453 SE Hazel Hill Road
Clackamas, OR 97015

Email: discover2000@juno.com Web: www.cacaportland.com
Tel: (503) 698-2315 Fax: (503) 698-3488



會源同

April 28, 2002

Board of Commissioners,
Multnomah County
501 SE Hawthorne Blvd., Suite 600
Portland, OR 97214

Dear Commissioners,

Re: Support for the resolution "To design and adopt an Asian-Specific Comprehensive Mental Health Services Program for Multnomah County"

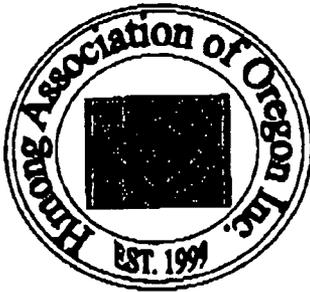
As members of the Asian community, the Portland Lodge of Chinese American Citizens Alliance is pleased to support the resolution which aims to design and adopt an Asian-Specific Comprehensive Mental Health Services Program. Our members are excited to see that the implementation of the program will ensure cultural competent service delivery in prevention and treatment services to Multnomah County's Asian American population.

We are aware that the current mental health service system is fragmented and is unable to carry out culturally appropriate services. We believe that an Asian-Specific Comprehensive Mental Health Services Program would eliminate racial and ethnic disparities in accessibility, availability and quality of mental health services to our community. We support the collaborative effort of the Chinese Service Center and the Intercultural Psychiatric Program in partnering with Multnomah County to bring in Culturally and Linguistically Specific Comprehensive Mental Services to the Asian American community. With reference to the service records made by the two agencies over the last 20 years, we are confident that they have the competence to successfully carry out the Program. We hope the Board of Commissioners will fully support the resolution and better serve the Asian American community in Multnomah County. Thank you for your attention.

Sincerely,

Helen L. Ying

President



HMONG ASSOCIATION OF OREGON, INC.
Non-profit Organization
8916 N Woolsey Ave
Portland, OR 97203

April 29, 2002

Board of Commissioners,
Multnomah County
501 SE Hawthorne Blvd. Suite 600
Portland, OR 97214

Dear Commissioners,

Re: Support for the resolution "To design and adopt an Asian-Specific Comprehensive Mental Health Services Program for Multnomah County"

As a member of the Asian community, we are pleased to support the resolution which aims to design and adopt an Asian-Specific Comprehensive Mental Health Services Program. We are excited to see that the implementation of the program will ensure cultural competent service delivery in prevention and treatment services to Multnomah County's Asian American population.

We believe that the current mental health service system is fragmented and is unable to carry out culturally appropriate services. We support that an Asian-Specific Comprehensive Mental Health Service Program can eliminate racial and ethnic disparities in accessibility, availability and quality of mental health services to the Asian community. We hold hearty to support the collaborative effort made by the Chinese Service Center and the Intercultural Psychiatric Program in partnering with Multnomah County to bring in a culturally and linguistically Specific Comprehensive Mental Health Services to Asian people. With reference to the service records made by the two agencies over the last 20 years, we are confident that they have the competence to lead a success in carrying out the program.

We hope the Board of Commissioners will fully support the resolution and better serve the Asian Community in Multnomah County. Thank you for your consideration.

Sincerely yours,

Yvon Moua

President of Hmong Association of Oregon, Inc.

FROM : KSO
APR-29-2002 11:07 AM

FROM NO. : 5034523977

Apr. 29 2002 11:44AM P2

The Korean Society of Oregon
7655 SW 81st Ave, Portland, OR 97223
Tel: (503) 977-3917

Date: April 28, 2002

Board of Commissioners,
Multnomah County
501 SE Hawthorne Blvd., Suite 600
Portland, OR 97214

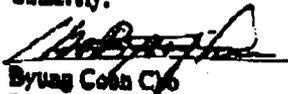
Dear Commissioners,

Re: Support for the resolution " To design and adopt an Asian-Specific Comprehensive Mental Health Services Program for Multnomah County "

As a president of The Korean Society of Oregon, I am pleased to support the resolution which aims to design and adopt an Asian-Specific Comprehensive Mental Health Services Program. I am excited to see that the implementation of the program will ensure cultural competent service delivery in prevention and treatment services to Multnomah County's Asian American population

I believe that the current mental health service system is fragmented and is unable to carry out culturally appropriate services. I support that an Asian-Specific Comprehensive Mental Health Services Program (ASCMHSP) can eliminate racial and ethnic disparities in accessibility, availability and quality of mental health services to our community. I hold hearty to support the collaborative effort made by the Chinese Services Center and the Intercultural Psychiatric Program in partnering with Multnomah County to bring in a Culturally and Linguistically Specific Comprehensive Mental Services to Asian people. With reference to the service records made by the two agencies over the last 20 years, I am confident that they have the competence to lead a success in carrying out the Program. I hope the Board of Commissioners will fully support the resolution and better serve the Asian Community in Multnomah County. Thank you for your attention.

Sincerely,


Byung Cohn Cho
President
The Korean Society of Oregon

4-29-02

Date: April 29, 2002

Board of Commissioners,
Multnomah County
501 SE Hawthorne Blvd., Suite 600
Portland, OR 97214

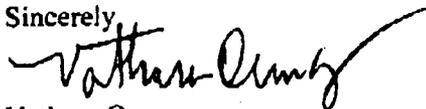
Dear Commissioners,

Re: Support for the resolution " To design and adopt an Asian-Specific Comprehensive Mental Health Services Program for Multnomah County "

As a member of the Asian community and an advocate for the Cambodian community since 1988, I am pleased to support the resolution, which aims to design and adopt an Asian-Specific Comprehensive Mental Health Services Program. I am excited to see that the implementation of the program will ensure cultural competent service delivery in prevention and treatment services to Multnomah County's Asian American population.

