

ANNOTATED MINUTES

Thursday, September 21, 2006 - 9:00 AM
Multnomah Building, First Floor Commissioners Conference Room 112
501 SE Hawthorne Boulevard, Portland

EXECUTIVE SESSION

Chair Diane Linn convened the meeting at 9:00 a.m., with Vice-Chair Lonnie Roberts and Commissioners Lisa Naito, Serena Cruz Walsh and Maria Rojo de Steffey present.

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

Commissioner Rojo was excused at 9:01 a.m.

EXECUTIVE SESSION HELD.

There being no further business, the meeting was adjourned at 9:26 a.m.

Thursday, September 21, 2006 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

Chair Diane Linn convened the meeting at 9:30 a.m., with Vice-Chair Lonnie Roberts and Commissioners Lisa Naito, Serena Cruz Walsh and Maria Rojo de Steffey present.

CONSENT CALENDAR

***UPON MOTION OF COMMISSIONER ROBERTS,
SECONDED BY COMMISSIONER CRUZ, THE***

***CONSENT CALENDAR (ITEMS C-1 THROUGH C-4)
WAS UNANIMOUSLY APPROVED.***

NON-DEPARTMENTAL

- C-1 Appointment of Thomas Guiney to the Multnomah County DEFERRED COMPENSATION COMMITTEE

DEPARTMENT OF COMMUNITY SERVICES

- C-2 RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to DANIEL M. and EFFIE F. CLENDENON

RESOLUTION 06-158

- C-3 RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to MURRELL T. & NORMA MILLER

RESOLUTION 06-159

- C-4 Intergovernmental Revenue Contract 0607049 with the Oregon Department of Transportation for the 2005 and 2006 Rural Fund Exchange Agreement

REGULAR AGENDA
PUBLIC COMMENT

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

NO ONE WISHED TO COMMENT.

DEPARTMENT OF COUNTY MANAGEMENT

- R-1 PROCLAMATION Proclaiming the Week of September 29 to October 6, 2006, as Minority Enterprise Development Week in Multnomah County, Oregon

***COMMISSIONER ROBERTS MOVED AND
COMMISSIONER CRUZ SECONDED, APPROVAL
OF R-1. GAIL RUBIN EXPLANATION. MS. RUBIN
READ PROCLAMATION. HERMAN BRAME
REPORTED ON PLANNED MINORITY***

**ENTERPRISE DEVELOPMENT WEEK
ACTIVITIES. PROCLAMATION 06-160
UNANIMOUSLY ADOPTED**

- R-2 NOTICE OF INTENT to Apply for National Endowment to the Humanities (NEH) Grant for Stabilizing Humanities Collections at County Archives

**AT THE REQUEST OF THE DEPARTMENT AND
UPON MOTION OF COMMISSIONER CRUZ,
SECONDED BY COMMISSIONER ROBERTS, R-2
WAS UNANIMOUSLY POSTPONED
INDEFINITELY.**

- R-3 Reallocation of Facilities Capital Project Funds FPM-07-01 for Courthouse Cold Water High Rise Plumbing Project and Budget Carry-over Adjustment for MCIJ Chiller Emergency Replacement Project

**COMMISSIONER ROJO MOVED AND
COMMISSIONER NAITO SECONDED, APPROVAL
OF R-3. JOHN LINDENTHAL EXPLANATION.
CHAIR LINN COMMENTS IN SUPPORT.
REALLOCATION UNANIMOUSLY APPROVED.**

DEPARTMENT OF COMMUNITY JUSTICE

- R-4 Budget Modification DCJ-01 Appropriating \$137,420 in Behavioral Rehabilitation Services Revenue to Add Services for Three Additional Youth at DCJ's Juvenile Secure Residential Alcohol and Drug Treatment Unit (RAD)

**COMMISSIONER ROBERTS MOVED AND
COMMISSIONER CRUZ SECONDED, APPROVAL
OF R-4. WAYNE SCOTT INTRODUCED BRUCE
BAKER OF MORRISON CENTER. MR. SCOTT
EXPLANATION AND RESPONSE TO QUESTION OF
COMMISSIONER NAITO REGARDING WAIT LIST
FOR TREATMENT UNIT. CHAIR LINN COMMENT
ON ALCOHOL ABUSE. BUDGET MODIFICATION
UNANIMOUSLY APPROVED.**

- R-5 Budget Modification DCJ-02 Reconciling Fiscal Year 2007 Adopted Budget Reductions to Adult Services Misdemeanor Supervision

COMMISSIONER CRUZ MOVED AND COMMISSIONER NAITO SECONDED, APPROVAL OF R-5. STEVE LIDAY EXPLANATION. COMMISSIONER NAITO COMMENTED IN APPRECIATION FOR THE EXTRAORDINARY JOB PROBATION OFFICERS ARE PROVIDING UNDER GREAT CHALLENGES DUE TO BUDGET REDUCTIONS. COMMISSIONER NAITO EXPRESSED CONCERN OVER LACK OF PUBLIC SAFETY RESOURCES AND ITS IMPACT ON THE COMMUNITY. MR. LIDAY ADVISED THE LOCAL PUBLIC SAFETY COORDINATING COMMITTEE WERE INFORMED THE COURTS ARE LOOKING INTO POSSIBLE PRIVATE, NON-GOVERNMENTAL SUPERVISION. IN RESPONSE TO A COMMENT OF CHAIR LINN, MR. LIDAY ADVISED THE FEDERAL GOVERNMENT DOES NOT SUPPORT NON-GOVERNMENTAL SUPERVISION. BUDGET MODIFICATION UNANIMOUSLY APPROVED.

DEPARTMENT OF COMMUNITY SERVICES

- R-6 Second Reading and Adoption of an ORDINANCE Amending MCC Chapters 33, 34, 35, 36 and 37 to Allow for the Review and Approval of Certain Past "Unlawfully Divided" Lots and Parcels and to Allow for the Issuance of Certain Building Permits to be Considered Verification of Compliance with Zoning and Land Division Laws in the Determination of "Lots of Record"

ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER CRUZ MOVED AND COMMISSIONER ROBERTS SECONDED, APPROVAL OF SECOND READING AND ADOPTION. GARY CLIFFORD EXPLANATION, ADVISING THIS ORDINANCE TRIES TO CORRECT WHAT IS A STATEWIDE PROBLEM. MR. CLIFFORD REPORTED THAT IN ITS NOVEMBER MEETING THE PLANNING COMMISSION IS SCHEDULED TO DISCUSS POSSIBLE CODE AMENDMENTS CORRECTING ISSUES BROUGHT UP IN LAST WEEK'S TESTIMONY THAT WERE NOT ADDRESSED IN THIS ORDINANCE. NO ONE

**WISHED TO TESTIFY. ORDINANCE 1080
UNANIMOUSLY ADOPTED.**

- R-7 First Reading of an ORDINANCE Amending MCC Chapters 33, 34, 35 and 36 to Allow Alternative Reduced Rear Yards (Setbacks) for Certain Agricultural Buildings in the Exclusive Farm Use and Multiple Use Agriculture-20 Zoning Districts

ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER ROBERTS MOVED AND COMMISSIONER CRUZ SECONDED, APPROVAL OF FIRST READING. GARY CLIFFORD EXPLANATION. EULIA MISHIMA TESTIMONY IN SUPPORT OF ORDINANCE AND IN APPRECIATION FOR THE EFFORTS OF MR. CLIFFORD AND PLANNING STAFF. FIRST READING UNANIMOUSLY APPROVED. SECOND READING THURSDAY, SEPTEMBER 28, 2006.

- R-8 First Reading of an ORDINANCE Amending MCC Chapters 33, 34, 35, 36 and 37 to Change the "Variance" Parts of the Zoning Code Chapters and Add "Adjustments" as Another Zoning Provision for Modifying Dimensional Standards

ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER NAITO MOVED AND COMMISSIONER CRUZ SECONDED, APPROVAL OF FIRST READING. GARY CLIFFORD EXPLANATION, ADVISING THE PROPOSED ORDINANCES ADDRESSES PROPERTY OWNER CONCERNS AND PROVIDES MORE FLEXIBILITY. NO ONE WISHED TO TESTIFY. CHAIR LINN AND COMMISSIONER NAITO COMMENTED IN SUPPORT OF ORDINANCE AND THE EFFORTS OF MR. CLIFFORD AND PLANNING STAFF. FIRST READING UNANIMOUSLY APPROVED. SECOND READING THURSDAY, SEPTEMBER 28, 2006.

- R-9 PUBLIC HEARING and Consideration of an ORDER Authorizing Legalization of Deverell Road from NE Loudon Road, Easterly Approximately 2.2 Miles to NE Larch Mountain Road as County Road No. 5021

COMMISSIONER ROBERTS MOVED AND COMMISSIONER CRUZ SECONDED, APPROVAL OF R-9. ROBERT HOVDEN EXPLANATION. NO ONE WISHED TO TESTIFY. ORDER 06-161 UNANIMOUSLY ADOPTED.

R-10 PUBLIC HEARING and Consideration of an ORDER Authorizing Legalization of Sweetbriar Road from SE Troutdale Road, Easterly Approximately 1.1 Miles to SE Kerslake Road, as County Road No. 5022

COMMISSIONER ROJO MOVED AND COMMISSIONER NAITO SECONDED, APPROVAL OF R-10. ROBERT HOVDEN EXPLANATION OF ORDER AND REQUEST THAT THE BOARD CORRECT AN ERROR FROM ORDER 1 STRIKING THE WORD "LARCH" IN FRONT OF KERSLAKE ROAD. COMMISSIONER ROBERTS MOVED AND COMMISSIONER CRUZ SECONDED, AMENDMENT STRIKING THE WORD "LARCH" FROM ORDER 1. AMENDMENT UNANIMOUSLY APPROVED. NO ONE WISHED TO TESTIFY. FOLLOWING DISCUSSION WITH COUNTY ATTORNEY AGNES SOWLE AND UPON MOTION OF COMMISSIONER ROBERTS, SECONDED BY COMMISSIONER CRUZ, ORDER 06-162 WAS UNANIMOUSLY ADOPTED, AS AMENDED.

R-11 RESOLUTION Setting a Public Hearing and Directing Notice and Preparation of a Special Ordinance Regarding the Proposed Renaming of NE 207th Avenue, a County Road in the City of Fairview to Fairview Parkway

COMMISSIONER ROBERTS MOVED AND COMMISSIONER NAITO SECONDED, APPROVAL OF R-11. ROBERT MAESTRE AND ASSISTANT COUNTY ATTORNEY MATTHEW RYAN EXPLANATION. COMMISSIONER ROBERTS ASKED THAT THE BOARD SUPPORT THIS REQUEST OF THE CITY OF FAIRVIEW. RESOLUTION 06-163 UNANIMOUSLY ADOPTED SETTING A PUBLIC HEARING ON A SPECIAL ORDINANCE FOR FIRST READING ON THURSDAY, OCTOBER 5, 2006.

DEPARTMENT OF COUNTY HUMAN SERVICES

- R-12 Budget Modification DCHS-06 Reclassifying a Data Technician to Program Development Specialist in the Mental Health and Addiction Services Division, as Determined by the Class/Comp Unit of Central Human Resources

**COMMISSIONER CRUZ MOVED AND
COMMISSIONER ROBERTS SECONDED,
APPROVAL OF R-12. KARL BRIMNER
EXPLANATION. BUDGET MODIFICATION
UNANIMOUSLY APPROVED.**

- R-13 NOTICE OF INTENT to Apply for a Grant to Evaluate the Impact of Housing Stability on Children Exposed to Domestic Violence

**COMMISSIONER ROBERTS MOVED AND
COMMISSIONER CRUZ SECONDED, APPROVAL
OF R-13. CHIQUITA ROLLINS EXPLANATION.
NOTICE OF INTENT UNANIMOUSLY APPROVED.**

SCHOOL AND COMMUNITY PARTNERSHIPS

- R-14 Budget Modification OSCP-02 Increasing the Department of School and Community Partnerships Fiscal Year 2007 Budget by \$96,065 in Weatherization Grant Funding for Energy Services

**COMMISSIONER CRUZ MOVED AND
COMMISSIONER NAITO SECONDED, APPROVAL
OF R-14. KATHY TINKLE EXPLANATION.
BUDGET MODIFICATION UNANIMOUSLY
APPROVED.**

DEPARTMENT OF HEALTH

- R-15 NOTICE OF INTENT to Submit a Proposal to the Health Resources and Services Administration's Ryan White CARE Act Title I HIV Emergency Relief Grant Competition

**COMMISSIONER CRUZ MOVED AND
COMMISSIONER ROJO SECONDED, APPROVAL
OF R-15. LOREEN NICHOLS AND JOHN MOTTER,
WITH KALISSA CANYON SCOPES, EXPLANATION**

AND RESPONSE TO QUESTION OF COMMISSIONER CRUZ REGARDING RECENT RYAN WHITE MORTALITY RATES AND OTHER STATISTICS. COMMISSIONER ROJO EXPRESSED HER APPRECIATION FOR THE TIRELESS EFFORTS OF MR. MOTTER. NOTICE OF INTENT UNANIMOUSLY APPROVED.

NON-DEPARTMENTAL

R-16 RESOLUTION Appointing a School-Age Services Task Force

COMMISSIONER ROJO MOVED AND COMMISSIONER CRUZ SECONDED, APPROVAL OF R-16. DIANNE IVERSON AND BARBARA WILLER EXPLANATION AND COMMENTS IN SUPPORT. CHAIR LINN AND COMMISSIONER NAITO EXPRESSED THEIR SUPPORT AND APPRECIATION. RESOLUTION 06-164 UNANIMOUSLY ADOPTED.

There being no further business, the meeting was adjourned at 10:24 a.m.

BOARD CLERK FOR MULTNOMAH COUNTY, OREGON

Deborah L. Bogstad



Multnomah County Oregon

Board of Commissioners & Agenda

connecting citizens with information and services

BOARD OF COMMISSIONERS

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SEPTEMBER 21, 2006 BOARD MEETING FASTLOOK AGENDA ITEMS OF INTEREST

Pg 2	9:00 a.m. Executive Session
Pg 3	9:30 a.m. Public Comment Opportunity
Pg 3	9:30 a.m. Proclaiming September 29 to October 6 Minority Enterprise Development Week
Pg 3	9:45 a.m. Second Reading and Adoption of Ordinance Amending County Zoning Code
Pg 3	9:47 a.m. First Readings of Two Ordinances Amending County Zoning Code
Pg 4	9:52 a.m. Public Hearings and Orders Legalizing Deverell Road & Sweetbriar Road
Pg 4	9:58 a.m. Setting a Hearing, Directing Notice and Preparation of a Special Ordinance Regarding Proposed Renaming of NE 207th Avenue to Fairview Parkway

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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Thursday, September 21, 2006 - 9:00 AM
Multnomah Building, First Floor Commissioners Conference Room 112
501 SE Hawthorne Boulevard, Portland

EXECUTIVE SESSION

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

Thursday, September 21, 2006 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

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

- C-1 Appointment of Thomas Guiney to the Multnomah County DEFERRED COMPENSATION COMMITTEE

DEPARTMENT OF COMMUNITY SERVICES

- C-2 RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to DANIEL M. and EFFIE F. CLENDENON
- C-3 RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to MURRELL T. & NORMA MILLER
- C-4 Intergovernmental Revenue Contract 0607049 with the Oregon Department of Transportation for the 2005 and 2006 Rural Fund Exchange Agreement

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

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

DEPARTMENT OF COUNTY MANAGEMENT - 9:30 AM

- R-1 PROCLAMATION Proclaiming the Week of September 29 to October 6, 2006, as Minority Enterprise Development Week in Multnomah County, Oregon
- R-2 NOTICE OF INTENT to Apply for National Endowment to the Humanities (NEH) Grant for Stabilizing Humanities Collections at County Archives
- R-3 Reallocation of Facilities Capital Project Funds FPM-07-01 for Courthouse Cold Water High Rise Plumbing Project and Budget Carry-over Adjustment for MCIJ Chiller Emergency Replacement Project

DEPARTMENT OF COMMUNITY JUSTICE - 9:40 AM

- R-4 Budget Modification DCJ-01 Appropriating \$137,420 in Behavioral Rehabilitation Services Revenue to Add Services for Three Additional Youth at DCJ's Juvenile Secure Residential Alcohol and Drug Treatment Unit (RAD)
- R-5 Budget Modification DCJ-02 Reconciling Fiscal Year 2007 Adopted Budget Reductions to Adult Services Misdemeanor Supervision

DEPARTMENT OF COMMUNITY SERVICES - 9:45 AM

- R-6 Second Reading and Adoption of an ORDINANCE Amending MCC Chapters 33, 34, 35, 36 and 37 to Allow for the Review and Approval of Certain Past "Unlawfully Divided" Lots and Parcels and to Allow for the Issuance of Certain Building Permits to be Considered Verification of Compliance with Zoning and Land Division Laws in the Determination of "Lots of Record"
- R-7 First Reading of an ORDINANCE Amending MCC Chapters 33, 34, 35 and 36 to Allow Alternative Reduced Rear Yards (Setbacks) for Certain Agricultural Buildings in the Exclusive Farm Use and Multiple Use Agriculture-20 Zoning Districts
- R-8 First Reading of an ORDINANCE Amending MCC Chapters 33, 34, 35, 36 and 37 to Change the "Variance" Parts of the Zoning Code Chapters and

Add "Adjustments" as Another Zoning Provision for Modifying Dimensional Standards

- R-9 PUBLIC HEARING and Consideration of an ORDER Authorizing Legalization of Deverell Road from NE Loudon Road, Easterly Approximately 2.2 Miles to NE Larch Mountain Road as County Road No. 5021
- R-10 PUBLIC HEARING and Consideration of an ORDER Authorizing Legalization of Sweetbriar Road from SE Troutdale Road, Easterly Approximately 1.1 Miles to SE Kerslake Road, as County Road No. 5022
- R-11 RESOLUTION Setting a Public Hearing and Directing Notice and Preparation of a Special Ordinance Regarding the Proposed Renaming of NE 207th Avenue, a County Road in the City of Fairview to Fairview Parkway

DEPARTMENT OF COUNTY HUMAN SERVICES - 10:00 AM

- R-12 Budget Modification DCHS-06 Reclassifying a Data Technician to Program Development Specialist in the Mental Health and Addiction Services Division, as Determined by the Class/Comp Unit of Central Human Resources
- R-13 NOTICE OF INTENT to Apply for a Grant to Evaluate the Impact of Housing Stability on Children Exposed to Domestic Violence

SCHOOL AND COMMUNITY PARTNERSHIPS - 10:05 AM

- R-14 Budget Modification OSCP-02 Increasing the Department of School and Community Partnerships Fiscal Year 2007 Budget by \$96,065 in Weatherization Grant Funding for Energy Services,

DEPARTMENT OF HEALTH - 10:10 AM

- R-15 NOTICE OF INTENT to Submit a Proposal to the Health Resources and Services Administration's Ryan White CARE Act Title I HIV Emergency Relief Grant Competition

NON-DEPARTMENTAL - 10:15 AM

- R-16 RESOLUTION Appointing a School-Age Services Task Force



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 09/21/06
Agenda Item #: E-1
Est. Start Time: 9:00 AM
Date Submitted: 09/13/06

BUDGET MODIFICATION:

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

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

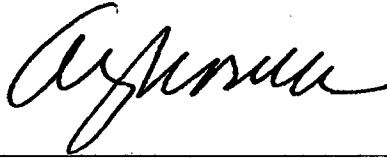
Date Requested:	September 21, 2006	Time Requested:	15 -30 mins
Department:	Non-Departmental	Division:	County Attorney's Office
Contact(s):	Agnes Sowle		
Phone:	503 988-3138	Ext.	83138
I/O Address:	503/500		
Presenter(s):	Agnes Sowle and Invited Others		

General Information

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

Required Signatures

**Department/
Agency Director:**



Date: 09/13/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 09/21/06
Agenda Item #: C-1
Est. Start Time: 9:30 AM
Date Submitted: 09/06/06

BUDGET MODIFICATION: -

Agenda Title: Appointment of Thomas Guiney to the Multnomah County Deferred Compensation Committee

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

Date Requested:	9/21/2006	Time Requested:	Consent Calendar
Department:	Non-Departmental	Division:	Chair's Office
Contact(s):	Chair Diane Linn, Andy Smith		
Phone:	503/988-3308	Ext.:	83308
I/O Address:	503/600		
Presenter(s):	N/A		

General Information

1. What action are you requesting from the Board?

Request the Board approve the appointment of Thomas Guiney to the Multnomah County Deferred Compensation Committee

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

The Deferred Compensation Committee is comprised of five members – the County's Chief Financial Officer and four plan participants. The Committee oversees the employee deferred compensation plan.

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

No current year/ongoing fiscal impact.

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

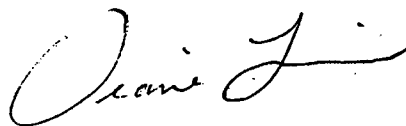
No legal and/or policy issues involved.

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

N/A

Required Signatures

Department/
Agency Director:



Date: 9/6/2006

Budget Analyst:

Date: _____

Department HR:

Date: _____

Countywide HR:

Date: _____



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 09/21/06
Agenda Item #: C-2
Est. Start Time: 9:30 AM
Date Submitted: 08/28/06

BUDGET MODIFICATION: -

Agenda Title: RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to DANIEL M. and EFFIE F. CLENDENON

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

Date Requested:	September 21, 2006	Time Requested:	Consent Item
Department:	Community Services	Division:	Tax Title
Contact(s):	Gary Thomas		
Phone:	503-988-3590	Ext.	22591
Presenter(s):	Gary Thomas	I/O Address:	503/4/TT

General Information

1. What action are you requesting from the Board?

The Tax Title Section is requesting the Board to approve the private sale of a tax foreclosed property to DANIEL M. & EFFIE F. CLENDENON.

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

The subject property is a strip that came into county ownership through the foreclosure of delinquent tax liens on November 3, 1986. The strip is approximately 5.5' x 68.97' and contains approximately 380 square feet. It is located between 2300 and 2312 SE 154th Ave. Research on the property revealed that the strip was at one time omitted from the legal description of the property at 2312 SE 154th Ave and eventually came into county ownership. The aerial photo, although not exact, shows the strip to be a part of the rear yard area of the 2312 SE 154th Ave property. We propose to sell the strip to the owner of the 2312 SE 154th property.

The attached plat map, Exhibit A, shows the location of the strip. Exhibit B, an aerial photo, shows the parcel in relation to the two adjacent properties.

Although no written confirmation was received from the City of Portland, the Tax Title Division is

confident that the shape and size of the property approximately 380 sq.ft. make it unsuitable for the construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.

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

The Private Sale will allow for the recovery of the delinquent taxes, fees and expenses (see Exhibit C).

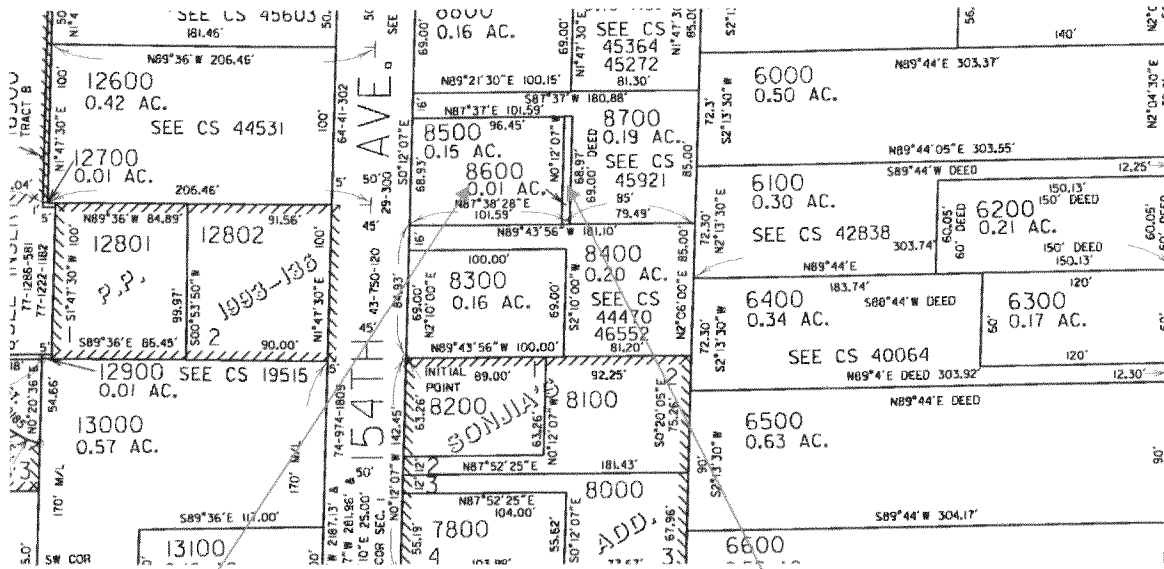
4. Explain any legal and/or policy issues involved.

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

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

No citizen or government participation is anticipated.

EXHIBIT A



2312 SE 154th Ave

Subject strip

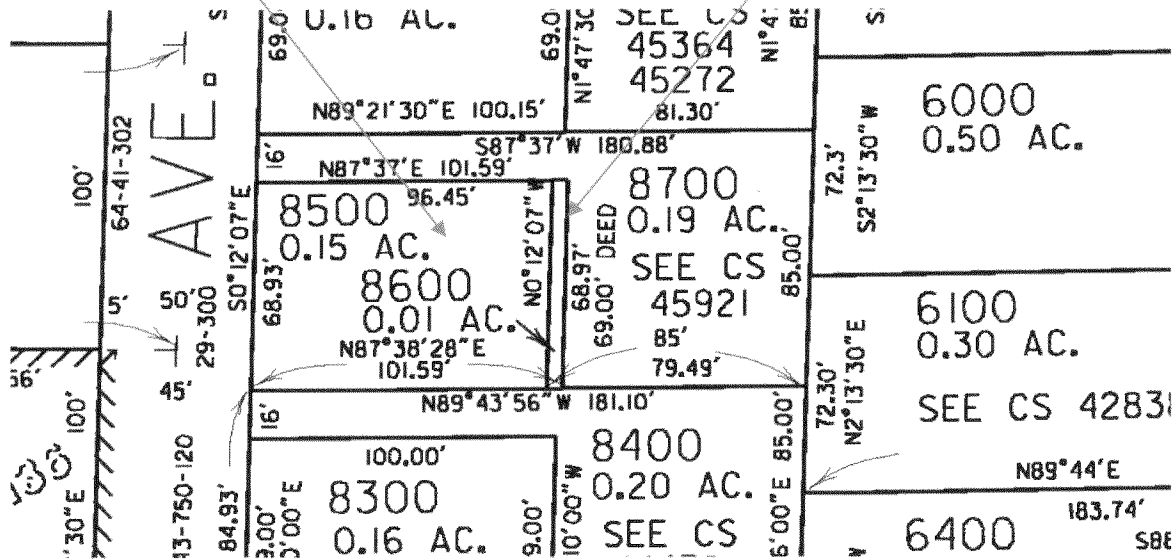


EXHIBIT B



2312 SE 154th Ave

Subject

EXHIBIT C
PROPOSED PROPERTY LISTED FOR PRIVATE SALE

LEGAL DESCRIPTION:

Located in Section 1 1S 2E, Multnomah County, Oregon; and described in that certain TAX FORECLOSURE DEED dated November 3, 1986, and recorded at Book 1952 and Page 1705 in the Multnomah County Deed Records; being the eleventh property interest listed on Page 1714 of said TAX FORECLOSURE DEED.

ADJACENT PROPERTY ADDRESS: 2312 SE 154th Ave

TAX ACCOUNT NUMBER: R331833

GREENSPACE DESIGNATION: No designation

SIZE OF PARCEL: Approximately 380 square feet

ITEMIZED EXPENSES FOR TOTAL PRICE OF PRIVATE SALE

BACK TAXES & INTEREST:

TAX TITLE MAINTENANCE COST & EXPENSES:

RECORDING FEE:

SUB-TOTAL

MINIMUM PRICE REQUEST OF PRIVATE SALE

	\$73.69
	\$-0-
	\$26.00
	\$99.69
	\$175.00

Required Signatures

**Department/
Agency Director:**



Date: 08/29/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Authorizing the Private Sale of a Tax Foreclosed Property to DANIEL M. and EFFIE F. CLENDENON.

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County acquired through the foreclosure of liens for delinquent real property taxes has acquired the following property:

Located in Section 1 1S 2E, Multnomah County, Oregon; and described in that certain TAX FORECLOSURE DEED dated November 3, 1986, and recorded at Book 1952 and Page 1705 in the Multnomah County Deed Records; being the eleventh property interest listed on Page 1714 of said TAX FORECLOSURE DEED.

- b. The property has an assessed value of \$400 on the County's current tax roll.
- c. Although no written confirmation from the City of Portland was obtained, the Tax Title Division is confident that the irregular shape and size of the property, which is estimated to be approximately 380 square feet; make it unsuitable for the construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.
- d. DANIEL M. and EFFIE F. CLENDENON have agreed to pay \$175, an amount the Board finds to be a reasonable price for the property in conformity with ORS 275.225.

The Multnomah County Board of Commissioners Resolves:

1. Upon Tax Title's receipt of the payment of \$175 the Chair on behalf of Multnomah County, is authorized to execute a Bargain and Sale deed conveying to DANIEL M. and EFFIE F. CLENDENON, the above described real property.

ADOPTED this 21st day of September, 2006.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

Until a change is requested, all tax statements
Shall be sent to the following address:
DANIEL M. & EFFIE F. CLENDENON
2312 SE 154TH AVE
PORTLAND OR 97233-3440

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

Deed D072090 for R331833

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to Daniel M. and EFFIE F. CLENDENON, Husband & Wife, Grantees, the following property:

Located in Section 1 1S 2E, Multnomah County, Oregon; and described in that certain TAX FORECLOSURE DEED dated November 3, 1986, and recorded at Book 1952 and Page 1705 in the Multnomah County Deed Records; being the eleventh property interest listed on Page 1714 of said TAX FORECLOSURE DEED.

The true consideration for this conveyance is \$175.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

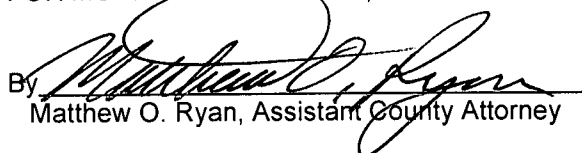
IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 21st day of September 2006, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Deed was acknowledged before me this 21st day of September 2006, 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: 6/27/09

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 06-158

Authorizing the Private Sale of a Tax Foreclosed Property to DANIEL M. and EFFIE F. CLENDENON

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County, through the foreclosure of liens for delinquent real property taxes, has acquired the following property:

Located in Section 1 1S 2E, Multnomah County, Oregon; and described in that certain TAX FORECLOSURE DEED dated November 3, 1986, and recorded at Book 1952 and Page 1705 in the Multnomah County Deed Records; being the eleventh property interest listed on Page 1714 of said TAX FORECLOSURE DEED.

- b. The property has an assessed value of \$400 on the County's current tax roll.
- c. Although no written confirmation from the City of Portland was obtained, the Tax Title Division is confident that the irregular shape and size of the property, which is estimated to be approximately 380 square feet; make it unsuitable for the construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.
- d. DANIEL M. and EFFIE F. CLENDENON have agreed to pay \$175, an amount the Board finds to be a reasonable price for the property in conformity with ORS 275.225.

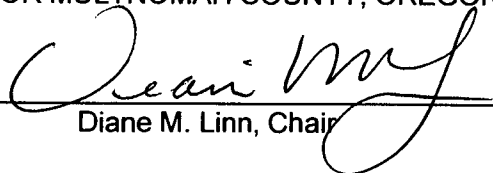
The Multnomah County Board of Commissioners Resolves:

1. Upon Tax Title's receipt of the payment of \$175 the Chair on behalf of Multnomah County, is authorized to execute a Bargain and Sale deed conveying to DANIEL M. and EFFIE F. CLENDENON, the above described real property.

ADOPTED this 21st day of September, 2006.

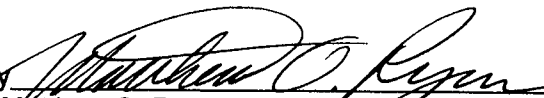


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

Until a change is requested, all tax statements
shall be sent to the following address:
DANIEL M. & EFFIE F. CLENDENON
2312 SE 154th AVE
PORTLAND OR 97233-3440

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

Deed D072090 for R331833

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to Daniel M. and EFFIE F. CLENDENON, Husband & Wife, Grantees, the following property:

Located in Section 1 1S 2E, Multnomah County, Oregon; and described in that certain TAX FORECLOSURE DEED dated November 3, 1986, and recorded at Book 1952 and Page 1705 in the Multnomah County Deed Records; being the eleventh property interest listed on Page 1714 of said TAX FORECLOSURE DEED.

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IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 21st day of September 2006, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Deed was acknowledged before me this 21st day of September 2006, 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: 6/27/09

Until a change is requested, all tax statements
shall be sent to the following address:
DANIEL M. & EFFIE F. CLENDENON
2312 SE 154th AVE
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After recording, return to:
MULTNOMAH COUNTY
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Located in Section 1 1S 2E, Multnomah County, Oregon; and described in that certain TAX FORECLOSURE DEED dated November 3, 1986, and recorded at Book 1952 and Page 1705 in the Multnomah County Deed Records; being the eleventh property interest listed on Page 1714 of said TAX FORECLOSURE DEED.

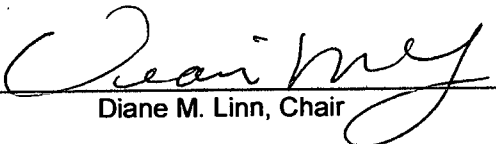
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BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

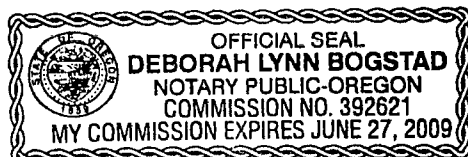

Diane M. Linn, Chair

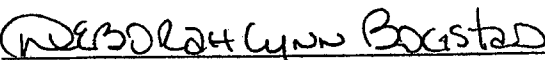
AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Deed was acknowledged before me this 21st day of September 2006, 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: 6/27/09



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 09/21/06
Agenda Item #: C-3
Est. Start Time: 9:30 AM
Date Submitted: 08/23/06

BUDGET MODIFICATION: -

Agenda Title: RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to MURRELL T. & NORMA MILLER

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

Date Requested:	September 21, 2006	Time Requested:	Consent Item
Department:	Community Services	Division:	Tax Title
Contact(s):	Gary Thomas		
Phone:	503-988-3590	Ext.	22591
Presenter(s):	Gary Thomas	I/O Address:	503/4/TT

General Information

1. What action are you requesting from the Board?

The Tax Title Section is requesting the Board to approve the private sale of a tax foreclosed property to MURRELL T & NORMA MILLER.

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

The subject property is a strip that came into county ownership through the foreclosure of delinquent tax liens on October 17, 2005. The strip is approximately 8' x 107' and contains approximately 856 square feet. It is located between 13707 and 13801 NE Marine Dr. I spoke with Dave Hendricks at Multnomah County Drainage District, since the parcel is covered by the district, asking if he had any knowledge of the strip and he recalled some years ago talking with a property owner wishing to set aside a narrow strip for a future boat launch. The party foreclosed on was a member of the family of one of the original developers of the subdivision.

A letter was sent to both adjacent property owners asking if they had an interest in purchasing the subject parcel and inquiring about the history of the strip. Both property owners spoke between themselves and it was decided that Mr. Miller should purchase the strip as Mr. Geil has a larger size

property.

The attached plat map, Exhibit A, shows the location of the strip. Exhibit B, an aerial photo, shows the parcel in relation to the two adjacent properties.

Although no written confirmation was received from City of Portland, the Tax Title Division is confident that the shape and size of the property approximately 856 sq.ft. make it unsuitable for the construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.

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

The Private Sale will allow for the recovery of the delinquent taxes, fees and expenses (see Exhibit C).

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

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

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

No citizen or government participation is anticipated.

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EXHIBIT B



Subject strip

13707 NE Marine Dr

EXHIBIT C
PROPOSED PROPERTY LISTED FOR PRIVATE SALE

LEGAL DESCRIPTION:

EXCEPT THE E 32' & EXCEPT THE W 120' OF LOT 24, REYNOLDS MOUNTAIN VIEW PLAT 2

ADJACENT PROPERTY ADDRESS: 13707 NE Marine Dr

TAX ACCOUNT NUMBER: R254000

GREENSPACE DESIGNATION: No designation

SIZE OF PARCEL: Approximately 856 square feet

ASSESSED VALUE: \$900

ITEMIZED EXPENSES FOR TOTAL PRICE OF PRIVATE SALE

BACK TAXES & INTEREST:

TAX TITLE MAINTENANCE COST & EXPENSES:

RECORDING FEE:

SUB-TOTAL

MINIMUM PRICE REQUEST OF PRIVATE SALE

	\$292.10
	\$257.50
	\$26.00
	\$575.60
	\$750.00

Required Signatures

**Department/
Agency Director:**



Date: 08/23/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Authorizing the Private Sale of a Tax Foreclosed Property to MURRELL T. & NORMA MILLER.

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County acquired the real property described below through the foreclosure of liens for delinquent real property taxes.
- b. The property has an assessed value of \$900 on the County's current tax roll.
- c. Although no written confirmation from the City of Portland was obtained, the Tax Title Division is confident that the shape and size of the property, approximately 856 square feet, make it unsuitable for the construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.
- d. MURRELL T. & NORMA MILLER have agreed to pay \$750, an amount the Board finds to be a reasonable price for the property in conformity with ORS 275.225.

The Multnomah County Board of Commissioners Resolves:

1. Upon Tax Title's receipt of the payment of \$750, the Chair on behalf of Multnomah County, is authorized to execute a Bargain and Sale deed conveying to MURRELL T. & NORMA MILLER the following described real property in Multnomah County, Oregon:

EXCEPT THE E 32' & EXCEPT THE W 120' OF LOT 24, REYNOLDS
MOUNTAIN VIEW PLAT 2

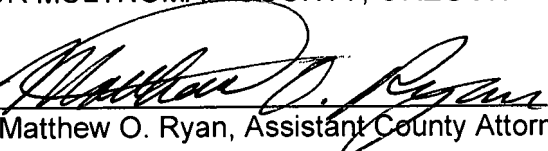
ADOPTED this 21st day of September, 2006.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

Until a change is requested, all tax statements
Shall be sent to the following address:
MURRELL T. & NORMA MILLER
13707 N.E. MARINE DRIVE
PORTLAND OR 97230

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

Bargain and Sale Deed D072088 FOR R254000

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to MURRELL T. & NORMA MILLER, Grantees, the following described real property in Multnomah County, Oregon:

EXCEPT THE E 32' & EXCEPT THE W 120' OF LOT 24, REYNOLDS MOUNTAIN VIEW PLAT 2

The true consideration for this conveyance is \$750

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

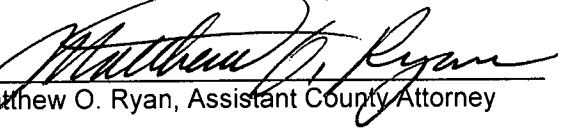
IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 21st day of September 2006, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Deed was acknowledged before me this 21st day of September 2006, 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: 6/27/09

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 06-159

Authorizing the Private Sale of a Tax Foreclosed Property to MURRELL T. & NORMA MILLER

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County acquired the real property described below through the foreclosure of liens for delinquent real property taxes.
- b. The property has an assessed value of \$900 on the County's current tax roll.
- c. Although no written confirmation from the City of Portland was obtained, the Tax Title Division is confident that the shape and size of the property, approximately 856 square feet, make it unsuitable for the construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.
- d. MURRELL T. & NORMA MILLER have agreed to pay \$750, an amount the Board finds to be a reasonable price for the property in conformity with ORS 275.225.

The Multnomah County Board of Commissioners Resolves:

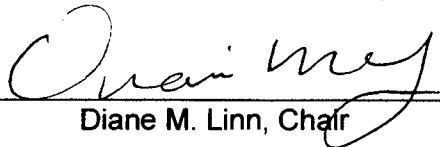
1. Upon Tax Title's receipt of the payment of \$750, the Chair on behalf of Multnomah County, is authorized to execute a Bargain and Sale deed conveying to MURRELL T. & NORMA MILLER the following described real property in Multnomah County, Oregon:

EXCEPT THE E 32' AND EXCEPT THE W 120' OF LOT 24, REYNOLDS
MOUNTAIN VIEW PLAT 2

ADOPTED this 21st day of September, 2006.

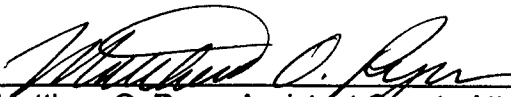


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

Until a change is requested, all tax statements
shall be sent to the following address:
MURRELL T. & NORMA MILLER
13707 N.E. MARINE DRIVE
PORTLAND OR 97230

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

Bargain and Sale Deed D072088 FOR R254000

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to MURRELL T. & NORMA MILLER, Grantees, the following described real property in Multnomah County, Oregon:

EXCEPT THE E 32' & EXCEPT THE W 120' OF LOT 24, REYNOLDS MOUNTAIN VIEW PLAT 2

The true consideration for this conveyance is \$750

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

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BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Deed was acknowledged before me this 21st day of September 2006, 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: 6/27/09

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TAX TITLE
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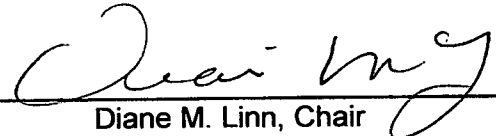
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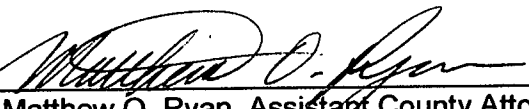
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BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

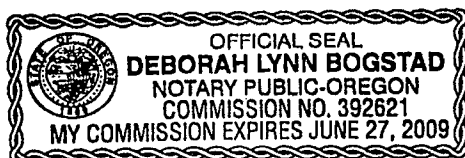

Diane M. Linn, Chair

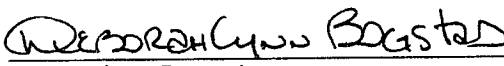
AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

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Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/09



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 09/21/06
Agenda Item #: C-4
Est. Start Time: 9:30 AM
Date Submitted: 08/24/06

BUDGET MODIFICATION: -

Agenda Title: Intergovernmental Revenue Contract 0607049 with the Oregon Department of Transportation for the 2005 and 2006 Rural Fund Exchange Agreement

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

Date Requested:	September 21, 2006	Time Requested:	Consent Calendar
Department:	Community Services	Division:	Land Use & Trans Program
Contact(s):	Karen Schilling		
Phone:	(503) 988-5050	Ext.	29635
Presenter(s):	Karen Schilling		
I/O Address:	455/1 st Fl.		

General Information

1. What action are you requesting from the Board?

Approval of 2005-06 Fund Exchange Agreement with the Oregon Dept. of Transportation.

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

Funding is available to the County from the State each year specifically for transportation projects in the rural area. The State offers an exchange to counties converting federal dollars to state dollars at 94 cents to every dollar. The benefit to the County is that we are not required to provide matching funds, and the County can administer projects instead of the State. This agreement will exchange \$291,996 federal funds for \$274,476 state funds for fiscal years 2005 and 2006. In addition to funds that are remaining from previous years, over \$500,000 will be allocated to 3 projects in the rural area of the County: Corbett Hill Road Shoulder repair, Newberry Road Slide and Culvert repair, and SE 282nd Ave. at Stone Road. Any remaining funds can be spent on other qualifying rural area transportation projects.

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

Rural Surface Transportation Funds (STP) are allocated to the County once a year. The amount varies from year to year. Each year, the County determines whether we have a qualifying project and if the funds are adequate to cover the cost of the project.

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

There are no legal or policy issues involved.

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

These projects are included in our Capital Improvement Plan and have been discussed with the public. Citizens and staff identify transportation improvements throughout the county. Public meetings are scheduled prior to the start of construction on projects. The Board of County Commissioners adopts the Capital Improvement Plan by conducting a public hearing and allowing public testimony.

Required Signatures

**Department/
Agency Director:**



Date: 08/23/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

MULTNOMAH COUNTY CONTRACT APPROVAL FORM (CAF)

Pre-approved Contract Boilerplate (with County Attorney signature) ☒ Attached ☐ Not Attached

Contract #: 0607049
Amendment #:

CLASS I Based on Informal / Intermediate Procurement	CLASS II Based on Formal Procurement	CLASS III Intergovernmental Contract (IGA)
<input type="checkbox"/> Personal Services Contract <input type="checkbox"/> PCRB Contract <input type="checkbox"/> Goods or Services <input type="checkbox"/> Maintenance or Licensing Agreement <input type="checkbox"/> Public Works / Construction Contract <input type="checkbox"/> Architectural & Engineering Contract <input type="checkbox"/> Revenue Contract <input type="checkbox"/> Grant Contract <input type="checkbox"/> Non-Financial Agreement	<input type="checkbox"/> Personal Services Contract <input type="checkbox"/> PCRB Contract <input type="checkbox"/> Goods or Services <input type="checkbox"/> Maintenance or Licensing Agreement <input type="checkbox"/> Public Works / Construction Contract <input type="checkbox"/> Architectural & Engineering Contract <input type="checkbox"/> Revenue Contract <input type="checkbox"/> Grant Contract <input type="checkbox"/> Non-Financial Agreement	<input type="checkbox"/> Expenditure Contract <input checked="" type="checkbox"/> Revenue Contract <input type="checkbox"/> Grant Contract <input type="checkbox"/> Non-Financial Agreement <input type="checkbox"/> INTER-DEPARTMENTAL AGREEMENT (IDA)

Department:: Community Services

Division/

Program: Land Use and Trans Program

Date: 8/23/06

Originator: Karen Schilling

Phone: (503) 988-5050 x29635

Bldg/Room: 455/Annex

Contact: Cathey Kramer

Phone: (503) 988-5050 x22589

Bldg/Room: 455/Annex

Description of Contract: 2005 and 2006 Fund Exchange Agreement between Multnomah County and Oregon Dept. of Transportation (Revenue Intergovernmental Contract-IGA)>

RENEWAL: ☐ PREVIOUS CONTRACT #(S) _____

EEO CERTIFICATION EXPIRES _____

PROCUREMENT
EXEMPTION OR
CITATION # _____

ISSUE
DATE: _____

EFFECTIVE
DATE: _____

END
DATE: _____

CONTRACTOR IS: ☐ MBE ☐ WBE ☒ ESB ☐ QRF State Cert# _____ or ☐ Self Cert ☐ Non-Profit ☒ N/A (Check all boxes that apply)

Contractor	Oregon Dept. of Transportation - Region 1			Remittance address	
Address	123 NW Flanders St.			(If different)	
City/State	Portland OR			Payment Schedule / Terms:	
ZIP Code	97209-4037			<input type="checkbox"/> Lump Sum \$ _____	<input type="checkbox"/> Due on Receipt
Phone	(503) 892-3089 - Debbie Burgess			<input type="checkbox"/> Monthly \$ _____	<input type="checkbox"/> Net 30
Employer ID# or SS#				<input type="checkbox"/> Other \$ _____	<input type="checkbox"/> Other
Contract Effective Date	08/01/06 *	Term Date	10/15/08 *	<input type="checkbox"/> Price Agreement (PA) or Requirements Funding Info:	
Amendment Effect Date		New Term Date		Original PA/Requirements Amount	\$ _____
Original Contract Amount	\$ _____	Total Amt of Previous Amendments	\$ _____	Amount of Amendment	\$ _____
Amount of Amendment	\$ _____	Total Amount of Agreement	\$ 892,766.00	Total PA/Requirements Amount	\$ _____

REQUIRED SIGNATURES:

Department Manager

County Attorney

CPCA Manager

County Chair

Sheriff

Contract Administration

DATE

DATE

DATE

DATE

DATE

DATE

COMMENTS: * The Contract Effective Date entered is approximate. This Agreement is effective on the date all Parties sign and terminates two calendar years from that date unless extended or renewed by the Parties.

APPROVED: MULTNOMAH COUNTY
BOARD OF COMMISSIONERS

AGENDA # C-4 DATE 9/21/06

DEBORAH L. BOGSTAD, BOARD CLERK

**2005 and 2006 FUND EXCHANGE AGREEMENT
Various County Locations**

THIS AGREEMENT is made and entered into by and between the STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "State"; and Multnomah County, acting by and through its elected officials, hereinafter referred to as "Agency."

RECITALS

1. By the authority granted in ORS 190.110, 366.572 and 366.576, State may enter into cooperative agreements with counties, cities and units of local governments for the performance of work on certain types of improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting parties.
2. 2002, 2003 & 2004 Fund Exchange Agreement #20557 expired on July 16, 2006. This Agreement will include funds not exchanged under the expired Agreement.

NOW THEREFORE, the premises being in general as stated in the foregoing recitals, it is agreed by and between the parties hereto as follows:

TERMS OF AGREEMENT

1. Agency has submitted a completed and signed Part 1 of the Project Prospectus, or a similar document agreed to by State, outlining the schedule and costs associated with all phases of least three rural Agency projects, hereinafter referred to as "Project. The Project consists of the Corbett Hill Road Shoulder Repair, Newberry Road Slide and Culvert Repair & SE 282nd Ave at SE Stone Road.
2. To assist in funding the Project, Agency has requested State to exchange Federal Funds in the following manner:

Fiscal Year	Federal Funds	Exchange Rate	State Funds
1997	\$ 64,769	94%	\$60,883
1998	\$ 101,889	94%	\$95,776
1999	\$ 89,190	94%	\$83,839
2000	\$ 105,314	94%	\$98,995
2002	\$ 111,958	94%	\$105,241
2003	\$ 140,190	94%	\$131,779
2004	\$ 136,063	94%	Agency Expended \$86,114 of the available State

Agreement No. 23,436
Multnomah County

			Funds total of \$127,899; the remaining balance available to Agency for 2004 is \$41,785
2005	\$ 150,836	94%	\$141,786
2006	\$ 141,160	94%	\$132,690
Total	\$1,041,369	94%	\$892,766

Agency shall exchange a total of \$1,041,369 Federal Funds for State Funds at the ratios defined in the above table. State shall reimburse Agency up to the total of \$892,766 State Funds for eligible costs incurred.

3. State has reviewed Agency's prospectus, considered Agency's request for the Fund Exchange, and has determined that Agency's Project is eligible for the exchange funds.
4. This Agreement shall be for two (2) years beginning on the date all required signatures are obtained and shall terminate two (2) calendar years later on the same month and day, unless otherwise extended or renewed by formal agreement of the parties.
5. The parties agree that the exchange is subject to the following conditions:
 - A. The federal funds transferred to State may be used by State at its discretion.
 - B. State dollars transferred to Agency must be used for the Corbett Hill Road Shoulder Repair, Newberry Road Slide and Culvert Repair & SE 282nd Ave at SE Stone Road Project. This Fund Exchange is to provide funding for specific roadway projects and is not intended for maintenance.
 - C. State funds may be used for all phases of the Project, including preliminary engineering, right of way, utility relocations and construction. Said use shall be consistent with the Oregon Constitution and statutes (Section 3a of Article IX Oregon Constitution). Agency shall be responsible to account for expenditure of state funds.
 - D. This Fund Exchange shall be on a reimbursement basis, with state funds limited to a maximum amount of \$892,766. All costs incurred in excess of the Fund Exchange amount will be the sole responsibility of Agency.

Agreement No. 23,436
Multnomah County

- E. State certifies at the time this Agreement is written that sufficient funds are available and authorized for expenditure to finance costs of this Agreement within State's current appropriation or limitation. Funds available for reimbursement on or after July 1, 2007, are contingent upon the legislatively approved budget of State.
- F. Agency shall be responsible for all costs and expenses related to its employment of individuals to perform the work under this Agreement, including but not limited to retirement contributions, workers' compensation, unemployment taxes, and state and federal income tax withholding.
- G. Agency shall comply with all federal, state, and local laws, regulations, executive orders and ordinances applicable to the work under this Agreement, including, without limitation, the provisions of ORS 279C.505, 279C.515, 279C.520, 279C.530 and 279B.270 incorporated herein by reference and made a part hereof; Without limiting the generality of the foregoing, Agency expressly agrees to comply with (i) Title VI of Civil Rights Act of 1964; (ii) Title V and Section 504 of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 and ORS 659A.142; (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.
- H. Agency, or its consultant, shall conduct the necessary preliminary engineering and design work required to produce final plans, specifications and cost estimates; purchase all necessary right of way in accordance with current state and federal laws and regulations; obtain all required permits; be responsible for all utility relocations; advertise for bid proposals; award all contracts; perform all construction engineering; and make all contractor payments required to complete the Project.
- I. Agency shall compile accurate cost accounting records. Agency shall bill State in a form acceptable to State no more than once a month for costs incurred on the Project. State will reimburse Agency at 100 percent of the billing amount not to exceed \$892,766. The cost records and accounts pertaining to the work covered by this Agreement shall be retained for inspection by representatives of State for a period of three (3) years following final payment. Copies shall be made available upon request.

Agreement No. 23,436
Multnomah County

- J. Agency shall, upon completion of Project, maintain and operate the public right-of way improved by the Project at its own cost and expense.
- K. All employers, including Agency, that employ subject workers who work under this Agreement in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage unless such employers are exempt under ORS 656.126. Agency shall ensure that each of its subcontractors complies with these requirements.
- L. This Agreement may be terminated by mutual written consent of both parties.
 - 1. State may terminate this Agreement effective upon delivery of written notice to Agency, or at such later date as may be established by State, under any of the following conditions:
 - a. If Agency fails to provide services called for by this Agreement within the time specified herein or any extension thereof.
 - b. If Agency fails to perform any of the other provisions of this Agreement, or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice from State fails to correct such failures within ten (10) days or such longer period as State may authorize.
 - 2. Either party may terminate this Agreement effective upon delivery of written notice to the other party, or at such later date as may be established by the terminating party, under any of the following conditions:
 - a. If either party fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow either party, in the exercise of their reasonable administrative discretion, to continue to make payments for performance of this Agreement.
 - b. If federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or either party is prohibited from paying for such work from the planned funding source.
 - 3. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the parties prior to termination.

Agreement No. 23,436
Multnomah County

- M. State and Agency hereto agree that if any term or provision of this Agreement is declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid.
6. Agency shall enter into and execute this Agreement during a duly authorized session of its Board of County Commissioners.
7. This Agreement may be executed in several counterparts [facsimile or otherwise] all of which when taken together shall constitute one agreement binding on all parties, notwithstanding that all parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.
8. This Agreement and attached exhibits constitute the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either party unless in writing and signed by both parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of State to enforce any provision of this Agreement shall not constitute a waiver by State of that or any other provision.

SIGNATURE PAGE TO FOLLOW

IN WITNESS WHEREOF, the parties hereto have set their hands and their seals as of the day and year hereinafter written.

The funding for this Fund Exchange program was approved by the Oregon Transportation Commission on August 17, 2005, as a part of the 2006-2009 Statewide Transportation Improvement Program (STIP).

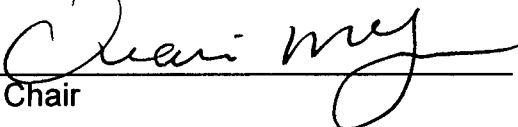
The Program and Funding Services Manager approved the fund exchange on June 30, 2006 for the 2005 and 2006 Fund Exchange.

Agreement No. 23,436
Multnomah County

The Oregon Transportation Commission on June 18, 2003, approved Delegation Order No. 2, which authorizes the Director to approve and execute agreements for day-to-day operations when the work is related to a project included in the Statewide Transportation Improvement Program or a line item in the biennial budget approved by the Commission.

On November 10, 2004, the Director of the Oregon Department of Transportation approved Subdelegation Order No. 2, in which the Director delegates to the Deputy Director, the authority to approve and sign agreements over \$75,000 when the work is related to a project included in the Statewide Transportation Improvement Program or in other system plans approved by the Oregon Transportation Commission or in a line item in the biennial budget approved by the Director.

MULTNOMAH COUNTY, by and through
its elected officials

By 
Chair

Date 9/21/06

**APPROVED AS TO LEGAL
SUFFICIENCY**

By 
Agency Counsel

Date 8/24/06

**APPROVED AS TO LEGAL
SUFFICIENCY**

By _____
Assistant Attorney General

Date _____

STATE OF OREGON, by and through
its Department of Transportation

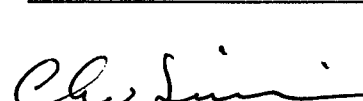
By _____
Deputy Director, Highway Division

Date _____

APPROVAL RECOMMENDED

By _____
Technical Services Manager/Chief Engineer

Date _____

By 
Region 1 Manager

Date 8-09-06



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 09/21/06
Agenda Item #: R-1
Est. Start Time: 9:30 AM
Date Submitted: 08/08/06

BUDGET MODIFICATION:

Agenda Title: **PROCLAMATION** Proclaiming the Week of September 29 to October 6, 2006,
as Minority Enterprise Development Week in Multnomah County, Oregon

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

Date Requested:	<u>September 21, 2006</u>	Time Requested:	<u>10 minutes</u>
Department:	<u>County Management</u>	Division:	<u>CPCA</u>
Contact(s):	<u>Lisa Williams</u>		
Phone:	<u>503-988-5111</u>	Ext.	<u>22596</u>
	I/O Address:		<u>503/4</u>
Presenter(s):	<u>Gail Ruben and Herman Brame</u>		

General Information

1. What action are you requesting from the Board?
Approval of Proclamation.
2. Please provide sufficient background information for the Board and the public to understand this issue.
Each year the President of the United States proclaims Minority Enterprise Development Week. Municipalities and Metropolitan areas throughout the nation plan luncheons/celebrations to honor Minority Business in conjunction with Minority Enterprise Development Week.
3. Explain the fiscal impact (current year and ongoing).
None
4. Explain any legal and/or policy issues involved.
None

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

None

Required Signatures

**Department/
Agency Director:**

Carol M. Ford

Date: 08/08/06

Budget Analyst:

Date: _____

Department HR:

Date: _____

Countywide HR:

Date: _____

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

PROCLAMATION NO. _____

Proclaiming the Week of September 29 to October 6, 2006, as Minority Enterprise Development Week in Multnomah County, Oregon

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County's growth and prosperity depends on the full participation of all citizens at every level of our economy.
- b. Minority Americans contribute invaluablely to our County's progress and well being, and minority owned businesses have emerged as a dynamic and vital force in our County's market places, providing both employment and training for hundreds of Multnomah County residents.
- c. Multnomah County takes pride in the achievements and accomplishments of our minority business owners; we are delighted to pay them tribute for their contributions on behalf of Multnomah County's economic growth.

The Multnomah County Board of Commissioners Proclaims:

1. September 29 to October 6, 2006, as MINORITY ENTERPRISE DEVELOPMENT WEEK IN MULTNOMAH COUNTY, OREGON, to thank all our minority business owners for their contributions to the County and to show our continuing commitment to the promotion of minority business opportunities.

ADOPTED this 21st day of September, 2006.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, County Chair

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

PROCLAMATION NO. 06-160

Proclaiming the Week of September 29 to October 6, 2006, as Minority Enterprise Development Week in Multnomah County, Oregon

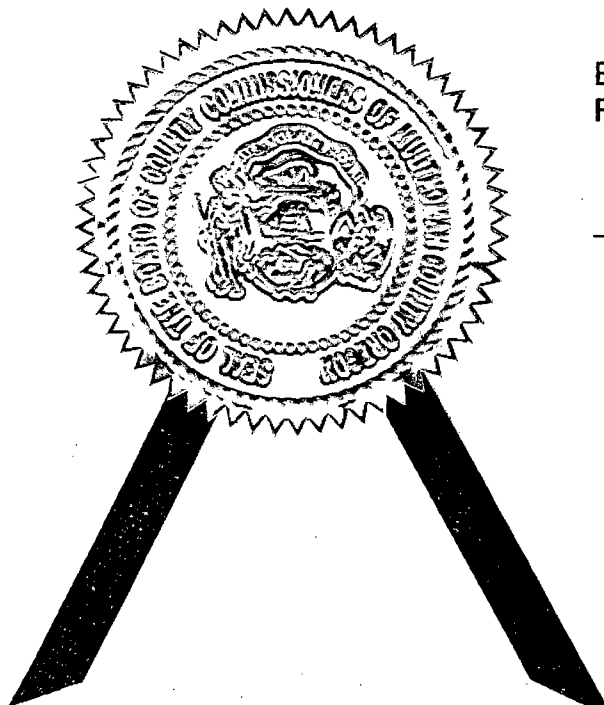
The Multnomah County Board of Commissioners Finds:

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- b. Minority Americans contribute invaluable to our County's progress and well being, and minority owned businesses have emerged as a dynamic and vital force in our County's market places, providing both employment and training for hundreds of Multnomah County residents.
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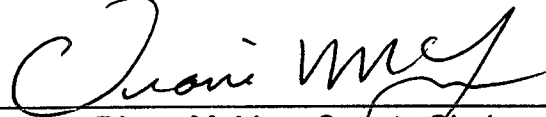
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ADOPTED this 21st day of September, 2006.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, County Chair



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date:	09/21/06
Agenda Item #:	R-2
Est. Start Time:	9:35 AM
Date Submitted:	08/25/06

BUDGET MODIFICATION:

Agenda Title: NOTICE OF INTENT to Apply for National Endowment to the Humanities
(NEH) Grant for Stabilizing Humanities Collections at County Archives

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

Date Requested:	September 21, 2006	Time Requested:	5 minutes
Department:	Dept. of County Management	Division:	FREDS/RECORDS
Contact(s):	Dwight Wallis		
Phone:	503-988-3741	Ext.	83741
		I/O Address:	425
Presenter(s):	Dwight Wallis		

General Information

1. What action are you requesting from the Board?

Approval to submit grant request for funds to install HVAC system in Archives

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

The County Archives has been experiencing regular fluctuations in humidity levels since relocating to the Yeon Shops Facility in 2004. These fluctuations occur during weekends when the main chiller unit for the building is turned off, endangering the long term preservation of the materials stored in the facility. Keeping the main chiller running during the weekend would not be energy efficient, as it would impact the whole facility to maintain humidity levels in a relatively small portion of the facility. This grant proposal to the National Endowment to the Humanities (NEH) will fund the installation of a unit which will maintain humidity levels in the archives without utilizing the main chiller unit. It will also allow for shut down of the air handling unit when the room is not occupied, greatly reducing energy consumption for that area.

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

The grant proposes funding an estimated \$20,000 in improvements in FY08. The County will cost

share a portion of this amount (to be determined) to cover the time of both the Records Administrator in managing the project, and monitoring environmental improvements during the year after installation; and the FREDS Finance Specialist Senior in administering the grant. This cost share will not increase budgeted personnel costs.

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

Improves preservation of historic archival records while reducing energy consumption in compliance with Executive Order 268 (Energy Conservation).

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

None

ATTACHMENT A

Grant Application/Notice of Intent

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

- **Who is the granting agency?**
National Endowment for the Humanities
- **Specify grant (matching, reporting and other) requirements and goals.**
Grant is designed to improve the environmental conditions of facilities storing humanities collections, such as local government archives. Grant requires monitoring of conditions for one year after installation of improvements.
- **Explain grant funding detail – is this a one time only or long term commitment?**
Grant is one time only, and covers installation of improvements, associated Facilities & Property Management/Contractor costs, and equipment cost of monitoring impact of improvements for one year. Facilities/Contractor and equipment project costs will be billed directly to the grant. County will cover costs of Records project direction, FREDs grant administration, and staff time for environmental monitoring out of existing funds, which will be incorporated as cost sharing in the grant.
- **What are the estimated filing timelines?**
October 2, 2006
- **If a grant, what period does the grant cover?**
Grant is for FY08.
- **When the grant expires, what are funding plans?**
Grant is for one-time only project. No on-going funding is needed.
- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**
Facilities indirect costs are covered in Facilities Management rates.

Required Signatures

**Department/
Agency Director:**

Carol M. Ford

Date: 08/24/06

Budget Analyst:

Chris

Date: 08/31/06

Department HR:

Date:

Countywide HR:

Date:

BOGSTAD Deborah L

From: WALLIS Dwight D
Sent: Wednesday, September 20, 2006 3:57 PM
To: BOGSTAD Deborah L
Cc: GUINEY Tom M
Subject: RE: Multnomah County Board of Commissioners Agenda for the September 21, 2006 Board meeting

Deb, as discussed on the phone, due to circumstances beyond our control, we would like to indefinitely postpone agenda R-2 on tomorrow's agenda. We will continue to pursue this and other grant opportunities, and will be raising this issue again within the next year.

Thanks for your help!

Dwight Wallis, CRM
Records Administrator
Multnomah County Fleet, Records, Electronics, Distribution and Stores (FREDS)
1620 S.E. 190th Avenue
Portland, OR 97233
Phone: (503)988-3741
Fax: (503)988-3754
dwight.d.wallis@co.multnomah.or.us

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

From: BOGSTAD Deborah L
Sent: Wednesday, September 13, 2006 1:17 PM
Subject: Multnomah County Board of Commissioners Agenda for the September 21, 2006 Board meeting

Attached is the Multnomah County Board of Commissioners Agenda for the September 21, 2006 Board meeting. Informational agenda packet materials for this meeting will be posted online at <http://www.co.multnomah.or.us/cc/WeeklyAgendaPacket/> soon after the September 14th Board meeting. Please contact me if you have any questions. Thank you and have a great day.

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

BOGSTAD Deborah L

From: BOGSTAD Deborah L
Sent: Wednesday, September 20, 2006 4:08 PM
To: Diane Linn; Lisa Naito; Lonnie Roberts; Maria ROJO DE STEFFEY; Serena Cruz
Cc: SOWLE Agnes; MARUCA Meagan T; SMITH Andy J; LASHUA Matthew; CARROLL Mary P; NAITO Terri W; WEST Kristen; Ford Carol M
Subject: FW: Multnomah County Board of Commissioners Agenda for the September 21, 2006 Board meeting

Commissioners at the request of County Archives (Records) please move approval to postpone indefinitely September 21st agenda item R-2, a notice of intent. Thank you.

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

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

From: WALLIS Dwight D
Sent: Wednesday, September 20, 2006 3:57 PM
To: BOGSTAD Deborah L
Cc: GUINEY Tom M
Subject: RE: Multnomah County Board of Commissioners Agenda for the September 21, 2006 Board meeting

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Thanks for your help!

Dwight Wallis, CRM
Records Administrator
Multnomah County Fleet, Records, Electronics, Distribution and Stores (FREDS)
1620 S.E. 190th Avenue
Portland, OR 97233
Phone: (503)988-3741
Fax: (503)988-3754
dwight.d.wallis@co.multnomah.or.us

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

From: BOGSTAD Deborah L
Sent: Wednesday, September 13, 2006 1:17 PM
Subject: Multnomah County Board of Commissioners Agenda for the September 21, 2006 Board meeting

Attached is the Multnomah County Board of Commissioners Agenda for the September 21, 2006 Board meeting. Informational agenda packet materials for this meeting will be posted online at <http://www.co.multnomah.or.us/cc/WeeklyAgendaPacket/> soon after the September 14th Board meeting. Please contact me if you have any questions. Thank you and have a great day.

9/20/2006



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-3 DATE 9-21-06
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 09/21/06
Agenda Item #: R-3
Est. Start Time: 9:37 AM
Date Submitted: 08/23/06

PROJECT REALLOCATION: FPM 07-01

Agenda Title: Reallocation of Facilities Capital Project Funds FPM-07-01 for Courthouse Cold Water High Rise Plumbing Project and Budget Carry-over Adjustment for MCIJ Chiller Emergency Replacement Project

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

Date Requested:	<u>September 21, 2006</u>	Time Requested:	<u>5 min</u>
Department:	<u>County Management</u>	Division:	<u>Facilities & Property Mgmt.</u>
Contact(s):	<u>John Lindenthal, Alan Proffitt</u>		
Phone:	<u>503 988 4213</u>	Ext.	<u>84213</u>
		I/O Address:	<u>274</u>
Presenter(s):	<u>John Lindenthal, Doug Butler</u>		

General Information

1. What action are you requesting from the Board?

Requested actions are to add \$90,000 to a new Courthouse Cold Water High Rise Plumbing Project, and to adjust the carry-over amount for the MCIJ Chiller Emergency Replacement Project in the Capital Budget from \$225,000 to \$310,000.

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

The Board included the following Budget Note in the FY05 Adopted Budget. No reallocation of funds from capital or maintenance projects shall occur without review and approval from the Chief Financial Officer. Projects that will exceed their budgeted appropriation in excess of five percent up to \$25,000 will need to be approved by the Chief Financial Officer; over \$25,000 will need to be brought back to the Board for approval. Facilities shall report to the Board on a semi-annual basis the progress of capital projects and the financial status of capital and maintenance projects." This filing is in response to that requirement and complies with the new County Administrative Procedure, Fin-15,

created to implement this process.

The first project is to replace the high rise cold water distribution plumbing in the Courthouse pipe loft that serves the seventh and eighth floors. The building hot water and lower floors (1-6) cold water distribution were replaced as emergency projects in late FY06. This project will replace plumbing that is in a similar condition to that which failed under the previous emergency project. Therefore, we are requesting to reallocate budget from the Justice Center Hot and Cold Water Distribution project to a new Courthouse Cold Water High Rise Plumbing Project in the amount of \$90,000.

The second requested action is to adjust the carry-over amount for the MCIJ Chiller Emergency Replacement Project in the Capital Budget from \$225,000 to \$310,000. On June 8, 2006, the Board approved \$360,000 for the MCIJ Chiller Emergency Replacement Project. The initial budget estimate was for \$275,000 but this was changed at the Board meeting to \$360,000. It was estimated and we did spend \$50,000 in FY 2006. However, the FY 2007 carryover amount had been calculated based on a project budget of \$275,000 not \$360,000. The FY 2007 Adopted Budget budgeted \$225,000 for this project and we are requesting that this be changed to \$310,000. At the time of Board approval, it was too late to change the FY 2007 budget so the FY 2007 budget did not reflect the proper carry-over amount.

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

Fiscal year FY07: No overall fiscal impact. Transfer \$90,000 budget expenditure authority from Justice Center Hot and Cold Water Distribution project to the Courthouse Cold Water High Rise Plumbing Project. An adjustment in FY08 or within the 5 year CIP will be made to offset this budget reduction in the Justice Center Hot and Cold Water Distribution multi-year project.

For the MCIJ Chiller Emergency Replacement project the budget authority of \$85,000 will be transferred from the following projects: CP08.06.04S Courthouse Beam Repair (\$40,000), CP08.04.21 Justice Center Kitchen Upgrades and Leak Remediation project (\$45,000). The affected projects have adequate budget authority to complete them.

Fiscal Year FY07: The Justice Center Hot and Cold Water Distribution project start will be delayed until funding can be reallocated through the normal Capital budget process for FY 2008.

The Courthouse beam repair and the Justice Center Kitchen Upgrades projects had available budget authority to transfer to the MCIJ Chiller project without impacting these project completions.

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

None.

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

None

ATTACHMENT A

Budget Modification

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

- What revenue is being changed and why?
N/A
- What budgets are increased/decreased?
No budget change except at project level.
- What do the changes accomplish?
N/A
- Do any personnel actions result from this budget modification? Explain.
No.
- How will the county indirect, central finance and human resources and departmental overhead costs be covered?
N/A
- Is the revenue one-time-only in nature? Will the function be ongoing? What plans are in place to identify a sufficient ongoing funding stream?
N/A
- If a grant, what period does the grant cover?
N/A
- If a grant, when the grant expires, what are funding plans?
N/A

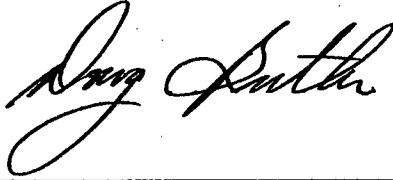
<p><i>NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.</i></p>

ATTACHMENT B

PROJECT REALLOCATION: FPM-07-01

Required Signatures

Facilities &
Property
Management
Director:



Date: 08/21/06

Chief Financial
Officer:



Date: 08/21/06

Budget Director:



Date: 08/23/06

Project Reallocation Bud Mod: FPM07-01

EXPENDITURES & REVENUES

FPM07-01

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

Line No.	Fund Center	Fund Code	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
			Internal Order	Cost Center	WBS Element						
1											
2	72-50	2507			CP08.06.04S	60530	60,000	20,000	(40,000)		BSER-Courthouse Concrete Beam Repair - FPM07-01
3	72-50	2507			CP08.04.21	60530	110,000	65,000	(45,000)		Justice Center-Kitchen Upgrade/Leak Repr - FPM07-01
4	72-50	2507			CP08.06.45	60530	225,000	310,000	85,000		MCIJ Chiller Repair/Replace - FPM07-01
5	72-50	2507			CP08.07.21	60530	100,000	10,000	(90,000)		Justice Cntr Hot/Cold water distribution - FPM07-01
6	72-50	2507			CP08.07.56	60530	0	90,000	90,000		Courthse Cold Water High Rise Plumbing -FPM07-01
7								0			
8								0			
9											
10											
11											
12											
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25											
26											
27											
28											
29								0			
									0	0	Total - Page 1
									0	0	GRAND TOTAL



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED: MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-4 DATE 9.21.06
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 09/21/06
Agenda Item #: R-4
Est. Start Time: 9:40 AM
Date Submitted: 08/07/06

BUDGET MODIFICATION: DCJ - 01

**Budget Modification DCJ-01 Appropriating \$137,420 in Behavioral
Agenda Rehabilitation Services Revenue to Add Services for Three Additional Youth at
Title: DCJ's Juvenile Secure Residential Alcohol and Drug Treatment Unit (RAD)**

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

Date Requested:	<u>September 21, 2006</u>	Time Requested:	<u>3 minutes</u>
Department:	<u>Dept. of Community Justice</u>	Division:	<u>Juvenile Services Division</u>
Contact(s):	<u>Shaun Coldwell</u>		
Phone:	<u>503-988-3961</u>	Ext.	<u>83961</u>
	I/O Address:		<u>503/250</u>
Presenter(s):	<u>Wayne Scott</u>		

General Information

1. What action are you requesting from the Board?

The Department of Community Justice (DCJ) requests approval of a budget modification to appropriate \$137,420 in federal medicaid Behavioral Rehabilitation Services (BRS) revenue to purchase services for three additional beds for youth in DCJ's Secure Residential Alcohol and Drug Treatment (RAD) program.

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

The RAD program is located in the juvenile detention facility and has the capacity of housing 32 youth. Currently, it has funding for services to 15 youth beds. The additional revenue in this budget modification adds services for 3 more youth beds, bringing the total to 18 beds for male and female youth offenders.

The coverage for the three additional beds responds to the long waiting list of probationer youth with serious addiction and mental health problems who need the highest level of treatment. These

youth usually have failed other community-based treatment, continuing their use and re-offense. With the increased capacity, RAD will have the flexibility to provide more relapse prevention to youth, increasing their potential success at home and in the community.

Of the total \$137,420 new revenue, \$74,382 will increase contracted services provided by the Morrison Center and cover associated Central and Departmental Indirect cost. The Morrison Center will hire more staff to provide services to additional clients filling the three beds. These services include individual counseling, group counseling, family work, milieu management, case management, transition planning, psychiatric consultation and mental health services.

The remaining \$63,038 will fund 72% of an existing Juvenile Custody Service Specialist, releasing general fund to cover the county match required by BRS revenue and provide 774 hours of on-call temporary personnel coverage for this program's 24-hour operation.

The budget modification will add \$137,420 increased revenue and expense to Program Offer # 50021, Juvenile Secure Residential A&D Treatment, expanding treatment service capacity to an additional three beds for youth.

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

Current-year revenue and expense will increase by \$137,420. This increase is anticipated to continue into future fiscal years.

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

N/A

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

N/A

ATTACHMENT A

Budget Modification

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

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

Federal medicaid Behavioral Rehabilitation Services revenue increases by \$137,420.

Central Indirect increases by \$3,147.

Department Indirect increases by \$6,370.

Insurance increases by \$430.

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

Central Indirect increases by \$3,147.

Department Indirect increases by \$6,370.

Insurance increases by \$430.

Juvenile Services Division RAD program increases by \$137,420.

- **What do the changes accomplish?**

Contracted services increase by \$69,231. 0.72 FTE JCSS funding changes from general fund to BRS. The general fund released from that transfer adds 774 hours to on-call temporary personnel staffing and covers the incoming revenue's required match of \$32,728.

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

Temporary personnel staffing is increased by \$14,119.

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

County and Departmental indirect costs are covered by BRS revenue.

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

No, it is anticipated that the BRS revenue associated with youth filling the three beds will be ongoing.

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

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

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

ATTACHMENT B

BUDGET MODIFICATION: DCJ - 01

Required Signatures

Department/
Agency Director:



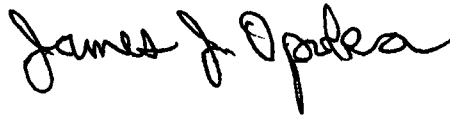
Date: 08/07/06

Budget Analyst:



Date: 08/07/06

Department HR:



Date: 08/07/06

Countywide HR:

Date: _____

Budget Modification ID: **DCJ-01****EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 2007

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center	WBS Element						
1									0			BRS 3 Beds RAD
2	50-50	26035	50			CJ025.BRS.RAD.CON	60170	374,836	444,067	69,231		Incr Prof Svcs
3	50-50	26035	50			CJ025.BRS.RAD.CON	60350	9,221	10,924	1,703		Incr Central Indirect
4	50-50	26035	50			CJ025.BRS.RAD.CON	60355	18,667	22,115	3,448		Incr Dept Indirect
5									0		74,382	BRS RAD contracts exp
6	50-50	26035	50			CJ025.BRS.RAD.CON	50236	(402,724)	(477,106)	(74,382)	(74,382)	CJ025.BRS.RAD.CON rev
7	50-50	26035	50			CJ025.BRS.RAD	60000	132,691	162,011	29,320		Incr Perm, 0.72 FTE JCSS
8	50-50	26035	50			CJ025.BRS.RAD	60130	43,248	52,657	9,409		Incr Sal-Rel, 0.72 FTE JCSS
9	50-50	26035	50			CJ025.BRS.RAD	60140	40,947	49,065	8,118		Incr Ins, 0.72 FTE JCSS
10	50-50	26035	50			CJ025.BRS.RAD	60250	0	11,825	11,825		Incr Food for RAD clients
11	50-50	26035	50			CJ025.BRS.RAD	60350	14,630	16,074	1,444		Incr Central Indirect
12	50-50	26035	50			CJ025.BRS.RAD	60355	29,618	32,540	2,922		Incr Dept Indirect
13									0		63,038	BRS RAD non-contract exp
14	50-50	26035	50			CJ025.BRS.RAD	50236	(638,980)	(702,018)	(63,038)	(63,038)	CJ025.BRS.RAD rev
15	50-50	1000	50		506600		60000	174,799	145,479	(29,320)		Decr Perm, (0.72) FTE JCSS
16	50-50	1000	50		506600		60130	61,758	52,349	(9,409)		Decr Sal-Related, (0.72) FTE
17	50-50	1000	50		506600		60140	44,745	36,627	(8,118)		Decr Ins, (1.0) FTE JCSS
18	50-50	1000	50		506600		60150	217,424	250,152	32,728		Incr Cnty Match & Shar'g, BRS
19									0		(14,119)	Total RAD Cctr 606600 GF
20	50-50	1000	50		506100		60100	793,328	805,969	12,641		Incr Temp, RAD On-Call 774 hrs
21	50-50	1000	50		506100		60135	65,767	66,815	1,048		Incr NB Salary-Related
22	50-50	1000	50		506100		60145	26,973	27,403	430		Incr NB Insurance
23									0		14,119	Total CU Cctr 506100 GF
24	72-10	3500	20		705210		50316		(430)	(430)	(430)	Incr Insurance Revenue
25	72-10	3500	20		705210		60330		430	430	430	Incr Offset'g Insurance exp
26	19	1000	20		9500001000		50310		(3,147)	(3,147)	(3,147)	Incr Central Indirect rev
27	19	1000	20		9500001000		60470		3,147	3,147	3,147	Incr Central Indirect exp
28	50-00	1000			509600		50370		(6,370)	(6,370)	(6,370)	Incr Dept Indirect rev
29	50-00	1000			509600		60170		6,370	6,370	6,370	Incr Prof Svcs/Busn Svcs
										0	0	Total - Page 1
										0	0	GRAND TOTAL

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

						ANNUALIZED			
Fund	Job #	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
50-50	6273	62776	JCSS xfr out from RAD GF to BRS	706934	(0.72)	(29,320)	(9,409)	(8,118)	(46,847)
50-50	6273	62777	JCSS Xfr into BRS from RAD GF	706934	0.72	29,320	9,409	8,118	46,847
									0
									0
									0
									0
									0
									0
									0
									0
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									0
									0
									0
									0
									0
									0
									0
TOTAL ANNUALIZED CHANGES					0.00	0	0	0	0

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

						CURRENT YEAR			
Fund	Job #	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
50-50	6273	62776	JCSS xfr out from RAD GF to BRS	706934	(0.72)	(29,320)	(9,409)	(8,118)	(46,847)
50-50	6273	62777	JCSS Xfr into BRS from RAD GF	706934	0.72	29,320	9,409	8,118	46,847
			Fringe & Ins on \$12,641 Temp base GF				1,048	430	1,478
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
TOTAL CURRENT FY CHANGES					0.00	0	1,048	430	1,478



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-5 DATE 9.21.06
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 09/21/06
Agenda Item #: R-5
Est. Start Time: 9:42 AM
Date Submitted: 08/07/06

BUDGET MODIFICATION: DCJ - 02

Agenda Title: Budget Modification DCJ-02 Reconciling Fiscal Year 2007 Adopted Budget
Reductions to Adult Services Misdemeanor Supervision

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

Date Requested:	<u>September 21, 2006</u>	Time Requested:	<u>5 minutes</u>
Department:	<u>Dept. of Community Justice</u>	Division:	<u>Adult Services Division</u>
Contact(s):	<u>Shaun Coldwell</u>		
Phone:	<u>503-988-3961</u>	Ext.	<u>83961</u>
		I/O Address:	<u>503/250</u>
Presenter(s):	<u>Steve Liday</u>		

General Information

1. What action are you requesting from the Board?

The Department of Community Justice (DCJ) requests approval of a budget modification which reconciles the earlier cuts to the Adult Misdemeanor Supervision program offer with proposed cuts more accurately representing the distribution of misdemeanor client caseloads throughout the Adult Community Justice system.

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

During the pre-adoption balancing of the budget, the Board of County Commissioners funded 50% of the Adult Services' Misdemeanor Supervision program ongoing and 25% with one-time-only funds. The 25% cut to the total cost of the proposed budget for the misdemeanor supervision program consisted of a (7.72) FTE reduction to personnel and a (\$611,265) reduction to expense.

The caseload distribution for each personnel position is a mixture of felony and misdemeanor offenders. Following adoption of the FY07 budget, a more timely review of actual caseloads was

possible. This review resulted in a more accurate selection of cuts to meet the 25% reduction to misdemeanor supervision and places the cuts to personnel in different program units than those specified in the original program reduction. Therefore, the budget modification restores \$437,301 and 6.22 FTE in original cuts to West, Reduced Supervision Team, MidCounty and the African American program. It replaces those restored cuts with (\$437,301) and (5.72) FTE reductions in Intake, Mental Health, North Office, Community Court and the Londer Learning Center. The net result of this reconciliation is an increase of 0.50 FTE, the net change of cutting one less OA 2 and cutting an additional .50 FTE Probation/Parole Officer. There is no change in the original expense cut of (\$611,265).