I believe that the current mental health service system is fragmented and is unable to carry out culturally appropriate services. I support that an Asian-Specific Comprehensive Mental Health Services Program can eliminate racial and ethnic disparities in accessibility, availability and quality of mental health services to our community. I hold hearty to support the collaborative effort made by the Chinese Service Center and the Intercultural Psychiatric Program in partnering with Multnomah County to bring in a Culturally and Linguistically Specific Comprehensive Mental Services to Asian people. With reference to the service records made by the two agencies over the last 20 years, I am confident that they have the competence to lead a success in carrying out the Program. I urge the Board of Commissioners will fully support the resolution and better serve the Asian Community in Multnomah County. Thank you for your attention.

Sincerely,



Vathara Oung,
Ex-president of the Cambodian-American Community of Oregon and
an Advocate for the Cambodian Community since 1988
11740 SW 121th Ave. Tigard, OR 97223
(503)590-3627

Asian/Pacific American Consortium on Substance Abuse



SE Portland Asian Outreach Office

4937 SE Woodstock Boulevard
Portland, OR 97206

Phone: (503) 775-2458 Fax: (503) 775-0004

NE Portland Asian Outreach Office

1610 NE 66th Avenue, Suite 1
Portland, OR 97213

Phone: (503) 257-9117

April 29, 2002

Board of Commissioners
Multnomah County
501 SE Hawthorne Blvd. Suite 600
Portland, OR 97214

Dear Commissioners:

The Asian/Pacific American Consortium on Substance Abuse (APACSA) is pleased to support the resolution that aims to design and adopt an Asian-specific comprehensive mental health services program. I am excited to see that the implementation of the program will ensure cultural competent service delivery in prevention and treatment services in Multnomah County's Asian American population.

Since its beginning in 1993, APACSA has promoted health and well-being through providing culturally-competent community education and drug prevention programs in response to the growing need for such services in the Asian/Pacific Islander community. The collaborative effort made by the Chinese Service Center and the Intercultural Psychiatric Program in partnering with Multnomah County to bring in culturally and linguistically specific comprehensive mental services to Asian people would also help fulfill this growing need. The Chinese Service Center and the Intercultural Psychiatric Program have been serving the Asian community for over twenty years and I am confident they have the ability to successfully lead this program.

I hope the Board of Commissioners will fully support the resolution to better serve the Asian Community in Multnomah County. Thank you for your attention.

Sincerely,


Sik Yin Chan, LCSW
Executive Director
APACSA

"No Drugs... True Freedom"

Korean American Health Professionals Alliance
P.O. Box 333, Beaverton, OR 97003
(503) 841-3444

Date: April 28, 2002

Board of Commissioners,
Multnomah County
501 SE Hawthorne Blvd., Suite 600
Portland, OR 97214

Dear Commissioners,

Re: Support for the resolution " To design and adopt an Asian-Specific Comprehensive Mental Health Services Program for Multnomah County "

As a member of the Asian Healthcare Community and the president of Korean American Health Professionals Alliance (KAHPA), I am pleased to support the resolution which aims to design and adopt an Asian-Specific Comprehensive Mental Health Services Program. I am excited to see that the implementation of the program will ensure cultural competent service delivery in prevention and treatment services to Multnomah County's Asian American population.

I believe that the current mental health service system is fragmented and is unable to carry out culturally appropriate services. I support that an Asian-Specific Comprehensive Mental Health Services Program (ASCMHSP) can eliminate racial and ethnic disparities in accessibility, availability and quality of mental health services to our community. I hold hearty to support the collaborative effort made by the Chinese Service Center and the Intercultural Psychiatric Program in partnering with Multnomah County to bring in a Culturally and Linguistically Specific Comprehensive Mental Services to Asian people. With reference to the service records made by the two agencies over the last 20 years, I am confident that they have the competence to lead a success in carrying out the Program. I hope the Board of Commissioners will fully support the resolution and better serve the Asian Community in Multnomah County. Thank you for your attention.

Sincerely,



John Y. Kim, D.C., L.Ac.

President

Korean American Health Professionals Alliance

04/29/2002 15:27 IPP 5034948080 → 95038728823

NO. 310 0001

**SCHOOL OF
MEDICINE**

OREGON HEALTH & SCIENCE UNIVERSITY
DEPARTMENT OF PSYCHIATRY
3181 S.W. SAM JACKSON PARK ROAD
MAIL CODE UNH86
PORTLAND, OR 97201-3088
TEL 503 494-8144
FAX 503 494-6151

April 29, 2002

Board of Commissioners,
Multnomah County
501 S.E. Hawthorne Blvd., Suite 600
Portland, OR 97214

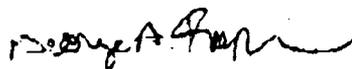
Dear Commissioners:

Re: Support for the resolution "To design and adopt an Asian-Specific Comprehensive Mental Health Services Program for Multnomah County"

As the Chair of the OHSU Department of Psychiatry, I am pleased to support the resolution which aims to design and adopt an Asian-Specific Comprehensive Mental Health Services Program. I am pleased that the implementation of the program will ensure culturally competent service delivery in prevention and treatment services to Multnomah County's Asian-American population. This population has been a special focus for our department for more than twenty years.

I believe that the current mental health service system is fragmented and is unable to carry out culturally appropriate services. I support an Asian-Specific Comprehensive Mental Health Services Program that can eliminate racial and ethnic disparities in accessibility, availability and quality of mental health services to our community. I support the collaborative effort made by the Chinese Service Center and the OHSU Intercultural Psychiatric Program in partnering with Multnomah County to bring culturally and linguistically specific comprehensive mental health services to Asian people. The service records of the two agencies over the last 20 years demonstrate that they have the competence to fully carry out this program. I urge the Board of Commissioners to fully support the resolution.