The budget modification actions result in the following net changes to Department of Community Justice FY07 program offers:

- # 50025 - Adult PreTrial Supervision Program: (0.22) FTE Pgm Mgr 2, (\$26,000).
- # 50030 - ASD Field Services Formal Supervision: (2.50) FTE PPO, (\$218,142).
- # 50031 - ASD Field Services - Misdemeanor Supervision: 1.0 FTE CT, 2.0 FTE PPOs, 2.0 FTE OA 2, 0.22 FTE Pgm Mgr 2 = 5.22 FTE, \$368,648.*
- # 50037 - Adult Londer Learning Center: (1.0) FTE OA 2, (\$54,894).
- # 50039 - Adult Community Services Community Court and Bench Probation: (1.0) FTE CT, (\$69,612).

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

There is no fiscal impact to current year FY07.

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

N/A

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

N/A

ATTACHMENT A

Budget Modification

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

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

Increases Insurance Revenue by \$5,159.

Cuts to several personnel positions funded by state DOC are replaced by a transfer of 2.43 FTE general fund personnel positions in ASD Intake into state DOC funding for funds-balancing purposes, with no change either to general fund or state DOC revenues.

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

Decreases Offsetting Insurance Expense by (\$5,159).

- **What do the changes accomplish?**

The personnel positions chosen for restorations and reductions accurately reflect the 25% reduction to Adult Services Misdemeanor Supervision workloads.

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

Yes. The net change in personnel is + 0.50 FTE, the result of a 50% reduction to Probation/Parole Officers and the restoration of a full-time position to Office Assistant 2s.

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

N/A

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

There is no change in revenue.

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

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

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

ATTACHMENT B

BUDGET MODIFICATION: DCJ - 02

Required Signatures

**Department/
Agency Director:**



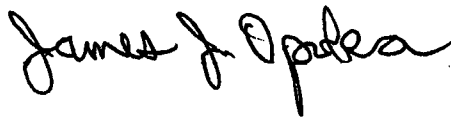
Date: 08/07/06

Budget Analyst:



Date: 08/07/06

Department HR:



Date: 08/07/06

Countywide HR:

Date:

Budget Modification ID: **DCJ-02****EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 2006

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center	WBS Element						
1	50-10	1505	50		504400		60000	856,376	823,113	(33,263)		Decr Perm, (0.50) FTE PPO
2	50-10	1505	50		504400		60130	298,247	286,773	(11,474)		Decr Sal-Rel, (0.50) FTE PPO
3	50-10	1505	50		504400		60140	219,433	212,215	(7,218)		Decr Ins, (0.50) FTE PPO
4	50-10	1505	50		504400		60350	35,069	33,791	(1,278)		Decr Central IC, 2.46%
5	50-10	1505	50		504400		60355	70,993	68,405	(2,588)		Decr Dept Indirect, 4.98%
6									0		(55,821)	Total West DOC
7	50-10	1505	50		504100		60000	1,471,273	1,416,669	(54,604)		Decr Perm, (1.0) FTE PPO
8	50-10	1505	50		504100		60130	509,995	491,162	(18,833)		Decr Sal-Rel, (1.0) FTE PPO
9	50-10	1505	50		504100		60140	360,842	347,123	(13,719)		Decr Ins, (1.0) FTE PPO
10	50-10	1505	50		504100		60350	59,430	57,286	(2,144)		Decr Central IC, 2.46%
11	50-10	1505	50		504100		60355	120,309	115,968	(4,341)		Decr Dept Indirect, 4.98%
12									0		(93,641)	Total North DOC
13	50-10	1505	50		505500		60000	357,372	325,182	(32,190)		Decr Perm, (1.0) FTE PPO
14	50-10	1505	50		505500		60130	116,296	105,966	(10,330)		Decr Sal-Rel, (1.0) FTE PPO
15	50-10	1505	50		505500		60140	92,818	80,444	(12,374)		Decr Ins, (1.0) FTE PPO
16	50-10	1505	50		505500		60350	18,328	16,977	(1,351)		Decr Central IC, 2.46%
17	50-10	1505	50		505500		60355	37,103	34,369	(2,734)		Decr Dept Indirect, 4.98%
18									0		(58,979)	Total LLC DOC
19	50-10	1505	50		502100		60000	700,978	822,018	121,040		Incr Perm, 1 PPO, 1.43 CTs
20	50-10	1505	50		502100		60130	239,141	279,509	40,368		Incr Sal-Rel, 1 PPO, 1.43 CT
21	50-10	1505	50		502100		60140	188,918	221,515	32,597		Incr Ins, 1 PPO, 1.43 CTs
22	50-10	1505	50		502100		60350	29,355	34,128	4,773		Incr Central IC, 2.46%
23	50-10	1505	50		502100		60355	59,425	69,088	9,663		Incr Ins, 4.98%
24									0		208,441	Total Centralizd Intake DOC
25	50-10	1000	50		502101		60000	305,301	135,440	(169,861)		Decr Perm, (2) PPO, (1.43) CT
26	50-10	1000	50		502101		60130	100,652	43,446	(57,206)		Decr Sal-Rel, (2) PPO, (1.43) CT
27	50-10	1000	50		502101		60140	88,276	42,307	(45,969)		Decr Ins, (2) PPO, (1.43) CT
28									0		(273,036)	Total Centralizd Intake GF
29	50-10	1000	50		502901		60000	96,705	53,857	(42,848)		Decr Perm, (1) CT
										(315,884)	(273,036)	Total - Page 1
										0	0	GRAND TOTAL

Budget Modification ID: **DCJ-02****EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 2006

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit		Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center						
30	50-10	1000	50		502901	60130	29,391	15,641	(13,750)		Decr Sal-Rel, (1) CT
31	50-10	1000	50		502901	60140	30,786	17,772	(13,014)		Decr Ins, (1) CT
32								0		(69,612)	Total Comm Court GF
33	50-10	1000	50		503101	60000	138,421	113,344	(25,077)		Decr Perm, (1) CT, (.22)
34	50-10	1000	50		503101	60130	47,045	39,099	(7,946)		Decr Sal-Rel, (1) CT, (.22)
35	50-10	1000	50		503101	60140	35,970	26,340	(9,630)		Decr Ins, (1) CT, (.22)
36								0		(42,653)	Total Mid-County GF
37	50-10	1000	50		504401	60170	41,246	91,246	50,000		Incr Prof Sv, restore Ext Sec
38								0		50,000	Total West GF
39	50-10	1000	50		502230	60000	924,436	907,359	(17,077)		Decr Perm, (.22) Pg Mg 2
40	50-10	1000	50		502230	60130	307,364	301,783	(5,581)		Decr Sal-Rel, (.22) Pg Mg 2
41	50-10	1000	50		502230	60140	245,700	242,358	(3,342)		Decr Ins, (.22) Pg Mg 2
42	50-10	1000	50		502230	60170	96,720	46,720	(50,000)		Decr Prof Sv, reduce UA svc
43								0		(76,000)	Total PSP GF
44	50-10	1000	50		503401	60000	103,809	208,889	105,080		Incr Perm, 2 CTs, 1 OA 2
45	50-10	1000	50		503401	60130	33,312	63,869	30,557		Incr Sal-Rel, 2 CTs, 1 OA 2
46	50-10	1000	50		503401	60140	31,213	68,847	37,634		Incr Ins, 2 CTs, 1 OA 2
47								0		173,271	Total RST GF
48	50-10	1000	50		504300	60000	195,087	258,714	63,627		Incr Perm, 1 PPO
49	50-10	1000	50		504300	60120	1,909	3,818	1,909		Incr Prem, 1 PPO, FTO pay
50	50-10	1000	50		504300	60130	66,628	89,231	22,603		Incr Sal-Rel, 1 PPO
51	50-10	1000	50		504300	60140	41,771	56,116	14,345		Incr Ins, 1 PPO
52								0		102,484	Total Afr-Am Pgm GF
53	50-10	1000	50		504401	60000	154,951	237,676	82,725		Incr Perm, 1 PPO, 1 OA2
54	50-10	1000	50		504401	60130	53,208	80,180	26,972		Incr Sal-Rel, 1 PPO, 1 OA 2
55	50-10	1000	50		504401	60140	39,356	65,205	25,849		Incr Ins, 1 PPO, 1 OA 2
56								0		135,546	Total West GF
57	72-10	3500	20		705210	50316		(5,159)	(5,159)	(5,159)	Insurance Revenue
58	72-10	3500	20		705210	60330		5,159	5,159	5,159	Offsetting Insurance Exp
									315,884	273,036	Total - Page 2
									0	0	GRAND TOTAL

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

						ANNUALIZED			
Fund	Job #	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
50-10	6276	61827	Reduce PPO [Adj] in West DOC	711586	(0.50)	(33,263)	(11,474)	(7,218)	(51,955)
50-10	6276	61823	Cut PPO [Tav] North Gang DOC	700831	(1.00)	(54,604)	(18,833)	(13,719)	(87,156)
50-10	6001	61848	Cut OA 2 [Ka] LLC DOC	701832	(1.00)	(32,190)	(10,330)	(12,374)	(54,894)
50-10	6276	61805	Xfr PPO [Mos] to Intake DOC	703102	1.00	63,627	21,945	14,261	99,833
50-10	6266	61805	Xfr CT [Buc] to Intake DOC	703175	1.00	42,239	13,555	12,977	68,771
50-10	6266	61805	Xfr CT [Bo] to Intake DOC	706684	0.43	15,174	4,868	5,359	25,401
50-10	6276	61806	Cut PPO [Ni] from Intake GF	702374	(1.00)	(48,821)	(16,838)	(13,372)	(79,031)
50-10	6276	61806	Xfr PPO [Mos] from Intake GF	703102	(1.00)	(63,627)	(21,945)	(14,261)	(99,833)
50-10	6266	61806	Xfr CT [Bu] from Intake GF	703175	(1.00)	(42,239)	(13,555)	(12,977)	(68,771)
50-10	6266	61806	Xfr CT [Bo] from Intake GF	706684	(0.43)	(15,174)	(4,868)	(5,359)	(25,401)
50-10	6266	64643	Cut CT [Vac] from Com Crt GF	710315	(1.00)	(42,848)	(13,750)	(13,014)	(69,612)
50-10	6266	61820	Cut CT [Sn] from MidCnty GF	702386	(1.00)	(42,154)	(13,527)	(12,972)	(68,653)
50-10		61820	Restore Misd Sup Mid Cnty GF cut		0.22	17,077	5,581	3,342	26,000
50-10	6001	64594	Reduce PM2 [Vac] PSP GF	712303	(0.22)	(17,077)	(5,581)	(3,342)	(26,000)
50-10	6266	63600	Restore CT [Di] to RST GF	703799	1.00	36,065	10,488	12,607	59,160
50-10	6266	63600	Restore CT [Va/Bo] to RST GF	711932	1.00	38,106	11,081	12,729	61,916
50-10	6266	63600	Restore OA 2 [Ni] to RST GF	706687	1.00	30,909	8,988	12,298	52,195
50-10	6276	61826	Restore PPO [Ga] to AA Pgm GF	701118	1.00	63,627	21,945	14,261	99,833
50-10			Fringe & ins on Prem Pay \$1,909				658	84	742
50-10	6276	61828	Restore PPO [Le] to West GF	702443	1.00	53,904	18,591	13,677	86,172
50-10	6001	61828	Restore OA 2 [Lo] to West GF	704812	1.00	28,821	8,381	12,172	49,374
									0
									0
			TOTAL ANNUALIZED CHANGES		0.50	(2,448)	(4,620)	5,159	(1,909)

CURRENT YEAR PERSONNEL DOLLAR CHANGE

Calculate costs/savings that will take place in this FY; these should explain the actual dollar amounts being changed by this Bud Mod.

						CURRENT YEAR			
Fund	Job #	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
50-10	6276	61827	Reduce PPO [Adj] in West DOC	711586	(0.50)	(33,263)	(11,474)	(7,218)	(51,955)
50-10	6276	61823	Cut PPO [Tav] North Gang DOC	700831	(1.00)	(54,604)	(18,833)	(13,719)	(87,156)
50-10	6001	61848	Cut OA 2 [Ka] LLC DOC	701832	(1.00)	(32,190)	(10,330)	(12,374)	(54,894)
50-10	6276	61805	Xfr PPO [Mos] to Intake DOC	703102	1.00	63,627	21,945	14,261	99,833
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50-10	6276	61806	Cut PPO [Ni] from Intake GF	702374	(1.00)	(48,821)	(16,838)	(13,372)	(79,031)
50-10	6276	61806	Xfr PPO [Mos] from Intake GF	703102	(1.00)	(63,627)	(21,945)	(14,261)	(99,833)
50-10	6266	61806	Xfr CT [Bu] from Intake GF	703175	(1.00)	(42,239)	(13,555)	(12,977)	(68,771)
50-10	6266	61806	Xfr CT [Bo] from Intake GF	706684	(0.43)	(15,174)	(4,868)	(5,359)	(25,401)
50-10	6266	64643	Cut CT [Vac] from Com Crt GF	710315	(1.00)	(42,848)	(13,750)	(13,014)	(69,612)
50-10	6266	61820	Cut CT [Sn] from MidCnty GF	702386	(1.00)	(42,154)	(13,527)	(12,972)	(68,653)
50-10		61820	Restore Misd Sup Mid Cnty GF cut		0.22	17,077	5,581	3,342	26,000
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50-10	6266	63600	Restore CT [Di] to RST GF	703799	1.00	36,065	10,488	12,607	59,160
50-10	6266	63600	Restore CT [Va/Bo] to RST GF	711932	1.00	38,106	11,081	12,729	61,916
50-10	6266	63600	Restore OA 2 [Ni] to RST GF	706687	1.00	30,909	8,988	12,298	52,195
50-10	6276	61826	Restore PPO [Ga] to AA Pgm GF	701118	1.00	63,627	21,945	14,261	99,833
50-10			Fringe & ins on Prem Pay \$1,909				658	84	742
50-10	6276	61828	Restore PPO [Le] to West GF	702443	1.00	53,904	18,591	13,677	86,172
50-10	6001	61828	Restore OA 2 [Lo] to West GF	704812	1.00	28,821	8,381	12,172	49,374
									0
									0
			TOTAL CURRENT FY CHANGES		0.50	(2,448)	(4,620)	5,159	(1,909)



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date:	09/21/06
Agenda Item #:	R-6
Est. Start Time:	9:45 AM
Date Submitted:	08/04/06

BUDGET MODIFICATION:

Agenda Title:	Second Reading and Possible Adoption of an ORDINANCE Amending MCC Chapters 33, 34, 35, 36, and 37 to Allow for the Review and Approval of Certain Past "Unlawfully Divided" Lots and Parcels and to Allow for the Issuance of Certain Building Permits to be Considered Verification of Compliance with Zoning and Land Division Laws in the Determination of "Lots of Record"
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Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Date Requested:	September 21, 2006	Time Requested:	2 minutes
Department:	Community Services	Division:	Land Use & Transportation
Contact(s):	Gary Clifford, Karen Schilling		
Phone:	503-988-3043	Ext.	26782
		I/O Address:	455/116
Presenter(s):	Gary Clifford		

General Information

1. What action are you requesting from the Board?

Adopt proposed Ordinance. Planning Commission Resolution PC 04-007 (Part 1) recommends adoption of Zoning Code amendments that allow for the review and approval of certain past "unlawfully divided" lots and parcels and to allow for the issuance of certain building permits to be considered verification of compliance with zoning and land division laws in the determination of "Lots of Record."

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

No building permit may be issued for development of a parcel of land that is not a "Lot of Record." A "Lot of Record" is a parcel of land that met all zoning and land division regulations at the time it was created (divided out of the parent parcel).

Zoning regulations and laws for dividing land have been constantly changing since the mid-1950s when Multnomah County first adopted ordinances regulating land use. The majority of those changes in the rural areas have been made in compliance with the State of Oregon Statewide Planning Goals and Administrative Rules.

During most of those fifty years, property owners could legally divide their property into two or three parcels by recording new deeds that described the new parcels. Unlike today's requirements, there was no requirement at that time for the land division to be reviewed for compliance with zoning laws. Verification that zoning and land division laws were met was delayed until a property owner applied for a building permit. Therefore, if a property owner chose not to contact the Planning and Zoning Office of Multnomah County when dividing property, then the determination that the divided parcel was not a "Lot of Record" may occur many years later. In these situations, often the discovery is made by an owner that is several owners after the owner that divided the property.

These proposed Zoning Code amendments do not grant "amnesty" to all "unlawfully divided" lots and parcels. However, it does give a chance to go back to the regulations in effect at the time of the original land division and allow a property owner to possibly get approval of the "unlawfully divided" parcel, with one important difference. That difference is for land divisions before 1994 the parcels are required to meet only the "density" requirements and not the "area" requirements of the time. The "density" requirement allows the creation of undersize parcels if the average size of all parcels created meets the minimum size requirement. For example, if the minimum parcel requirement in the past was 5 acres, then the past creation of a 4 acre parcel and a 6 acre parcel from an original 10 acre lot would meet the "density" requirement of 5 acres.

Also, from 1977 to 1993 most rural zoning districts included provisions regarding the ability to divide properties where the deed description included land on both sides of public roads and where a zoning district boundary crossed through a property. Those specialized provisions are no longer in the zoning code in compliance with state administrative rules. However, some divisions of properties during that time period missed being reviewed under some land division code requirements. In many situations this incomplete review can be characterized as primarily a procedural flaw, at no fault of the property owner.

The Planning Commission placed a high priority on finding a regulatory remedy for these "unlawfully divided" land division issues and saw a need to balance a sense of fairness, practicality, and recognition of legal standards that must also be met.

A related issue for which the Planning Commission sought improvement in the code involved the procedure for determining if a property was a "Lot of Record" when a building permit for development was issued in the past. In that situation, the Planning Commission found that the issuance of certain development permits should act as verification that all zoning and land division laws were met. There was no need for subsequent property owners to provide documentation regarding compliance with zoning and land division standards for the property for that date. It is also recommended by the Planning Commission that a "cut off" date of July 1, 1986 should be used for this provision because prior to that date Multnomah County was a full service building permit services provider and those are the permits which the county has the most confidence in for their use under this provision.

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

No fiscal impact seen.

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

The provisions in this ordinance are innovative and in the forefront of addressing a statewide problem that is the result of increased minimum lot size requirements throughout the state.

The only other jurisdiction that has used this approach is Jackson County. This proposal builds on Jackson County's concepts by being more specific about the development standards to be evaluated and adding the road and zone boundary dividing a parcel situation.

The proposed code provision that allows certain building permits issued before July 1, 1986 to be used in the verification of a "Lot of Record" was drafted by working closely with the County Attorney staff. Staff was not able to find a similar approach to this issue used by any other jurisdiction. This approach is untested. However, the Planning Commission expressed the view this is a needed remedy to a problem for property owners that the county should adopt and not delay due to any legal uncertainties. Consultation with Department of Land Conservation and Development staff has given county staff confidence that the state agency does not object to this concept.

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

At the beginning of this code amendment project several property owners spoke before the Planning Commission regarding their difficulties with parcels that they purchased and then later discovered that the parcels were "unlawfully divided" years before their purchase.

The provisions in this ordinance were submitted to the State of Oregon Department of Land Conservation and Development and consultation took place between that state agency staff and the County Attorney's Office.

A public hearing was held before the Planning Commission where the public was invited to speak. Public notice in the Oregonian newspaper was given for all work sessions and public hearings. No citizen testified at the hearing. The vote for recommendation for approval to the Board was unanimous.

Required Signatures

**Department/
Agency Director:**

Robert A. Maestre

Date: 08/04/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

**BEFORE THE PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON**

RESOLUTION NO. PC 04-007 (Part 1)

Recommend to the Board of County Commissioners the adoption of an ordinance amending the land division and lot of record sections in MCC Chapters 33, 34, 35, 36 and 37 by adding provisions allowing the creation of certain unlawfully divided lots/parcels and providing for the issuance of certain building permits to be verification of "lots of record."

The Planning Commission Finds:

- a. The Planning Commission is authorized by Multnomah County Code Chapter subsection 34.0140 and by ORS 215.110 to recommend to the Board of County Commissioners the adoption of Ordinances to implement the Multnomah County Comprehensive Plan.
- b. The individual Zoning Code chapters should be periodically updated and improvements adopted. As part of that effort the Planning Commission sees an increasing need to provide a Zoning Code provision for approving certain lots and parcels that were unlawfully created in the past. In some circumstances the unlawful aspect of the parcel creation may have been only procedural flaws. However, increasing zoning standards such as minimum parcel size usually prevent approving these parcels under current standards.
- c. Another related problem is the difficulty in some situations to verify that a parcel is a "lot of record" by bringing together evidence that all land division and zoning laws were met at the time that the parcel was created. Sometimes there is a dwelling on the property that was built under a valid building permit issued by the County. The Planning Commission finds that certain building permits should be considered to be verification that the parcel was considered to be a "lot of record" on the date the permit was issued.
- d. The proposed code amendments should serve to provide needed relief and fairness to correcting some situations related to certain past land divisions and the evidence required to verify lots of record.
- e. No regulations are being proposed that further restrict the use of property and no mailed notice to individual property owners is required ("Ballot Measure 56" notice).
- f. Notice of the Planning Commission hearing was published in the "Oregonian" newspaper and on the Land Use Program web site. The Planning Commission held a public hearing on March 6, 2006 where all interested persons were given an opportunity to appear and be heard.

The Planning Commission Resolves:

The proposed Ordinance amending MCC Chapters 33, 34, 35, 36 and 37 is hereby recommended for adoption by the Board of County Commissioners.

ADOPTED this 6th day of March, 2006.

PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON



John Ingle, Chair

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Amending MCC Chapters 33, 34, 35, 36 and 37 to Allow for the Review and Approval of Certain Past "Unlawfully Divided" Lots and Parcels and to Allow for the Issuance of Certain Building Permits to be Considered Verification of Compliance with Zoning and Land Division Laws in the Determination of "Lots of Record"

(Language ~~stricken~~ is deleted; double underlined language is new.)

The Multnomah County Board of Commissioners Finds:

- a. Since 1975 the zoning requirements in the rural areas of Multnomah County have over time required an increasing amount of acreage for the creation of new parcels of land. This requirement has been part of the statewide planning program to protect farm and forest lands for resource production and to guide most new development to areas inside the Urban Growth Boundary.
- b. Those increasing minimum parcel acreages in the rural areas have resulted in situations for some property owners where the minimum standard has changed, for example, from minimum lot size requirements of two acres (1958) to twenty acres (1970) to nineteen acres with farm management plan (1980) to 38 acres with farm management plan (1990) to eighty acres (1993). During that time there have also been a number of changes in other approval criteria and review process.
- c. To be eligible for development, all lots and parcels must be "Lots of Record" that met all zoning and land division requirements at the time they were created. If a lot or parcel created in the past did not meet all the zoning and land division regulations in effect at the time it was created, then the only remedy now is review under today's zoning and land division standards. Due to the increasing lot size requirements, however, lots and parcels created prior to 1993 are seldom able to meet today's minimum parcel requirements. A further complication to the ability to just combine the unlawfully divided parcels back into the original size and configuration of the prior lawful parcel is that most times the parcels are in different ownership, sometimes after several intervening ownerships. In addition, sometimes, in these situations there are houses on the unlawfully divided parcels and then the property owner's increased investment is also subject to the uncertainties associated with the property not being a legal Lot of Record.
- d. Also, from 1977 to 1993 most rural zoning districts included provisions regarding the ability to divide properties where the deed description included land on both sides of public roads and where a zoning district boundary crossed through a property. Those specialized provisions are no longer in the zoning code in compliance with state administrative rules. However, some divisions of properties during that time period missed being reviewed under some land division code requirements. In many situations this incomplete review can be characterized as primarily a procedural flaw at no fault of the property owner.
- e. The Planning Commission placed a high priority on finding a regulatory remedy for these "unlawfully divided" land division issues and saw a need to balance a sense of fairness, practicality, and recognition of legal standards that must also be met.
- f. A related issue for which the Planning Commission sought improvement in the code involved the procedure for determining if a property was a Lot of Record when a building permit for new

development was issued in the past. In that situation, it is found that the issuance of certain development permits should act as verification that all zoning and land division laws were met and there was no need for subsequent property owners to provide additional documentation regarding compliance with zoning and land division standards for the property on that date. It is further found that the permits issued by Multnomah County when the county was a full service building permit services provider are the permits which the county has the most confidence in for their use under this provision.

- g. The provisions in this ordinance were submitted to the State of Oregon Department of Land Conservation and Development and there has been consultation with the staff of that state agency on the code provisions.
- h. It is in the public interest to adopt this ordinance to: (1) allow for the current review and approval of certain unlawfully divided lots/parcels under the standards in effect on the date the lots/parcels were originally divided, and (2) allow for the issuance of certain building permits before July 1, 1986 to be used as verification that a lot or parcel is a Lot of Record.

Multnomah County Ordains as follows:

Section 1. §§ 33.0005, 34.0005, 35.0005, and 36.0005 are amended as follows:

§ 33.0005 Definitions.

As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.

* * *

Lot of Record – Subject to additional provisions within each Zoning District, a Lot of Record is a parcel, lot, or a group thereof that, which when created ~~or~~ and when reconfigured, (a) satisfied all applicable zoning laws and (b) satisfied all applicable land division laws, or (c) complies with the criteria for the creation of new lots or parcels described in MCC 33.7785. Those laws shall include all required zoning and land division review procedures, decisions, and conditions of approval.

* * *

§ 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.

* * *

Lot of Record – Subject to additional provisions within each Zoning District, a Lot of Record is a parcel, lot, or a group thereof that, which when created ~~or~~ and when reconfigured, (a) satisfied all applicable zoning laws and (b) satisfied all applicable land division laws, or (c) complies with the criteria for the creation of new lots or parcels described in MCC 34.7785. Those laws shall include all required zoning and land division review procedures, decisions, and conditions of approval.

* * *

§ 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.

* * *

Lot of Record – Subject to additional provisions within each Zoning District, a Lot of Record is a parcel, lot, or a group thereof that, which when created ~~or~~ and when reconfigured, (a) satisfied all applicable zoning laws and (b) satisfied all applicable land division laws, or (c) complies with the criteria for the creation of new lots or parcels described in MCC 35.7785. Those laws shall include all required zoning and land division review procedures, decisions, and conditions of approval.

* * *

§ 36.0005 Definitions.

As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.

* * *

Lot of Record – Subject to additional provisions within each Zoning District, a Lot of Record is a parcel, lot, or a group thereof that, which when created ~~or~~ and when reconfigured, (a) satisfied all applicable zoning laws and (b) satisfied all applicable land division laws, or (c) complies with the criteria for the creation of new lots or parcels described in MCC 36.7785. Those laws shall include all required zoning and land division review procedures, decisions, and conditions of approval.

* * *

Section 2. Lot of Record §§ 33.2075 [CFU-1], 33.2275 [CFU-2], 33.2675 [EFU], 34.2675 [EFU], 35.2075 [CFU-3], 35.2675 [EFU], 36.2075 [CFU], and 36.2675 [EFU] are amended as follows:

(A) * * *

(2) A group of *contiguous* parcels or lots:

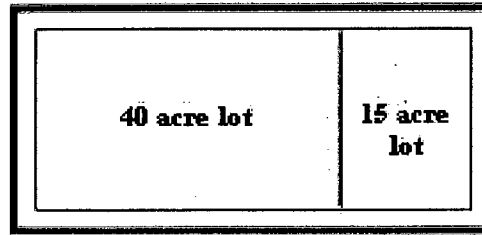
(a) Which were held under the *same ownership* on February 20, 1990; and

(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.

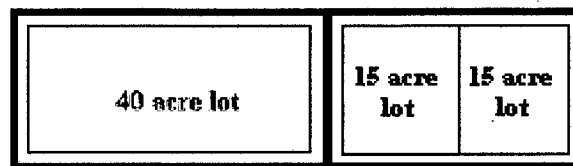
1. Each Lot of Record proposed to be segregated from the contiguous group of parcels or lots shall be a minimum of 19 acres in area using existing legally created lot lines and shall not result in any remainder individual parcel or lot, or remainder of contiguous combination of parcels or lots, with less than 19 acres in area. See Examples 1 and 2 in this subsection.

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. See Example 3 in this subsection.

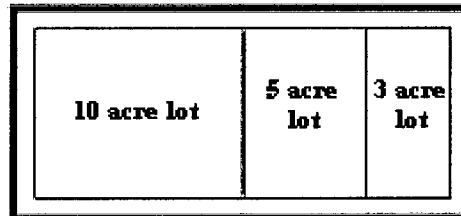
3. Three examples of how parcels and lots shall be aggregated are shown below with the solid thick line outlining individual Lots of Record:



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.

* * *

(E) Issuance of building permit as verification of a Lot of Record.

(1) The issuance of a building permit described in this subsection for new development on a lot or parcel is considered verification of compliance with applicable zoning and land division regulations for the creation of a lawful lot or parcel. The lot or parcel described in the building permit is considered a Lot of Record if the building permit was issued prior to July 1, 1986 (date of intergovernmental agreement contracting for building permit services with other jurisdictions) and complies with all of the following:

(a) There is a copy of the building permit in the Multnomah County or City of Portland permit records and the building permit indicates that the proposed development complied with zoning and land division requirements; and

(b) The building permit was for a new principle use, such as a new dwelling, commercial, industrial, community service, or conditional use; and

(c) There is a clear property description on the permit for the property for which the building or placement permit was issued. The description may be confirmed by tax lot references, tax lot maps, site plans, or deeds recorded at the time.

(2) A request for verification that a lot or parcel is a Lot of Record under the provisions of this section (E) may be submitted to the Planning Director. A decision by the Planning Director is a ministerial action based upon the evidence described in this section. An appeal of the director's decision for verification of a Lot of Record shall be submitted under the provisions of MCC 37.0740.

Section 3. § 35.2275 [CFU-4] is amended as follows:

§ 35.2275 Lot of Record

(A) In addition to the *Lot of Record* definition standards in MCC 35.0005, for the purposes of this district a Lot of Record is either:

(1) A parcel or lot which was not contiguous to any other parcel or lot under the same ownership on February 20, 1990, or

(2) A group of contiguous parcels or lots:

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

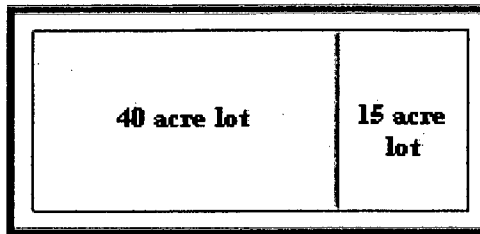
(b) Which, individually or when considered in combination, shall be aggregated to comply with a minimum lot size of 19 acres, without creating any new lot line.

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. See Examples 1 and 2 in this subsection.

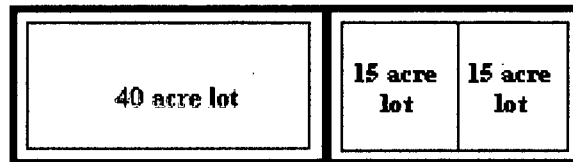
2. There shall be an exception to the 19 acre minimum lot size requirement when the entire same ownership grouping of parcels or lots was less than 19 acres in area on

February 20, 1990, and then the entire grouping shall be one Lot of Record. See Example 3 in this subsection.

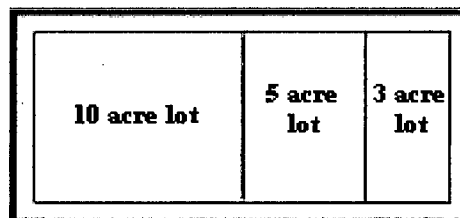
3. Three examples of how parcels and lots shall be aggregated are shown below with the solid thick line outlining individual Lots of Record:



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

4. The requirement to aggregate contiguous parcels or lots shall not apply to lots or parcels within exception, urban, or Columbia River Gorge National Scenic Area zones (e.g. MUA-20, RR, RC, R-10, GGA-40), but shall apply to contiguous parcels and lots within all farm and forest resource zones (i.e. EFU and CFU), or

(3) A parcel or lot lawfully created by a partition or a subdivision plat after February 20, 1990.

(4) 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) Disaggregation of a Lot of Record for consideration of a new template or heritage tract dwelling may be allowed subject to the standards in (E) below.

* * *

(F) Issuance of building permit as verification of a Lot of Record.

(1) The issuance of a building permit described in this subsection for new development on a lot or parcel is considered verification of compliance with applicable zoning and land division regulations for the creation of a lawful lot or parcel. The lot or parcel described in the building permit is considered a Lot of Record if the building permit was issued prior to July 1, 1986 (date of intergovernmental agreement contracting for building permit services with other jurisdictions) and complies with all of the following:

(a) There is a copy of the building permit in the Multnomah County or City of Portland permit records and the building permit indicates that the proposed development complied with zoning and land division requirements; and

(b) The building permit was for a new principle use, such as a new dwelling, commercial, industrial, community service, or conditional use; and

(c) There is a clear property description on the permit for the property for which the building or placement permit was issued. The description may be confirmed by tax lot references, tax lot maps, site plans, or deeds recorded at the time.

(2) A request for verification that a lot or parcel is a Lot of Record under the provisions of this section (E) may be submitted to the Planning Director. A decision by the Planning Director is a ministerial action based upon the evidence described in this section. An appeal of the director's decision for verification of a Lot of Record shall be submitted under the provisions of MCC 37.0740.

Section 4. Lot of Record §§ 33.2475 [CFU-5], 33.2870 [MUA-20], 33.3170 [RR], 33.3370 [RC] 34.2870 [MUA-20], 34.3170 [RR], 34.3370 [RC] 35.2870 [MUA-20], 35.3170 [RR], 35.3370 [RC] 36.2870 [MUA-20], 36.3170 [RC], 36.3370 [PH-RC], 36.3470 [OR] and 36.3570 [OCI] are amended as follows:

* * *

(E) Issuance of building permit as verification of a Lot of Record.

(1) The issuance of a building permit described in this subsection for new development on a lot or parcel is considered verification of compliance with applicable zoning and land division regulations for the creation of a lawful lot or parcel. The lot or parcel described in the building permit is considered a Lot of Record if the building permit was issued prior to July 1, 1986 (date of intergovernmental agreement contracting for building permit services with other jurisdictions) and complies with all of the following:

(a) There is a copy of the building permit in the Multnomah County or City of Portland permit records and the building permit indicates that the proposed development complied with zoning and land division requirements; and

(b) The building permit was for a new principle use, such as a new dwelling, commercial, industrial, community service, or conditional use; and

(c) There is a clear property description on the permit for the property for which the building or placement permit was issued. The description may be confirmed by tax lot references, tax lot maps, site plans, or deeds recorded at the time.

(2) A request for verification that a lot or parcel is a Lot of Record under the provisions of this section (E) may be submitted to the Planning Director. A decision by the Planning Director is a ministerial action based upon the evidence described in this section. An appeal of the director's decision for verification of a Lot of Record shall be submitted under the provisions of MCC 37.0740.

Section 5. §§ 33.7780, 34.7780, 35.7780 and 36.7780 are amended as follows:

§ 33.7780 Category 4 Land Division

Partitions not listed in MCC 33.7770 to 33.7775 are designated Category 4 Land Divisions.

(A) The Planning Director may approve a Category 4 Land Division based on a finding that the proposed parcels comply with the area and dimensional requirements of the zoning district in which the land division site is located and the tentative plan complies with the following approval criteria:

(1) MCC 33.7890 Land Suitability, 33.7895 Lots and Parcels, 33.7930 Sidewalks, Pedestrian Paths and Bikeways, 33.7935 Easements, 33.7950 Water System, 33.7955 Sewage Disposal, 33.7960 Surface Drainage, and 33.7965 Electrical and Other Wires;

(B) Notwithstanding (A) above, compliance with the area and dimensional requirements of the zoning district is not required to approve a lot or parcel that was unlawfully divided prior to January 27, 1994, as provided in MCC 33.7785(A). The applicable approval criteria are those listed in MCC 33.7785(A) and 33.7935 Easements, 33.7950 Water System, 33.7955 Sewage Disposal, and 33.7960 Surface Drainage.

(B) The procedure and forms for review and approval of a Category 4 Land Divisions shall be as provided for by the Planning Director. The contents of the tentative plan shall include those maps, written information and supplementary material listed for contents of a Category 3 tentative plan in MCC 33.7860 that are determined by the Planning Director to be adequate to demonstrate compliance with the applicable approval criteria.

§ 34.7780 Category 4 Land Division

Partitions not listed in MCC 34.7770 to 34.7775 are designated Category 4 Land Divisions.

(A) The Planning Director may approve a Category 4 Land Division based on a finding that the proposed parcels comply with the area and dimensional requirements of the zoning district in which the land division site is located and the tentative plan complies with the following approval criteria:

(1) MCC 34.7890 Land Suitability, 34.7895 Lots and Parcels, 34.7930 Sidewalks, Pedestrian Paths and Bikeways, 34.7935 Easements, 34.7950 Water System, 34.7955 Sewage Disposal, 34.7960 Surface Drainage, and 34.7965 Electrical and Other Wires;

(B) Notwithstanding (A) above, compliance with the area and dimensional requirements of the zoning district is not required to approve a lot or parcel that was unlawfully divided prior to January 27, 1994, as provided in MCC 34.7785(A). The applicable approval criteria are those listed in MCC 34.7785(A) and 34.7935 Easements, 34.7950 Water System, 34.7955 Sewage Disposal, and 34.7960 Surface Drainage.

(BC) The procedure and forms for review and approval of a Category 4 Land Divisions shall be as provided for by the Planning Director. The contents of the tentative plan shall include those maps, written information and supplementary material listed for contents of a Category 3 tentative plan in MCC 34.7860 that are determined by the Planning Director to be adequate to demonstrate compliance with the applicable approval criteria.

§ 35.7780 Category 4 Land Division

Partitions not listed in MCC 35.7770 to 35.7775 are designated Category 4 Land Divisions.

(A) The Planning Director may approve a Category 4 Land Division based on a finding that the proposed parcels comply with the area and dimensional requirements of the zoning district in which the land division site is located and the tentative plan complies with the following approval criteria:

(1) MCC 35.7890 Land Suitability, 35.7895 Lots and Parcels, 35.7930 Sidewalks, Pedestrian Paths and Bikeways, 35.7935 Easements, 35.7950 Water System, 35.7955 Sewage Disposal, 35.7960 Surface Drainage, and 35.7965 Electrical and Other Wires;

(B) Notwithstanding (A) above, compliance with the area and dimensional requirements of the zoning district is not required to approve a lot or parcel that was unlawfully divided prior to January 27, 1994, as provided in MCC 35.7785(A). The applicable approval criteria are those listed in MCC 35.7785(A) and 35.7935 Easements, 35.7950 Water System, 35.7955 Sewage Disposal, and 35.7960 Surface Drainage.

(BC) The procedure and forms for review and approval of a Category 4 Land Divisions shall be as provided for by the Planning Director. The contents of the tentative plan shall include those maps, written information and supplementary material listed for contents of a Category 3 tentative plan in MCC 35.7860 that are determined by the Planning Director to be adequate to demonstrate compliance with the applicable approval criteria.

§ 36.7780 Category 4 Land Division.

Partitions not listed in MCC 36.7770 to 36.7775 are designated Category 4 Land Divisions.

(A) The Planning Director may approve a Category 4 Land Division based on findings that:

- (1) The proposed parcels comply with the area and dimensional requirements of the zoning district in which the land division site is located; and
- (2) The proposed parcels satisfy the applicable General Standards and Requirements of MCC 36.7885 through 36.7965.

(B) Notwithstanding (A) above, compliance with the area and dimensional requirements of the zoning district is not required to approve a lot or parcel that was unlawfully divided prior to January 27, 1994, as provided in MCC 36.7785(A). The applicable approval criteria are those listed in MCC 36.7785(A) and 36.7935 Easements, 36.7950 Water System, 36.7955 Sewage Disposal, and 36.7960 Surface Drainage.

(BC) The procedure and forms for review and approval of a Category 4 Land Divisions shall be as provided for by the Planning Director. The contents of the tentative plan shall include those maps, written information and supplementary material listed for contents of a Category 3 tentative plan in MCC 36.7860 that are determined by the Planning Director to be adequate to demonstrate compliance with the applicable approval criteria.

Section 6. §§ 33.7785, 34.7785, 35.7785, and 36.7785, Creation of Lots and Parcels That Were Unlawfully Divided, are added as follows:

33.7785 Creation of Lots and Parcels That Were Unlawfully Divided
34.7785 Creation of Lots and Parcels That Were Unlawfully Divided
35.7785 Creation of Lots and Parcels That Were Unlawfully Divided
36.7785 Creation of Lots and Parcels That Were Unlawfully Divided

ORS 92.177 authorizes the County to approve an application to create new legal lots or parcels notwithstanding that less than all of the owners of the existing legal lot or parcel have applied for the approval. This Code section provides the mechanism to review and, based upon findings of compliance with specific approval criteria, to approve certain unlawfully divided lots or parcels. The review mechanism differs according to the date the unlawful lot or parcel was divided as provided in (A) and (B) below. For the purposes of this section, an "unlawfully divided" lot or parcel means a lot or parcel that, when divided, did not satisfy all applicable zoning and land division laws.

(A) An application to create a legal lot or parcel that was unlawfully divided before January 27, 1994 (eff. date of Mult. Co. Ord. 781) shall be a Category 4 Land Division and be reviewed as a Type II permit. In addition to the applicable Category 4 Land Division requirements, the application shall satisfy the following approval criteria:

(1) The lot or parcel either:

(a) Conforms to current dimensional, access and area standards,

(b) Conforms to the dimensional, access and density standards in effect when the lot or parcel was unlawfully divided, or

(c) The lot or parcel has a property line that is contiguous to a road, street or zone boundary that intersected the property and the applicable zoning district on the date the lot or parcel was unlawfully divided allowed a land division when a County-maintained road, street or zoning district boundary intersects a parcel of land. The zoning districts and effective dates that apply to this provision are as follows:

1. The Rural Center (RC), Rural Residential (RR), and Multiple Use Agriculture-20 (MUA-20) zoning districts on or after October 6, 1977 (eff. date of Mult. Co. Ord. 148) and before January 27, 1994;

2. The Multiple Use Forest-20 (MUF-20) zoning district on or after October 6, 1977 (eff. date of Mult. Co. Ord. 148) and before August 14, 1980 (eff. date of Mult. Co. Ord. 236); and

3. The Multiple Use Forest-19 (MUF-19) and Multiple Use Forest-38 (MUF-38) zoning districts on or after August 14, 1980 (eff. date of Mult. Co. Ord. 236) and before January 7, 1993 (eff. date of Mult. Co. Ord. 743).

(2) No subsequent division of the lot or parcel or a property line adjustment has occurred.

(3) The owner or applicant demonstrates that the resulting lot or parcel can physically accommodate a use allowed in the zone, including necessary facilities and utilities, in compliance with all applicable siting standards of this zoning code chapter.

(4) Practical physical access to the site currently exists from a public road or can be provided through an irrevocable easement or equivalent means. Practical physical access at a minimum must meet the standards of MCC 29.012 and allow emergency vehicle access to the building site.

(5) The application shall include a tentative plan consisting of maps, written information and supplementary material adequate to provide the information required for a Category 4 land division and, if found to comply with the applicable approval criteria, a partition plat or subdivision plat shall be submitted in accordance with the requirements of ORS Chapter 92.

(B) An application to create legal lots or parcels that were unlawfully divided on or after January 27, 1994 (effective date of Mult. Co. Ord. 781) shall be subject to current review procedures for a land division. The application shall satisfy the following approval criteria:

(1) The lot or parcel conforms to current zoning requirements, or

(2) An unlawfully divided lot or parcel may be approved notwithstanding the required dimensional, access, and area requirements, subject to the following:

(a) The lot or parcel has a property line that is contiguous to a road, street or zone boundary that intersected the property; and

(b) The applicable zoning district on the date the lot or parcel was unlawfully divided allowed a land division when a County-maintained road, street or zoning district boundary intersects a parcel of land. The zoning districts and effective dates that apply to this provision are the Rural Center (RC), Rural Residential (RR), and Multiple Use Agriculture-20 (MUA-20) zoning districts on or after January 27, 1994 (eff. date of Mult. Co. Ord. 781) and before October 4, 2000 (eff. date of "Rural Residential" amendments to OAR 660-004-0040).

(C) If an application for a legal lot or parcel is approved under this subsection, the date of creation of the lots and parcels shall be the date the Partition or Subdivision Plat is recorded.

Section 7. § 37.0530, Summary of Decision Making Processes, is amended as follows:

§ 37.0530 Summary Of Decision Making Processes.

The following decision making processes chart shall control the County's review of the indicated permits:

APPROVAL PROCESS					
Permit Type	I	II	III	IV	PC
Initial Approval Body	(Not a "land use decision")	(Planning Director)	(Hearings Officer)	(Planning Commission)	(Legislative)
* * *					
Lot of Record Verification/De termination		X			
* * *					

* * *

Section 8. § 37.0550, Initiation of Action, is amended as follows:

§ 37.0550 Initiation Of Action.

Except as provided in MCC 37.0760, 33.7785, 34.7785, 35.7785, and 36.7785, Type I - IV applications may only be initiated by written consent of the owner of record or contract purchaser, or by a government agency that has the power of eminent domain. PC (legislative) actions may only be initiated by the Board, Planning Commission, or Planning Director.

Section 9. § 37.0740, Interpretations, is amended as follows:

§ 37.0740 Interpretations and Requests for Lot of Record Verification.

(A) The Planning Director has the authority to decide all questions of interpretation or applicability to specific properties of any provision of the comprehensive framework plan, rural area plan, or other land use code. Any interpretation of a provision of the comprehensive framework plan, rural area plan or other land use code shall consider applicable provisions of the comprehensive framework plan, rural area plan, and the purpose and intent of the ordinance adopting the particular code section in question.

(B) A person may specifically request an interpretation of a provision in the code. An application for an interpretation shall be processed as a Type II application. ~~The Planning Director may refuse to accept an application for an interpretation if:~~

(C) A person may request verification of the Lot of Record status of a lot or parcel. The application shall be processed as a Type II application.

(D) The Planning Director may refuse to accept an application for an interpretation or Lot of Record verification if:

- (1) The Planning Director determines that the question presented or Lot of Record verification can be decided in conjunction with approving or denying a pending land use action application or if in the Planning Director's judgment the requested determination should be made as part of a decision on an application for a quasi-judicial land use or zone change permit not yet filed; or
- (2) The Planning Director determines that there is an enforcement case pending in which the same issue necessarily will be decided.

(E) A determination by The the Planning Director ~~determination to not to~~ accept an application under paragraph (B) or (C) of this section is not a land use decision and shall be the county's final decision.

FIRST READING:

September 14, 2006

SECOND READING AND ADOPTION:

September 21, 2006

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Sandra N. Duffy, Assistant County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1080

Amending MCC Chapters 33, 34, 35, 36 and 37 to Allow for the Review and Approval of Certain Past "Unlawfully Divided" Lots and Parcels and to Allow for the Issuance of Certain Building Permits to be Considered Verification of Compliance with Zoning and Land Division Laws in the Determination of "Lots of Record"

(Language ~~stricken~~ is deleted; double underlined language is new.)

The Multnomah County Board of Commissioners Finds:

- a. Since 1975 the zoning requirements in the rural areas of Multnomah County have over time required an increasing amount of acreage for the creation of new parcels of land. This requirement has been part of the statewide planning program to protect farm and forest lands for resource production and to guide most new development to areas inside the Urban Growth Boundary.
- b. Those increasing minimum parcel acreages in the rural areas have resulted in situations for some property owners where the minimum standard has changed, for example, from minimum lot size requirements of two acres (1958) to twenty acres (1970) to nineteen acres with farm management plan (1980) to 38 acres with farm management plan (1990) to eighty acres (1993). During that time there have also been a number of changes in other approval criteria and review process.
- c. To be eligible for development, all lots and parcels must be "Lots of Record" that met all zoning and land division requirements at the time they were created. If a lot or parcel created in the past did not meet all the zoning and land division regulations in effect at the time it was created, then the only remedy now is review under today's zoning and land division standards. Due to the increasing lot size requirements, however, lots and parcels created prior to 1993 are seldom able to meet today's minimum parcel requirements. A further complication to the ability to just combine the unlawfully divided parcels back into the original size and configuration of the prior lawful parcel is that most times the parcels are in different ownership, sometimes after several intervening ownerships. In addition, sometimes, in these situations there are houses on the unlawfully divided parcels and then the property owner's increased investment is also subject to the uncertainties associated with the property not being a legal Lot of Record.
- d. Also, from 1977 to 1993 most rural zoning districts included provisions regarding the ability to divide properties where the deed description included land on both sides of public roads and where a zoning district boundary crossed through a property. Those specialized provisions are no longer in the zoning code in compliance with state administrative rules. However, some divisions of properties during that time period missed being reviewed under some land division code requirements. In many situations this incomplete review can be characterized as primarily a procedural flaw at no fault of the property owner.
- e. The Planning Commission placed a high priority on finding a regulatory remedy for these "unlawfully divided" land division issues and saw a need to balance a sense of fairness, practicality, and recognition of legal standards that must also be met.
- f. A related issue for which the Planning Commission sought improvement in the code involved the procedure for determining if a property was a Lot of Record when a building permit for new

development was issued in the past. In that situation, it is found that the issuance of certain development permits should act as verification that all zoning and land division laws were met and there was no need for subsequent property owners to provide additional documentation regarding compliance with zoning and land division standards for the property on that date. It is further found that the permits issued by Multnomah County when the county was a full service building permit services provider are the permits which the county has the most confidence in for their use under this provision.

- g. The provisions in this ordinance were submitted to the State of Oregon Department of Land Conservation and Development and there has been consultation with the staff of that state agency on the code provisions.
- h. It is in the public interest to adopt this ordinance to: (1) allow for the current review and approval of certain unlawfully divided lots/parcels under the standards in effect on the date the lots/parcels were originally divided, and (2) allow for the issuance of certain building permits before July 1, 1986 to be used as verification that a lot or parcel is a Lot of Record.

Multnomah County Ordains as follows:

Section 1. §§ 33.0005, 34.0005, 35.0005, and 36.0005 are amended as follows:

§ 33.0005 Definitions.

As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.

* * *

Lot of Record – Subject to additional provisions within each Zoning District, a Lot of Record is a parcel, lot, or a group thereof ~~that, which~~ when created ~~or~~ and when reconfigured, (a) satisfied all applicable zoning laws and (b) satisfied all applicable land division laws, or (c) complies with the criteria for the creation of new lots or parcels described in MCC 33.7785. Those laws shall include all required zoning and land division review procedures, decisions, and conditions of approval.

* * *

§ 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.

* * *

Lot of Record – Subject to additional provisions within each Zoning District, a Lot of Record is a parcel, lot, or a group thereof ~~that, which~~ when created ~~or~~ and when reconfigured, (a) satisfied all applicable zoning laws and (b) satisfied all applicable land division laws, or (c) complies with the criteria for the creation of new lots or parcels described in MCC 34.7785. Those laws shall include all required zoning and land division review procedures, decisions, and conditions of approval.

* * *

§ 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.

* * *

Lot of Record – Subject to additional provisions within each Zoning District, a Lot of Record is a parcel, lot, or a group thereof ~~that, which~~ when created ~~or and when~~ reconfigured, (a) satisfied all applicable zoning laws and (b) satisfied all applicable land division laws, or (c) complies with the criteria for the creation of new lots or parcels described in MCC 35.7785. Those laws shall include all required zoning and land division review procedures, decisions, and conditions of approval.

* * *

§ 36.0005 Definitions.

As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.

* * *

Lot of Record – Subject to additional provisions within each Zoning District, a Lot of Record is a parcel, lot, or a group thereof ~~that, which~~ when created ~~or and when~~ reconfigured, (a) satisfied all applicable zoning laws and (b) satisfied all applicable land division laws, or (c) complies with the criteria for the creation of new lots or parcels described in MCC 36.7785. Those laws shall include all required zoning and land division review procedures, decisions, and conditions of approval.

* * *

Section 2. **Lot of Record §§ 33.2075 [CFU-1], 33.2275 [CFU-2], 33.2675 [EFU], 34.2675 [EFU], 35.2075 [CFU-3], 35.2675 [EFU], 36.2075 [CFU], and 36.2675 [EFU] are amended as follows:**

(A) * * *

(2) A group of *contiguous* parcels or lots:

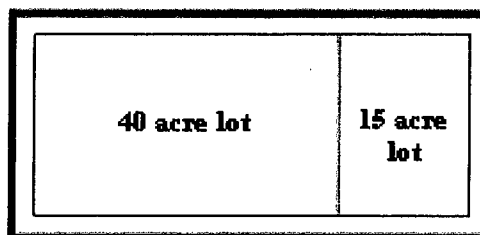
(a) Which were held under the *same ownership* on February 20, 1990; and

(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.

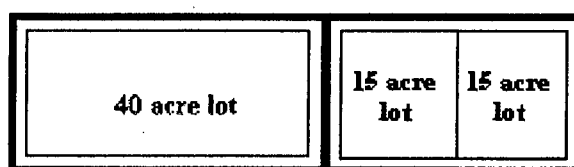
1. Each Lot of Record proposed to be segregated from the contiguous group of parcels or lots shall be a minimum of 19 acres in area using existing legally created lot lines and shall not result in any remainder individual parcel or lot, or remainder of contiguous combination of parcels or lots, with less than 19 acres in area. See Examples 1 and 2 in this subsection.

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. See Example 3 in this subsection.

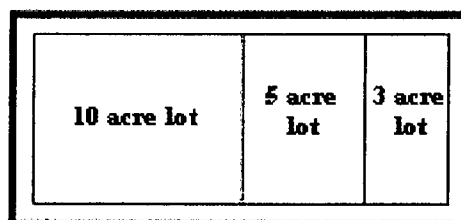
3. Three examples of how parcels and lots shall be aggregated are shown below with the solid thick line outlining individual Lots of Record:



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.

* * *

(E) Issuance of building permit as verification of a Lot of Record.

(1) The issuance of a building permit described in this subsection for new development on a lot or parcel is considered verification of compliance with applicable zoning and land division regulations for the creation of a lawful lot or parcel. The lot or parcel described in the building permit is considered a Lot of Record if the building permit was issued prior to July 1, 1986 (date of intergovernmental agreement contracting for building permit services with other jurisdictions) and complies with all of the following:

(a) There is a copy of the building permit in the Multnomah County or City of Portland permit records and the building permit indicates that the proposed development complied with zoning and land division requirements; and

(b) The building permit was for a new principle use, such as a new dwelling, commercial, industrial, community service, or conditional use; and

(c) There is a clear property description on the permit for the property for which the building or placement permit was issued. The description may be confirmed by tax lot references, tax lot maps, site plans, or deeds recorded at the time.

(2) A request for verification that a lot or parcel is a Lot of Record under the provisions of this section (E) may be submitted to the Planning Director. A decision by the Planning Director is a ministerial action based upon the evidence described in this section. An appeal of the director's decision for verification of a Lot of Record shall be submitted under the provisions of MCC 37.0740.

Section 3. § 35.2275 [CFU-4] is amended as follows:

§ 35.2275 Lot of Record

(A) In addition to the *Lot of Record* definition standards in MCC 35.0005, for the purposes of this district a Lot of Record is either:

(1) A parcel or lot which was not contiguous to any other parcel or lot under the same ownership on February 20, 1990, or

(2) A group of contiguous parcels or lots:

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

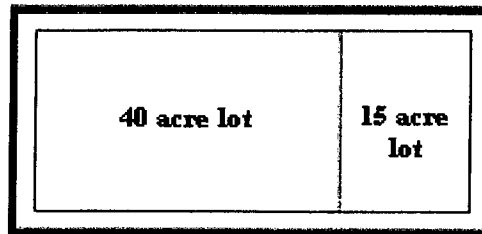
(b) Which, individually or when considered in combination, shall be aggregated to comply with a minimum lot size of 19 acres, without creating any new lot line.

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. See Examples 1 and 2 in this subsection.

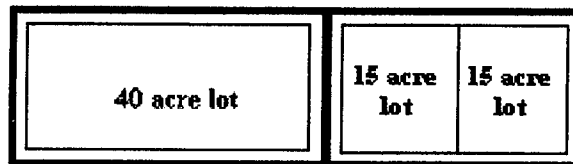
2. There shall be an exception to the 19 acre minimum lot size requirement when the entire same ownership grouping of parcels or lots was less than 19 acres in area on

February 20, 1990, and then the entire grouping shall be one Lot of Record. See Example 3 in this subsection.

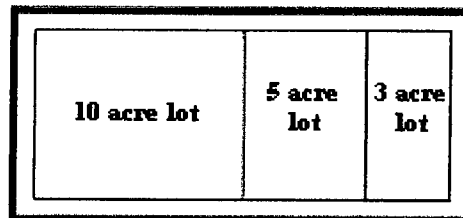
3. Three examples of how parcels and lots shall be aggregated are shown below with the solid thick line outlining individual Lots of Record:



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

4. The requirement to aggregate contiguous parcels or lots shall not apply to lots or parcels within exception, urban, or Columbia River Gorge National Scenic Area zones (e.g. MUA-20, RR, RC, R-10, GGA-40), but shall apply to contiguous parcels and lots within all farm and forest resource zones (i.e. EFU and CFU), or

(3) A parcel or lot lawfully created by a partition or a subdivision plat after February 20, 1990.

(4) 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) Disaggregation of a Lot of Record for consideration of a new template or heritage tract dwelling may be allowed subject to the standards in (E) below.

* * *

(F) Issuance of building permit as verification of a Lot of Record.

(1) The issuance of a building permit described in this subsection for new development on a lot or parcel is considered verification of compliance with applicable zoning and land division regulations for the creation of a lawful lot or parcel. The lot or parcel described in the building permit is considered a Lot of Record if the building permit was issued prior to July 1, 1986 (date of intergovernmental agreement contracting for building permit services with other jurisdictions) and complies with all of the following:

(a) There is a copy of the building permit in the Multnomah County or City of Portland permit records and the building permit indicates that the proposed development complied with zoning and land division requirements; and

(b) The building permit was for a new principle use, such as a new dwelling, commercial, industrial, community service, or conditional use; and

(c) There is a clear property description on the permit for the property for which the building or placement permit was issued. The description may be confirmed by tax lot references, tax lot maps, site plans, or deeds recorded at the time.

(2) A request for verification that a lot or parcel is a Lot of Record under the provisions of this section (E) may be submitted to the Planning Director. A decision by the Planning Director is a ministerial action based upon the evidence described in this section. An appeal of the director's decision for verification of a Lot of Record shall be submitted under the provisions of MCC 37.0740.

Section 4. Lot of Record §§ 33.2475 [CFU-5], 33.2870 [MUA-20], 33.3170 [RR], 33.3370 [RC], 34.2870 [MUA-20], 34.3170 [RR], 34.3370 [RC], 35.2870 [MUA-20], 35.3170 [RR], 35.3370 [RC], 36.2870 [MUA-20], 36.3170 [RC], 36.3370 [PH-RC], 36.3470 [OR] and 36.3570 [OCI] are amended as follows:

* * *

(E) Issuance of building permit as verification of a Lot of Record.

(1) The issuance of a building permit described in this subsection for new development on a lot or parcel is considered verification of compliance with applicable zoning and land division regulations for the creation of a lawful lot or parcel. The lot or parcel described in the building permit is considered a Lot of Record if the building permit was issued prior to July 1, 1986 (date of intergovernmental agreement contracting for building permit services with other jurisdictions) and complies with all of the following:

(a) There is a copy of the building permit in the Multnomah County or City of Portland permit records and the building permit indicates that the proposed development complied with zoning and land division requirements; and

(b) The building permit was for a new principle use, such as a new dwelling, commercial, industrial, community service, or conditional use; and

(c) There is a clear property description on the permit for the property for which the building or placement permit was issued. The description may be confirmed by tax lot references, tax lot maps, site plans, or deeds recorded at the time.

(2) A request for verification that a lot or parcel is a Lot of Record under the provisions of this section (E) may be submitted to the Planning Director. A decision by the Planning Director is a ministerial action based upon the evidence described in this section. An appeal of the director's decision for verification of a Lot of Record shall be submitted under the provisions of MCC 37.0740.

Section 5. §§ 33.7780, 34.7780, 35.7780 and 36.7780 are amended as follows:

§ 33.7780 Category 4 Land Division

Partitions not listed in MCC 33.7770 to 33.7775 are designated Category 4 Land Divisions.

(A) The Planning Director may approve a Category 4 Land Division based on a finding that the proposed parcels comply with the area and dimensional requirements of the zoning district in which the land division site is located and the tentative plan complies with the following approval criteria:

(1) MCC 33.7890 Land Suitability, 33.7895 Lots and Parcels, 33.7930 Sidewalks, Pedestrian Paths and Bikeways, 33.7935 Easements, 33.7950 Water System, 33.7955 Sewage Disposal, 33.7960 Surface Drainage, and 33.7965 Electrical and Other Wires;

(B) Notwithstanding (A) above, compliance with the area and dimensional requirements of the zoning district is not required to approve a lot or parcel that was unlawfully divided prior to January 27, 1994, as provided in MCC 33.7785(A). The applicable approval criteria are those listed in MCC 33.7785(A) and 33.7935 Easements, 33.7950 Water System, 33.7955 Sewage Disposal, and 33.7960 Surface Drainage.

(BC) The procedure and forms for review and approval of a Category 4 Land Divisions shall be as provided for by the Planning Director. The contents of the tentative plan shall include those maps, written information and supplementary material listed for contents of a Category 3 tentative plan in MCC 33.7860 that are determined by the Planning Director to be adequate to demonstrate compliance with the applicable approval criteria.

§ 34.7780 Category 4 Land Division

Partitions not listed in MCC 34.7770 to 34.7775 are designated Category 4 Land Divisions.

(A) The Planning Director may approve a Category 4 Land Division based on a finding that the proposed parcels comply with the area and dimensional requirements of the zoning district in which the land division site is located and the tentative plan complies with the following approval criteria:

(1) MCC 34.7890 Land Suitability, 34.7895 Lots and Parcels, 34.7930 Sidewalks, Pedestrian Paths and Bikeways, 34.7935 Easements, 34.7950 Water System, 34.7955 Sewage Disposal, 34.7960 Surface Drainage, and 34.7965 Electrical and Other Wires;

(B) Notwithstanding (A) above, compliance with the area and dimensional requirements of the zoning district is not required to approve a lot or parcel that was unlawfully divided prior to January 27, 1994, as provided in MCC 34.7785(A). The applicable approval criteria are those listed in MCC 34.7785(A) and 34.7935 Easements, 34.7950 Water System, 34.7955 Sewage Disposal, and 34.7960 Surface Drainage.

(BC) The procedure and forms for review and approval of a Category 4 Land Divisions shall be as provided for by the Planning Director. The contents of the tentative plan shall include those maps, written information and supplementary material listed for contents of a Category 3 tentative plan in MCC 34.7860 that are determined by the Planning Director to be adequate to demonstrate compliance with the applicable approval criteria.

§ 35.7780 Category 4 Land Division

Partitions not listed in MCC 35.7770 to 35.7775 are designated Category 4 Land Divisions.

(A) The Planning Director may approve a Category 4 Land Division based on a finding that the proposed parcels comply with the area and dimensional requirements of the zoning district in which the land division site is located and the tentative plan complies with the following approval criteria:

(1) MCC 35.7890 Land Suitability, 35.7895 Lots and Parcels, 35.7930 Sidewalks, Pedestrian Paths and Bikeways, 35.7935 Easements, 35.7950 Water System, 35.7955 Sewage Disposal, 35.7960 Surface Drainage, and 35.7965 Electrical and Other Wires;

(B) Notwithstanding (A) above, compliance with the area and dimensional requirements of the zoning district is not required to approve a lot or parcel that was unlawfully divided prior to January 27, 1994, as provided in MCC 35.7785(A). The applicable approval criteria are those listed in MCC 35.7785(A) and 35.7935 Easements, 35.7950 Water System, 35.7955 Sewage Disposal, and 35.7960 Surface Drainage.

(BC) The procedure and forms for review and approval of a Category 4 Land Divisions shall be as provided for by the Planning Director. The contents of the tentative plan shall include those maps, written information and supplementary material listed for contents of a Category 3 tentative plan in MCC 35.7860 that are determined by the Planning Director to be adequate to demonstrate compliance with the applicable approval criteria.

§ 36.7780 Category 4 Land Division.

Partitions not listed in MCC 36.7770 to 36.7775 are designated Category 4 Land Divisions.

(A) The Planning Director may approve a Category 4 Land Division based on findings that:

- (1) The proposed parcels comply with the area and dimensional requirements of the zoning district in which the land division site is located; and
- (2) The proposed parcels satisfy the applicable General Standards and Requirements of MCC 36.7885 through 36.7965.

(B) Notwithstanding (A) above, compliance with the area and dimensional requirements of the zoning district is not required to approve a lot or parcel that was unlawfully divided prior to January 27, 1994, as provided in MCC 36.7785(A). The applicable approval criteria are those listed in MCC 36.7785(A) and 36.7935 Easements, 36.7950 Water System, 36.7955 Sewage Disposal, and 36.7960 Surface Drainage.

(BC) The procedure and forms for review and approval of a Category 4 Land Divisions shall be as provided for by the Planning Director. The contents of the tentative plan shall include those maps, written information and supplementary material listed for contents of a Category 3 tentative plan in MCC 36.7860 that are determined by the Planning Director to be adequate to demonstrate compliance with the applicable approval criteria.

Section 6. §§ 33.7785, 34.7785, 35.7785, and 36.7785, Creation of Lots and Parcels That Were Unlawfully Divided, are added as follows:

33.7785 Creation of Lots and Parcels That Were Unlawfully Divided
34.7785 Creation of Lots and Parcels That Were Unlawfully Divided
35.7785 Creation of Lots and Parcels That Were Unlawfully Divided
36.7785 Creation of Lots and Parcels That Were Unlawfully Divided

ORS 92.177 authorizes the County to approve an application to create new legal lots or parcels notwithstanding that less than all of the owners of the existing legal lot or parcel have applied for the approval. This Code section provides the mechanism to review and, based upon findings of compliance with specific approval criteria, to approve certain unlawfully divided lots or parcels. The review mechanism differs according to the date the unlawful lot or parcel was divided as provided in (A) and (B) below. For the purposes of this section, an "unlawfully divided" lot or parcel means a lot or parcel that, when divided, did not satisfy all applicable zoning and land division laws.

(A) An application to create a legal lot or parcel that was unlawfully divided before January 27, 1994 (eff. date of Mult. Co. Ord. 781) shall be a Category 4 Land Division and be reviewed as a Type II permit. In addition to the applicable Category 4 Land Division requirements, the application shall satisfy the following approval criteria:

(1) The lot or parcel either:

(a) Conforms to current dimensional, access and area standards,

(b) Conforms to the dimensional, access and density standards in effect when the lot or parcel was unlawfully divided, or

(c) The lot or parcel has a property line that is contiguous to a road, street or zone boundary that intersected the property and the applicable zoning district on the date the lot or parcel was unlawfully divided allowed a land division when a County-maintained road, street or zoning district boundary intersects a parcel of land. The zoning districts and effective dates that apply to this provision are as follows:

1. The Rural Center (RC), Rural Residential (RR), and Multiple Use Agriculture-20 (MUA-20) zoning districts on or after October 6, 1977 (eff. date of Mult. Co. Ord. 148) and before January 27, 1994;

2. The Multiple Use Forest-20 (MUF-20) zoning district on or after October 6, 1977 (eff. date of Mult. Co. Ord. 148) and before August 14, 1980 (eff. date of Mult. Co. Ord. 236); and

3. The Multiple Use Forest-19 (MUF-19) and Multiple Use Forest-38 (MUF-38) zoning districts on or after August 14, 1980 (eff. date of Mult. Co. Ord. 236) and before January 7, 1993 (eff. date of Mult. Co. Ord. 743).

(2) No subsequent division of the lot or parcel or a property line adjustment has occurred.

(3) The owner or applicant demonstrates that the resulting lot or parcel can physically accommodate a use allowed in the zone, including necessary facilities and utilities, in compliance with all applicable siting standards of this zoning code chapter.

(4) Practical physical access to the site currently exists from a public road or can be provided through an irrevocable easement or equivalent means. Practical physical access at a minimum must meet the standards of MCC 29.012 and allow emergency vehicle access to the building site.

(5) The application shall include a tentative plan consisting of maps, written information and supplementary material adequate to provide the information required for a Category 4 land division and, if found to comply with the applicable approval criteria, a partition plat or subdivision plat shall be submitted in accordance with the requirements of ORS Chapter 92.

(B) An application to create legal lots or parcels that were unlawfully divided on or after January 27, 1994 (effective date of Mult. Co. Ord. 781) shall be subject to current review procedures for a land division. The application shall satisfy the following approval criteria:

(1) The lot or parcel conforms to current zoning requirements, or

(2) An unlawfully divided lot or parcel may be approved notwithstanding the required dimensional, access, and area requirements, subject to the following:

(a) The lot or parcel has a property line that is contiguous to a road, street or zone boundary that intersected the property; and

(b) The applicable zoning district on the date the lot or parcel was unlawfully divided allowed a land division when a County-maintained road, street or zoning district boundary intersects a parcel of land. The zoning districts and effective dates that apply to this provision are the Rural Center (RC), Rural Residential (RR), and Multiple Use Agriculture-20 (MUA-20) zoning districts on or after January 27, 1994 (eff. date of Mult. Co. Ord. 781) and before October 4, 2000 (eff. date of "Rural Residential" amendments to OAR 660-004-0040).

(C) If an application for a legal lot or parcel is approved under this subsection, the date of creation of the lots and parcels shall be the date the Partition or Subdivision Plat is recorded.

Section 7. § 37.0530, Summary of Decision Making Processes, is amended as follows:

§ 37.0530 Summary Of Decision Making Processes.

The following decision making processes chart shall control the County's review of the indicated permits:

APPROVAL PROCESS					
Permit Type	I	II	III	IV	PC
Initial Approval Body	(Not a "land use decision")	(Planning Director)	(Hearings Officer)	(Planning Commission)	(Legislative)
* * *					
Lot of Record Verification/De termination		X			
* * *					

* * *

Section 8. § 37.0550, Initiation of Action, is amended as follows:

§ 37.0550 Initiation Of Action.

Except as provided in MCC 37.0760, 33.7785, 34.7785, 35.7785, and 36.7785, Type I - IV applications may only be initiated by written consent of the owner of record or contract purchaser, or by a government agency that has the power of eminent domain. PC (legislative) actions may only be initiated by the Board, Planning Commission, or Planning Director.

Section 9. § 37.0740, Interpretations, is amended as follows:

§ 37.0740 Interpretations and Requests for Lot of Record Verification.

(A) The Planning Director has the authority to decide all questions of interpretation or applicability to specific properties of any provision of the comprehensive framework plan, rural area plan, or other land use code. Any interpretation of a provision of the comprehensive framework plan, rural area plan or other land use code shall consider applicable provisions of the comprehensive framework plan, rural area plan, and the purpose and intent of the ordinance adopting the particular code section in question.

(B) A person may specifically request an interpretation of a provision in the code. An application for an interpretation shall be processed as a Type II application. ~~The Planning Director may refuse to accept an application for an interpretation if:~~

(C) A person may request verification of the Lot of Record status of a lot or parcel. The application shall be processed as a Type II application.

(D) The Planning Director may refuse to accept an application for an interpretation or Lot of Record verification if:

- (1) The Planning Director determines that the question presented or Lot of Record verification can be decided in conjunction with approving or denying a pending land use action application or if in the Planning Director's judgment the requested determination should be made as part of a decision on an application for a quasi-judicial land use or zone change permit not yet filed; or
- (2) The Planning Director determines that there is an enforcement case pending in which the same issue necessarily will be decided.

(E) A determination by The the Planning Director ~~determination to not to~~ accept an application under paragraph (B) or (C) of this section is not a land use decision and shall be the county's final decision.

FIRST READING:

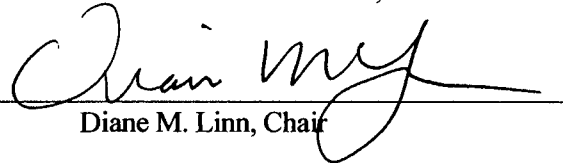
September 14, 2006

SECOND READING AND ADOPTION:

September 21, 2006

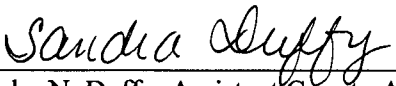


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Sandra N. Duffy, Assistant County Attorney



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 09/21/06
Agenda Item #: R-7
Est. Start Time: 9:47 AM
Date Submitted: 08/04/06

BUDGET MODIFICATION: -

Agenda Title: First Reading of an ORDINANCE Amending MCC Chapters 33, 34, 35 and 36 to Allow Alternative Reduced Rear Yards (Setbacks) for Certain Agricultural Buildings in the Exclusive Farm Use and Multiple Use Agriculture-20 Zoning Districts

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

Date Requested:	September 21, 2006	Time Requested:	15 minutes
Department:	Community Services	Division:	Land Use & Transportation
Contact(s):	Gary Clifford, Karen Schilling		
Phone:	503-988-3043	Ext.	26782
I/O Address:	455/116		
Presenter(s):	Gary Clifford		

General Information

1. What action are you requesting from the Board?

Adopt proposed Ordinance. Planning Commission Resolution PC 05-002 recommends adoption of Zoning Code amendments that allow new barns in the EFU and MUA-20 zones to be located closer to the rear property line if there are not any neighboring houses too close by.

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

Through the public comment time on the Planning Commission agendas, property owners expressed concern that the 30 foot yard (setback) between a barn and the rear property line is an area that is difficult to put into cultivation or to use for most common farming practices. Allowing a barn to be ten feet from the rear property line would free up an additional 20 feet that could be better used by including it in lands being farmed. The Planning Commission then took on the issue as one of the projects on their work program. After a work session and public hearing the Commission approved the proposed Zoning Code amendments. The amendments allow more flexibility in the location of

new barns if they are not too close to neighboring houses.

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

No fiscal impact.

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

There was no opposing testimony given. No legal or policy issues seen.

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

Work sessions have been held that were open to the public. Copies of all proposed code changes have been sent to the State of Oregon Department of Land Conservation and Development giving that agency an opportunity to comment on the proposals. No comments were returned by the State agency.

A public hearing was held before the Planning Commission where the public was invited to speak. Public notice in the Oregonian newspaper was given for all work sessions and public hearings. Two citizens spoke in favor of the amendments at the hearing. The Planning Commission's vote was unanimous to recommend approval of these amendments to the Board of County Commissioners.

Required Signatures

**Department/
Agency Director:**

Robert A Maestre

Date: 08/04/06

Budget Analyst:

Date: _____

Department HR:

Date: _____

Countywide HR:

Date: _____

BEFORE THE PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. PC 05-002

Recommend to the Board of County Commissioners the adoption of an ordinance amending the minimum Yard (setback) requirement for farm related structures in the Exclusive Farm Use and Multiple Use Agriculture zoning districts in MCC Chapters 33, 34, 35, and 36.

The Planning Commission Finds:

- a. The Planning Commission is authorized by Multnomah County Code Chapter subsection 34.0140 and by ORS 215.110 to recommend to the Board of County Commissioners the adoption of Ordinances to implement the Multnomah County Comprehensive Plan.
- b. The individual Zoning Code chapters should be periodically updated and improvements adopted.
- c. The Planning Commission finds that, if there is consideration for existing homes, it is appropriate to reduce the minimum rear yard requirement for farm related structures in the Exclusive Farm Use and Multiple Use Agriculture zoning districts.
- d. No regulations are being proposed that further restrict the use of property and no mailed notice to individual property owners is required ("Ballot Measure 56" notice).
- e. Notice of the Planning Commission hearing was published in the "Oregonian" newspaper and on the Land Use Program web site. The Planning Commission held a public hearing on August 1, 2005 where all interested persons were given an opportunity to appear and be heard.

The Planning Commission Resolves:

The proposed Ordinance amending MCC Chapters 33, 34, 35, and 36 is hereby recommended for adoption by the Board of County Commissioners.

ADOPTED this 1st day of August, 2005.

PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON


John Ingle, Chair

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Amending MCC Chapters 33, 34, 35 And 36 To Allow Alternative Reduced Rear Yards (Setbacks) For Certain Agricultural Buildings In The Exclusive Farm Use And Multiple Use Agriculture-20 Zoning Districts

(Language ~~stricken~~ is deleted; double underlined language is new.)

The Multnomah County Board of Commissioners Finds:

- a. Periodically it is necessary to reexamine regulations to ensure that they continue to serve the purpose for which they were enacted. Sometimes, changing or unforeseen circumstances necessitate adding more flexibility to the regulations.
- b. The Planning Commission heard testimony that “rear yard” (setback to the rear property line) requirements for agricultural buildings (barns) are greater than needed in some situations. A work session and public hearing were held which researched and evaluated the issue. The Zoning Code amendments in this ordinance reflect that work.
- c. The zoning districts where land parcels are larger and where there is the most need for agricultural buildings are the Exclusive Farm Use (EFU) and Multiple Use Agriculture-20 (MUA-20) zoning districts. On those larger parcels any adverse impacts on neighboring houses from the presence of large agricultural buildings are less likely to occur because of the ability to have more choices in the location of these structures. Those adverse impacts may include the loss of light, air circulation, and open space if barns are too close to neighboring houses. The amendments in this ordinance recognize those impacts and, where there are no neighboring houses, allow more flexibility in the siting of new barns to allow them to be closer to rear property lines.

Multnomah County Ordains as follows:

Section 1. §§ 33.0005, 34.0005, and 35.0005, Definitions, are amended as follows:

As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.

Accessory Building – A subordinate building, the use of which is clearly incidental to that of the main building on the same lot.

* * *

Agricultural Building – Pursuant to ORS 455.315(2) [2005] and any amendments made thereto, means a structure located on a farm and used in the operation of the farm for:

- (a) Storage, maintenance or repair of farm machinery and equipment;
- (b) The raising, harvesting and selling of crops;

(c) The feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees;

(d) Dairying and the sale of dairy products; or

(e) Any other agricultural or horticultural use or animal husbandry, or any combination thereof, including the preparation and storage of the produce raised on the farm for human use and animal use and disposal by marketing or otherwise.

(f) Agricultural building does not include a dwelling, a structure used for a purpose other than growing plants in which 10 or more persons are present at any one time, a structure regulated by the State Fire Marshal pursuant to ORS chapter 476, a structure used by the public, or a structure subject to sections 4001 to 4127, title 42, United States Code (the National Flood Insurance Act of 1968) as amended, and regulations promulgated thereunder.

* * *

Section 2. § 36.0005, Definitions, is amended as follows:

36.0005 Definitions

As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.

Accessory Building - A subordinate building, the use of which is clearly incidental to that of the main building on the same lot.

* * *

Agricultural Building – Pursuant to ORS 455.315(2) [2005] and any amendments made thereto, means a structure located on a farm and used in the operation of the farm for:

(a) Storage, maintenance or repair of farm machinery and equipment;

(b) The raising, harvesting and selling of crops;

(c) The feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees;

(d) Dairying and the sale of dairy products; or

(e) Any other agricultural or horticultural use or animal husbandry, or any combination thereof, including the preparation and storage of the produce raised on the farm for human use and animal use and disposal by marketing or otherwise.

(f) Agricultural building does not include a dwelling, a structure used for a purpose other than growing plants in which 10 or more persons are present at any one time, a structure regulated by the State Fire Marshal pursuant to ORS chapter 476, a structure used by the public, or a structure

subject to sections 4001 to 4127, title 42, United States Code (the National Flood Insurance Act of 1968) as amended, and regulations promulgated thereunder.

Section 3. §§ 33.0005, 34.0005, 35.0005, and 36.005, Definitions, are amended as follows:

As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.

* * *

Educational Institution – A college or university supported by public or private funds, tuitions, contributions or endowments, giving advanced academic instruction as approved by a recognized accrediting agency, including fraternity and sorority houses, excluding elementary and high schools, and trade and commercial schools.

* * *

Equine facility – Pursuant to ORS 455.315(2) [2005] and any amendments made thereto, means a building located on a farm and used by the farm owner or the public for: Stabling or training equines; or Riding lessons and training clinics.

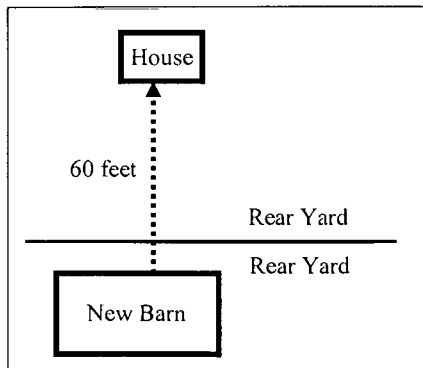
* * *

Section 4. §§ 33.2660, 34.2660, and 35.2660, Dimensional Requirements, EFU zones, are amended as follows:

* * *

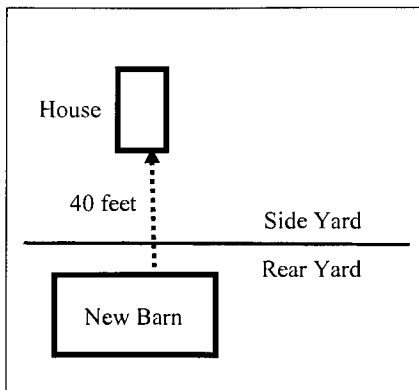
(F) Agricultural structures and equine facilities such as barns, stables, silos, farm equipment sheds, greenhouses or similar structures that do not exceed the maximum height requirement may have a reduced minimum rear yard of less than 30 feet, to a minimum of 10 feet, if:

(1) The structure is located at least 60 feet from any existing dwelling, other than the dwelling(s) on the same tract, where the rear property line is also the rear property line of the adjacent tract, or



For illustrative purposes only.

- (2) The structure is located at least 40 feet from any existing dwelling, other than the dwelling(s) on the same tract, where the rear property line is also the side property line of the adjacent tract.



For Illustrative purposes only.

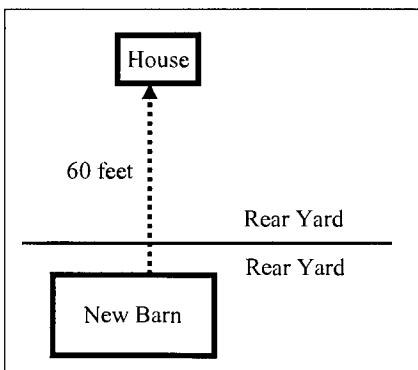
- (3) Placement of an agricultural related structure under these provisions in (F) do not change the minimum yard requirements for future dwellings on adjacent property.

Section 5. **§ 36.2660, Dimensional Requirements, EFU zone, is amended as follows:**

* * *

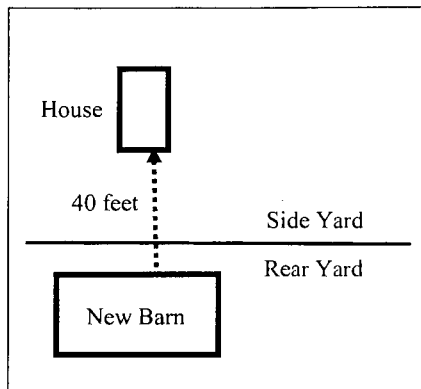
(H) Agricultural structures and equine facilities such as barns, stables, silos, farm equipment sheds, greenhouses or similar structures that do not exceed the maximum height requirement may have a reduced minimum rear yard of less than 30 feet, to a minimum of 10 feet, if:

- (1) The structure is located at least 60 feet from any existing dwelling, other than the dwelling(s) on the same tract, where the rear property line is also the rear property line of the adjacent tract, or



For Illustrative purposes only.

- (2) The structure is located at least 40 feet from any existing dwelling, other than the dwelling(s) on the same tract, where the rear property line is also the side property line of the adjacent tract.



For Illustrative purposes only.

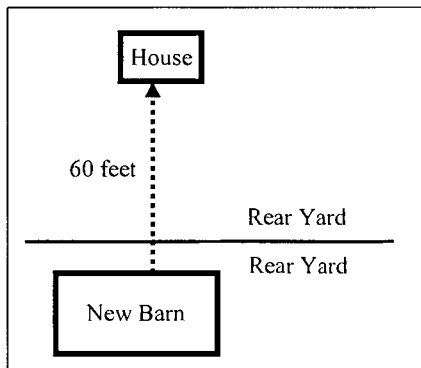
- (3) Placement of an agricultural related structure under these provisions in (F) do not change the minimum yard requirements for future dwellings on adjacent property.