Sincerely,



George A. Keepers, M.D.
Interim Chair, Department of Psychiatry

GAK/sh

Gemma K. Kim, RN, LCSW
15218 NW Francesca Dr, Portland, OR 97229
Tel: (503) 604-3707, E-mail: gemmakim@yahoo.com

Date: April 28, 2002

Board of Commissioners,
Multnomah County
501 SE Hawthorne Blvd., Suite 600
Portland, OR 97214

Dear Commissioners,

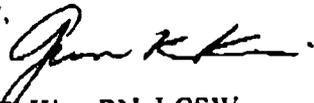
Re: Support for the resolution " To design and adopt an Asian-Specific Comprehensive Mental Health Services Program for Multnomah County "

As a Korean-American mental health therapist, I am pleased to support the resolution which aims to design and adopt an Asian-Specific Comprehensive Mental Health Services Program. I am excited to see that the implementation of the program will ensure cultural competent service delivery in prevention and treatment services to Multnomah County's Asian American population.

I believe that the current mental health service system is fragmented and is unable to carry out culturally appropriate services. I support that an Asian-Specific Comprehensive Mental Health Services Program (ASCMHSP) can eliminate racial and ethnic disparities in accessibility, availability and quality of mental health services to our community. I hold hearty to support the collaborative effort made by the Chinese Service Center and the Intercultural Psychiatric Program in partnering with Multnomah County to bring in a Culturally and Linguistically Specific Comprehensive Mental Services to Asian people. With reference to the service records made by the two agencies over the last 20 years, I am confident that they have the competence to lead a success in carrying out the Program.

I have been working as a mental health therapist for many years, and I always wish there was a service easily accessible for the Asian community. I have confidence that ASCMHP will encourage Asians to seek help and it will also prevent them to be in crisis. I hope the Board of Commissioners will fully support the resolution and better serve the Asian Community in Multnomah County. Thank you for your attention.

Sincerely,

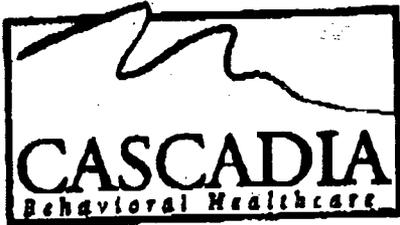


Gemma K. Kim, RN, LCSW.
Mental Health Therapist

04/29/02 MON 10:27 FAX 503 963 7711

Command Central

002



April 29, 2002

Board of Commissioners
Multnomah County Commission
501 SE Hawthorne Blvd., Suite 600
Portland, OR 97214

Dear Commissioners,

Re: Support for the resolution "To design and adopt an Asian-Specific Comprehensive Mental Health Services Program for Multnomah County"

We are pleased to support the resolution, which aims to design and adopt an Asian-Specific Comprehensive Mental Health Services Program. We are excited to see that the implementation of the program will ensure cultural competent service delivery in prevention and treatment services to Multnomah County's Asian American population.

We have partnered with Chinese Service Center for more than 15 years. We believe that the current mental health service system is fragmented and a culturally specific program can fill the service gap and better serve the Asian community in a culturally appropriate manner. We support that an Asian-Specific Comprehensive Mental Health Services Program can eliminate racial and ethnic disparities in accessibility, availability and quality of mental health services to our community. We wholeheartedly support the collaborative effort made by the Chinese Service Center and the Intercultural Psychiatric Program in partnering with Multnomah County to bring in a Culturally and Linguistically Specific Comprehensive Mental Services Program to Asian people. With reference to the service records made by the two agencies over the last 20 years, we are confident that they have the competence to be successful in carrying out the Program. We hope the Board of Commissioners will fully support the resolution and better serve the Asian Community in Multnomah County. Thank you for your attention.

Sincerely,

Leslie Ford
Leslie Ford
Chief Executive Officer
Cascadia Behavioral Healthcare



April 29, 2002

Board of Commissioners,
Multnomah County
501 S.E. Hawthorne Blvd., Suite 600
Portland, OR 97214

Dear Commissioners:

Re: Support for the resolution "To design and adopt an Asian-Specific Comprehensive Mental Health Services Program for Multnomah County"

As the Director of Finance/Administration at Tualatin Valley Centers, I am pleased to support the resolution which aims to design and adopt an Asian-Specific Comprehensive Mental Health Services Program. I am pleased that the implementation of the program will ensure culturally competent service delivery in prevention and treatment services to Multnomah County's Asian-American population.

I believe that the current mental health service system is fragmented and is unable to carry out culturally appropriate services. I support an Asian-Specific Comprehensive Mental Health Services Program that can eliminate racial and ethnic disparities in accessibility, availability and quality of mental health services to our community. I support the collaborative effort made by the Chinese Service Center and the OHSU Intercultural Psychiatric Program in partnering with Multnomah County to bring culturally and linguistically specific comprehensive mental health services to Asian people. The service records of the two agencies over the last 20 years demonstrate that they have the competence to fully carry out this program.

I urge the Board of Commissioners to fully support the resolution.

Sincerely,

Connie Dunkle-Weyrauch
Director of Finance/Administration
Tualatin Valley Centers



CITY OF
PORTLAND, OREGON

OFFICE OF PUBLIC UTILITIES

Jim Francesconi, Commissioner
1221 S.W. Fourth Avenue
Portland, Oregon 97204-1994
(503) 823-3008
FAX: (503) 823-3017

Thursday, April 25, 2002

Lisa Naito
Multnomah County Commission
Interoffice Mail - 106 / 1500

Dear Lisa:

I am writing in support of the resolution to adopt an Asian-Specific Comprehensive Mental Health Service Program for Multnomah County.

I want to specifically acknowledge the important work of the Chinese Service Center, which I have visited on many occasions. The Center provides critical bilingual social services and after school programs to Chinese, Korean and SE Asian Citizens.

Multnomah County must support programs such as the Chinese Social Service Center, which specifically target Asian American children by utilizing a family-based system of care.

Thank you, once again, for demonstrating your willingness to take bold steps to serve **all** of our citizens.

Sincerely,

Jim Francesconi
Commissioner

JLF/dld

Cc: Dr. Eric Szeto
Holden Leung – Executive Director - Chinese Service Center



CITY OF

PORTLAND, OREGON

Dan Saltzman, Commissioner
1221 S.W. 4th Avenue, Room 230
Portland, Oregon 97204
Telephone: (503) 823-4151
Fax: (503) 823-3036
Internet: dsaltzman@ci.portland.or.us

April 26, 2002

County Commissioner Lisa Naito
501 SE Hawthorne, Suite 600
Portland, OR 97214

Dear Commissioner Naito, *Lisa*

I am writing to you today to express my support for Multnomah County's proposed resolution supporting enhanced mental health services for the Asian community in partnership with the Asian Health Center.