Section 6. §§ 33.2855, 34.2855, and 35.2855, Dimensional Requirements, MUA-20 zones, are amended as follows:

* * *

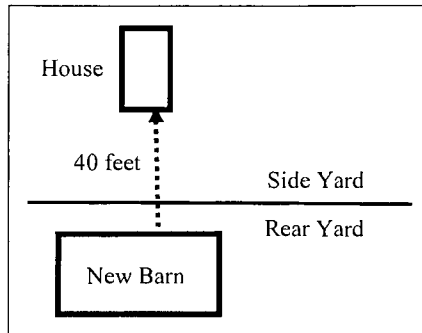
- (F) Agricultural structures and equine facilities such as barns, stables, silos, farm equipment sheds, greenhouses or similar structures that do not exceed the maximum height requirement may have a reduced minimum rear yard of less than 30 feet, to a minimum of 10 feet, if:

- (1) The structure is located at least 60 feet from any existing dwelling, other than the dwelling(s) on the same parcel or lot, where the rear property line is also the rear property line of the adjacent parcel or lot, or



For Illustrative purposes only.

- (2) The structure is located at least 40 feet from any existing dwelling, other than the dwelling(s) on the same *parcel or lot*, where the rear property line is also the side property line of the adjacent *parcel or lot*.



For Illustrative purposes only.

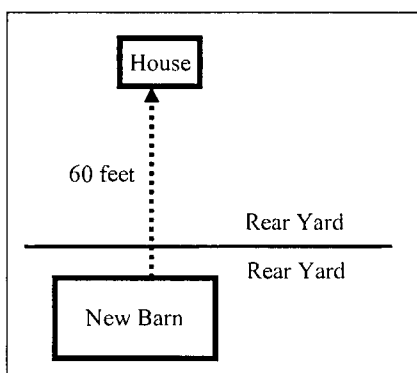
- (3) Placement of an agricultural related structure under these provisions in (F) do not change the minimum yard requirements for future dwellings on adjacent property.

Section 7. § 36.2855, Dimensional Standards and Development Requirements, MUA-20 zone, is amended as follows:

* * *

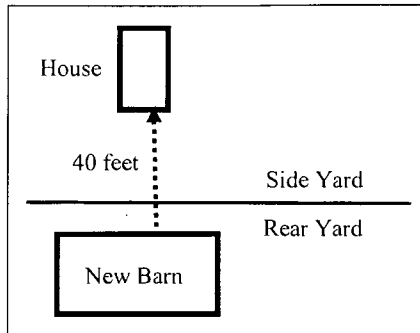
- (I) *Agricultural structures and equine facilities* such as barns, stables, silos, farm equipment sheds, greenhouses or similar structures that do not exceed the maximum height requirement may have a reduced minimum rear yard of less than 30 feet, to a minimum of 10 feet, if:

- (1) The structure is located at least 60 feet from any existing dwelling, other than the dwelling(s) on the same *parcel or lot*, where the rear property line is also the rear property line of the adjacent *parcel or lot*, or



For Illustrative purposes only.

- (2) The structure is located at least 40 feet from any existing dwelling, other than the dwelling(s) on the same parcel or lot, where the rear property line is also the side property line of the adjacent parcel or lot.



For Illustrative purposes only.

- (3) Placement of an agricultural related structure under these provisions in (F) do not change the minimum yard requirements for future dwellings on adjacent property.

FIRST READING:

September 21, 2006

SECOND READING AND ADOPTION:

September 28, 2006

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By Sandra Duffy
Sandra N. Duffy, Assistant County Attorney



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 09/21/06
Agenda Item #: R-8
Est. Start Time: 9:50 AM
Date Submitted: 08/04/06

BUDGET MODIFICATION: -

Agenda Title: First Reading of an ORDINANCE Amending MCC Chapters 33, 34, 35, 36 and 37 to Change the "Variance" Parts of the Zoning Code Chapters and Add "Adjustments" as Another Zoning Provision for Modifying Dimensional Standards

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

Date Requested: September 21, 2006 Time Requested: 15 minutes
Department: Community Services Division: Land Use & Transportation
Contact(s): Gary Clifford, Karen Schilling
Phone: 503-988-3043 Ext. 26782 I/O Address: 455/116
Presenter(s): Gary Clifford

General Information

1. What action are you requesting from the Board?

Adopt proposed Ordinance. Planning Commission Resolution PC 04-006 recommends adoption of Zoning Code amendments changing the variance provisions in the Zoning Code by adding more flexibility for minor modifications of dimensional requirements (a new "adjustment" section) and making other improvements.

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

The Planning Commission heard from some property owners about their difficulties in meeting certain dimensional zoning standards while developing their land. They requested changes to the Zoning Code to allow more flexibility to make relatively minor changes to the requirements. For example, they asked to make it easier to reduce the setback between a proposed building and a property line.

It has been twenty years since the last significant change to the variance section of the Code and the Planning Commission agreed to examine the issues and make changes as needed.

The Planning Commission looked at different approaches to variances taken by other counties and cities. The Commission voted to retain the existing "two tier" approach to variances which uses different approval criteria depending on the amount of variance requested.

The primary change proposed is to replace the existing "minor variance" subsection with a new "adjustment" subsection. The new provisions allow for a greater modification of certain dimensional standards (from the existing 25 percent to 40 percent) and change the approval criteria to emphasize evaluating if the purposes of the dimensional standard are met in the proposed "adjustment."

Other code changes include specifying exactly which zoning standards can be modified by approval of an "adjustment" or variance and adds requirements for mitigating any adverse impacts on adjoining or nearby properties that may result from granting the dimensional change.

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

No fiscal impact seen.

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

The proposed changes which add "adjustments" bring the Code section for minor modifications of dimensional standards closer to those available to property owners in the City of Portland and the City of Gresham. However, for larger variances the approval criteria are proposed to remain the same with a few improvements.

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

At the beginning of this code amendment project a few property owners spoke to the Planning Commission about the need for more flexibility in how dimensional requirements such as building setbacks could be reduced. The Planning Commission placed this project high on their work priorities.

The provisions in this ordinance were submitted to the State of Oregon Department of Land Conservation and Development for an opportunity to comment. No comments were returned.

A public hearing was held before the Planning Commission where the public was invited to speak. Public notice in the Oregonian newspaper was given for all work sessions and public hearings. There was no public testimony at the hearing. The Planning Commission's vote was unanimous to recommend approval of these amendments to the Board of County Commissioners.

Required Signatures

**Department/
Agency Director:**

Robert A Maestre

Date: 08/04/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

BEFORE THE PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. PC 04-006

Recommend to the Board of County Commissioners the adoption of an ordinance amending the Variance sections of the zoning district regulations in MCC Chapters 33, 34, 35, 36, 11.15, and 11.45.

The Planning Commission Finds:


- a. The Planning Commission is authorized by Multnomah County Code Chapter subsection 34.0140 and by ORS 215.110 to recommend to the Board of County Commissioners the adoption of Ordinances to implement the Multnomah County Comprehensive Plan.
- b. The individual Zoning Code chapters should be periodically updated and improvements adopted. The last substantive amendments to the variance provisions occurred in 1985.
- c. The Planning Commission recommends amendments that: (1) clearly list which dimensional standards may be modified and to what extent; (2) replace the "Minor Variance" provisions with an "Adjustments" concept that would allow modification of certain dimensional standards by up to 40 percent where it can be shown that the proposed development equally or better meets the purpose of the standard; and (3) amend some of the existing Variance approval criteria that have been difficult to interpret and add the requirement that for a finding that the Variance requested is the minimum necessary to alleviate the difficulty.
- d. No regulations are being proposed that further restrict the use of property and no mailed notice to individual property owners is required ("Ballot Measure 56" notice).
- e. Notice of the Planning Commission hearing was published in the "Oregonian" newspaper and on the Land Use Program web site. The Planning Commission held a public hearing on June 6, 2005 where all interested persons were given an opportunity to appear and be heard.

The Planning Commission Resolves:

The proposed Ordinance amending MCC Chapters 33, 34, 35, 36, 11.15, and 11.45 is hereby recommended for adoption by the Board of County Commissioners.

ADOPTED this 6th day of June, 2005.

PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON



John Ingle, Chair

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Amending MCC Chapters 33, 34, 35, 36, And 37 To Change The "Variance" Parts Of The Zoning Code Chapters And Add "Adjustments" As Another Zoning Provision For Modifying Dimensional Standards

(Language stricken is deleted; double underlined language is new.)

The Multnomah County Board of Commissioners Finds:

- a. The individual Zoning Code chapters should be periodically updated and improvements adopted. The last substantive amendments to the variance provisions occurred in 1985 and there is a need to make some changes.
- b. The present "two tier" approach to variances is appropriate to continue. This approach provides different approval criteria for reviewing requests for smaller and greater modifications of dimensional standards.
- c. There is a need to add more flexibility in the ability to approve minor modifications to certain dimensional standards in the zoning code. The replacement of "minor variance" provisions with those for allowing "adjustment" of certain zoning dimensional standards will increase the extent of the modification allowed from 25 percent to 40 percent and will change the approval criteria to emphasize meeting the purposes of the zoning standard.
- d. There is a need to amend the zoning code to clearly specify the dimensional standards that are eligible for modification and the extent to which the standards can be modified.
- e. There is a need to clarify the approval criteria language to better implement the purposes of this zoning tool.
- f. There is a need to add a requirement that the requested dimensional modification is the minimum necessary to alleviate the difficulty and to add provisions to require mitigation for any adverse impacts that result from granting the "adjustment" or variance.

Multnomah County Ordains as follows:

Section 1. **§§ 33.0005, 34.0005, 35.0005, and 36.0005 are amended as follows:**

§ 33.0005 **Definitions.**

As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.

* * *

Buffer – See Setback.

* * *

Forest Practices Setback – A type of dimensional setback in the forest zoning districts that provides for separation between structures and property lines. This setback assures that accepted forestry practices can occur on adjacent properties without the adjacent property owner needing to alter those practices due to the close proximity of a dwelling or structure.

* * *

Lot Line (Front) – In the case of an interior lot, a line separating the lot from the street or accessway; in the case of a corner lot, a line separating the narrowest frontage of the lot from a street or accessway; and in the case of a flag lot, the lot line closest to and most nearly parallel with the street which serves the lot. A minimum front lot line length is a dimensional requirement to assure that a parcel or lot has sufficient street frontage and lot width near the street to accommodate a safe access driveway and reasonable building area after considering the required side yards.

* * *

Setback – At times this term is used interchangeably with yard. However, setback (and Buffer) may also be a needed separation between a land use/structure and a feature of the land that could be adversely impacted by the land use/structure (e.g. between structures and wetlands). Other setback requirements are for such purposes as public safety or reduction of nuisances such as the distance needed between a guyed television transmission tower and the property line in order to provide an area for potential ice fall and tower failure or it may be a distance to reduce the level of adverse noise, odor, or visual impacts to sensitive land uses.

* * *

Yard – An open space, on a lot with a building and bounded on one or more sides by such building, such space being unoccupied and unobstructed from 30 inches above the ground upward, except as otherwise specified in the district. A yard satisfying the yard requirement for one building shall not satisfy the yard requirement for another building. The purpose of yards between buildings and property lines is to provide space, light, air circulation, and safety from fire hazards.

* * *

§ 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.

* * *

Buffer – See Setback.

* * *

Lot Line (Front) – In the case of an interior lot, a line separating the lot from the street or accessway; in the case of a corner lot, a line separating the narrowest frontage of the lot from a street or accessway; and in the case of a flag lot, the lot line closest to and most nearly parallel with the

street which serves the lot. A minimum front lot line length is a dimensional requirement to assure that a parcel or lot has sufficient street frontage and lot width near the street to accommodate a safe access driveway and reasonable building area after considering the required side yards.

* * *

Setback – At times this term is used interchangeably with yard. However, setback (and Buffer) may also be a needed separation between a land use/structure and a feature of the land that could be adversely impacted by the land use/structure (e.g. between structures and wetlands). Other setback requirements are for such purposes as public safety or reduction of nuisances such as the distance needed between a guyed television transmission tower and the property line in order to provide an area for potential ice fall and tower failure or it may be a distance to reduce the level of adverse noise, odor, or visual impacts to sensitive land uses.

* * *

Yard – An open space, on a lot with a building and bounded on one or more sides by such building, such space being unoccupied and unobstructed from 30 inches above the ground upward, except as otherwise specified in the district. A yard satisfying the yard requirement for one building shall not satisfy the yard requirement for another building. The purpose of yards between buildings and property lines is to provide space, light, air circulation, and safety from fire hazards.

* * *

§ 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.

* * *

Buffer – See Setback.

* * *

Forest Practices Setback – A type of dimensional setback in the forest zoning districts that provides for separation between structures and property lines. This setback assures that accepted forestry practices can occur on adjacent properties without the adjacent property owner needing to alter those practices due to the close proximity of a dwelling or structure.

* * *

Lot Line (Front) – In the case of an interior lot, a line separating the lot from the street or accessway; in the case of a corner lot, a line separating the narrowest frontage of the lot from a street or accessway; and in the case of a flag lot, the lot line closest to and most nearly parallel with the street which serves the lot. A minimum front lot line length is a dimensional requirement to assure that a parcel or lot has sufficient street frontage and lot width near the street to accommodate a safe access driveway and reasonable building area after considering the required side yards.

* * *

Setback – At times this term is used interchangeably with *yard*. However, *setback* (and *Buffer*) may also be a needed separation between a land use/structure and a feature of the land that could be adversely impacted by the land use/structure (e.g. between structures and wetlands). Other *setback* requirements are for such purposes as public safety or reduction of nuisances such as the distance needed between a guyed television transmission tower and the property line in order to provide an area for potential ice fall and tower failure or it may be a distance to reduce the level of adverse noise, odor, or visual impacts to sensitive land uses.

* * *

Yard – An open space, on a lot with a building and bounded on one or more sides by such building, such space being unoccupied and unobstructed from 30 inches above the ground upward, except as otherwise specified in the district. A yard satisfying the yard requirement for one building shall not satisfy the yard requirement for another building. The purpose of yards between buildings and property lines is to provide space, light, air circulation, and safety from fire hazards.

* * *

§ 36.0005 Definitions.

As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.

* * *

Buffer – See *Setback*.

* * *

Forest Practices Setback – A type of dimensional *setback* in the forest zoning districts that provides for separation between structures and property lines. This *setback* assures that accepted forestry practices can occur on adjacent properties without the adjacent property owner needing to alter those practices due to the close proximity of a dwelling or structure.

* * *

Lot Line (Front) – In the case of an interior lot, a line separating the lot from the street or accessway; in the case of a corner lot, a line separating the narrowest frontage of the lot from a street or accessway; and in the case of a flag lot, the lot line closest to and most nearly parallel with the street which serves the lot. A minimum front lot line length is a dimensional requirement to assure that a parcel or lot has sufficient street frontage and lot width near the street to accommodate a safe access driveway and reasonable building area after considering the required side yards.

* * *

Setback – At times this term is used interchangeably with *yard*. However, *setback* (and *Buffer*) may also be a needed separation between a land use/structure and a feature of the land that could be adversely impacted by the land use/structure (e.g. between structures and wetlands). Other *setback*

requirements are for such purposes as public safety or reduction of nuisances such as the distance needed between a guyed television transmission tower and the property line in order to provide an area for potential ice fall and tower failure or it may be a distance to reduce the level of adverse noise, odor, or visual impacts to sensitive land uses.

* * *

Yard – An open space, on a lot with a building and bounded on one or more sides by such building, such space being unoccupied and unobstructed from 30 inches above the ground upward, except as otherwise specified in the district. A yard satisfying the yard requirement for one building shall not satisfy the yard requirement for another building. The purpose of yards between buildings and property lines is to provide space, light, air circulation, and safety from fire hazards.

* * *

Section 2. Subsection (A)(4)(a) of §§ 33.0515, 34.0515, 35.0515, and 36.0515, Temporary Health Hardship Permit is amended as follows:

* * *

(a) The proposed siting of the mobile home will satisfy the applicable setback and lot coverage standards of the zoning district without requiring a variance. An adjustment of the setback requirement may be approved.

* * *

Section 3. §§ 33.7600, 34.7600, 35.7600, and 36.7600, Variance Approval Criteria, are deleted as follows:

Variance Approval Criteria

~~(A) The Approval Authority may permit and authorize a variance from the requirements of this Chapter only when there are practical difficulties in the application of the Chapter. A Major Variance shall be granted only when all of the following criteria are met. A Minor Variance shall meet criteria (3) and (4).~~

~~(1) A circumstance or condition applies to the property or to the intended use that does not apply generally to other property in the same vicinity or district. The circumstance or condition may relate to the size, shape, natural features and topography of the property or the location or size of physical improvements on the site or the nature of the use compared to surrounding uses.~~

~~(2) The zoning requirement would restrict the use of the subject property to a greater degree than it restricts other properties in the vicinity or district.~~

~~(3) The authorization of the variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located, or adversely affects the appropriate development of adjoining properties.~~

(4) The granting of the variance will not adversely affect the realization of the Comprehensive Plan nor will it establish a use which is not listed in the underlying zone.

Section 4. §§ 33.7605, 34.7605, 35.7605, and 36.7605 are deleted as follows:

§ 33.7605 — Variance Classification

(A) A Major Variance is one that is in excess of 25 percent of an applicable dimensional requirement. A Major Variance must be found to comply with MCC 33.7600 (A).

(1) A Major Variance must be approved at a public hearing except when all owners of record of property within 100 feet of the subject property grant their consent to the variance according to the procedures of MCC 33.7605 (B) (1) and (2).

(B) A Minor Variance is one that is within 25 percent of an applicable dimensional requirement. The approval authority is authorized to grant a Minor Variance in accordance with the following conditions:

(1) Application shall be accompanied by the written consent of the owner or owners of each lot adjoining and across any street from the subject property;

(2) The form to be presented to each owner must include the zoning requirement, the amount of relief requested by the applicant and a declaration by the owner that the granting of the variance shall not harm the value and livability of his property.

§ 34.7605 — Variance Classification

(A) A Major Variance is one that is in excess of 25 percent of an applicable dimensional requirement. A Major Variance must be found to comply with MCC 34.7600 (A).

(1) A Major Variance must be approved at a public hearing except when all owners of record of property within 100 feet of the subject property grant their consent to the variance according to the procedures of MCC 34.7605 (B) (1) and (2).

(B) A Minor Variance is one that is within 25 percent of an applicable dimensional requirement. The approval authority is authorized to grant a Minor Variance in accordance with the following conditions:

(1) Application shall be accompanied by the written consent of the owner or owners of each lot adjoining and across any street from the subject property;

(2) The form to be presented to each owner must include the zoning requirement, the amount of relief requested by the applicant and a declaration by the owner that the granting of the variance shall not harm the value and livability of his property.

§ 35.7605 — Variance Classification

(A) A Major Variance is one that is in excess of 25 percent of an applicable dimensional requirement. A Major Variance must be found to comply with MCC 35.7600 (A).

(1) A Major Variance must be approved at a public hearing except when all owners of record of property within 100 feet of the subject property grant their consent to the variance according to the procedures of MCC 35.7605 (B) (1) and (2).

(B) A Minor Variance is one that is within 25 percent of an applicable dimensional requirement. The approval authority is authorized to grant a Minor Variance in accordance with the following conditions:

(1) Application shall be accompanied by the written consent of the owner or owners of each lot adjoining and across any street from the subject property;

(2) The form to be presented to each owner must include the zoning requirement, the amount of relief requested by the applicant and a declaration by the owner that the granting of the variance shall not harm the value and livability of his property.

§ 36.7605 — Variance Classification.

(A) A Major Variance is one that is in excess of 25 percent of an applicable dimensional requirement. A Major Variance must be found to comply with MCC 36.7600 (A).

(1) A Major Variance must be approved at a public hearing except when all owners of record of property within 100 feet of the subject property grant their consent to the variance according to the procedures of MCC 36.7605 (B) (1) and (2).

(B) A Minor Variance is one that is within 25 percent of an applicable dimensional requirement. The approval authority is authorized to grant a Minor Variance in accordance with the following conditions:

(1) Application shall be accompanied by the written consent of the owner or owners of each lot adjoining and across any street from the subject property;

(2) The form to be presented to each owner must include the zoning requirement, the amount of relief requested by the applicant and a declaration by the owner that the granting of the variance shall not harm the value and livability of his property.

Section 5. **§§ 33.7615, 34.7615, 35.7615, and 36.7615 are deleted as follows:**

§ 33.7615 — Hillside Residential Variances by Administrative Action

(A) Notwithstanding the limitation of MCC 33.7600 (A), the approval authority may approve reductions in the required front setback for hillside residential properties when the following conditions exist:

- (1) Application of the required setback will necessitate extraordinary cutting or filling of the land, resulting in potentially unsafe banks; and
- (2) The reduction of the required setback would not permit the development of the property in a manner that would be more hazardous or detrimental to the public safety than development within the required setback.

(B) For the purposes of this subsection, a hillside residential property is any legally created lot or parcel with an average grade from the front to the rear property line of more than five percent.

§ 34.7615 — Hillside Residential Variances by Administrative Action

(A) Notwithstanding the limitation of MCC 34.7600 (A), the approval authority may approve reductions in the required front setback for hillside residential properties when the following conditions exist:

- (1) Application of the required setback will necessitate extraordinary cutting or filling of the land, resulting in potentially unsafe banks; and
- (2) The reduction of the required setback would not permit the development of the property in a manner that would be more hazardous or detrimental to the public safety than development within the required setback.

(B) For the purposes of this subsection, a hillside residential property is any legally created lot or parcel with an average grade from the front to the rear property line of more than five percent.

§ 35.7615 — Hillside Residential Variances by Administrative Action

(A) Notwithstanding the limitation of MCC 35.7600 (A), the approval authority may approve reductions in the required front setback for hillside residential properties when the following conditions exist:

- (1) Application of the required setback will necessitate extraordinary cutting or filling of the land, resulting in potentially unsafe banks; and
- (2) The reduction of the required setback would not permit the development of the property in a manner that would be more hazardous or detrimental to the public safety than development within the required setback.

(B) For the purposes of this subsection, a hillside residential property is any legally created lot or parcel with an average grade from the front to the rear property line of more than five percent.

§ 36.7615 — ~~Hillside Residential Variances by Administrative Action.~~

(A) Notwithstanding the limitation of MCC 36.7600 (A), the approval authority may approve reductions in the required front setback for hillside residential properties when the following conditions exist:

(1) ~~Application of the required setback will necessitate extraordinary cutting or filling of the land, resulting in potentially unsafe banks; and~~

(2) ~~The reduction of the required setback would not permit the development of the property in a manner that would be more hazardous or detrimental to the public safety than development within the required setback.~~

(B) For the purposes of this subsection, a hillside residential property is any legally created lot or parcel with an average grade from the front to the rear property line of more than five percent.

Section 6. §§ 33.7620, 34.7620, 35.7620, and 36.7620 are deleted as follows:

§ 33.7620 — ~~Landing Field Height Limitation~~

(A) ~~In acting on an application for a variance from the height limitations of the Airport Landing Field District, under MCC 33.4035 (A), the approval authority shall consider statements from the Federal Aviation Administration and the Port of Portland as to the effect of the variance on the operation of air navigation facilities or the safe and efficient use of navigable air space.~~

(B) ~~In the event a variance is granted from the height limitation of MCC 33.4035 (A), a condition of such action shall be that such markings or lights shall be installed and maintained at the owner's expense, as are necessary to indicate to aircraft operators the presence of such structure or natural growth.~~

§ 34.7620 — ~~Landing Field Height Limitation~~

(A) ~~In acting on an application for a variance from the height limitations of the Airport Landing Field District, under MCC 34.4035 (A), the approval authority shall consider statements from the Federal Aviation Administration and the Port of Portland as to the effect of the variance on the operation of air navigation facilities or the safe and efficient use of navigable air space.~~

(B) ~~In the event a variance is granted from the height limitation of MCC 34.4035 (A), a condition of such action shall be that such markings or lights shall be installed and maintained at the owner's expense, as are necessary to indicate to aircraft operators the presence of such structure or natural growth.~~

§ 35.7620 — Landing Field Height Limitation

(A) ~~In acting on an application for a variance from the height limitations of the Airport Landing Field District, under MCC 35.4035 (A), the approval authority shall consider statements from the Federal Aviation Administration and the Port of Portland as to the effect of the variance on the operation of air navigation facilities or the safe and efficient use of navigable air space.~~

(B) ~~In the event a variance is granted from the height limitation of MCC 35.4035 (A), a condition of such action shall be that such markings or lights shall be installed and maintained at the owner's expense, as are necessary to indicate to aircraft operators the presence of such structure or natural growth.~~

§ 36.7620 — Landing Field Height Limitation.

(A) ~~In acting on an application for a variance from the height limitations of the Airport Landing Field District, under MCC 36.4035 (A), the approval authority shall consider statements from the Federal Aviation Administration and the Port of Portland as to the effect of the variance on the operation of air navigation facilities or the safe and efficient use of navigable air space.~~

(B) ~~In the event a variance is granted from the height limitation of MCC 36.4035 (A), a condition of such action shall be that such markings or lights shall be installed and maintained at the owner's expense, as are necessary to indicate to aircraft operators the presence of such structure or natural growth.~~

Section 7. §§ 33.7601, 34.7601, 35.7601, and 36.7601 are added as follows:

ADJUSTMENTS AND VARIANCES

§ 33.7601 Purpose

(A) The regulations of this Zoning Code Chapter are designed to implement the Policies of the Comprehensive Framework Plan and each Rural Area Plan. However, it is also recognized that because of the diversity of lands and properties found in the county there should be a zoning provision that permits justifiable departures from certain Zoning Code dimensional standards where literal application of the regulation would result in excessive difficulties or unnecessary hardship on the property owner.

(B) To address those situations, modification of the dimensional standards given in MCC 33.7606 may be permitted if the approval authority finds that the applicant has satisfactorily addressed and met the respective approval criteria in MCC 33.7611, Adjustments, or 33.7616, Variances. If an Adjustment or Variance request is approved, the approval authority may attach conditions to the decision to mitigate adverse impacts which might result from the approval.

(C) The Adjustment review process provides a mechanism by which certain dimensional standards may be modified no more than 40 percent if the proposed development continues to meet the intended purpose of the regulations. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the regulation.

(D) The Variance review process differs from the Adjustment review by providing a mechanism by which a greater variation from the standard than 40 percent may be approved for certain zoning dimensional requirements. The Variance approval criteria are based upon the traditional variance concepts that are directed towards consideration of circumstances or conditions on a subject property that do not apply generally to other properties in the same vicinity.

All proposed modification of the dimensional standards given in MCC 33.7606(A)(2) shall be reviewed under the Variance review process regardless of the proposed percentage modification.

ADJUSTMENTS AND VARIANCES

§ 34.7601 Purpose

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All proposed modification of the dimensional standards given in MCC 34.7606(A)(2) shall be reviewed under the Variance review process regardless of the proposed percentage modification.

ADJUSTMENTS AND VARIANCES

§ 35.7601 Purpose

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(B) To address those situations, modification of the dimensional standards given in MCC 35.7606 may be permitted if the approval authority finds that the applicant has satisfactorily addressed and met the respective approval criteria in MCC 35.7611, Adjustments, or 35.7616, Variances. If an Adjustment or Variance request is approved, the approval authority may attach conditions to the decision to mitigate adverse impacts which might result from the approval.

(C) The Adjustment review process provides a mechanism by which certain dimensional standards may be modified no more than 40 percent if the proposed development continues to meet the intended purpose of the regulations. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the regulation.

(D) The Variance review process differs from the Adjustment review by providing a mechanism by which a greater variation from the standard than 40 percent may be approved for certain zoning dimensional requirements. The Variance approval criteria are based upon the traditional variance concepts that are directed towards consideration of circumstances or conditions on a subject property that do not apply generally to other properties in the same vicinity.

All proposed modification of the dimensional standards given in MCC 35.7606(A)(2) shall be reviewed under the Variance review process regardless of the proposed percentage modification.

ADJUSTMENTS AND VARIANCES

§ 36.7601 Purpose

(A) The regulations of this Zoning Code Chapter are designed to implement the Policies of the Comprehensive Framework Plan and each Rural Area Plan. However, it is also recognized that because of the diversity of lands and properties found in the county there should be a zoning provision that permits justifiable departures from certain Zoning Code dimensional standards where literal application of the regulation would result in excessive difficulties or unnecessary hardship on the property owner.

(B) To address those situations, modification of the dimensional standards given in MCC 36.7606 may be permitted if the approval authority finds that the applicant has satisfactorily addressed and met the respective approval criteria in MCC 36.7611, Adjustments, or 36.7616, Variances. If an Adjustment or Variance request is approved, the approval authority may attach conditions to the decision to mitigate adverse impacts which might result from the approval.

(C) The Adjustment review process provides a mechanism by which certain dimensional standards may be modified no more than 40 percent if the proposed development continues to meet the intended purpose of the regulations. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the regulation.

(D) The Variance review process differs from the Adjustment review by providing a mechanism by which a greater variation from the standard than 40 percent may be approved for certain zoning dimensional requirements. The Variance approval criteria are based upon the traditional variance concepts that are directed towards consideration of circumstances or conditions on a subject property that do not apply generally to other properties in the same vicinity.

All proposed modification of the dimensional standards given in MCC 36.7606(A)(2) shall be reviewed under the Variance review process regardless of the proposed percentage modification.

Section 8. §§ 33.7606, 34.7606, 35.7606, and 36.7606, Scope, are added as follows:

§ 33.7606 Scope

§ 34.7606 Scope

§ 35.7606 Scope

§ 36.7606 Scope

(A) Dimensional standards that may be modified under an Adjustment review (modified no more than 40 percent) are yards, setbacks, forest practices setbacks, buffers, minimum front lot line length, flag lot pole width, cul-de-sac length, cul-de-sac turnaround radius, and dimensions of a private street, except the following:

(1) Reduction of yards/setback/buffer requirements within the Significant Environmental Concern (SEC) and Willamette River Greenway (WRG) overlay districts and the Commercial Forest Use fire safety zone are not allowed under the Adjustment process; and

(2) Reduction of yards/setback/buffer requirements within the Hillside Development, Large Fills, Mineral Extraction, and Radio and Television Transmission Towers Code Sections and any increase to the maximum building height shall only be reviewed as Variances; and

(3) Minor modification of yards/setbacks/buffers in the off-street parking and design review standards are allowed only through the “exception” provisions in each respective Code section.

(B) Dimensional standards that may be modified under a Variance review are yards, setbacks, forest practices setbacks, buffers, minimum front lot line length, height, sign height, flag lot pole width, cul-de-sac length, cul-de-sac turnaround radius, and dimensions of a private street, except the following:

(1) Reduction of yards/setback/buffer requirements within the Significant Environmental Concern (SEC) and Willamette River Greenway (WRG) overlay districts; and

(2) Modification of fire safety zone standards given in Commercial Forest Use districts; and

(3) Increase to any billboard height or any other dimensional sign standard.

(C) The dimensional standards listed in (A) and (B) above are the only standards eligible for Adjustment or Variance under these provisions. Adjustments and Variances are not allowed for any other standard including, but not limited to, minimum lot area, modification of a threshold of review (e.g. cubic yards for a Large Fill), modification of a definition (e.g. 30 inches of unobstructed open space in the definition of yard), modification of an allowed density in a Planned Development or houseboat moorage, or to allow a land use that is not allowed by the Zoning District.

Section 9. §§ 33.7611, 34.7611, 35.7611, and 36.7611 are added as follows:

§ 33.7611 Adjustment Approval Criteria

The Approval Authority may permit and authorize a modification of no more than 40 percent of the dimensional standards given in MCC 33.7606 upon finding that all the following standards in (A) through (E) are met:

(A) Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

(B) Any impacts resulting from the adjustment are mitigated to the extent practical. That mitigation may include, but is not limited to, such considerations as provision for adequate light and privacy to adjoining properties, adequate access, and a design that addresses the site topography, significant vegetation, and drainage; and

(C) If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zoning district; and

(D) If the properties are zoned farm (EFU) or forest (CFU), the proposal will not force a significant change in, or significantly increase the cost of, accepted forestry or farming practices on the subject property and adjoining lands; and

(E) If in a Rural Residential (RR) or Rural Center (RC) zone, the proposal will not significantly detract from the livability or appearance of the residential area.

§ 34.7611 Adjustment Approval Criteria

The Approval Authority may permit and authorize a modification of no more than 40 percent of the dimensional standards given in MCC 34.7606 upon finding that all the following standards in (A) through (E) are met:

(A) Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

(B) Any impacts resulting from the adjustment are mitigated to the extent practical. That mitigation may include, but is not limited to, such considerations as provision for adequate light and privacy to adjoining properties, adequate access, and a design that addresses the site topography, significant vegetation, and drainage; and

(C) If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zoning district; and

(D) If the properties are zoned farm (EFU) or forest (CFU), the proposal will not force a significant change in, or significantly increase the cost of, accepted forestry or farming practices on the subject property and adjoining lands; and

(E) If in a Rural Residential (RR) or Rural Center (RC) zone, the proposal will not significantly detract from the livability or appearance of the residential area.

§ 35.7611 Adjustment Approval Criteria

The Approval Authority may permit and authorize a modification of no more than 40 percent of the dimensional standards given in MCC 35.7606 upon finding that all the following standards in (A) through (E) are met:

(A) Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

(B) Any impacts resulting from the adjustment are mitigated to the extent practical. That mitigation may include, but is not limited to, such considerations as provision for adequate light and privacy to adjoining properties, adequate access, and a design that addresses the site topography, significant vegetation, and drainage; and

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(E) If in a Rural Residential (RR) or Rural Center (RC) zone, the proposal will not significantly detract from the livability or appearance of the residential area.

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The Approval Authority may permit and authorize a modification of no more than 40 percent of the dimensional standards given in MCC 36.7606 upon finding that all the following standards in (A) through (E) are met:

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(B) Any impacts resulting from the adjustment are mitigated to the extent practical. That mitigation may include, but is not limited to, such considerations as provision for adequate light and privacy to adjoining properties, adequate access, and a design that addresses the site topography, significant vegetation, and drainage; and

(C) If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zoning district; and

(D) If the properties are zoned farm (EFU) or forest (CFU), the proposal will not force a significant change in, or significantly increase the cost of, accepted forestry or farming practices on the subject property and adjoining lands; and

(E) If in a Rural Residential (RR) or Rural Center (RC) zone, the proposal will not significantly detract from the livability or appearance of the residential area.

Section 10. §§ 33.7616, 34.7616, 35.7616, and 36.7616 are added as follows:

§ 33.7616 Variance Approval Criteria

The Approval Authority may permit and authorize a variance from the dimensional standards given in MCC 33.7606 upon finding that all the following standards in (A) through (F) are met:

(A) A circumstance or condition applies to the property or to the intended use that does not apply generally to other property in the same vicinity or zoning district. The circumstance or condition may relate to:

(1) The size, shape, natural features and topography of the property, or

(2) The location or size of existing physical improvements on the site, or

(3) The nature of the use compared to surrounding uses, or

(4) The zoning requirement would substantially restrict the use of the subject property to a greater degree than it restricts other properties in the vicinity or district, or

(5) A circumstance or condition that was not anticipated at the time the Code requirement was adopted.

(6) The list of examples in (1) through (5) above shall not limit the consideration of other circumstances or conditions in the application of this approval criteria.

(B) The circumstance or condition in (A) above that is found to satisfy the approval criteria is not of the applicant's or present property owner's making and does not result solely from personal circumstances of the applicant or property owner. Personal circumstances include, but are not limited to, financial circumstances.

(C) There is practical difficulty or unnecessary hardship to the property owner in the application of the dimensional standard.

(D) The authorization of the variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or zoning district in which the property is located, or adversely affects the appropriate development of adjoining properties.

(E) The Variance requested is the minimum necessary variation from the Code requirement which would alleviate the difficulty.

(F) Any impacts resulting from the variance are mitigated to the extent practical. That mitigation may include, but is not limited to, such considerations as provision for adequate light and privacy to adjoining properties, adequate access, and a design that addresses the site topography, significant vegetation, and drainage.

§ 34.7616 Variance Approval Criteria

The Approval Authority may permit and authorize a variance from the dimensional standards given in MCC 34.7606 upon finding that all the following standards in (A) through (F) are met:

(A) A circumstance or condition applies to the property or to the intended use that does not apply generally to other property in the same vicinity or zoning district. The circumstance or condition may relate to:

(1) The size, shape, natural features and topography of the property, or

(2) The location or size of existing physical improvements on the site, or

(3) The nature of the use compared to surrounding uses, or

(4) The zoning requirement would substantially restrict the use of the subject property to a greater degree than it restricts other properties in the vicinity or district, or

(5) A circumstance or condition that was not anticipated at the time the Code requirement was adopted.

(6) The list of examples in (1) through (5) above shall not limit the consideration of other circumstances or conditions in the application of this approval criteria.

(B) The circumstance or condition in (A) above that is found to satisfy the approval criteria is not of the applicant's or present property owner's making and does not result solely from personal circumstances of the applicant or property owner. Personal circumstances include, but are not limited to, financial circumstances.

(C) There is practical difficulty or unnecessary hardship to the property owner in the application of the dimensional standard.

(D) The authorization of the variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or zoning district in which the property is located, or adversely affects the appropriate development of adjoining properties.

(E) The Variance requested is the minimum necessary variation from the Code requirement which would alleviate the difficulty.

(F) Any impacts resulting from the variance are mitigated to the extent practical. That mitigation may include, but is not limited to, such considerations as provision for adequate light and privacy to

adjoining properties, adequate access, and a design that addresses the site topography, significant vegetation, and drainage.

§ 35.7616 Variance Approval Criteria

The Approval Authority may permit and authorize a variance from the dimensional standards given in MCC 35.7606 upon finding that all the following standards in (A) through (F) are met:

(A) A circumstance or condition applies to the property or to the intended use that does not apply generally to other property in the same vicinity or zoning district. The circumstance or condition may relate to:

(1) The size, shape, natural features and topography of the property, or

(2) The location or size of existing physical improvements on the site, or

(3) The nature of the use compared to surrounding uses, or

(4) The zoning requirement would substantially restrict the use of the subject property to a greater degree than it restricts other properties in the vicinity or district, or

(5) A circumstance or condition that was not anticipated at the time the Code requirement was adopted,

(6) The list of examples in (1) through (5) above shall not limit the consideration of other circumstances or conditions in the application of this approval criteria.

(B) The circumstance or condition in (A) above that is found to satisfy the approval criteria is not of the applicant's or present property owner's making and does not result solely from personal circumstances of the applicant or property owner. Personal circumstances include, but are not limited to, financial circumstances.

(C) There is practical difficulty or unnecessary hardship to the property owner in the application of the dimensional standard.

(D) The authorization of the variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or zoning district in which the property is located, or adversely affects the appropriate development of adjoining properties.

(E) The Variance requested is the minimum necessary variation from the Code requirement which would alleviate the difficulty.

(F) Any impacts resulting from the variance are mitigated to the extent practical. That mitigation may include, but is not limited to, such considerations as provision for adequate light and privacy to adjoining properties, adequate access, and a design that addresses the site topography, significant vegetation, and drainage.

§ 36.7616 Variance Approval Criteria

The Approval Authority may permit and authorize a variance from the dimensional standards given in MCC 36.7606 upon finding that all the following standards in (A) through (F) are met:

(A) A circumstance or condition applies to the property or to the intended use that does not apply generally to other property in the same vicinity or zoning district. The circumstance or condition may relate to:

(1) The size, shape, natural features and topography of the property, or

(2) The location or size of existing physical improvements on the site, or

(3) The nature of the use compared to surrounding uses, or

(4) The zoning requirement would substantially restrict the use of the subject property to a greater degree than it restricts other properties in the vicinity or district, or

(5) A circumstance or condition that was not anticipated at the time the Code requirement was adopted.

(6) The list of examples in (1) through (5) above shall not limit the consideration of other circumstances or conditions in the application of this approval criteria.

(B) The circumstance or condition in (A) above that is found to satisfy the approval criteria is not of the applicant's or present property owner's making and does not result solely from personal circumstances of the applicant or property owner. Personal circumstances include, but are not limited to, financial circumstances.

(C) There is practical difficulty or unnecessary hardship to the property owner in the application of the dimensional standard.

(D) The authorization of the variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or zoning district in which the property is located, or adversely affects the appropriate development of adjoining properties.

(E) The Variance requested is the minimum necessary variation from the Code requirement which would alleviate the difficulty.

(F) Any impacts resulting from the variance are mitigated to the extent practical. That mitigation may include, but is not limited to, such considerations as provision for adequate light and privacy to adjoining properties, adequate access, and a design that addresses the site topography, significant vegetation, and drainage.

Section 11. §§ 33.7770, 34.7770, 35.7770, and 36.7770 are amended as follows:

§ 33.7770 Category 1 Land Divisions

The following proposals are designated Category 1 Land Divisions:

* * *

(C) A subdivision or partition associated with an application affecting the same property for any action proceeding requiring a public hearing under MCC Chapter 33 ~~or for a variance under the Land Division part of this Chapter~~; and

* * *

§ 34.7770 Category 1 Land Divisions

The following proposals are designated Category 1 Land Divisions:

* * *

(C) A subdivision or partition associated with an application affecting the same property for any action proceeding requiring a public hearing under MCC Chapter 34 ~~or for a variance under the Land Division part of this Chapter~~; and

* * *

§ 35.7770 Category 1 Land Divisions

The following proposals are designated Category 1 Land Divisions:

* * *

(C) A subdivision or partition associated with an application affecting the same property for any action proceeding requiring a public hearing under MCC Chapter 35 ~~or for a variance under the Land Division part of this Chapter~~; and

* * *

§ 36.7770 Category 1 Land Divisions

The following proposals are designated Category 1 Land Divisions:

* * *

(C) A subdivision or partition associated with an application affecting the same property for any action proceeding requiring a public hearing under MCC Chapter 36 ~~or for a variance under the Land Division part of this Chapter~~; and

* * *

Section 12. §§ 33.7775, 34.7775, 35.7775, and 36.7775 are amended as follows:

§ 33.7775 Category 3 Land Divisions

A land division proposal under any of the following circumstances is designated a Category 3 Land Division:

* * *

(G) A partition resulting in the creation of a lot for which an Exception, Adjustment or Variance is required under another part of MCC Chapter 33.