The Asian Health Center, formerly known as the Chinese Service Center, has been a wonderful asset to our community for nearly 20 years. As one of the primary social service providers for the local Asian community, the Asian Health Center has an impressive track record of providing top quality services. With the Asian community in Multnomah County now approaching 50,000 people, the time is clearly right for this type of targeted service. As you know, providing mental health services is challenging in the best of circumstances, and when language and cultural barriers are not addressed it is nearly impossible to provide quality care.

I applaud your efforts to design a comprehensive mental health service program specifically for the Asian community and encourage you to adopt the resolution you will be considering next week.

Sincerely,

Dan Saltzman

BOGSTAD Deborah L

From: NAITO Terri W

Sent: Wednesday, May 08, 2002 1:45 PM

To: LINN Diane M; ROJO DE STEFFEY Maria; CRUZ Serena M; ROBERTS Lonnie J

Cc: NOVICK Steve; ROMERO Shelli D; MARTINEZ David; CARROLL Mary P; COMITO Charlotte A; WESSINGER Carol M; WALKER Gary R; BOGSTAD Deborah L

Subject: National Nurses Week Proclamation

Dear Chair and Commissioners,

Lisa has decided, at the eleventh hour, to introduce a proclamation tomorrow honoring nurses. (I do believe this is a direct result of her back problems and the renewed appreciation she has for the nursing profession!) Since the "National Nurses Week" proclamation is not on the agenda, it will have to go through the unanimous consent process. I would appreciate it if you might take a moment to look at the attached proclamation and let me know as soon as possible if you have any objections.

Terri Naito

Office of Commissioner LISA NAITO

Multnomah County Oregon

503.988.4105

terri.w.naito@co.multnomah.or.us

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

PROCLAMATION NO. 02-065

Proclaiming the Week of May 6 through May 12, 2002 to be "National Nurses Week" in Multnomah County, Oregon

The Multnomah County Board of County Commissioners Finds:

- a. The nearly 2.7 million registered nurses in the United States comprise our nation's largest health care profession. Registered nurses in Oregon number 35,000 and include approximately 1900 nurse practitioners and nurse mid-wives, 100 certified registered nurse anesthetists, and 100 nurse specialists.
- b. Multnomah County's corps of community health nurses work to improve the overall health of our community by providing a range of services that reach out to the low-income and uninsured in our neighborhoods, teenagers in our public schools, parents and their newborns, the elderly, corrections clients, non-English speaking clients and many more.
- c. Nurses are on the front lines of care in our hospitals, clinics, nursing homes, schools, and doctors' offices. In serving as the backbone of our healthcare system their dedication to their work and compassion for their patients exemplify the best of human qualities.
- d. National Nurses Week has been observed annually since 1954, and ends on May 12, the birthday of Florence Nightingale, founder of nursing as a modern profession.

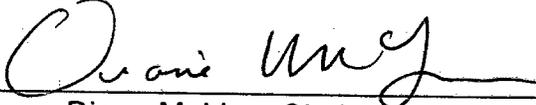
The Multnomah County Board of County Commissioners Proclaims:

The week of May 6 through May 12, 2002 to be "National Nurses Week" in Multnomah County, Oregon. We celebrate registered nurses' accomplishments and efforts to improve our health care system and recognize the vital contributions of nurses to the health and well-being of our community.

ADOPTED this 9th day of May, 2002.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

MEETING DATE: May 9, 2002
AGENDA NO: WS-3
ESTIMATED START TIME: 10:00 AM
LOCATION: Boardroom 100

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Public Safety Group Policy Framework Discussion

BOARD BRIEFING: **DATE REQUESTED:** Thursday, May 9, 2002
REQUESTED BY: Chair's Office
AMOUNT OF TIME NEEDED: 2 hours

REGULAR MEETING: **DATE REQUESTED:** _____
AMOUNT OF TIME NEEDED: _____

DEPARTMENT: DBCS **DIVISION:** Budget and Service Improvement

CONTACT: Tony Mounts **TELEPHONE #:** 503 988-4185
BLDG/ROOM #: 503/4th Floor

PERSON(S) MAKING PRESENTATION: John Rakowitz, DCJ Director Joanne Fuller, District Attorney Mike Schrunk, Sheriff Dan Noelle, Invited Department Directors, Staff

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Public Safety Group Policy Framework Discussion

SIGNATURES REQUIRED:

ELECTED OFFICIAL: Diane M. Linn

(OR)
DEPARTMENT MANAGER: _____

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email
deborah.l.bogstad@co.multnomah.or.us

**Multnomah County
Department of Community Justice
Public Safety Policy Discussion
May 1, 2002**

InterChange

A critical component of the County's continuum of substance abuse treatment:
Facility Costs and Interim Siting Options 2

Specialty Courts

Clean Court Implementation Status 5

Transition Services

Continued focus on enhancing transition services for offenders leaving institutions:
Recognizing the critical link to recidivism reduction 6

Jail Bed Management

The public safety system working collaboratively to maintain public safety goals while
best managing resources 7

Detention Reform

Multnomah County as a national leader in detention reform 7

Minority Over-representation

Continued analysis of data and adjustment of policy to decrease minority
over-representation at critical decision points 8