* * *

§ 34.7775 Category 3 Land Divisions

A land division proposal under any of the following circumstances is designated a Category 3 Land Division:

* * *

(G) A partition resulting in the creation of a lot for which an Exception, Adjustment or Variance is required under another part of MCC Chapter 34.

* * *

§ 35.7775 Category 3 Land Divisions

A land division proposal under any of the following circumstances is designated a Category 3 Land Division:

* * *

(G) A partition resulting in the creation of a lot for which an Exception, Adjustment or Variance is required under another part of MCC Chapter 35.

* * *

§ 36.7775 Category 3 Land Divisions

A land division proposal under any of the following circumstances is designated a Category 3 Land Division:

* * *

(G) A partition resulting in the creation of a lot for which an Exception, Adjustment or Variance is required under another part of MCC Chapter 36.

* * *

Section 13. §§ 33.8005, 34.8005, 35.8005, and 36.8005 are amended as follows:

§ 33.8005 Adjustments and Variances

~~(A) An adjustment or variance from certain dimensional requirements in the provisions of MCC 33.7885 through 33.8000 of this Chapter may be authorized by the Approval Authority under the provisions of MCC 33.7601 through 33.7616. Hearings Officer or the Planning Commission, as appropriate. Such a variance may be authorized only when substantially all of the following factors exist:~~

~~(1) Special circumstances or conditions apply to the property or to the intended use that do not apply to other property in the same vicinity;~~

~~(2) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant and extraordinary hardship would result from strict compliance with the ordinance requirements;~~

~~(3) The authorization of the variance will not be materially detrimental to the public welfare or injurious to other property in the vicinity;~~

~~(4) The granting of the variance will not adversely affect implementation of the Comprehensive Plan; and~~

~~(5) The circumstances of any hardship are not of the applicant's making.~~

~~(B) Application for a variance shall be filed with the Planning Director, on the forms provided, at the time of application for tentative plan approval. The application shall be accompanied by the required fee. Notice of the hearing on the tentative plan shall include notice of the proposed variance.~~

~~(C) A variance authorized under the provisions of MCC 33.8005 shall expire upon expiration of the tentative plan approval or of the phase of an approved staged development associated therewith.~~

~~(D) A variance from the provisions of the Street Standards Code and Rules may be authorized as provided therein.~~

§ 34.8005 Adjustments and Variances

~~(A) An adjustment or variance from certain dimensional requirements in the provisions of MCC 34.7885 through 34.8000 of this Chapter may be authorized by the Approval Authority under the provisions of MCC 34.7601 through 34.7616. Hearings Officer or the Planning Commission, as appropriate. Such a variance may be authorized only when substantially all of the following factors exist:~~

- ~~(1) Special circumstances or conditions apply to the property or to the intended use that do not apply to other property in the same vicinity;~~
- ~~(2) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant and extraordinary hardship would result from strict compliance with the ordinance requirements;~~
- ~~(3) The authorization of the variance will not be materially detrimental to the public welfare or injurious to other property in the vicinity;~~
- ~~(4) The granting of the variance will not adversely affect implementation of the Comprehensive Plan; and~~
- ~~(5) The circumstances of any hardship are not of the applicant's making.~~

~~(B) Application for a variance shall be filed with the Planning Director, on the forms provided, at the time of application for tentative plan approval. The application shall be accompanied by the required fee. Notice of the hearing on the tentative plan shall include notice of the proposed variance.~~

~~(C) A variance authorized under the provisions of MCC 34.8005 shall expire upon expiration of the tentative plan approval or of the phase of an approved staged development associated therewith.~~

~~(D) A variance from the provisions of the Street Standards Code and Rules may be authorized as provided therein.~~

§ 35.8005 Adjustments and Variances

~~(A) An adjustment or variance from certain dimensional requirements in the provisions of MCC 35.7885 through 35.8000 of this Chapter may be authorized by the Approval Authority under the provisions of MCC 35.7601 through 35.7616. Hearings Officer or the Planning Commission, as appropriate. Such a variance may be authorized only when substantially all of the following factors exist:~~

- ~~(1) Special circumstances or conditions apply to the property or to the intended use that do not apply to other property in the same vicinity;~~
- ~~(2) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant and extraordinary hardship would result from strict compliance with the ordinance requirements;~~
- ~~(3) The authorization of the variance will not be materially detrimental to the public welfare or injurious to other property in the vicinity;~~

(4) The granting of the variance will not adversely affect implementation of the Comprehensive Plan; and

(5) The circumstances of any hardship are not of the applicant's making.

(B) Application for a variance shall be filed with the Planning Director, on the forms provided, at the time of application for tentative plan approval. The application shall be accompanied by the required fee. Notice of the hearing on the tentative plan shall include notice of the proposed variance.

(C) A variance authorized under the provisions of MCC 35.8005 shall expire upon expiration of the tentative plan approval or of the phase of an approved staged development associated therewith.

(D) A variance from the provisions of the Street Standards Code and Rules may be authorized as provided therein.

§ 36.8005 Adjustments and Variances.

(A) An adjustment or variance from certain dimensional requirements in the provisions of MCC 36.7885 through 36.8000 of this Chapter may be authorized by the Approval Authority under the provisions of MCC 36.7601 through 36.7616. Hearings Officer or the Planning Commission, as appropriate. Such a variance may be authorized only when substantially all of the following factors exist:

(1) Special circumstances or conditions apply to the property or to the intended use that do not apply to other property in the same vicinity;

(2) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant and extraordinary hardship would result from strict compliance with the ordinance requirements;

(3) The authorization of the variance will not be materially detrimental to the public welfare or injurious to other property in the vicinity;

(4) The granting of the variance will not adversely affect implementation of the Comprehensive Plan; and

(5) The circumstances of any hardship are not of the applicant's making.

(B) Application for a variance shall be filed with the Planning Director, on the forms provided, at the time of application for tentative plan approval. The application shall be accompanied by the required fee. Notice of the hearing on the tentative plan shall include notice of the proposed variance.

(C) A variance authorized under the provisions of MCC 36.8005 shall expire upon expiration of the tentative plan approval or of the phase of an approved staged development associated therewith.

(D) A variance from the provisions of the Street Standards Code and Rules may be authorized as provided therein.

Section 14. § 37.0530, Summary of Decision Making Processes, is amended as follows:

§ 37.0530 Summary Of Decision Making Processes.

The following decision making processes chart shall control the County's review of the indicated permits:

APPROVAL PROCESS					
Permit Type	I	II	III	IV	PC
Initial Approval Body	(Not a "land use decision")	(Planning Director)	(Hearings Officer)	(Planning Commission)	(Legislative)
* * *					
<u>Adjustment</u>		X			
<u>Variance</u>		X	X		
* * *					

* * *

FIRST READING:

September 21, 2006

SECOND READING AND ADOPTION:

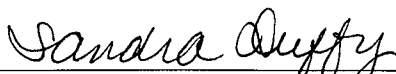
September 28, 2006

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Sandra N. Duffy, Assistant County Attorney

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

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 9/21/06

SUBJECT: First reading: ORDINANCE Amending
MCC chapters 33, 34, 35, & 36

AGENDA NUMBER OR TOPIC: -

FOR: X AGAINST: THE ABOVE AGENDA ITEM

NAME: ELLIA MISHIMA

ADDRESS: 840 N.W. SIXTH

CITY/STATE/ZIP: GRESHAM, OR 97030

PHONE: DAYS: 503-666-1932 EVES: same

EMAIL: counterpoints@ FAX: 503-666-1932

SPECIFIC ISSUE: eastlink.net

WRITTEN TESTIMONY:

IF YOU WISH TO ADDRESS THE BOARD:

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

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 09/21/06
Agenda Item #: R-9
Est. Start Time: 9:52 AM
Date Submitted: 08/14/06

BUDGET MODIFICATION:

**PUBLIC HEARING and Consideration of an ORDER Authorizing Legalization
Agenda of Deverell Road from NE Loudon Road, Easterly Approximately 2.2 Miles to
Title: NE Larch Mountain Road as County Road No. 5021**

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

Date Requested:	September 21, 2006	Time Requested:	5 minutes
Department:	Community Services	Division:	Land Use & Transportation
Contact(s):	Robert Maestre, Deputy Director Robert Hovden, County Surveyor		
Phone:	(503) 988-5001	Ext.	85001
I/O Address:	455/2/224		
Presenter(s):	Robert Maestre and Robert Hovden		

General Information

1. What action are you requesting from the Board?

Public hearing for consideration of the legalization of Deverell Road and approve an order legalizing this road in its as-traveled location if the Board determines it is in the best interest of the public.

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

Deverell Road was established as County Road No. 554 in 1892, and maintenance and improvements have changed its location over the years. On September 15, 2005, the Board of County Commissioners initiated proceedings for legalizing Deverell Road and directed the road to be surveyed in its traveled location. On August 3, 2006, the Board set a date of September 21, 2006 for a public hearing to consider legalization of Deverell Road in its as-traveled location. The survey and documentation will be ready for the September 21, 2006 public hearing.

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

Cost to road fund for costs of the legalization process.

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

This legalization is following procedures as required by ORS 368.201 to 368.221.

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

All adjacent property owners have been served legal notice of the public hearing to consider this legalization and notice has be posted in the area as required by ORS 368.206(1)(c). All adjacent property owners will have an opportunity to express their concerns in writing or at the public hearing.

Required Signatures

**Department/
Agency Director:**



Date: 08/10/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:



Department of Community Services
MULTNOMAH COUNTY OREGON

Land Use and Transportation Program
1600 SE 190th Avenue
Portland, Oregon 97233-5910
(503) 988-5050

August 23, 2006

Board of County Commissioners
501 SE Hawthorne Blvd
Portland, OR 97214

RE: County Engineer's Report for Legalization of Deverell Road No. 5021

Dear Commissioners:

The Department of Community Services - Land Use and Transportation Program has completed preliminary proceedings for legalization of Deverell Road. The existing road as-traveled and used for more than ten years does not conform to the location of the road as described in the County Records. Deverell Road was first established in 1892 as County Road No. 554. Maintenance and improvements have changed its location over the years.

The County Surveyor has completed the survey of the road as-traveled and the final map and description have been prepared. A letter and a map showing their property has been sent to all the property owners along this road. The right-of-way was set at the standard county road width of 60 feet. No structures are within the right-of-way except for fences and gates, which will be allowed to stay.

Written notice of the proceedings for legalization has been mailed to all abutting property owners by certified mail and the notice has been posted along Deverell Road as required by ORS 368.206 (1)(c).

One issue that was discovered with this legalization is that if we legalize the road to the existing as-traveled roadway near the one-quarter corner common to Sections 5 and 8, right of way access for the property to the Southwest of this one-quarter corner may be interfered with. We attempted to contact the owners of the property (a cemetery) to the southeast of this one-quarter corner, to obtain an access easement, but the deed records for this property show it to be owned by 12 people who now appear to be deceased. Trying to obtain an easement from the heirs of these 12 deceased people would be onerous and time consuming and may not be successful.

The interference with access issue prompted the County Surveyor's Office to re-examine the survey work done for Deverell Road and it was ultimately determined that at this portion of the road (i.e. near the one-quarter corner common to Sections 5 and 8) that the existing as traveled road fits within the boundaries of the right-of-way as originally described and recorded. Therefore, I recommend that this area be excluded

from the legalization process. This will preserve the legal access to the property to the Southwest of the one-quarter corner common to Sections 5 and 8.

The County Engineer is requesting that the Board of County Commissioners approve an Order legalizing Deverell Road as it is now as-traveled and shown in its true location on the final map, excepting a portion of the original Deverell Road, County Road No. 554, near the one-quarter corner common to Sections 5 and 8 as described in the final order.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Stan M. Ghezzi". The signature is fluid and cursive, with the first name "Stan" being more prominent.

Stan M. Ghezzi, P.E.
Acting County Engineer

In the matter of the legalization)
Deverell Road, No. 5021)
_____)

AFFIDAVIT OF
ROBERT A. HOVDEN RELATING
TO NOTICE PROCEDURE PURSUANT
TO ORS 368.421

1) I, Robert A. Hovden, P.L.S., do hereby state that I am the County Surveyor for
Multnomah County, Oregon.

2) I certify that notice was served of the public hearing on the legalization of Deverell Road,
County Road No. 5021, to the following persons or agencies:

LONGVIEW FIBRE CO; SCHNACK, PETER C & SUSAN & VAN HOOK, DAVID W;
MARTIN, GEORGE R TO BUFFO, JUDITH C.; WEST, GERALD A TR; BURDICK,
DOROTHY M TR; GRAFF, JOHN F & GRAFF, DANIEL B; SMITH, PATRICIA E;
CARTISSER, MARJEANNE L; SMITH, LEROY W & SMITH, PATRICIA E; FONES,
JACK R; FINNEY, WILLIAM L & KAY M; LOWE, KATHY S & HOPP, VERNON A;
CARTER, JACK K TR & CARTER, JEAN D TR; DELANEY, ANASTASIA ET AL TO
GREENE, JEANNE; LEITH-ROSS, JULIE; UNITED STATES OF AMERICA % USDA

3) The notice was consistent with the requirements of ORS 368.426 and included copies of
the Notice of Public Hearing (Resolution No. 06-137) and was served by certified mail return
receipt requested, to the parties identified above in Paragraph 2.

4) I further certify that on August 21, 2006, notice was posted of the public hearing on the
legalization of Deverell, County Road No. 5021, at the following places:

1. On 20" Hemlock on West side of road near Station 26+65.
2. On PGE Company power pole No. D15 9 1052 on the South Side of Deverell
Road near Station 53+70.
3. On 30" Fir on South side of road near Station 108+25

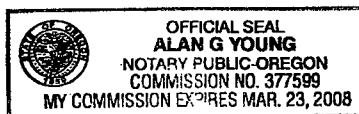
5) The posted notice was consistent with the requirements of ORS 368.426 and included
copies of the Notice of Public Hearing (Resolution No. 06-137) posted along said road in a
manner to facilitate reading by passersby.

Robert A Hovden

Robert A. Hovden, P.L.S., County Surveyor
Department of Community Services
Multnomah County, Oregon

Subscribed and sworn to before me this 22nd day of August, 2006.

Alan G Young
Notary Public for Oregon
My commission expires March 23, 2008



NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO SURVEY THE EXISTING ALIGNMENT OF DEVERELL ROAD FROM ITS BEGINNING AT LOUDEN ROAD TO ITS END AT LARCH MOUNTAIN ROAD FOR LEGALIZATION PURPOSES PER ORS 368.201-368.221.
 DEVERELL ROAD WAS ORIGINALLY ESTABLISHED AS COUNTY ROAD NO. 504 ON JANUARY 7, 1892 PER MULTNOMAH COUNTY ROAD BOOK 2, PAGES 418-421. THE IMPROVED ROADWAY, AS IT PRESENTLY EXISTS, NO LONGER LIES ENTIRELY WITHIN THE ORIGINALLY ESTABLISHED RIGHT-OF-WAY. THE PRESENT SURVEY SEEKS TO REMEDY THIS BY LEGALIZING THE PRESENT AS-TRAVELED ALIGNMENT OF THE IMPROVED ROADWAY.
 THE PROCEDURE USED TO CREATE THE LEGALIZED ALIGNMENT WAS TO TIE THE PAVEMENT EDGES OF THE PRESENT IMPROVED ROADWAY, AND TO HOLD TO THESE AS THE BASIS FOR THIS NEW ALIGNMENT. CENTERLINE TANGENTS WERE FITTED TO THE STRAIGHT PORTIONS OF THE ROADWAY AND GEOMETRICALLY REGULAR CIRCULAR CURVES WERE FITTED TO ACCOMMODATE THE CURVED PORTIONS OF THE ROADWAY. ROAD RIGHT-OF-WAY EXTENDS TO 30' ON EACH SIDE OF THE CENTERLINE.

A FIELD SEARCH WAS CONDUCTED FOR ALL MONUMENTS OF RECORD ALONG THE DEVERELL ROAD RIGHT-OF-WAY AND THOSE FOUND WERE TIED. FOUND MONUMENTS APPEAR ON THE DRAWING AND ARE DESCRIBED IN THE ACCOMPANYING MONUMENT TABLES.

MONUMENTS HAVE BEEN SET ALONG THE CENTERLINE AND RIGHT-OF-WAY LINES OF THE NEW ALIGNMENT OF DEVERELL ROAD AS SHOWN ON THE DRAWING. THE ALIGNMENT OF LOUDEN ROAD IN THE VICINITY OF ITS INTERSECTION WITH DEVERELL ROAD WAS DETERMINED BY HOLDING FOUND RAILROAD SPIKES AT CENTERLINE P.I. NO. (51) AND (52) AND A FOUND RAILROAD SPIKE AT CENTERLINE P.T. NO. (52) TO ESTABLISH THE CENTERLINE, AS SHOWN ON COUNTY ROAD MAP F8/1 AND COUNTY ROAD FIELD BOOK 937, PAGES 64, 66, AND 77. ROAD RIGHT-OF-WAY EXTENDS TO 30' ON EACH SIDE OF CENTERLINE.

THE ALIGNMENT OF LARCH MOUNTAIN ROAD IN THE VICINITY OF ITS INTERSECTION WITH DEVERELL ROAD WAS DETERMINED BY USING THE "BROKEN BOUNDARY" METHOD HOLDING THE SPLIT (OR PROPORTIONATE MEASURE THEREOF) OF RIGHT OF WAY MONUMENTS AS SHOWN. THE RECORD CENTERLINE PER COUNTY ROAD MAP E12/1 WAS THEN FIT TO THESE SPLIT POINTS, HOLDING RECORD RADIUS FOR CURVED PORTIONS. ROAD RIGHT-OF-WAY EXTENDS TO 30' ON EACH SIDE.

BASIS OF BEARINGS

TRUE GEODETIC PER G.P.S. OBSERVATIONS.

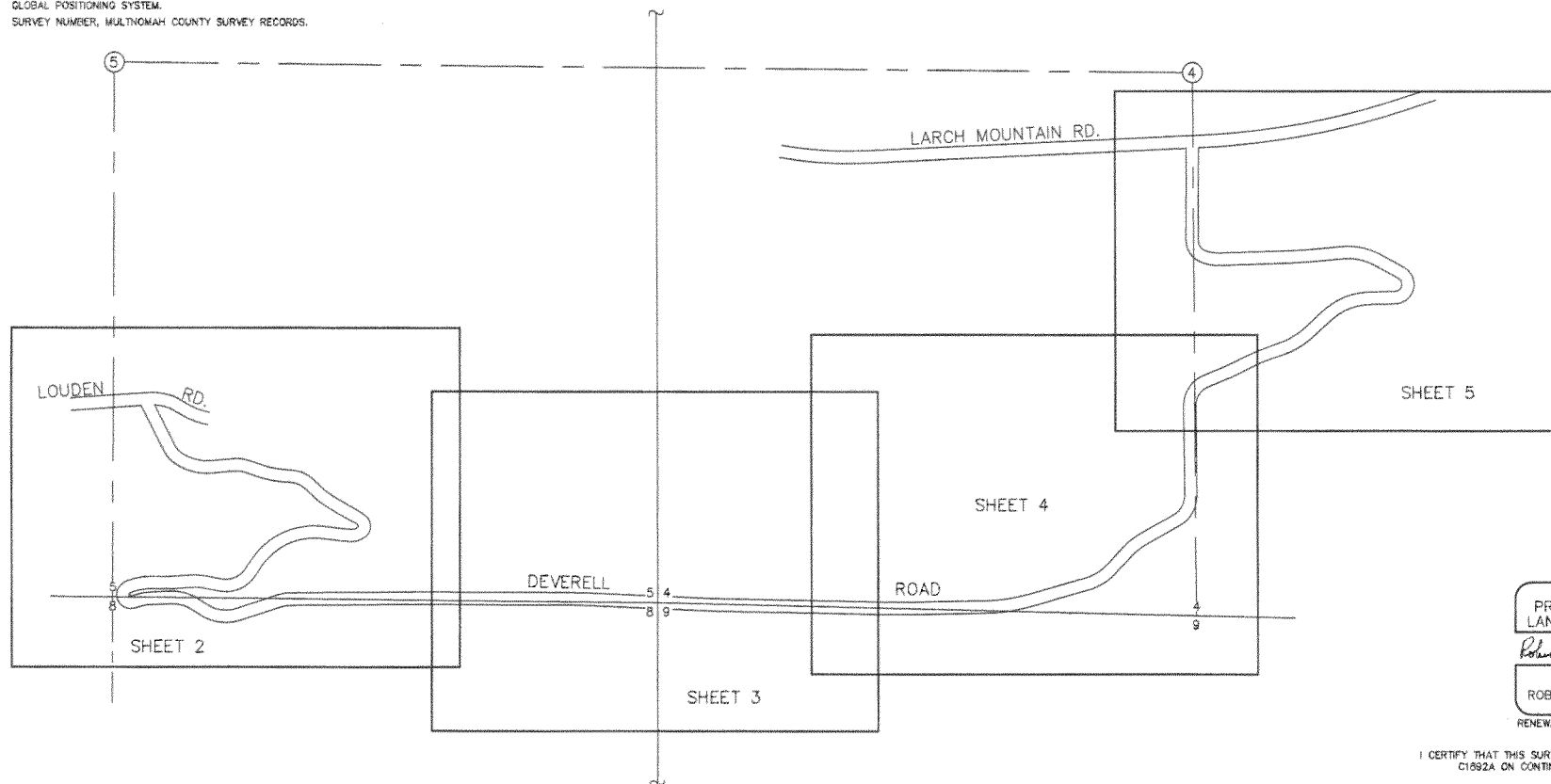
REFERENCE SURVEYS

MULTNOMAH COUNTY SURVEY RECORDS: ROAD BOOK 2, PAGES 418-421; ROAD BOOK 5, PAGES 34-35; ROAD BOOK 6, PAGES 79-81; SN F8/1, SN E12/1; COUNTY ROAD FIELD BOOK 937, PAGES 64, 66, AND 77.

LEGEND

G.P.S. GLOBAL POSITIONING SYSTEM.

SN SURVEY NUMBER, MULTNOMAH COUNTY SURVEY RECORDS.



DEVERELL ROAD NO. 5021

FROM LOUDEN ROAD NO. 1982

TO LARCH MOUNTAIN ROAD NO. 1320

LOCATED IN THE SE & SW 1/4 OF SECTION 4, SE 1/4 SECTION 5,

NE 1/4 SECTION 8 AND NW 1/4 OF SECTION 9,

TOWNSHIP 1 SOUTH, RANGE 5 EAST, WILLAMETTE MERIDIAN,

MULTNOMAH COUNTY, OREGON

MULTNOMAH COUNTY
SURVEY RECORDS

DATE FILED: JUNE 23, 2006

60573

REGISTER NUMBER

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Robert A. Hovden

OREGON
JULY 16, 1971
ROBERT A. HOVDEN
954

RENEWAL DATE: 6/30/2007

I CERTIFY THAT THIS SURVEY WAS PREPARED USING HP PRODUCT
C1092A ON CONTINENTAL JPC4M2 POLYESTER FILM.



MULTNOMAH COUNTY
DEPARTMENT OF COMMUNITY SERVICES
TRANSPORTATION DIVISION / COUNTY SURVEYOR'S OFFICE
1800 S.E. 190TH AVE., PORTLAND, OR 97233

DEVERELL ROAD NO. 5021 LEGALIZATION

ROBERT A. HOVDEN, P.L.S. COUNTY SURVEYOR

DRAFTED: SRO CHECKED: RAH

DATE: 6/15/2006 SCALE: 1" = 400'

SHT. 1 OF 5

60573

60573

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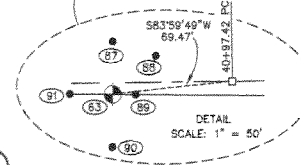
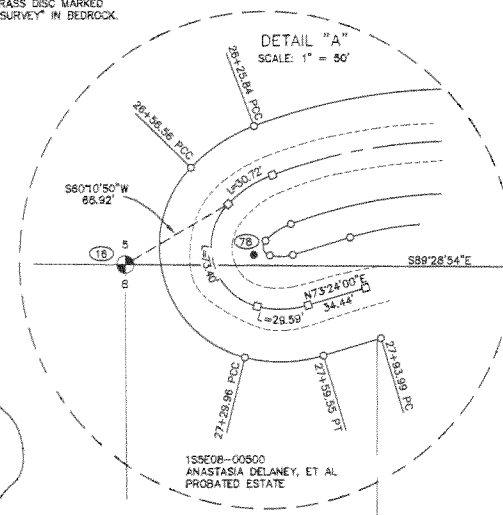
FROM LOUDEN ROAD NO. 1982
D LARCH MOUNTAIN ROAD NO. 1320

MULTNOMAH COUNTY
SURVEY RECORDS
DATE FILED JUNE 23, 2006
60573
REGISTER NUMBER



POINT NUMBER	STATION	OFFSET	MONUMENT DESCRIPTION	REFERENCE
62	179+08.67	0.00 RT.	RRS, DOWN 0.2'	B.T. F-15
59	183+21.84	10.70 L.	RRS, DOWN 0.2'	FB
51	185+44.98	5.57 RT.	RRS, DOWN 0.2'	FB
16	26+67.69	50.37 RT.	SEC. DESCRIPTION, THIS SHEET	B.T. F-35
71	27+01.08	24.93 L.	MC, DOWN 0.2'	B.T. F-35
98	40+03.60	5.00 MC	MC, DOWN 0.2'	B.T. F-15
90	40+27.55	36.54 RT.	3/4" IRON PIPE, NO CAP, DOWN 1.0'	B.T. F-15
63	40+28.26	6.55 RT.	SEC. DESCRIPTION, THIS SHEET	B.T. F-15
87	40+28.70	23.48 L.	MC, UP 0.5'	B.T. F-15
89	40+31.58	6.83 RT.	RRS, DOWN 0.2'	B.T. F-15
88	40+53.45	15.10 L.	MC, UP 0.3'	B.T. F-15

MC = 3/4" IRON PIPE WITH YELLOW PLASTIC CAP MARKED "MULT. CO. SURVEY"
RRS = RAILROAD SPIKE WITH PUNCHED "X"



1/4 CORNER COMMON TO SECTIONS
5 AND 8 [POINT I.D. NO. 2676] -
FOUND 6" X 6" CONCRETE POST
WITH 4-1/4" BRASS DISC, MARKED
AS SHOWN (P.T. E-359). FLUSH.



155E08-00600
JULIE LEITH-ROSS
DOC. NO. 2003-141532

LEGEND:

- FOUND MULTNOMAH COUNTY MONUMENT AS DESCRIBED.
- FOUND MONUMENT AS DESCRIBED IN MONUMENT TABLE.
- SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "MULT. CO. SURVEY", UNLESS OTHERWISE NOTED.
- SET 5/8" X 30" IRON ROD WITH 2" ALUMINUM CAP STAMPED "MULTNOMAH COUNTY SURVEYOR" WITH PUNCH MARK.
- FOUND MONUMENT IDENTIFIER, SEE MONUMENT TABLE.
- BEARING TREE BOOK & PAGE REFERENCE, MULTNOMAH COUNTY SURVEY RECORDS.
- POINT OF BEGINNING.
- SURVEY NUMBER, MULTNOMAH COUNTY SURVEY RECORDS.
- ROAD FIELD BOOK 637, PAGES 64, 66, AND 77, MULTNOMAH COUNTY ROAD RECORDS.
- RECORD DATA PER ROAD BOOK 6, PAGES 79-81, MULTNOMAH COUNTY ROAD RECORDS.
- APPROXIMATE LOCATION OF ORIGINAL RIGHT-OF-WAY OF COUNTY ROAD NO. 554 PER MULT. CO. ROAD BOOK 2, PAGES 418-421.
- EXISTING EDGE OF PAVEMENT OF AS-TRAVELED ROADWAY.

1S5E08-00400
JACK K. & JEAN D. CARTER TRUST
BOOK 2094, PAGE 250
YEAR: 1983

E. 1/16 CORNER COMMON TO SECTIONS
5 AND 8 [POINT I.D. NO. 2679] ~
FOUND 8" X 8" CONCRETE POST
WITH 4" BRASS DISC, MARKED AS
SHOWN (B.T. F-155), 0.2' BELOW
ASPHALT



REGISTERED
PROFESSIONAL
LAND SURVEYOR

ROBERT A. HOVDEN
JULY 16, 1971
ROBERT A. HOVDEN
954

I CERTIFY THAT THIS SURVEY WAS PREPARED USING HP PRODUCT C1892A ON CONTINENTAL JPC4M2 POLYESTER FILM.



MULTNOMAH COUNTY

DEPARTMENT OF COMMUNITY SERVICES
TRANSPORTATION DIVISION / COUNTY SURVEYOR'S OFFICE
1600 S.E. 190TH AVE.; PORTLAND, OR 97233

DEVERELL ROAD NO. 5021 LEGALIZATION

ROBERT A. HOVDEN, P.L.S.		COUNTY SURVEYOR	
DRAFTED: SRO	CHECKED: RAH	SHT. 2	OF 5
DATE: 6/15/2006	SCALE: 1" = 100'		

60573

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DEVERELL ROAD NO. 5021

FROM LOUDEN ROAD NO. 1982
TO LARCH MOUNTAIN ROAD NO. 1320

LOCATED IN THE SE & SW 1/4 OF SECTION 4, SE 1/4 SECTION 5,
NE 1/4 SECTION 8 AND NW 1/4 OF SECTION 9,
TOWNSHIP 1 SOUTH, RANGE 5 EAST, WILLAMETTE MERIDIAN,
MULTNOMAH COUNTY, OREGON

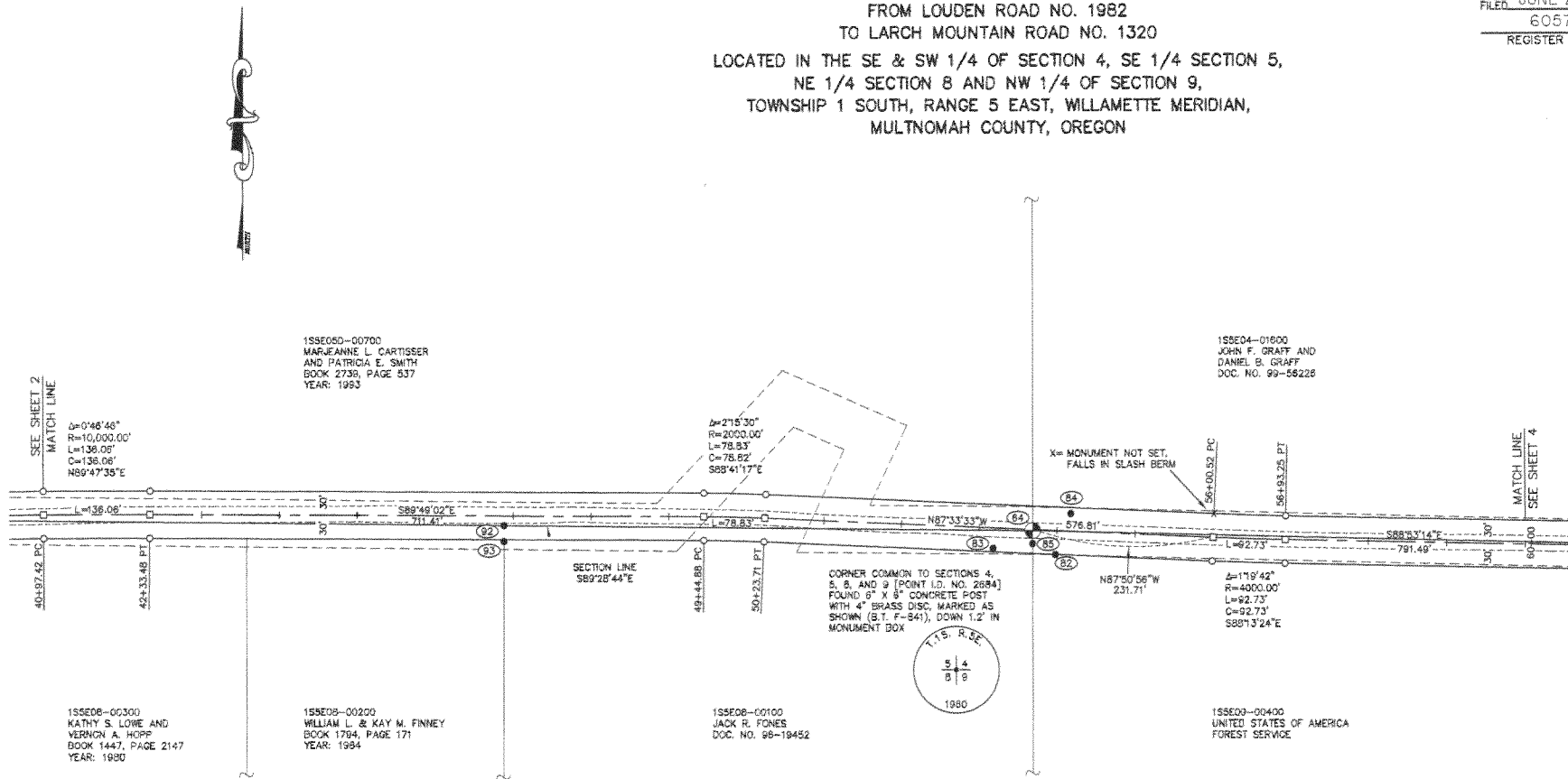
MULTNOMAH COUNTY

SURVEY RECORDS

DATE JUNE 23, 2006

60573

REGISTER NUMBER



MONUMENT TABLE

POINT NUMBER	STATION	OFFSET	MONUMENT DESCRIPTION	REFERENCE
92	46+88.19	12.19' RT.	5/8" IRON ROD WITH YPC-UNREADABLE, DOWN 0.4'	SN 44444
93	46+88.21	32.27' RT.	5/8" IRON ROD WITH YPC MARKED "REPPETO LS 65", FLUSH	SN 44444
83	53+18.99	25.53' RT.	1/2" IRON PIPE WITH YPC MARKED "MULT. CO. SURVEY", DOWN 0.5'	B.T. F-841
84	53+68.91	1.12' RT.	SEE DESCRIPTION ABOVE	B.T. F-841
85	53+69.28	17.64' RT.	3/4" IRON PIPE WITH YPC MARKED "MULT. CO. SURVEY", FLUSH	B.T. F-841
82	53+99.10	30.36' RT.	3/4" IRON PIPE WITH YPC MARKED "MULT. CO. SURVEY", FLUSH	B.T. F-841
84	54+16.76	22.29' LT.	3/4" IRON PIPE WITH YPC MARKED "MULT. CO. SURVEY", UP 0.4'	B.T. F-841

LEGEND:

- FOUND MULTNOMAH COUNTY MONUMENT AS DESCRIBED.
- FOUND MONUMENT AS DESCRIBED IN MONUMENT TABLE.
- SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "MULT. CO. SURVEY".
- SET 5/8" X 30" IRON ROD WITH 2" ALUMINUM CAP STAMPED "MULTNOMAH COUNTY SURVEYOR" WITH PUNCH MARK.
- (S) FOUND MONUMENT IDENTIFIER, SEE MONUMENT TABLE.
- B.T. BEARING TREE BOOK & PAGE REFERENCE, MULTNOMAH COUNTY SURVEY RECORDS.
- SN SURVEY NUMBER, MULTNOMAH COUNTY SURVEY RECORDS.
- YPC YELLOW PLASTIC CAP.
- APPROXIMATE LOCATION OF ORIGINAL RIGHT-OF-WAY OF COUNTY ROAD NO. 554 PER MULT. CO. ROAD BOOK 2, PAGES 418-421.
- EXISTING EDGE OF PAVEMENT OF AS-TRAVELED ROADWAY.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Robert A. Hovden

OREGON
JULY 16, 1971
ROBERT A. HOVDEN
954

RENEWAL DATE: 6/30/2007

I CERTIFY THAT THIS SURVEY WAS PREPARED USING HP PRODUCT
C1892A ON CONTINENTAL JPC4M2 POLYESTER FILM.



MULTNOMAH COUNTY

DEPARTMENT OF COMMUNITY SERVICES
TRANSPORTATION DIVISION / COUNTY SURVEYOR'S OFFICE
1800 S.E. 190TH AVE., PORTLAND, OR 97233

DEVERELL ROAD NO. 5021 LEGALIZATION

ROBERT A. HOVDEN, P.L.S. COUNTY SURVEYOR

DRAFTED: SRO CHECKED: RAH SH: 3 OF 5

DATE: 6/15/2006 SCALE: 1" = 100'

60573

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DEVERELL ROAD NO. 5021

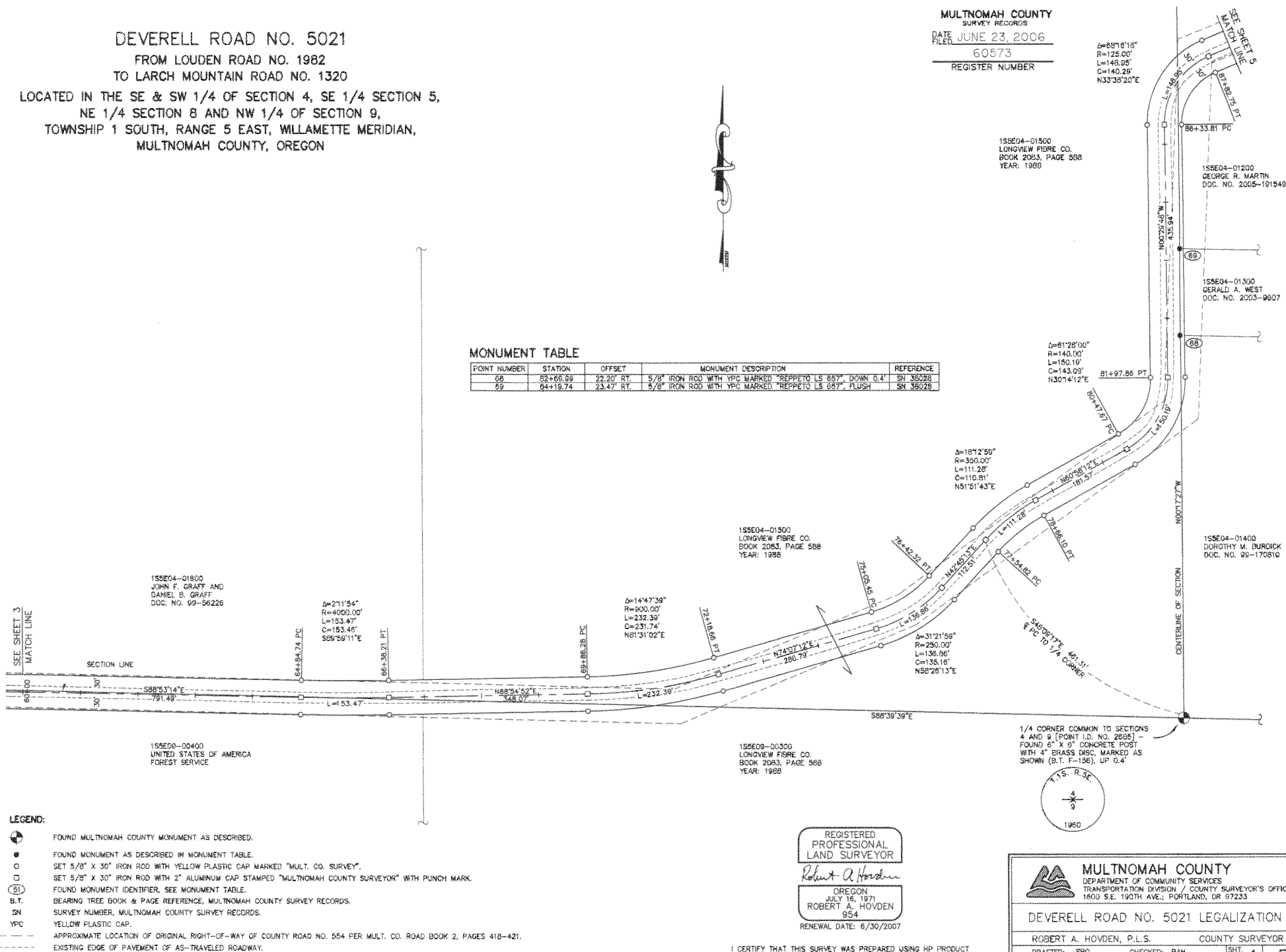
FROM LOUDEN ROAD NO. 1982
TO LARCH MOUNTAIN ROAD NO. 1320

LOCATED IN THE SE & SW 1/4 OF SECTION 4, SE 1/4 SECTION 5,
NE 1/4 SECTION 8 AND NW 1/4 OF SECTION 9,
TOWNSHIP 1 SOUTH, RANGE 5 EAST, WILLAMETTE MERIDIAN,
MULTNOMAH COUNTY, OREGON

MULTNOMAH COUNTY
SURVEY RECORDS
DATE JUNE 23, 2006
FILED 60573
REGISTER NUMBER

MONUMENT TABLE

POINT NUMBER	STATION	OFFSET	MONUMENT DESCRIPTION	REFERENCE
68	82+68.99	22.20' RT.	5/8" IRON ROD WITH YPC MARKED "REPPETO LS 657", DOWN 0.4'	SN 35028
69	84+18.74	23.47' RT.	5/8" IRON ROD WITH YPC MARKED "REPPETO LS 657", FLUSH	SN 35028



LEGEND:

- FOUND MULTNOMAH COUNTY MONUMENT AS DESCRIBED.
- FOUND MONUMENT AS DESCRIBED IN MONUMENT TABLE.
- SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "MULT. CO. SURVEY".
- SET 5/8" X 30" IRON ROD WITH 2" ALUMINUM CAP STAMPED "MULTNOMAH COUNTY SURVEYOR" WITH PUNCH MARK.
- (B.T.) FOUND MONUMENT IDENTIFIER, SEE MONUMENT TABLE.
- B.T. BEARING TREE BOOK & PAGE REFERENCE, MULTNOMAH COUNTY SURVEY RECORDS.
- SN SURVEY NUMBER, MULTNOMAH COUNTY SURVEY RECORDS.
- YPC YELLOW PLASTIC CAP.
- APPROXIMATE LOCATION OF ORIGINAL RIGHT-OF-WAY OF COUNTY ROAD NO. 554 PER MULT. CO. ROAD BOOK 2, PAGES 418-421.
- EXISTING EDGE OF PAVEMENT OF AS-TRAVELED ROADWAY.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Robert A. Hovden

OREGON
JULY 16, 1971
ROBERT A. HOVDEN
954

RENEWAL DATE: 6/30/2007

I CERTIFY THAT THIS SURVEY WAS PREPARED USING HP PRODUCT
C18024 ON CONTINENTAL JPC4M2 POLYESTER FILM.



MULTNOMAH COUNTY DEPARTMENT OF COMMUNITY SERVICES TRANSPORTATION DIVISION / COUNTY SURVEYOR'S OFFICE 1600 S.E. 190TH AVE., PORTLAND, OR 97233		
DEVERELL ROAD NO. 5021 LEGALIZATION		
ROBERT A. HOVDEN, P.L.S.	COUNTY SURVEYOR	
DRAFTED: SHO	CHECKED: RAH	SHT. 4 OF 5
DATE: 6/15/2006	SCALE: 1" = 100'	

60573

60573

DEVERELL ROAD STATION 1154+08.49
BEARS S001°4'01"W, 335.09' FROM
THE CENTER OF SECTION 4.

CENTER OF SECTION 4
FOUND 8" X 6" CONCRETE POST
WITH 4" BRASS DISC, MARKED AS
SHOWN (B.T. F-157), FLUSH

155E04-01500
LONGVIEW FIBRE CO.
BOOK 2083, PAGE 508
YEAR: 1988

155E04-00200
LONGVIEW FIBRE CO.
BOOK 2083, PAGE 588
YEAR: 1988

155E04-00200
LONGVIEW FIBRE CO.
BOOK 2083, PAGE 588
YEAR: 1988

155E04-01100
PETER C. & SUSAN SCHNACK
AND DAVID W. VAN HOOK
BOOK 2695, PAGE 1582
YEAR: 1992

155E04-01500
LONGVIEW FIBRE CO.
BOOK 2083, PAGE 588
YEAR: 1988

155E04-01200
GEORGE R. MARTIN
DOC. NO. 2005-131549

DEVERELL ROAD NO. 5021
FROM LOUDEN ROAD NO. 1982
TO LARCH MOUNTAIN ROAD NO. 1320

LOCATED IN THE SE & SW 1/4 OF SECTION 4, SE 1/4 SECTION 5,
NE 1/4 SECTION 8 AND NW 1/4 OF SECTION 9,
TOWNSHIP 1 SOUTH, RANGE 5 EAST, WILLAMETTE MERIDIAN,
MULTNOMAH COUNTY, OREGON

MONUMENT TABLE

POINT NUMBER	STATION	OFFSET	MONUMENT DESCRIPTION	REFERENCE
51	98+80.85	28.88' RT.	5/8" IRON ROD W/ YPC MARKED "REPPETO LS 857", DOWN 1.5'	SN 38028
94	188+06.40	30.01' LT.	1/2" IRON PIPE - DOWN 1.0'	E12/1
95	188+06.40	29.01' RT.	3/4" IRON ROD - DOWN 0.1'	E12/1
48	182+24.10	19.05' RT.	5/8" IRON ROD - UP 0.3'	E12/1
49	182+24.10	30.08' LT.	5/8" IRON ROD - DOWN 0.3'	E12/1
75	219+03.72	30.12' RT.	1/2" IRON PIPE - BENT, SPUN, PULLED AND REPLACED WITH *	E12/1
76	219+03.98	30.12' LT.	3/4" IRON PIPE - BENT, SPUN, PULLED AND REPLACED WITH *	E12/1
45	220+86.58	29.98' RT.	1/2" IRON PIPE W/ YPC MARKED "MULT. CO. SURVEY" - FLUSH	SN 53425
46	220+86.65	0.00' RT.	1/2" IRON PIPE W/ YPC MARKED "MULT. CO. SURVEY" - FLUSH	SN 53425
47	220+86.68	30.06' LT.	1/2" IRON PIPE W/ YPC MARKED "MULT. CO. SURVEY" - FLUSH	SN 53425

* = 3/4" X 30" IRON PIPE W/ YPC MARKED "MULT. CO. SURVEY" - SET FLUSH

LEGEND:

- FOUND MULTNOMAH COUNTY MONUMENT AS DESCRIBED.
- FOUND MONUMENT AS DESCRIBED IN MONUMENT TABLE.
- SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "MULT. CO. SURVEY".
- SET 5/8" X 30" IRON ROD WITH 2" ALUMINUM CAP STAMPED "MULTNOMAH COUNTY SURVEYOR" WITH PUNCH MARK.
- ⑤ FOUND MONUMENT IDENTIFIER, SEE MONUMENT TABLE.
- B.T. BEARING TREE BOOK & PAGE REFERENCE, MULTNOMAH COUNTY SURVEY RECORDS.
- SN SURVEY NUMBER, MULTNOMAH COUNTY SURVEY RECORDS.
- W/ YPC WITH YELLOW PLASTIC CAP.
- () RECORD DATA PER COUNTY ROAD 1320 ROAD NOTES.
- - - - - APPROXIMATE LOCATION OF ORIGINAL RIGHT-OF-WAY OF COUNTY ROAD NO. 554 PER MULT. CO. ROAD BOOK 2, PAGES 418-421.
- EXISTING EDGE OF PAVEMENT OF AS-TRAVELED ROADWAY.

60573

60573

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Robert A. Hovden

OREGON
JULY 16, 1971
ROBERT A. HOVDEN
954
RENEWAL DATE: 6/30/2007

I CERTIFY THAT THIS SURVEY WAS PREPARED USING HP PRODUCT
C1692A ON CONTINENTAL JPC4M2 POLYESTER FILM.



MULTNOMAH COUNTY

DEPARTMENT OF COMMUNITY SERVICES
TRANSPORTATION DIVISION / COUNTY SURVEYOR'S OFFICE
1800 S.E. 190TH AVE., PORTLAND, OR 97233

DEVERELL ROAD NO. 5021 LEGALIZATION

ROBERT A. HOVDEN, P.L.S. COUNTY SURVEYOR

DRAFTED: SRO CHECKED: RAH SH: 5 OF 5

DATE: 6/15/2006 SCALE: 1" = 100'

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. _____

Authorizing Legalization of Deverell Road from NE Loudon Road, Easterly Approximately 2.2 Miles to NE Larch Mountain Road as County Road No. 5021.

The Multnomah County Board of Commissioners Finds:

- a. Deverell Road was established as a County Road in 1892, and maintenance and improvements have changed its location over the years.
- b. The above-described Deverell Road is a road that has been traveled and used by the public for more than 10 years in a location that does not conform to the location of the road as described in the County Records.
- c. On September 15, 2005, the Board initiated proceedings for legalizing Deverell Road in its traveled location and directed the County Surveyor to conduct a survey of the road.
- d. The County Surveyor completed the survey of the road. The County Engineer filed a written report recommending legalization of Deverell Road, except for a small portion of the original 1892 road near the one quarter corner common to Sections 5 and 8, which will be retained as is to avoid any interference with access to one abutting property to the Southwest of this corner.
- e. By Resolution 06-137, adopted on August 3, 2006, the Board set a public hearing on September 21, 2006 to consider legalization of the portion of Deverell Road.
- f. The County Surveyor provided notice of the hearing to interested parties by certified mail and by posting along the roadway in a manner consistent with ORS 368.401 – 368.426. No objections to the proposal or other information have been filed with the County Surveyor. No claims for compensation with respect to any encroaching structures on this portion of Deverell Road (ORS 368.211) have been filed with the Board.
- g. The Board has determined that legalization of said portion of Deverell Road is in the public interest.

The Multnomah County Board of Commissioners Orders:

1. That Deverell Road from NE Loudon Road No. 1982, Southerly, Easterly, and Northerly approximately 2.2 Miles to NE Larch Mountain Road No. 1320, as more particularly described in the attached Exhibit "A," is legalized as County Road No. 5021, in accordance with ORS 368.201 through ORS 368.221, and as shown on Survey No. 60573, Multnomah County Survey Records, excepting the portion of Deverell Road near the one quarter corner common to Sections 5 and 8 as noted above.
2. This Order legalizing Deverell Road to be recorded as provided under ORS 368.216(2) and ORS 368.106.

3. The County Surveyor shall prepare a new survey that identifies the excluded portion near the one quarter corner common to Sections 5 and 8, which shall be prepared and recorded as provided under ORS 368.106.

ADOPTED this 21st day of September 21, 2006.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

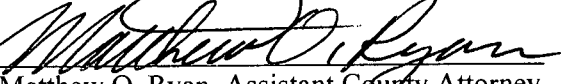
By 
Matthew O. Ryan, Assistant County Attorney

EXHIBIT "A"

DEVERELL ROAD No. 5021

A strip of land in the Southwest one-quarter and Southeast one-quarter of Section 4, Southeast one-quarter of Section 5, Northeast one-quarter of Section 8, and Northwest one-quarter of Section 9, Township 1 South, Range 5 East, Willamette Meridian, Multnomah County, Oregon, said strip of land running from the centerline of NE Loudon Road No. 1982, southerly, easterly and northerly along the centerline of the as-traveled Deverell Road to its intersection with the centerline of NE Larch Mountain Road No. 1320, said strip of land being 60 feet in width, 30 feet on each side of the following described centerline:

Beginning at Engineer's Station 0+00.00, said station being at Engineer's centerline Station 182+69.19 POT of said NE Loudon Road, said station bears N09°16'53"E, a distance of 976.73 feet from a 4-1/4" brass disc in concrete post found at the one-quarter corner common to said Sections 5 and 8;

Thence S26°51'00"E, a distance of 264.09 feet to Engineer's Station 2+64.09 PC;

Thence on a curve to the left, having a radius of 135.00 feet, through a central angle of 29°40'13" (long chord of which bears S41°41'07"E, a distance of 69.13 feet), an arc distance of 69.91 feet to Engineer's Station 3+34.00 PCC;

Thence on a curve to the left, having a radius of 250.00 feet, through a central angle of 38°27'26" (long chord of which bears S75°44'56"E, a distance of 164.67 feet), an arc distance of 167.80 feet to Engineer's Station 5+01.80 PT;

Thence N85°01'21"E, a distance of 112.68 feet to Engineer's Station 6+14.48 PC;

Thence on a curve to the right, having a radius of 160.00 feet, through a central angle of 23°44'34" (long chord of which bears S83°06'22"E, a distance of 65.83 feet), an arc distance of 66.30 feet to Engineer's Station 6+80.78 PT;

Thence S71°14'05"E, a distance of 65.67 feet to Engineer's Station 7+46.45 PC;

Thence on a curve to the left, having a radius of 460.00 feet, through a central angle of 13°54'29" (long chord of which bears S78°11'19"E, a distance of 111.39 feet), an arc distance of 111.66 feet to Engineer's Station 8+58.11 PT;

Thence S85°08'34"E, a distance of 50.42 feet to Engineer's Station 9+08.53 PC;

Thence on a curve to the right, having a radius of 140.00 feet, through a central angle of 39°13'08" (long chord of which bears S65°31'59"E, a distance of 93.97 feet), an arc distance of 95.83 feet to Engineer's Station 10+04.36 PT;

Thence S45°55'25"E, a distance of 47.76 feet to Engineer's Station 10+52.13 PC;

Thence on a curve to the left, having a radius of 350.00 feet, through a central angle of 12°47'11" (long chord of which bears S52°19'01"E, a distance of 77.95 feet), an arc distance of 78.11 feet to Engineer's Station 11+30.24 PT;

Thence S58°42'36"E, a distance of 47.93 feet to Engineer's Station 11+78.17 PC;

Thence on a curve to the left, having a radius of 1,300.00 feet, through a central angle of $4^{\circ}31'49''$ (long chord of which bears $S60^{\circ}58'31''E$, a distance of 102.76 feet), an arc distance of 102.79 feet to Engineer's Station 12+80.96 PRC;

Thence on a curve to the right, having a radius of 130.00 feet, through a central angle of $17^{\circ}14'26''$ (long chord of which bears $S54^{\circ}37'12''E$, a distance of 38.97 feet), an arc distance of 39.12 feet to Engineer's Station 13+20.07 PCC;

Thence on a curve to the right, having a radius of 35.00 feet, through a central angle of $97^{\circ}55'23''$ (long chord of which bears $S02^{\circ}57'43''W$, a distance of 52.80 feet), an arc distance of 59.82 feet to Engineer's Station 13+79.89 PCC;

Thence on a curve to the right, having a radius of 80.00 feet, through a central angle of $38^{\circ}35'32''$ (long chord of which bears $S71^{\circ}13'10''W$, a distance of 52.87 feet), an arc distance of 53.88 feet to Engineer's Station 14+33.78 PCC;

Thence on a curve to the right, having a radius of 435.00 feet, through a central angle of $6^{\circ}01'17''$ (long chord of which bears $N86^{\circ}28'25''W$, a distance of 45.70 feet), an arc distance of 45.72 feet to Engineer's Station 14+79.49 PT;

Thence $N83^{\circ}27'46''W$, a distance of 99.90 feet to Engineer's Station 15+79.39 PC;

Thence on a curve to the left, having a radius of 340.00 feet, through a central angle of $62^{\circ}40'33''$ (long chord of which bears $S65^{\circ}11'57''W$, a distance of 353.66 feet), an arc distance of 371.93 feet to Engineer's Station 19+51.32 PT;

Thence $S33^{\circ}51'41''W$, a distance of 62.50 feet to Engineer's Station 20+13.82 PC;

Thence on a curve to the right, having a radius of 140.00 feet, through a central angle of $66^{\circ}47'14''$ (long chord of which bears $S67^{\circ}15'18''W$, a distance of 154.11 feet), an arc distance of 163.19 feet to Engineer's Station 21+77.02 PT;

Thence $N79^{\circ}21'05''W$, a distance of 83.24 feet to Engineer's Station 22+60.26 PC;

Thence on a curve to the left, having a radius of 250.00 feet, through a central angle of $15^{\circ}12'02''$ (long chord of which bears $N86^{\circ}57'06''W$, a distance of 66.13 feet), an arc distance of 66.32 feet to Engineer's Station 23+26.58 PT;

Thence $S85^{\circ}26'54''W$, a distance of 67.10 feet to Engineer's Station 23+93.68 PC;

Thence on a curve to the right, having a radius of 400.00 feet, through a central angle of $4^{\circ}39'16''$ (long chord of which bears $S87^{\circ}46'32''W$, a distance of 32.49 feet), an arc distance of 32.49 feet to Engineer's Station 24+26.18 PT;

Thence $N89^{\circ}53'50''W$, a distance of 96.48 feet to Engineer's Station 25+22.66 PC;

Thence on a curve to the left, having a radius of 300.00 feet, through a central angle of $19^{\circ}42'26''$ (long chord of which bears $S79^{\circ}22'26''W$, a distance of 102.68 feet), an arc distance of 103.19 feet to Engineer's Station 26+25.84 PCC;

Thence on a curve to the left, having a radius of 70.00 feet, through a central angle of $25^{\circ}08'40''$ (long chord of which bears $S56^{\circ}56'53''W$, a distance of 30.47 feet), an arc distance of 30.72 feet to Engineer's

Station 26+56.56 PCC, from which said one-quarter common to Sections 5 and 8 bears S60°10'50"W, a distance of 68.92 feet;

Thence on a curve to the left, having a radius of 35.00 feet, through a central angle of 120°09'02" (long chord of which bears S15°41'58"E, a distance of 60.67 feet), an arc distance of 73.40 feet to Engineer's Station 27+29.96 PCC;

Thence on a curve to the left, having a radius of 55.00 feet, through a central angle of 30°49'31" (long chord of which bears N88°48'45"E, a distance of 29.23 feet), an arc distance of 29.59 feet to Engineer's Station 27+59.55 PT;

Thence N73°24'00"E, a distance of 34.44 feet to Engineer's Station 27+93.99 PC;

Thence on a curve to the right, having a radius of 150.00 feet, through a central angle of 14°10'20" (long chord of which bears N80°29'10"E, a distance of 37.01 feet), an arc distance of 37.10 feet to Engineer's Station 28+31.09 PT;

Thence N87°34'20"E, a distance of 106.36 feet to Engineer's Station 29+37.45 PC;

Thence on a curve to the right, having a radius of 215.00 feet, through a central angle of 34°12'27" (long chord of which bears S75°19'27"E, a distance of 126.46 feet), an arc distance of 128.36 feet to Engineer's Station 30+65.81 PT;

Thence S58°13'13"E, a distance of 53.72 feet to Engineer's Station 31+19.53 PC;

Thence on a curve to the left, having a radius of 200.00 feet, through a central angle of 49°42'19" (long chord of which bears S83°04'23"E, a distance of 168.11 feet), an arc distance of 173.50 feet to Engineer's Station 32+93.04 PT;

Thence N72°04'27"E, a distance of 206.37 feet to Engineer's Station 34+99.41 PC;

Thence on a curve to the right, having a radius of 200.00 feet, through a central angle of 17°19'44" (long chord of which bears N80°44'19"E, a distance of 60.26 feet), an arc distance of 60.49 feet to Engineer's Station 35+59.90 PT;

Thence N89°24'12"E, a distance of 537.52 feet to Engineer's Station 40+97.42 PC, from which a 4" brass disc in concrete post found at the East one-sixteenth corner common to said Sections 5 and 8 bears S83°59'49"W, a distance of 69.47 feet;

Thence on a curve to the right, having a radius of 10,000.00 feet, through a central angle of 0°46'46" (long chord of which bears N89°47'35"E, a distance of 136.06 feet), an arc distance of 136.06 feet to Engineer's Station 42+33.48 PT;

Thence S89°49'02"E, a distance of 711.41 feet to Engineer's Station 49+44.88 PC;

Thence on a curve to the right, having a radius of 2,000.00 feet, through a central angle of 2°15'30" (long chord of which bears S88°41'17"E, a distance of 78.82 feet), an arc distance of 78.83 feet to Engineer's Station 50+23.71 PT;

Thence S87°33'33"E, a distance of 576.81 feet to Engineer's Station 56+00.52 PC, from which a 4" brass disc in concrete post found at the corner common to said Sections 4, 5, 8 and 9 bears N87°50'56"W, a distance of 231.71 feet;

Thence on a curve to the left, having a radius of 4,000.00 feet, through a central angle of $1^{\circ}19'42''$ (long chord of which bears $S88^{\circ}13'24''E$, a distance of 92.73 feet), an arc distance of 92.73 feet to Engineer's Station 56+93.25 PT;

Thence $S88^{\circ}53'14''E$, a distance of 791.49 feet to Engineer's Station 64+84.74 PC;
Thence on a curve to the left, having a radius of 4,000.00 feet, through a central angle of $2^{\circ}11'54''$ (long chord of which bears $S89^{\circ}59'11''E$, a distance of 153.46 feet), an arc distance of 153.47 feet to Engineer's Station 66+38.21 PT;

Thence $N88^{\circ}54'52''E$, a distance of 348.07 feet to Engineer's Station 69+86.28 PC;

Thence on a curve to the left, having a radius of 900.00 feet, through a central angle of $14^{\circ}47'39''$ (long chord of which bears $N81^{\circ}31'02''E$, a distance of 231.74 feet), an arc distance of 232.39 feet to Engineer's Station 72+18.66 PT;

Thence $N74^{\circ}07'12''E$, a distance of 286.79 feet to Engineer's Station 75+05.45 PC;

Thence on a curve to the left, having a radius of 250.00 feet, through a central angle of $31^{\circ}21'59''$ (long chord of which bears $N58^{\circ}26'13''E$, a distance of 135.16 feet), an arc distance of 136.86 feet to Engineer's Station 76+42.32 PT;

Thence $N42^{\circ}45'13''E$, a distance of 112.51 feet to Engineer's Station 77+54.82 PC, from which a 4" brass disc in concrete post found at the one-quarter corner common to said Sections 4 and 9 bears $S48^{\circ}09'17''E$, a distance of 461.31 feet;

Thence on a curve to the right, having a radius of 350.00 feet, through a central angle of $18^{\circ}12'59''$ (long chord of which bears $N51^{\circ}51'43''E$, a distance of 110.81 feet), an arc distance of 111.28 feet to Engineer's Station 78+66.10 PT;

Thence $N60^{\circ}58'12''E$, a distance of 181.57 feet to Engineer's Station 80+47.67 PC;

Thence on a curve to the left, having a radius of 140.00 feet, through a central angle of $61^{\circ}28'00''$ (long chord of which bears $N30^{\circ}14'12''E$, a distance of 143.09 feet), an arc distance of 150.19 feet to Engineer's Station 81+97.86 PT;

Thence $N00^{\circ}29'48''W$, a distance of 435.94 feet to Engineer's Station 86+33.81 PC;

Thence on a curve to the right, having a radius of 125.00 feet, through a central angle of $68^{\circ}16'18''$ (long chord of which bears $N33^{\circ}38'20''E$, a distance of 140.29 feet), an arc distance of 148.95 feet to Engineer's Station 87+82.75 PT;

Thence $N67^{\circ}46'29''E$, a distance of 117.54 feet to Engineer's Station 89+00.29 PC;

Thence on a curve to the left, having a radius of 550.00 feet, through a central angle of $4^{\circ}32'09''$ (long chord of which bears $N65^{\circ}30'25''E$, a distance of 43.53 feet), an arc distance of 43.54 feet to Engineer's Station 89+43.83 PT;

Thence $N63^{\circ}14'21''E$, a distance of 77.69 feet to Engineer's Station 90+21.52 PC;

Thence on a curve to the right, having a radius of 750.00 feet, through a central angle of $7^{\circ}59'13''$ (long chord of which bears $N67^{\circ}13'57''E$, a distance of 104.46 feet), an arc distance of 104.55 feet to Engineer's Station 91+26.07 PT;

Thence N71°13'33"E, a distance of 57.96 feet to Engineer's Station 91+84.03 PC;

Thence on a curve to the left, having a radius of 400.00 feet, through a central angle of 24°09'35" (long chord of which bears N59°08'46"E, a distance of 167.42 feet), an arc distance of 168.67 feet to Engineer's Station 93+52.69 PT;

Thence N47°03'58"E, a distance of 107.04 feet to Engineer's Station 94+59.73 PC;

Thence on a curve to the right, having a radius of 330.00 feet, through a central angle of 41°12'47" (long chord of which bears N67°40'22"E, a distance of 232.29 feet), an arc distance of 237.37 feet to Engineer's Station 96+97.10 PT;

Thence N88°16'45"E, a distance of 127.15 feet to Engineer's Station 98+24.25 PC;

Thence on a curve to the left, having a radius of 64.00 feet, through a central angle of 149°33'35" (long chord of which bears N13°29'58"E, a distance of 123.51 feet), an arc distance of 167.06 feet to Engineer's Station 99+91.31 PT;

Thence N61°16'50"W, a distance of 131.07 feet to Engineer's Station 101+22.38 PC;

Thence on a curve to the left, having a radius of 300.00 feet, through a central angle of 33°50'45" (long chord of which bears N78°12'13"W, a distance of 174.65 feet), an arc distance of 177.22 feet to Engineer's Station 102+99.60 PT;

Thence S84°52'25"W, a distance of 161.90 feet to Engineer's Station 104+61.50 PC;

Thence on a curve to the right, having a radius of 1,700.00 feet, through a central angle of 3°09'01" (long chord of which bears S86°26'55"W, a distance of 93.46 feet), an arc distance of 93.47 feet to Engineer's Station 105+54.97 PT;

Thence S88°01'26"W, a distance of 345.46 feet to Engineer's Station 109+00.43 PC;

Thence on a curve to the right, having a radius of 235.00 feet, through a central angle of 20°35'03" (long chord of which bears N81°41'03"W, a distance of 83.97 feet), an arc distance of 84.43 feet to Engineer's Station 109+84.85 PCC;

Thence on a curve to the right, having a radius of 85.00 feet, through a central angle of 71°36'12" (long chord of which bears N35°35'26"W, a distance of 99.45 feet), an arc distance of 106.23 feet to Engineer's Station 110+91.08 PT;

Thence N00°12'40"E, a distance of 477.41 feet to Engineer's Station 115+68.49 and the terminus of Deverell Road No. 5021, which equals Engineer's centerline Station 208+40.63 POT of said NE Larch Mountain Road, said terminus being S00°14'01"W, a distance of 336.09 feet from a 4" brass disc in concrete post found at the center one-quarter corner of said Section 4;

The heretofore description is written and based on a survey by Robert A. Hovden, Multnomah County Surveyor, recorded as Survey Number 60573, Multnomah County Survey Records, and by said reference is hereby made a part thereof.

EXCEPT and save that portion of the original Deverell Road, County Road No. 554, described as follows:

A strip of land 60 feet in width, being 30 feet on each side of the following described centerline:

Beginning at a point on the centerline of said Deverell Road, County Road No. 554, said point being $N63^{\circ}09'06''E$ (record = $N62^{\circ}30'E$), a distance of 54.07 feet from a 4-1/4" brass disc in concrete post found at the one-quarter corner common to Sections 5 and 8, Township 1 South, Range 5 East, Willamette Meridian, Multnomah County, Oregon;

Thence $S63^{\circ}09'06''W$, along said centerline, a distance of 54.07 feet to said one-quarter corner common to Sections 5 and 8;

Thence $S89^{\circ}28'54''E$, along the line common to said Sections 5 and 8, a distance of 33.92 feet to the terminus of said exception and saved portion of the original Deverell Road, County Road No. 554.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. 06-161

Authorizing Legalization of Deverell Road from NE Loudon Road, Easterly Approximately 2.2 Miles to NE Larch Mountain Road as County Road No. 5021

The Multnomah County Board of Commissioners Finds:

- a. Deverell Road was established as a County Road in 1892, and maintenance and improvements have changed its location over the years.
- b. The above-described Deverell Road is a road that has been traveled and used by the public for more than 10 years in a location that does not conform to the location of the road as described in the County Records.
- c. On September 15, 2005, the Board initiated proceedings for legalizing Deverell Road in its traveled location and directed the County Surveyor to conduct a survey of the road.
- d. The County Surveyor completed the survey of the road. The County Engineer filed a written report recommending legalization of Deverell Road, except for a small portion of the original 1892 road near the one quarter corner common to Sections 5 and 8, which will be retained as is to avoid any interference with access to one abutting property to the Southwest of this corner.
- e. By Resolution 06-137, adopted on August 3, 2006, the Board set a public hearing on September 21, 2006 to consider legalization of the portion of Deverell Road.
- f. The County Surveyor provided notice of the hearing to interested parties by certified mail and by posting along the roadway in a manner consistent with ORS 368.401 – 368.426. No objections to the proposal or other information have been filed with the County Surveyor. No claims for compensation with respect to any encroaching structures on this portion of Deverell Road (ORS 368.211) have been filed with the Board.
- g. The Board has determined that legalization of said portion of Deverell Road is in the public interest.

The Multnomah County Board of Commissioners Orders:


1. That Deverell Road from NE Loudon Road No. 1982, Southerly, Easterly, and Northerly approximately 2.2 Miles to NE Larch Mountain Road No. 1320, as more particularly described in the attached Exhibit "A," is legalized as County Road No. 5021, in accordance with ORS 368.201 through ORS 368.221, and as shown on Survey No. 60573, Multnomah County Survey Records, excepting the portion of Deverell Road near the one quarter corner common to Sections 5 and 8 as noted above.
2. This Order legalizing Deverell Road to be recorded as provided under ORS 368.216(2) and ORS 368.106.

3. The County Surveyor shall prepare a new survey that identifies the excluded portion near the one quarter corner common to Sections 5 and 8, which shall be prepared and recorded as provided under ORS 368.106.

ADOPTED this 21st day of September 21, 2006.



AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

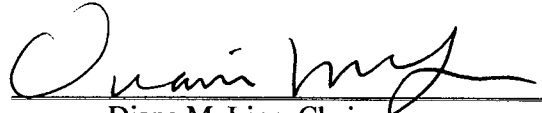

Diane M. Linn, Chair

EXHIBIT "A"

DEVERELL ROAD No. 5021

A strip of land in the Southwest one-quarter and Southeast one-quarter of Section 4, Southeast one-quarter of Section 5, Northeast one-quarter of Section 8, and Northwest one-quarter of Section 9, Township 1 South, Range 5 East, Willamette Meridian, Multnomah County, Oregon, said strip of land running from the centerline of NE Loudon Road No. 1982, southerly, easterly and northerly along the centerline of the as-traveled Deverell Road to its intersection with the centerline of NE Larch Mountain Road No. 1320, said strip of land being 60 feet in width, 30 feet on each side of the following described centerline:

Beginning at Engineer's Station 0+00.00, said station being at Engineer's centerline Station 182+69.19 POT of said NE Loudon Road, said station bears N09°16'53"E, a distance of 976.73 feet from a 4-1/4" brass disc in concrete post found at the one-quarter corner common to said Sections 5 and 8;

Thence S26°51'00"E, a distance of 264.09 feet to Engineer's Station 2+64.09 PC;

Thence on a curve to the left, having a radius of 135.00 feet, through a central angle of 29°40'13" (long chord of which bears S41°41'07"E, a distance of 69.13 feet), an arc distance of 69.91 feet to Engineer's Station 3+34.00 PCC;

Thence on a curve to the left, having a radius of 250.00 feet, through a central angle of 38°27'26" (long chord of which bears S75°44'56"E, a distance of 164.67 feet), an arc distance of 167.80 feet to Engineer's Station 5+01.80 PT;

Thence N85°01'21"E, a distance of 112.68 feet to Engineer's Station 6+14.48 PC;

Thence on a curve to the right, having a radius of 160.00 feet, through a central angle of 23°44'34" (long chord of which bears S83°06'22"E, a distance of 65.83 feet), an arc distance of 66.30 feet to Engineer's Station 6+80.78 PT;

Thence S71°14'05"E, a distance of 65.67 feet to Engineer's Station 7+46.45 PC;

Thence on a curve to the left, having a radius of 460.00 feet, through a central angle of 13°54'29" (long chord of which bears S78°11'19"E, a distance of 111.39 feet), an arc distance of 111.66 feet to Engineer's Station 8+58.11 PT;

Thence S85°08'34"E, a distance of 50.42 feet to Engineer's Station 9+08.53 PC;

Thence on a curve to the right, having a radius of 140.00 feet, through a central angle of 39°13'08" (long chord of which bears S65°31'59"E, a distance of 93.97 feet), an arc distance of 95.83 feet to Engineer's Station 10+04.36 PT;

Thence S45°55'25"E, a distance of 47.76 feet to Engineer's Station 10+52.13 PC;

Thence on a curve to the left, having a radius of 350.00 feet, through a central angle of 12°47'11" (long chord of which bears S52°19'01"E, a distance of 77.95 feet), an arc distance of 78.11 feet to Engineer's Station 11+30.24 PT;

Thence S58°42'36"E, a distance of 47.93 feet to Engineer's Station 11+78.17 PC;

Thence on a curve to the left, having a radius of 1,300.00 feet, through a central angle of 4°31'49" (long chord of which bears S60°58'31"E, a distance of 102.76 feet), an arc distance of 102.79 feet to Engineer's Station 12+80.96 PRC;

Thence on a curve to the right, having a radius of 130.00 feet, through a central angle of 17°14'26" (long chord of which bears S54°37'12"E, a distance of 38.97 feet), an arc distance of 39.12 feet to Engineer's Station 13+20.07 PCC;

Thence on a curve to the right, having a radius of 35.00 feet, through a central angle of 97°55'23" (long chord of which bears S02°57'43"W, a distance of 52.80 feet), an arc distance of 59.82 feet to Engineer's Station 13+79.89 PCC;

Thence on a curve to the right, having a radius of 80.00 feet, through a central angle of 38°35'32" (long chord of which bears S71°13'10"W, a distance of 52.87 feet), an arc distance of 53.88 feet to Engineer's Station 14+33.78 PCC;

Thence on a curve to the right, having a radius of 435.00 feet, through a central angle of 6°01'17" (long chord of which bears N86°28'25"W, a distance of 45.70 feet), an arc distance of 45.72 feet to Engineer's Station 14+79.49 PT;

Thence N83°27'46"W, a distance of 99.90 feet to Engineer's Station 15+79.39 PC;

Thence on a curve to the left, having a radius of 340.00 feet, through a central angle of 62°40'33" (long chord of which bears S65°11'57"W, a distance of 353.66 feet), an arc distance of 371.93 feet to Engineer's Station 19+51.32 PT;

Thence S33°51'41"W, a distance of 62.50 feet to Engineer's Station 20+13.82 PC;

Thence on a curve to the right, having a radius of 140.00 feet, through a central angle of 66°47'14" (long chord of which bears S67°15'18"W, a distance of 154.11 feet), an arc distance of 163.19 feet to Engineer's Station 21+77.02 PT;

Thence N79°21'05"W, a distance of 83.24 feet to Engineer's Station 22+60.26 PC;

Thence on a curve to the left, having a radius of 250.00 feet, through a central angle of 15°12'02" (long chord of which bears N86°57'06"W, a distance of 66.13 feet), an arc distance of 66.32 feet to Engineer's Station 23+26.58 PT;

Thence S85°26'54"W, a distance of 67.10 feet to Engineer's Station 23+93.68 PC;

Thence on a curve to the right, having a radius of 400.00 feet, through a central angle of 4°39'16" (long chord of which bears S87°46'32"W, a distance of 32.49 feet), an arc distance of 32.49 feet to Engineer's Station 24+26.18 PT;

Thence N89°53'50"W, a distance of 96.48 feet to Engineer's Station 25+22.66 PC;

Thence on a curve to the left, having a radius of 300.00 feet, through a central angle of $19^{\circ}42'26''$ (long chord of which bears $S79^{\circ}22'26''W$, a distance of 102.68 feet), an arc distance of 103.19 feet to Engineer's Station 26+25.84 PCC;

Thence on a curve to the left, having a radius of 70.00 feet, through a central angle of $25^{\circ}08'40''$ (long chord of which bears $S56^{\circ}56'53''W$, a distance of 30.47 feet), an arc distance of 30.72 feet to Engineer's Station 26+56.56 PCC, from which said one-quarter common to Sections 5 and 8 bears $S60^{\circ}10'50''W$, a distance of 68.92 feet;

Thence on a curve to the left, having a radius of 35.00 feet, through a central angle of $120^{\circ}09'02''$ (long chord of which bears $S15^{\circ}41'58''E$, a distance of 60.67 feet), an arc distance of 73.40 feet to Engineer's Station 27+29.96 PCC;

Thence on a curve to the left, having a radius of 55.00 feet, through a central angle of $30^{\circ}49'31''$ (long chord of which bears $N88^{\circ}48'45''E$, a distance of 29.23 feet), an arc distance of 29.59 feet to Engineer's Station 27+59.55 PT;

Thence $N73^{\circ}24'00''E$, a distance of 34.44 feet to Engineer's Station 27+93.99 PC;

Thence on a curve to the right, having a radius of 150.00 feet, through a central angle of $14^{\circ}10'20''$ (long chord of which bears $N80^{\circ}29'10''E$, a distance of 37.01 feet), an arc distance of 37.10 feet to Engineer's Station 28+31.09 PT;

Thence $N87^{\circ}34'20''E$, a distance of 106.36 feet to Engineer's Station 29+37.45 PC;

Thence on a curve to the right, having a radius of 215.00 feet, through a central angle of $34^{\circ}12'27''$ (long chord of which bears $S75^{\circ}19'27''E$, a distance of 126.46 feet), an arc distance of 128.36 feet to Engineer's Station 30+65.81 PT;

Thence $S58^{\circ}13'13''E$, a distance of 53.72 feet to Engineer's Station 31+19.53 PC;

Thence on a curve to the left, having a radius of 200.00 feet, through a central angle of $49^{\circ}42'19''$ (long chord of which bears $S83^{\circ}04'23''E$, a distance of 168.11 feet), an arc distance of 173.50 feet to Engineer's Station 32+93.04 PT;

Thence $N72^{\circ}04'27''E$, a distance of 206.37 feet to Engineer's Station 34+99.41 PC;

Thence on a curve to the right, having a radius of 200.00 feet, through a central angle of $17^{\circ}19'44''$ (long chord of which bears $N80^{\circ}44'19''E$, a distance of 60.26 feet), an arc distance of 60.49 feet to Engineer's Station 35+59.90 PT;

Thence $N89^{\circ}24'12''E$, a distance of 537.52 feet to Engineer's Station 40+97.42 PC, from which a 4" brass disc in concrete post found at the East one-sixteenth corner common to said Sections 5 and 8 bears $S83^{\circ}59'49''W$, a distance of 69.47 feet;

Thence on a curve to the right, having a radius of 10,000.00 feet, through a central angle of $0^{\circ}46'46''$ (long chord of which bears $N89^{\circ}47'35''E$, a distance of 136.06 feet), an arc distance of 136.06 feet to Engineer's Station 42+33.48 PT;

Thence S89°49'02"E, a distance of 711.41 feet to Engineer's Station 49+44.88 PC;

Thence on a curve to the right, having a radius of 2,000.00 feet, through a central angle of 2°15'30" (long chord of which bears S88°41'17"E, a distance of 78.82 feet), an arc distance of 78.83 feet to Engineer's Station 50+23.71 PT;

Thence S87°33'33"E, a distance of 576.81 feet to Engineer's Station 56+00.52 PC, from which a 4" brass disc in concrete post found at the corner common to said Sections 4, 5, 8 and 9 bears N87°50'56"W, a distance of 231.71 feet;

Thence on a curve to the left, having a radius of 4,000.00 feet, through a central angle of 1°19'42" (long chord of which bears S88°13'24"E, a distance of 92.73 feet), an arc distance of 92.73 feet to Engineer's Station 56+93.25 PT;

Thence S88°53'14"E, a distance of 791.49 feet to Engineer's Station 64+84.74 PC;
Thence on a curve to the left, having a radius of 4,000.00 feet, through a central angle of 2°11'54" (long chord of which bears S89°59'11"E, a distance of 153.46 feet), an arc distance of 153.47 feet to Engineer's Station 66+38.21 PT;

Thence N88°54'52"E, a distance of 348.07 feet to Engineer's Station 69+86.28 PC;

Thence on a curve to the left, having a radius of 900.00 feet, through a central angle of 14°47'39" (long chord of which bears N81°31'02"E, a distance of 231.74 feet), an arc distance of 232.39 feet to Engineer's Station 72+18.66 PT;

Thence N74°07'12"E, a distance of 286.79 feet to Engineer's Station 75+05.45 PC;

Thence on a curve to the left, having a radius of 250.00 feet, through a central angle of 31°21'59" (long chord of which bears N58°26'13"E, a distance of 135.16 feet), an arc distance of 136.86 feet to Engineer's Station 76+42.32 PT;

Thence N42°45'13"E, a distance of 112.51 feet to Engineer's Station 77+54.82 PC, from which a 4" brass disc in concrete post found at the one-quarter corner common to said Sections 4 and 9 bears S48°09'17"E, a distance of 461.31 feet;

Thence on a curve to the right, having a radius of 350.00 feet, through a central angle of 18°12'59" (long chord of which bears N51°51'43"E, a distance of 110.81 feet), an arc distance of 111.28 feet to Engineer's Station 78+66.10 PT;

Thence N60°58'12"E, a distance of 181.57 feet to Engineer's Station 80+47.67 PC;

Thence on a curve to the left, having a radius of 140.00 feet, through a central angle of 61°28'00" (long chord of which bears N30°14'12"E, a distance of 143.09 feet), an arc distance of 150.19 feet to Engineer's Station 81+97.86 PT;

Thence N00°29'48"W, a distance of 435.94 feet to Engineer's Station 86+33.81 PC;

Thence on a curve to the right, having a radius of 125.00 feet, through a central angle of $68^{\circ}16'18''$ (long chord of which bears $N33^{\circ}38'20''E$, a distance of 140.29 feet), an arc distance of 148.95 feet to Engineer's Station 87+82.75 PT;

Thence $N67^{\circ}46'29''E$, a distance of 117.54 feet to Engineer's Station 89+00.29 PC;

Thence on a curve to the left, having a radius of 550.00 feet, through a central angle of $4^{\circ}32'09''$ (long chord of which bears $N65^{\circ}30'25''E$, a distance of 43.53 feet), an arc distance of 43.54 feet to Engineer's Station 89+43.83 PT;

Thence $N63^{\circ}14'21''E$, a distance of 77.69 feet to Engineer's Station 90+21.52 PC;

Thence on a curve to the right, having a radius of 750.00 feet, through a central angle of $7^{\circ}59'13''$ (long chord of which bears $N67^{\circ}13'57''E$, a distance of 104.46 feet), an arc distance of 104.55 feet to Engineer's Station 91+26.07 PT;

Thence $N71^{\circ}13'33''E$, a distance of 57.96 feet to Engineer's Station 91+84.03 PC;

Thence on a curve to the left, having a radius of 400.00 feet, through a central angle of $24^{\circ}09'35''$ (long chord of which bears $N59^{\circ}08'46''E$, a distance of 167.42 feet), an arc distance of 168.67 feet to Engineer's Station 93+52.69 PT;

Thence $N47^{\circ}03'58''E$, a distance of 107.04 feet to Engineer's Station 94+59.73 PC;

Thence on a curve to the right, having a radius of 330.00 feet, through a central angle of $41^{\circ}12'47''$ (long chord of which bears $N67^{\circ}40'22''E$, a distance of 232.29 feet), an arc distance of 237.37 feet to Engineer's Station 96+97.10 PT;

Thence $N88^{\circ}16'45''E$, a distance of 127.15 feet to Engineer's Station 98+24.25 PC;

Thence on a curve to the left, having a radius of 64.00 feet, through a central angle of $149^{\circ}33'35''$ (long chord of which bears $N13^{\circ}29'58''E$, a distance of 123.51 feet), an arc distance of 167.06 feet to Engineer's Station 99+91.31 PT;

Thence $N61^{\circ}16'50''W$, a distance of 131.07 feet to Engineer's Station 101+22.38 PC;

Thence on a curve to the left, having a radius of 300.00 feet, through a central angle of $33^{\circ}50'45''$ (long chord of which bears $N78^{\circ}12'13''W$, a distance of 174.65 feet), an arc distance of 177.22 feet to Engineer's Station 102+99.60 PT;

Thence $S84^{\circ}52'25''W$, a distance of 161.90 feet to Engineer's Station 104+61.50 PC;

Thence on a curve to the right, having a radius of 1,700.00 feet, through a central angle of $3^{\circ}09'01''$ (long chord of which bears $S86^{\circ}26'55''W$, a distance of 93.46 feet), an arc distance of 93.47 feet to Engineer's Station 105+54.97 PT;

Thence $S88^{\circ}01'26''W$, a distance of 345.46 feet to Engineer's Station 109+00.43 PC;

Thence on a curve to the right, having a radius of 235.00 feet, through a central angle of $20^{\circ}35'03''$ (long chord of which bears $N81^{\circ}41'03''W$, a distance of 83.97 feet), an arc distance of 84.43 feet to Engineer's Station 109+84.85 PCC;

Thence on a curve to the right, having a radius of 85.00 feet, through a central angle of $71^{\circ}36'12''$ (long chord of which bears $N35^{\circ}35'26''W$, a distance of 99.45 feet), an arc distance of 106.23 feet to Engineer's Station 110+91.08 PT;

Thence $N00^{\circ}12'40''E$, a distance of 477.41 feet to Engineer's Station 115+68.49 and the terminus of Deverell Road No. 5021, which equals Engineer's centerline Station 208+40.63 POT of said NE Larch Mountain Road, said terminus being $S00^{\circ}14'01''W$, a distance of 336.09 feet from a 4" brass disc in concrete post found at the center one-quarter corner of said Section 4;

The heretofore description is written and based on a survey by Robert A. Hovden, Multnomah County Surveyor, recorded as Survey Number 60573, Multnomah County Survey Records, and by said reference is hereby made a part thereof.