Juvenile Justice Complex

Long-term planning to allow for more flexible use 8

Child Abuse Unit

Multnomah County's role 9



InterChange

❖ The Program

- InterChange is a critical component of the continuum of alcohol and drug treatment services offered by the county.
- Operating since November 1999, InterChange targets offenders who are high-risk to commit new crimes and have a history of walking away from community-based treatment. Prior to entering InterChange, the average client had two bookings a year and spent an average of 48.8 days a year in jail.
- The InterChange program has been recognized as a successful program and has achieved its expected outcomes. Matt Nice, of the Division of Budget and Service Improvement, recently reported that:
 - 50% of InterChange participants had not been rearrested one year after completion of the program.
 - These results are consistent with national data on treatment for high-risk offenders.
- Another study indicated that InterChange completers demonstrated reductions in criminal thinking:
 - An average pre-post test decrease of 42% in completers' pro-criminal attitudes was found, as well as a 47% pre-post test decrease in attitudes toward violating the law.
- DCJ has achieved these successes with high-risk offenders, many of them released early from jail, without compromising community safety.
 - There have been a minimal number of clients absconding the facility (an analysis in March 2001 demonstrated at that time 9 absconds out of 793 transports outside the building, or 1%). *Moving InterChange to MCRC without completing the identified security remodeling would likely increase the number of absconds.*
 - There have been no staff assaults;
 - There has been no contraband in the facility since its inception (confirmed by UA data and monthly MCSO drug dog inspections).

❖ Operation and Location Issues

- InterChange is currently located in Hillsboro, in Washington County. The program occupies two and a half floors of the old jail (approximately 22,000 square feet).
- Through an IGA, Multnomah County pays Washing County for facility space and services and 5.0 FTE Washington County Sheriff's Office Deputies for one 24-hour post.
- Staffing includes 20 FTE's and 6 on-call residential supervisors; it also draws on staff from Corrections Health, Londer Learning Center and community-based providers for continuing outpatient care.
- The program is licensed by the Oregon Office of Alcohol and Drug Abuse Programs (OADAP) to provide residential alcohol and drug treatment and conforms to the requirements set forth in the Oregon Administrative Rules.
- In January 2002, a team of MCSO and DCJ representatives was asked to review alternative sites for Interchange as an interim cost savings opportunity pending the opening of Wapato. The team investigated five facilities for re-locating the Interchange program and found the Restitution Center (MCRC) to be the only viable site, although it

would require some remodeling to meet licensure and safety requirements. Further research identified potential seismic upgrade requirements of approximately \$1.7 million that may be activated by such remodeling.

- Ongoing facility related costs for Interchange in Washington County are \$935,000. Ongoing facility related costs in a Multnomah County facility would be approximately \$323,000. Additional costs might also include shared MCSO deputies at MCRC and lost *pay to stay* revenues for MCSO. The potential savings of \$612,000 would be offset during the first year of moving the program to a local facility due to remodeling costs.
- The county has indicated a clear commitment to providing a continuum of alcohol and drug treatment services. With the uncertainties surrounding Wapato, there are several options to be considered regarding InterChange siting.
 - Leave InterChange in Washington County until Wapato is operational. If Wapato became operational in July of 2004, the County would have expended approximately \$1,908,000* in facility and deputy costs at the Washington County site (FY03 & FY04).
 - Remodel a Multnomah County-owned facility and move InterChange to that facility on an interim basis until Wapato is operational. If Wapato became operational in July of 2004, the County would have expended approximately \$870,000* including facility and remodeling costs (FY03 & FY04). An additional \$1.7 million in expenses may be required due to seismic upgrade requirements for a total of \$2,570,000. Additional costs may also be incurred to prepare the space for other use, once InterChange moves to Wapato. Investing now in a seismic upgrade of MCRC would allow for increased flexibility for its use in the future.
 - Close InterChange until Wapato is operational. This option would eliminate a critical component in the county's continuum of drug and alcohol treatment services. Although the County may achieve short-term savings by implementing this option, these savings may be offset by system impacts such as increased jail bed use and long-term systemic costs related to leaving high-risk offenders untreated.

*Assumes a 4% inflation rate between FY03 & FY04 facility costs

Multnomah County Adult Alcohol and Drug Treatment: Continuum of Care April 2002

Continuum of Care by Intensity Level	Prevention	Crisis & Immediate Access	Assessment, Referral & Intake	Outpatient	Intensive Outpatient	Residential	Intensive Residential	Secure Residential	Continuing Care	
County Human Services (OAS)	OAS	OAS	OAS	OAS	OAS	OAS			OAS	
Community Justice (Treatment Services)		Jail	DCJ		DCJ	DCJ	DCJ	DCJ	DCJ	

- Access Points**
- ◆ County Call Center
 - ◆ Emergency Rooms
 - ◆ Detox / Sobering
 - ◆ Family Centers
 - ◆ Primary Health Care Clinics
 - ◆ Treatment Agencies
 - ◆ State A&D Hotline

- Mandated Access Points**
- ◆ Jail
 - ◆ DCJ Central Intake
 - ◆ Dependency Courts
 - ◆ Drug Courts
 - ◆ DHS Family Intervention Teams

Specialty Courts

❖ CLEAN Court

- Beginning March 4, 2002, Multnomah County instituted Clean Court to supervise defendants who have been convicted of a low-level drug crime and those who are terminated from STOP Court. Clients must have a previous drug conviction, and may have additional charges that do not carry a presumptive prison sentence.
- 27 clients were referred to Clean Court during the months of March and April.
- 10 of those clients have started or are scheduled to start substance abuse treatment (9 in outpatient treatment and 1 in residential treatment).
- Clean Court is a collaborative effort between Multnomah County Department of Community Justice, Department of County Human Services, the Courts, the District Attorney's Office, the Sheriff's Office, the defense bar, the State Court Administrator's Office, and community-based treatment providers.
- The Clean Court operations and policy committees continue to meet on a regular basis to resolve operational issues and ensure successful implementation.
- Clean Court is a treatment-oriented drug court based upon Multnomah County's established Sanction Treatment Options Progress (STOP) diversion program. Similar to STOP, defendants assigned to Clean Court must be actively engaged in outpatient drug treatment, submit to random urinalysis, and personally appear before the Clean Court judge at regular intervals.
- The primary difference between STOP and Clean Court is defendants participate in STOP voluntarily, but in Clean Court involuntarily. Defendants ordered to participate in Clean Court must successfully complete the program as a condition of probation.
- It is unclear what effects the new booking policy (effective May 2, 2002) will have on program referrals.

❖ Other Specialty Courts

- STOP Court
 - Offenders with no prior felony and no prior STOP failure; or offenders with a prior felony but no prior STOP decline or failure
 - 315 slots per year with an average stay of 14 months
 - Successful Completion is defined as maintaining an alcohol, drug, and crime-free lifestyle.
 - Pre- and post-tests are conducted to determine any improvement in quality of life following treatment
- Community Court
 - Non-violent misdemeanor and violation cases.
 - Approximately 6,000 cases closed per year at three courts (West Side, SE, and N/NE).
 - 126 referrals per month to other social service agencies & resources

- 31,464 hours of community service work performed in local neighborhoods
 - 29 senior citizens have benefited from the Senior Citizen Yard Work program
 - Cost savings for the Court system & Indigent Defense
 - Cost savings for jails
 - Cost savings through clearing warrants
 - Mental Health and Chemical Dependency Monitoring Programs
 - As of December 2001, 81 defendants had participated in the mental health monitoring program. 39 of those defendants had successfully completed the program, 22 were unsuccessful, and 17 are still being monitored. Of those cases, 46 were at the Westside court, 19 at N/NE, and 16 at SE/E.
 - As of December 2001, 82 defendants had participated in the chemical dependency monitoring program. 27 of those defendants successfully completed the program, 29 were unsuccessful, and 26 are still being monitored. Of those cases, 38 were at the Westside court, 26 at N/NE and 18 at E/SE.
- Mental Health Court
 - Juvenile Treatment Court
 - Began operation in January 2001
 - Serves post-adjudicated, high risk youth with serious substance abuse issues
 - 2 Juvenile Court Counselors carry caseloads of 20-25 youth

Offender Transition

- ❖ In many cases, during their incarceration, an inmate's living arrangements, significant relationships and job situations disintegrate. It is not uncommon for recently released offenders to have only temporary living arrangements, to be homeless, and to have no financial reserves. Providing preparation, support, and treatment during this period of transition is critical to reducing recidivism.
- ❖ DCJ continues to focus resources on enhancing offender transition from institutions to the community, including working closely with the Oregon Department of Corrections (DOC) in the institutions preparing offenders for transition; providing centralized intake, assessment, and referral services; developing a continuum of alcohol and drug free housing options; and providing education and employment services and support.
- ❖ The Department is beginning to enhance its work in the community using a strengths-based model to involve faith-based and other community-based organizations in providing supportive networks for offenders transitioning back to the community.
- ❖ The report of the Citizens Crime Commission's Recidivism Reduction Committee, titled *Reducing Recidivism: Cost-Effective Crime Prevention* will be released soon. This report includes recommendations for enhancing the cost-effectiveness of offender transition services.

Jail Bed Management

- ❖ The County Public Safety System must manage its resources in the most cost effective way while maintaining public safety goals and changing the behavior of offenders as much as possible. A significant factor in achievement of these goals is the effective management of jail bed capacity. The Jail Beds Workgroup was brought together in March 2002 to review factors driving jail usage in this county, including how decisions in other systems affect jail usage, and the policy/programmatic options available to policy makers. Continuing this analysis and policy work on an ongoing basis will help the Public Safety System further refine its ability to manage jail bed capacity. Specific areas in which this work continues, include the following:
 - **Pretrial Services Review:** The Court Work Group has been working on a project designed to revise and improve the pretrial decision making system. The system currently utilizes a release assessment tool that was developed in coordination with the National Association of Pretrial Services Agencies. The Court Work Group desired to further refine and automate this process by developing one release assessment tool to be used at all decision-making points, ensuring objectivity and targeting jail bed availability for individuals at highest risk of reoffending or failure to appear.
 - System changes, such as changes in prosecution of drug offenses and decreasing the number of jail days on probation / parole / post prison supervision violation sentences result in comparative reductions in jail bed use, facilitating the County's ability to manage this resource. Policy areas under current review or implementation include the following:
 - Expediting resolution of holds,
 - Expediting docket on cases going to prison,
 - Elimination of bookings for specific crimes,
 - Expedite sanction process for offenders on probation / post-prison supervision holds,
 - Review Turn Self In (TSI) policy,
 - Review policy regarding DUII cases, and
 - Review DCJ contracts regarding capacity to place STOP failures in residential treatment.
 - System improvements and resource allocation for jail alternatives also affect jail bed use. The County is committed to providing a continuum of substance abuse treatment options for individuals involved in the justice system. Increasing the availability of substance abuse treatment options for offenders and developing other sanction alternatives, such as forest project, community service, and electronic monitoring are critical to the County's ability to manage jail beds.

Detention Reform

- ❖ Multnomah County has been nationally recognized for its work in detention reform and acts as a *Model Site* in coordination with Annie E. Casey Foundation.
- ❖ DCJ's Detention Reform initiative has been going on for several years and continues to be very vital to the work of the department:
 - Make data-driven decisions about the services youth receive and make those services widely available to youth.

- Maintain detention alternatives.
- Create case processing systems that quickly move youth through the system to intervention and accountability, closely linking youth's behavior with consequences and saving detention beds for high risk youth.
- Hold youth in the least restrictive setting, using less expensive alternatives for youth who do not represent a public safety risk.
- Decrease minority representation at all decision points in the system.

Minority Over-representation

- ❖ Significant analysis has been completed to determine how decisions made at different points in the juvenile justice system contribute to or affect minority over-representation.
- ❖ DCJ is committed to doing more analysis on minority over-representation and decision points in the adult community justice system.
- ❖ The work being done by the Pre-trial Work Group to revise and automate the release assessment tool will not only provide additional data on the demographics of offenders being released, but will also provide a more objective decision-making tool at that point in the system.
- ❖ Draft recommendations of the Racial Over-representation in the Criminal Justice System (ROCS) task force formed by the Local Public Safety Coordinating Council include the following:
 - Initiate programs to increase rates of appearance at court hearings.
 - Expand the availability of data and its use in system management.
 - Recognize the importance of improving A&D prevention / treatment programs.
 - Develop public education and feedback processes.
 - Develop a long-term process for recognizing and attending to emerging issues of over-representation.
- ❖ DCJ will ask DOC to revalidate the Oregon Case Management Standards (OCMS).

Juvenile Justice Complex

- ❖ The Juvenile Justice Complex was originally designed as a multi-use facility for juveniles, providing all juvenile justice related services under one roof, including the Courts, District Attorney's Office, detention services, treatment services, and probation services.
- ❖ The complex was developed as a regional detention center with capacity for youth from Clackamas, Washington, and Multnomah Counties, as well as Oregon Youth Authority.
- ❖ A long-term planning process for the juvenile justice complex would focus on increasing flexibility of use through possible zoning changes.

Child Abuse Unit

- ❖ Multnomah County currently provides support to the court process for dependency cases.
- ❖ Of the larger counties in Oregon, only Clackamas County provides similar services to the Courts.
- ❖ Support includes reviewing reports, determining which cases will be sent to the Early Intervention Unit for filing of court petitions, developing information packets, assigning attorneys to cases, preparing summons, holding daily parent orientation, maintaining social files, and entering data.

**Multnomah County
Jail Beds Workgroup Report: Executive Highlights
April 11, 2002**

The County Public Safety System must manage its resources in the most cost effective way while maintaining public safety goals and changing the behavior of offenders as much as possible. A significant factor in achievement of these goals is the effective management of jail bed capacity. The Jail Beds Workgroup was brought together in March 2002 to review factors driving jail usage in this county, including how decisions in other systems affect jail usage, and the policy/programmatic options available to policy makers. Continuing this analysis and policy work on an ongoing basis will help the Public Safety System further refine its ability to manage jail bed capacity. Specific areas in which this work continues, include the following:

- ❖ **Pretrial Services Review:** The Court Work Group has been working on a project designed to revise and improve the pretrial decision making system. The system currently utilizes a release assessment tool that was developed in coordination with the National Association of Pretrial Services Agencies. The Court Work Group desired to further refine and automate this decision making process, ensuring objectivity and targeting jail bed availability for individuals at highest risk of reoffending or failure to appear.
- ❖ **System changes,** such as changes in prosecution of drug offenses and decreasing the number of jail days on probation / parole / post prison supervision violation sentences result in comparative reductions in jail bed use, facilitating the County's ability to manage this resource.
- ❖ **System improvements and resource allocation** for jail alternatives also affect jail bed use. The County is committed to providing a continuum of substance abuse treatment options for individuals involved in the justice system. Increasing the availability of substance abuse treatment options for offenders and developing other sanction alternatives, such as forest project, community service, and electronic monitoring are critical to the County's ability to manage jail beds.

#	Policy / Issue	Potential Bed Savings*	Identified Costs	Under-way	Work Group
1	Expedite resolution of holds: out-of-county, INS, etc. Requires additional staffing resources of 1 FTE DDA (120k) and 1 FTE in MCSO (80k).	25-35	\$200,000	No	DA, Sheriff, Judicial
2	Expedite docket by 14 – 30 days on defendants who are going to prison. DA's Office to expedite plea package preparation.	22-50	None Identified	No	Court Work Group, Judicial, DA
3	Review release decision making points, including Recog, Close Street, Pre-Trial Release Supervision, and Matrix to ensure we are releasing the people we believe present the lowest risk to public safety.	Unclear	Potential costs for data analysis & database changes	Yes	Court Work Group, Pretrial Implementation Committee
4	Eliminate bookings for some identified crimes (retaining the community safety exemption).	40-45	None Identified	Yes	Sheriff, Chiefs
5	Add an additional Hearings Officer to focus .5 FTE on expediting hearings, and .5 FTE to speed up sanction process for offenders on probation/parole/post-prison supervision holds.	5-10	Included in DCJ Budget	Yes	DCJ
6	Work with judiciary to change practice on Turn Self In (TSI). Sheriff's office is currently bringing in approximately 7k per month in pay to stay revenue for TSI's at MCRC (\$25/night). Currently receiving \$6,000 - \$8,000 per month.	Unclear	None Identified, (potential revenue loss)	No	Court Work Group, Judicial
7	Continue work to move DUI's from Inverness to MCRC or alternative community placements.	Unclear	None Identified	Yes	Judge Koch, DCJ, Sheriff's Office
8	Review DCJ contracts regarding the capacity to place STOP failures in residential treatment.	40-50	None Identified	Yes	DCJ, Carol Nykerk

*Potential bed savings represent very rough estimates - based on average daily population of specific populations.

**Joint Public Safety Policy Framework Discussion
With the Board of County Commissioners
May 1, 2002**

Sheriff's Office Vision

- Exemplary service for a safe, livable community

Sheriff's Office Strategic Issues

- Linking Custody and Community Readiness
- Internal and External Communication
- Accountability and Effectiveness
- Staff Development
- Partnerships

Sheriff's Office Core Business Processes

- Offender Management and Confinement Services
- Community Readiness Services
- Intervention Services
- Prevention Services

Actions to Date

The Sheriff's Office has made numerous policy and management decisions in order to minimize the negative impacts of prior budget cuts.

- Pre-Trial Release project
- Cut in length of sanctions by Community Justice and expediting cases by District Attorney reduced jail bed usage; closure of 70 beds at the Courthouse Jail (MCHJ)
- Implemented Sheriff's Office Electronic Monitoring
- Increased client numbers at Close Street Supervision (pre-trial release)
- New booking restrictions
- 51.8 staff positions cut last year including administration and support positions
- Travel and training cuts; hiring freeze
- Inverness Jail (MCIJ) – 80 mattresses added despite unsafe conditions
- Detention Center (MCDC) – 46 bed loss in relocation of booking site
- Correction Facility (MCCF) – 190 bed cut

Outstanding Issues

- Effects on the Portland Police Bureau (PPB) from City budget cuts unknown
- Legislative changes and State budget cuts unknown
- Public Safety levy for Wapato Jail operational costs

Critical Issues

- **A Safe, Livable and Vibrant Community.** Those who live, visit, and work in Multnomah County deserve an environment where they can feel safe in their homes, workplaces, recreational areas and business districts. Low crime rates are essential to economic recovery and stability. These rates will only rise and the public's perception of safety will further deteriorate if the progressive justice system we now have is put further in jeopardy through additional budget cuts and mid-year rebalances.
- **Public Safety in the Post- 9/11 Era.** Local safety agencies have been stretched hard due to increased public anxiety and Federal and State demands after September 11. Sheriff's Office law enforcement must respond to increased countywide service needs, including patrol, river patrol, investigations, and emergency event preparedness with no increase in staff. Personnel cuts are currently proposed, however, the community requires heightened service levels and is anticipating a new emergency response plan.
- **A Safe, Efficient and Effective Justice System.** Citizens want a high level of public safety, one that protects them by allowing agencies to work as an efficient and effective system providing prevention, intervention, treatment, and detention services. Citizens, businesses, elected leaders, and dedicated public employees in both the criminal justice and health continuums have built a progressive criminal justice **system**, one which is now under duress due to recent budget cuts and rebalances. Cuts in one agency can cause dysfunction in or shift costs to other agencies. The proposed cuts will reduce effectiveness in a "system" that has already hit workload capacity.
- **Justice System Collaboration and Cooperation.** The justice system adjusts over time to respond to new or changing demands, resource fluctuations, and crime trends. This does not mean that public safety has not been compromised, but that the system needs to remain flexible and be provided with enough resources (e.g. jail beds) to do the job for its citizens as well as other jurisdictions.

For example, quality of life crimes that more citizens are personally affected by will not be addressed fully by the system if the police cannot book these types of crimes. The loss of beds at Troutdale triggered jail overcrowding and matrix (early) releases. This led local police agencies and the Department of Community Justice to collaborate on new booking criteria. This policy, however, damages the integrity of the criminal justice system and hampers efforts by police, prosecutors, court, and probation/parole officers trying to uphold laws and sustain a livable community.

- **Progressive Correctional Services.** In light of significant jail bed reductions over the past year, the Sheriff's Office must reaffirm how to deliver sound correctional services, including detention, mental health, and alcohol and drug services to inmates confined in our jails. Best practices and studies show us that inmates, most of whom have multiple

treatment and health care needs, benefit from these services while in jail. Transitional services are also very important in order to make sure these individuals get linked to necessary community services upon release. In-jail treatment and associated services cannot be cut, because if they are, the result will mean greater numbers returning to jail and a deterioration in quality of life for the inmates and for our community long term. In order to be “in the business of improving peoples’ lives,” the County must provide services in jail. If not, we will have to pay more for jails later.

- **Staff and Inmate Safety is Job #1.** Our #1 priority is the safety of all staff and inmates, and it should not be compromised through budget cuts. Our jails have a much higher ratio of staff to inmates now than they have historically; one deputy regularly supervises 50 – 75 inmates. Training for our corrections deputies was put on hold during last year’s budget crisis. While we have now caught up the training hours, it must be recognized that this training is not only required by law, but that it makes for a safer environment for both staff and inmates. Our agency runs a 24-hour/7-day a week operation that is responsible for people’s lives and welfare. We insist on running it safely and securely.

JOINT POLICY DISCUSSION
MAY 9, 2002
KEY ISSUES FOR PROSECUTION

Maintain Core Prosecutorial Functions

Review of FY01 Activity Levels

- Prosecution of criminal cases
 - Person crimes: Reviewed – 5,554 Prosecuted – 2,791
 - Property Crimes: Reviewed –6,788 Prosecuted – 3,367
 - Behavioral Crimes: Rev. - 13,935 Prosecuted – 11,836
 - DUII Cases Prosecuted – 3,500
 - Drug Cases Prosecuted - 4,000
- Protection of children
 - Delinquency Cases Reviewed: 1,837
 - Children Needing Legal Protection (dependency): 828
 - Child Abuse Reports Reviewed: 3,463
- Enforcement of child support
 - Annual Case Average: 8,400
 - Collected \$28.5 million
- Victims' assistance
 - \$1,638,524 in restitution collected
 - Advocates assigned to 4,811 cases
- Crime reduction strategies
 - NDA Problem Solving Contacts: 18,528
 - Community Court
 - Drug Court/Expanded Drug Court

Policy Issues

- Maximize opportunities for innovation.
- The goal is to achieve the maximum impact with the scarce resources available.
- In order to respond effectively to the changing crime picture and law enforcement policies initiated at the federal, state, and local level, it is critical to maintain maximum flexibility in assigning available resources.
- The challenge is to maintain core prosecution services and provide a continuum of services without abandoning entire groups of victims.
- Prosecution of crimes that have direct victim impact, both physical and financial, will take priority.

Critical Issues

- Continuing to work with other system partners to effectively address the interconnectivity of the criminal justice system.
- Responding to developing crime trends. Three emerging trends of special concern are: identity theft, elder abuse, and mental disease defenses.
- Portland Police Bureau represents between 60% and 70% of cases referred. Changes in PPB policies impact DA operations.
- Changes in federal, state and local law enforcement priorities and changes in distribution of their resources.
- Impacts from any reductions that may result from the state legislature's special sessions.
- Impacts from reductions in and elimination of grant programs such as LLEBG and the Bryne grant program.
- Requests from federal and state law enforcement regarding emergency preparedness and responses to terrorism.

Actions to Date

The management of the Multnomah County District Attorney's office has taken several steps to consolidate responsibilities, streamline procedures, reduce administrative overhead, and still maintain quality legal services and service levels. Steps to date include:

- Elimination of a Chief Deputy position, administrative, attorney and support personnel positions effective July 1, 2001 and fine-tuning this restructuring.
- Expansion of responsibilities for remaining staff.
- Shifting of Community Court costs from expiring federal grants to other resources.
- Work in progress to restructure Neighborhood DA Unit and Community Court to continue service at reduced levels.
- Cutbacks in training, supplies, and other support costs.
- Aggressive pursuit of federal/state grants.