EXCEPT and save that portion of the original Deverell Road, County Road No. 554, described as follows:

A strip of land 60 feet in width, being 30 feet on each side of the following described centerline:

Beginning at a point on the centerline of said Deverell Road, County Road No. 554, said point being $N63^{\circ}09'06''E$ (record = $N62^{\circ}30'E$), a distance of 54.07 feet from a 4-1/4" brass disc in concrete post found at the one-quarter corner common to Sections 5 and 8, Township 1 South, Range 5 East, Willamette Meridian, Multnomah County, Oregon;

Thence $S63^{\circ}09'06''W$, along said centerline, a distance of 54.07 feet to said one-quarter corner common to Sections 5 and 8;

Thence $S89^{\circ}28'54''E$, along the line common to said Sections 5 and 8, a distance of 33.92 feet to the terminus of said exception and saved portion of the original Deverell Road, County Road No. 554.



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 09/21/06
Agenda Item #: R-10
Est. Start Time: 9:56 AM
Date Submitted: 08/14/06

BUDGET MODIFICATION: -

PUBLIC HEARING and Consideration of ORDER Authorizing Legalization of
Agenda Sweetbriar Road from SE Troutdale Road, Easterly Approximately 1.1 Miles to
Title: SE Kerslake Road, as County Road No. 5022

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

Date Requested:	September 21, 2006	Time Requested:	5 minutes
Department:	Community Services	Division:	Land Use & Transportation
Contact(s):	Robert Maestre, Deputy Director Robert Hovden, County Surveyor		
Phone:	(503) 988-5001	Ext.	85001
I/O Address:	455/2/224		
Presenter(s):	Robert Maestre and Robert Hovden		

General Information

1. What action are you requesting from the Board?

Public hearing for the consideration of the legalization of Sweetbriar Road and approve an order legalizing this road in its as-traveled location if the Board determines it is in the best interest of the public.

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

Sweetbriar Road was established as County Road No. 484 in 1889, and maintenance and improvements have changed its location over the years. On November 3, 2005, the Board of County Commissioners initiated proceedings for legalizing Sweetbriar Road and directed the road to be surveyed in its traveled location. On August 3, 2006, the board set a hearing date of September 21, 2006 for the consideration of the legalization of Sweetbriar Road in its as-traveled location. The survey and documentation will be ready for a September 21, 2006 public hearing.

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

Cost to road fund for costs of the legalization process.

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

This legalization is following procedures as required by ORS 368.201 to 368.221.

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

All adjacent property owners have been served legal notice of the public hearing to consider this legalization and notice has been posted in the area as required by ORS 368.206(1)(c). All adjacent property owners will have an opportunity to express their concerns in writing or at the public hearing.

Required Signatures

**Department/
Agency Director:**



Date: 08/10/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:



Department of Community Services
MULTNOMAH COUNTY OREGON

Land Use and Transportation Program
1600 SE 190th Avenue
Portland, Oregon 97233-5910
(503) 988-5050

August 10, 2006

Board of County Commissioners
501 SE Hawthorne Blvd
Portland, OR 97214

RE: County Engineer's Report for Legalization of Sweetbriar Road No. 5022

Dear Commissioners:

The Department of Community Services - Land Use and Transportation Program has completed preliminary proceedings for legalization of Sweetbriar Road. The existing road as-traveled and used for more than ten years does not conform to the location of the road as described in the County Records. Sweetbriar Road was first established in 1889 as County Road No. 484. Maintenance and improvements have changed its location over the years.

The County Surveyor has completed the survey of the road as-traveled and the final map and description have been prepared. A letter and a map showing their property has been sent to all the property owners along this road. The right-of-way was set at the standard county road width of 60 feet. No structures are within the right-of-way except for some fences and gates, which will be allowed to stay.

Written notice of the proceedings for legalization has been mailed to all abutting property owners by certified mail and the notice has been posted along Sweetbriar Road as required by ORS 368.206 (B)(c).

The County Engineer is requesting that the Board of County Commissioners approve an Order legalizing Sweetbriar Road as it is now as-traveled and shown in its true location on the final map, together with the property dedicated as street by Document No. 98-080182, Multnomah County Deed Records and the street dedication at the Southwest corner of the plat of Estates at Riverbend, Multnomah County Plat Records.

Very truly yours,

A handwritten signature in black ink, which appears to read "Stan M. Ghezzi".

Stan M. Ghezzi, P.E.
Acting County Engineer

In the matter of the legalization)
Sweetbriar Road, No. 5022)
_____)

AFFIDAVIT OF
ROBERT A. HOVDEN RELATING
TO NOTICE PROCEDURE PURSUANT
TO ORS 368.421

1) I, Robert A. Hovden, P.L.S., do hereby state that I am the County Surveyor for
Multnomah County, Oregon.

2) I certify that notice was served of the public hearing on the legalization of Sweetbriar
Road, County Road No. 5022, to the following persons or agencies:

BAKER WILLIAM W & BAKER FLORENCE E; DOBRINSKI VOLNEY J & JOANNE K; MUSTAIN LARRY
W & MUSTAIN DEBORAH A; BEACHELL JAMES G; GRIESSMANN TOMAS; MC CRACKEN
RAYMOND J & COHN-MC CRACKEN SHARI L; BUCK CAMERON B & JULIE L; CENTEX HOMES;
FUJII JAMES M; ANDREWS THAD S & FRANCES A; MARKS TIMOTHY J; BRUNDIDGE MARILYN;
ANDREWS SCOTT I; EDIE AARON & MC FARLAND JOANN; PATTON WENDY A; MANCIN MONICA &
MANCIN JOSEF; JAMESON SHANE A; PEREZ DENNIS L & CYNTHIA R; SERRANO-VASQUEZ
VALENTIN; MCBURNEY PATRICK W & MCBURNEY OPAL E; HENRIKSON JANELLE L & KEVIN L;
FRYE ARLETHA D; MODUN BRADLEY J & PATRICIA A; SCHEIDT GARY & MARY C; LEAR DAVID S
& TAMMY M; UESATO TAS & UESATO KAREN; FISHER MICHAEL D & FISHER TERRY K; BLACK
JANELL A & RONALD W; MC KAY DANIEL & WILLIS DEANNA; KIPERS, PATRICIA A & TIMOTHY;
HOLDER RICHARD J & LILLIAN M; MILLER JEFFREY L & NANCY A; ELLIS DAVID V & ELIZABETH C;
PHILLIPS PHYLLIS R; GREY DANIEL J & KELLY D; NORLEN DONALD A & CYNTHIA K; ZURITA
DIEGO; BURNACCI EDWARD J TR & BURNACCI PAULINE TR; BECKMAN JONATHAN D & JODI L;
GLASER ROBERT G TR & GLASER MARY L TR; RIDING PAUL J & TERESE A; AND AZURE HILLS
ESTATES, HOMEOWNERS ASSOC.

3) The notice was consistent with the requirements of ORS 368.426 and included copies of
the Notice of Public Hearing (Resolution No. 06-138) and was served by certified mail return
receipt requested, to the parties identified above in Paragraph 2.

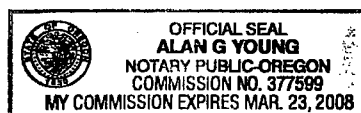
4) I further certify that on August 21, 2006, notice was posted of the public hearing on the
legalization of Sweetbriar, County Road No. 5022, at the following places:

1. On PGE Company power pole No. D13 01D 2825 on the South Side of
Sweetbriar Road near Station 8+40.
2. On PGE Company power pole No. D13 01D 03312 on the South Side of
Sweetbriar Road near Station 16+17.
3. On PGE Company power pole No. D14 6 3924 on the South Side of
Sweetbriar Road near Station 40+60.

5) The posted notice was consistent with the requirements of ORS 368.426 and included
copies of the Notice of Public Hearing (Resolution No. 06-138) posted along said road in a
manner to facilitate reading by passersby.

Robert A. Hovden
Robert A. Hovden, P.L.S., County Surveyor
Department of Community Services
Multnomah County, Oregon

Subscribed and sworn to before me this 22nd day of August, 2006.



Alan G. Young
Notary Public for Oregon
My commission expires March 23, 2008

NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO SURVEY THE EXISTING ALIGNMENT OF SWEETBRIAR ROAD FROM ITS BEGINNING AT TROUTDALE ROAD TO ITS END AT KERSLAKE ROAD, FOR LEGALIZATION PURPOSES PER O.R.S. 360.201-221.

SWEETBRIAR ROAD WAS ORIGINALLY ESTABLISHED AS COUNTY ROAD NO. 484 ON AUGUST 7, 1889 PER MULTNOMAH COUNTY ROAD BOOK 2, PAGES 260-262. THE IMPROVED ROADWAY, AS IT PRESENTLY EXISTS, NO LONGER LIES ENTIRELY WITHIN THE ORIGINALLY ESTABLISHED RIGHT-OF-WAY. THE COUNTY TRIED TO CORRECT THIS SITUATION IN 1958, AS SHOWN ON ROAD MAP A35/8, HOWEVER THIS WORK WAS NEVER FINALIZED. FROM THAT WORK TO THE PRESENT, SEVERAL PROPERTY SURVEYS AND SUBDIVISIONS HAVE USED MAP A35/8 TO ESTABLISH AND MONUMENT THE RIGHT OF WAY LINES. THIS SURVEY SEEKS TO REMEDY THIS BY LEGALIZING THE PRESENT AS-PLATTED AND AS-TRAVELED ALIGNMENT OF THE IMPROVED ROADWAY.

THE PROCEDURE USED TO CREATE THE LEGALIZED ALIGNMENT WAS TO HOLD MONUMENTS (103), (118) (BEING A 25.50' REFERENCE MONUMENT TO THE CENTERLINE ANGLE POINT), AND (120), FOR THE CENTERLINE PER MAP A35/8. FOR THE TANGENT EASTERLY FROM (120), A 37.97' OFFSET NORTHERLY (AT RIGHT ANGLES) WAS HELD FROM REFERENCE MONUMENT (145) PER MAP A35/8. FROM APPROXIMATELY STATION 32+00 EASTERLY TO KERSLAKE ROAD THE PAVEMENT EDGES OF THE PRESENT IMPROVED ROADWAY WERE TIED AND HELD AS THE BASIS OF THE NEW CENTERLINE. TANGENTS WERE FITTED TO THE STRAIGHT PORTIONS OF THE ROADWAY AND GEOMETRICALLY REGULAR CIRCULAR CURVES WERE FITTED TO ACCOMMODATE THE CURVED PORTIONS OF THE ROADWAY. ROAD RIGHT-OF-WAY EXTENDS TO 30' ON EACH SIDE OF THE CENTERLINE.

A FIELD SEARCH WAS CONDUCTED FOR ALL MONUMENTS OF RECORD ALONG THE SWEETBRIAR ROAD RIGHT-OF-WAY AND THOSE FOUND WERE TIED. FOUND MONUMENTS APPEAR ON THE DRAWING AND ARE DESCRIBED IN THE ACCOMPANYING MONUMENT TABLES.

MONUMENTS HAVE BEEN SET ALONG THE CENTERLINE AND RIGHT-OF-WAY LINES OF THE NEW ALIGNMENT OF SWEETBRIAR ROAD AS SHOWN ON THE DRAWING.

THE ALIGNMENT OF TROUTDALE ROAD IN THE VICINITY OF ITS INTERSECTION WITH SWEETBRIAR ROAD WAS DETERMINED BY HOLDING FOUND MONUMENTS (100), (101), AND (102) TO ESTABLISH THE CENTERLINE, AS SHOWN ON COUNTY ROAD MAP A11/8.

THE ALIGNMENT OF KERSLAKE ROAD IN THE VICINITY OF ITS INTERSECTION WITH SWEETBRIAR ROAD WAS DETERMINED BY HOLDING FOUND CENTERLINE P.I. MONUMENTS (145) AND (147), AND FITTING THE CENTERLINE TO THESE PER DATA SHOWN ON COUNTY ROAD MAP E1/4A.

BASIS OF BEARINGS

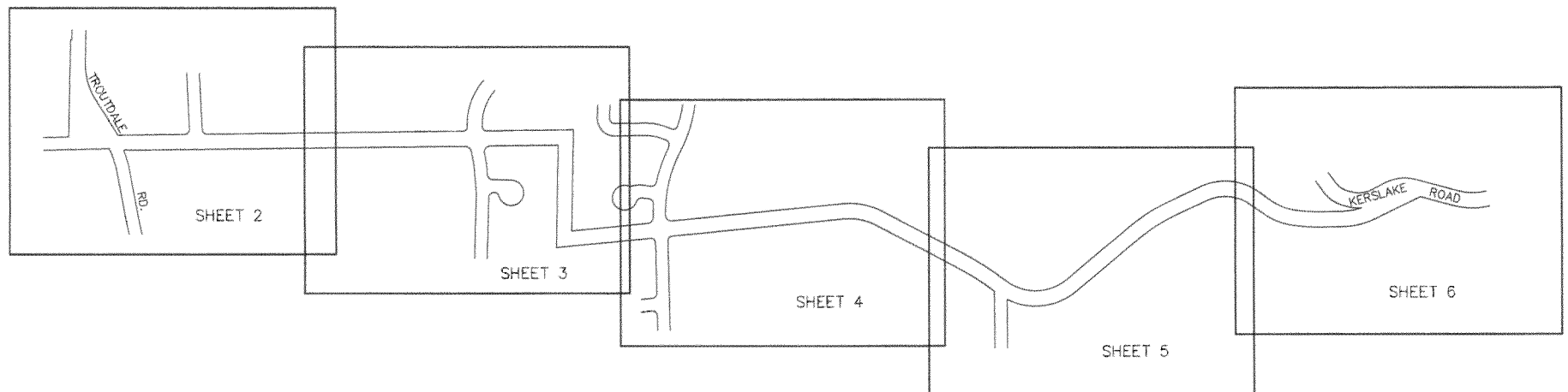
TRUE GEODETIC PER G.P.S. OBSERVATIONS.

REFERENCE SURVEYS

MULTNOMAH COUNTY SURVEY RECORDS: ROAD BOOK 2, PAGES 260-262; SN A35/8, SN E1/4A; SN A11/8;
COUNTY ROAD FIELD BOOK 35, PAGES 1-8, AND BOOK 'P' 531.

LEGEND

G.P.S. GLOBAL POSITIONING SYSTEM.
SN SURVEY NUMBER, MULTNOMAH COUNTY SURVEY RECORDS.



REGISTERED
PROFESSIONAL
LAND SURVEYOR

ROBERT A. HOVDEN
OREGON
JULY 16, 1971
ROBERT A. HOVDEN
954

RENEWAL DATE: 6/30/2007

I CERTIFY THAT THIS SURVEY WAS PREPARED USING HP PRODUCT
C1892A ON CONTINENTAL JPC4M2 POLYESTER FILM.



MULTNOMAH COUNTY
DEPARTMENT OF COMMUNITY SERVICES
TRANSPORTATION DIVISION / COUNTY SURVEYOR'S OFFICE
1600 S.E. 190TH AVE., PORTLAND, OR 97233

SWEETBRIAR ROAD NO. 5022 LEGALIZATION

ROBERT A. HOVDEN, P.L.S.		COUNTY SURVEYOR	
DRAFTED: SRO	CHECKED: RAH	SHT. 1	OF 6
DATE: 6/23/2006		SCALE: 1" = 300'	

MULTNOMAH COUNTY
SURVEY RECORDS
DATE FILED JULY 6, 2006
60584
REGISTER NUMBER

SWEETBRIAR ROAD NO. 5022

FROM TROUTDALE ROAD NO. 1570
TO KERSLAKE ROAD NO. 908

LOCATED IN THE SW & SE 1/4 OF SECTION 1, T. 1 S., R. 3 E.,
AND THE SW 1/4 SECTION 6, T. 1 S., R. 4 E., W.M.
CITY OF TROUTDALE AND MULTNOMAH COUNTY, OREGON

60584

60584

60584

SWEETBRIAR ROAD NO. 5022

FROM TROUTDALE ROAD NO. 1570
TO KERSLAKE ROAD NO. 908LOCATED IN THE SW & SE 1/4 OF SECTION 1, T. 1 S., R. 3 E.,
AND THE SW 1/4 SECTION 6, T. 1 S., R. 4 E., W.M.
CITY OF TROUTDALE AND MULTNOMAH COUNTY, OREGONMULTNOMAH COUNTY
SURVEY RECORDS

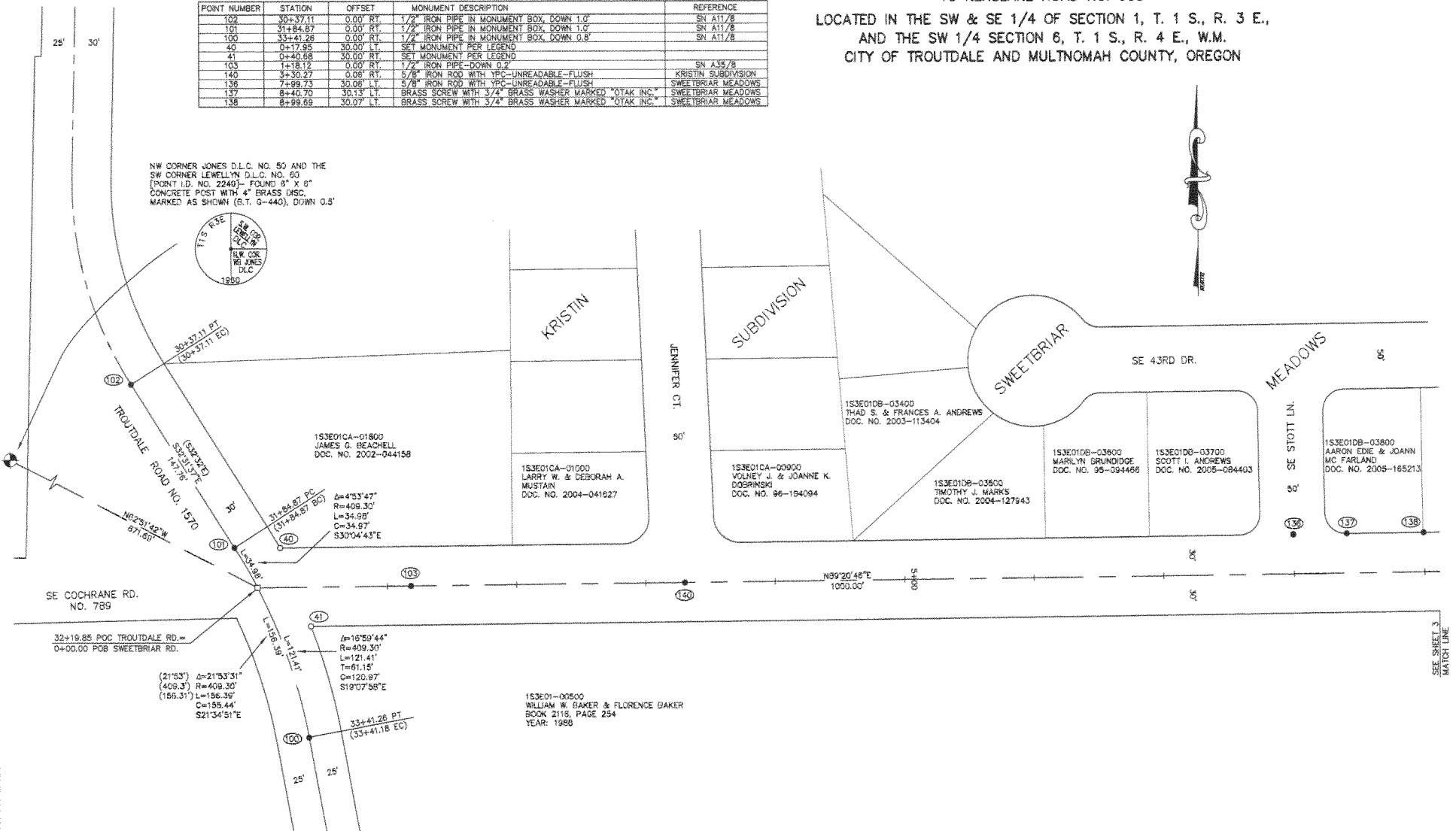
DATE FILED JULY 6, 2006

60584
REGISTER NUMBER

MONUMENT TABLE

POINT NUMBER	STATION	OFFSET	MONUMENT DESCRIPTION	REFERENCE
102	30+37.11	0.00' RT.	1/2" IRON PIPE IN MONUMENT BOX, DOWN 1.0'	SN A11/8
101	31+84.87	0.00' RT.	1/2" IRON PIPE IN MONUMENT BOX, DOWN 1.0'	SN A11/8
100	33+41.28	0.00' RT.	1/2" IRON PIPE IN MONUMENT BOX, DOWN 0.8'	SN A11/8
40	0+17.55	30.00' LT.	SET MONUMENT PER LEGEND	
41	0+40.68	30.00' RT.	SET MONUMENT PER LEGEND	
103	1+18.12	0.00' RT.	1/2" IRON PIPE-DOWN 0.2'	SN A35/8
140	3+30.27	0.08' RT.	5/8" IRON ROD WITH YPC-UNREADABLE-FLUSH	KRISTIN SUBDIVISION
136	7+59.73	30.00' LT.	5/8" IRON ROD WITH YPC-UNREADABLE-FLUSH	SWEETBRIAR MEADOWS
137	8+40.70	30.13' LT.	BRASS SCREW WITH 3/4" BRASS WASHER MARKED "OTAK INC."	SWEETBRIAR MEADOWS
138	8+98.69	30.07' LT.	BRASS SCREW WITH 3/4" BRASS WASHER MARKED "OTAK INC."	SWEETBRIAR MEADOWS

NW CORNER JONES D.L.C. NO. 50 AND THE
SW CORNER LEWELLYN D.L.C. NO. 50
(POINT I.D. NO. 2240)- FOUND 8" X 8"
CONCRETE POST WITH 4" BRASS DISC
MARKED AS SHOWN (B.T. G-440), DOWN 0.8'



LEGEND:

- FOUND MULTNOMAH COUNTY MONUMENT AS DESCRIBED.
- FOUND MONUMENT AS DESCRIBED IN MONUMENT TABLE. W/ = WITH; YPC = YELLOW PLASTIC CAP.
- SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "MULT. CO. SURVEY".
- SET 5/8" X 30" IRON ROD WITH 2" ALUMINUM CAP STAMPED "MULTNOMAH COUNTY SURVEYOR" WITH PUNCH MARK.
- (S) FOUND MONUMENT IDENTIFIER, SEE MONUMENT TABLE.
- B.T. BEARING TREE BOOK & PAGE REFERENCE, MULTNOMAH COUNTY SURVEY RECORDS.
- POB POINT OF BEGINNING.
- () RECORD DATA PER SN A11/8.
- SN SURVEY NUMBER, MULTNOMAH COUNTY SURVEY RECORDS.
- YPC YELLOW PLASTIC CAP.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Robert A. Hovden

OREGON
JULY 18, 1971
ROBERT A. HOVDEN
954

RENEWAL DATE: 6/30/2007

I CERTIFY THAT THIS SURVEY WAS PREPARED USING HP PRODUCT
C1892A ON CONTINENTAL JPC4M2 POLYESTER FILM.

MULTNOMAH COUNTY

DEPARTMENT OF COMMUNITY SERVICES
TRANSPORTATION DIVISION / COUNTY SURVEYOR'S OFFICE
1600 S.E. 190TH AVE., PORTLAND, OR 97233

SWEETBRIAR ROAD NO. 5022 LEGALIZATION

ROBERT A. HOVDEN, P.L.S. COUNTY SURVEYOR

DRAFTED: SRO CHECKED: RAH SHT. 2 OF 6
DATE: 6/23/2006 SCALE: 1" = 50'

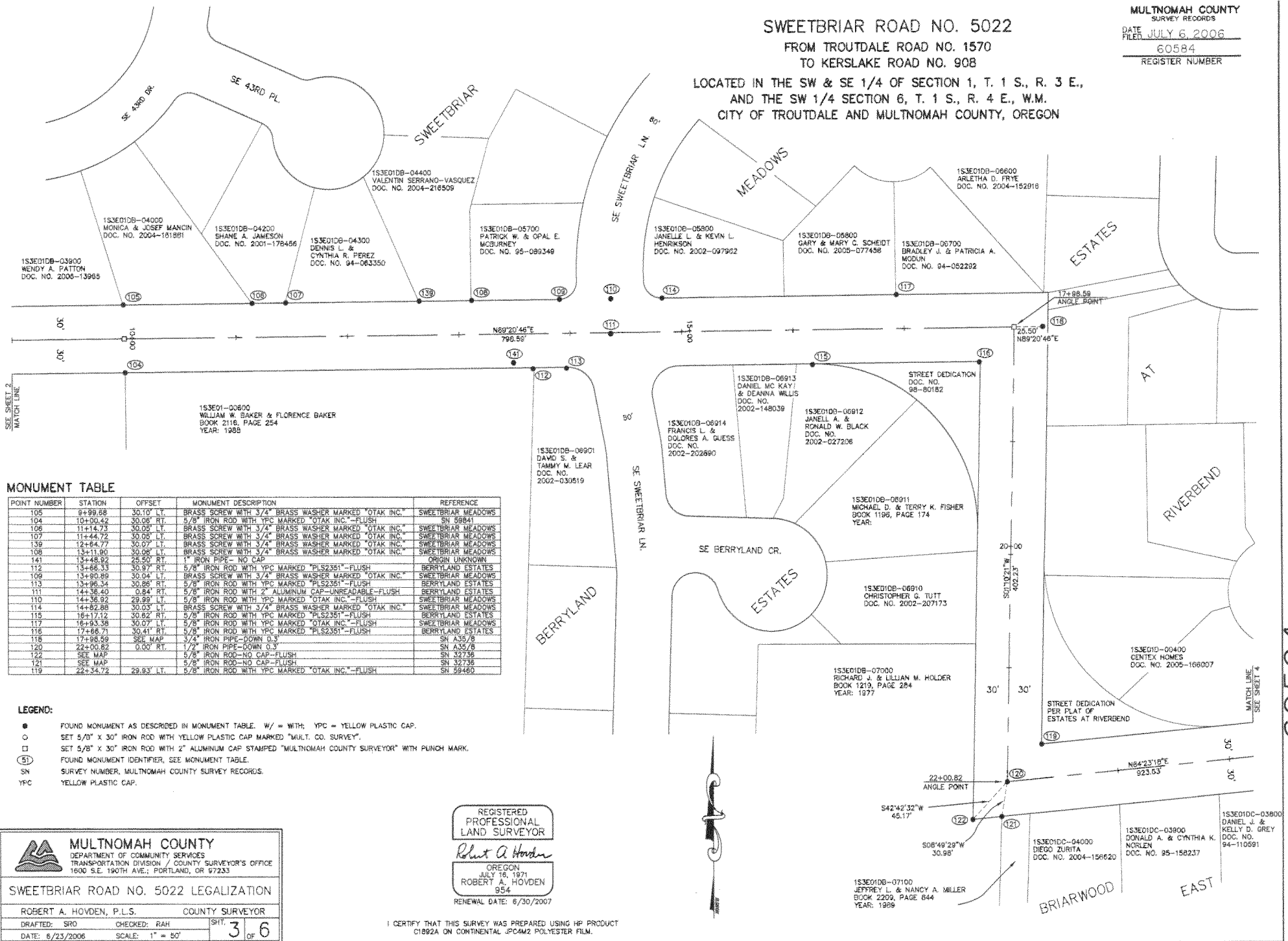
60584

60584

SWEETBRIAR ROAD NO. 5022
FROM TROUTDALE ROAD NO. 1570
TO KERSLAKE ROAD NO. 908

LOCATED IN THE SW & SE 1/4 OF SECTION 1, T. 1 S., R. 3 E.,
 AND THE SW 1/4 SECTION 6, T. 1 S., R. 4 E., W.M.
 CITY OF TROUTDALE AND MULTNOMAH COUNTY, OREGON

MULTNOMAH COUNTY
 SURVEY RECORDS
 DATE FILED JULY 6, 2006
60584
 REGISTER NUMBER

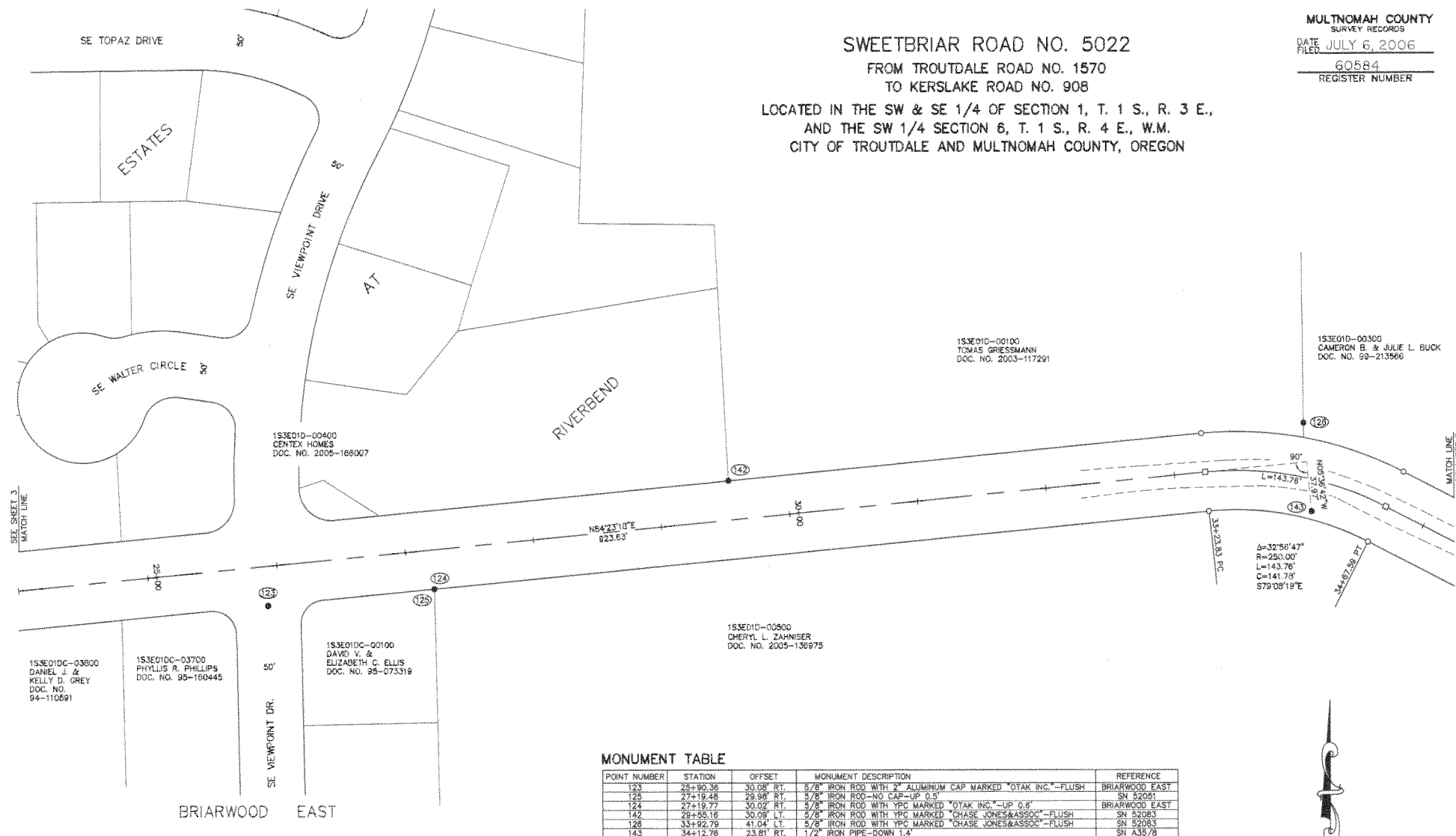


60584

SWEETBRIAR ROAD NO. 5022

FROM TROUTDALE ROAD NO. 1570
TO KERSLAKE ROAD NO. 908

LOCATED IN THE SW & SE 1/4 OF SECTION 1, T. 1 S., R. 3 E.,
AND THE SW 1/4 SECTION 6, T. 1 S., R. 4 E., W.M.
CITY OF TROUTDALE AND MULTNOMAH COUNTY, OREGON



MONUMENT TABLE

POINT NUMBER	STATION	OFFSET	MONUMENT DESCRIPTION	REFERENCE
123	25+90.36	30.08' RT.	5/8" IRON ROD WITH 2" ALUMINUM CAP MARKED "OTAK INC."-FLUSH	BRIARWOOD EAST
125	27+19.48	29.98' RT.	5/8" IRON ROD-NO CAP-UP 0.5"	SN 52061
124	27+19.77	30.02' RT.	5/8" IRON ROD WITH YPC MARKED "OTAK INC."-UP 0.6"	BRIARWOOD EAST
142	29+55.16	30.05' LT.	5/8" IRON ROD WITH YPC MARKED "CHASE JONES&ASSOC"-FLUSH	SN 52083
126	33+92.79	41.04' LT.	5/8" IRON ROD WITH YPC MARKED "CHASE JONES&ASSOC"-FLUSH	SN 52083
143	34+12.78	23.81' RT.	1/2" IRON PIPE-DOWN 1.4'	SN A38/8

LEGEND:

- FOUND MONUMENT AS DESCRIBED IN MONUMENT TABLE.
- SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "MULT. CO. SURVEY".
- SET 5/8" X 30" IRON ROD WITH 2" ALUMINUM CAP STAMPED "MULTNOMAH COUNTY SURVEYOR" WITH PUNCH MARK.
- ⑤ FOUND MONUMENT IDENTIFIER, SEE MONUMENT TABLE.
- SN SURVEY NUMBER, MULTNOMAH COUNTY SURVEY RECORDS.
- YPC YELLOW PLASTIC CAP.
- EXISTING EDGE OF PAVEMENT OF AS-TRAVELED ROADWAY.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Robert A. Hovden

OREGON
JULY 16, 1971
ROBERT A. HOVDEN
954

RENEWAL DATE: 6/30/2007

I CERTIFY THAT THIS SURVEY WAS PREPARED USING HP PRODUCT
C1992A ON CONTINENTAL JPC4M2 POLYESTER FILM.



MULTNOMAH COUNTY
DEPARTMENT OF COMMUNITY SERVICES
TRANSPORTATION DIVISION / COUNTY SURVEYOR'S OFFICE
1600 S.E. 190TH AVE.; PORTLAND, OR 97233

SWEETBRIAR ROAD NO. 5022 LEGALIZATION

ROBERT A. HOVDEN, P.L.S. COUNTY SURVEYOR
DRAFTED: SRO CHECKED: RAH SHIT. 4 OF 6
DATE: 6/23/2006 SCALE: 1" = 50'

60584

60584

SWEETBRIAR ROAD NO. 5022

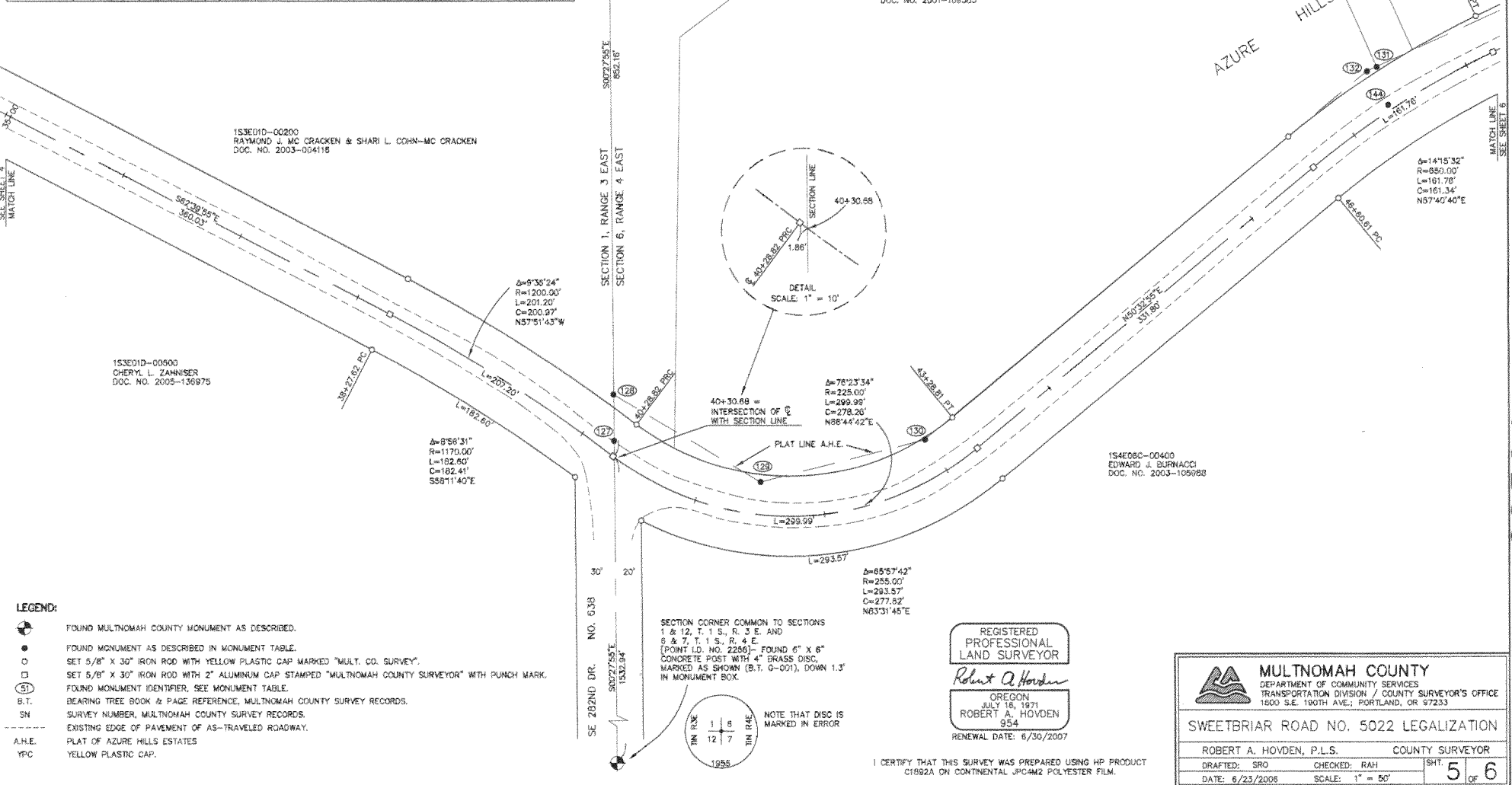
FROM TROUTDALE ROAD NO. 1570
TO KERSLAKE ROAD NO. 908

LOCATED IN THE SW & SE 1/4 OF SECTION 1, T. 1 S., R. 3 E.,
AND THE SW 1/4 SECTION 6, T. 1 S., R. 4 E., W.M.
CITY OF TROUTDALE AND MULTNOMAH COUNTY, OREGON

MULTNOMAH COUNTY
SURVEY RECORDS
DATE FILED JULY 6, 2006
60584
REGISTER NUMBER

MONUMENT TABLE

POINT NUMBER	STATION	OFFSET	MONUMENT DESCRIPTION	REFERENCE
128	40+02.05	37.87' L.T.	5/8" IRON ROD-NO CAP-FLUSH	SN 56049
127	40+22.65	9.76' L.T.	1/2" IRON PIPE-DOWN 0.2	SN A35/76
129	41+48.42	24.34' L.T.	5/8" IRON ROD-NO CAP-FLUSH	SN 56049
130	42+98.06	28.44' L.T.	5/8" IRON ROD WITH YPC MARKED "SIEGER LS2647"-UP 0.3	SN 56049
144	47+33.98	4.15' L.T.	1/2" IRON PIPE-DOWN 0.4	SN A35/76
132	47+34.44	34.14' L.T.	5/8" IRON ROD WITH YPC MARKED "SIEGER LS2647"-UP 0.3	SN 56049
131	47+41.99	32.92' L.T.	5/8" IRON ROD WITH YPC MARKED "SIEGER LS2647"-UP 0.3	AZURE HILLS ESTATES



60584

60584

SWEETBRIAR ROAD NO. 5022

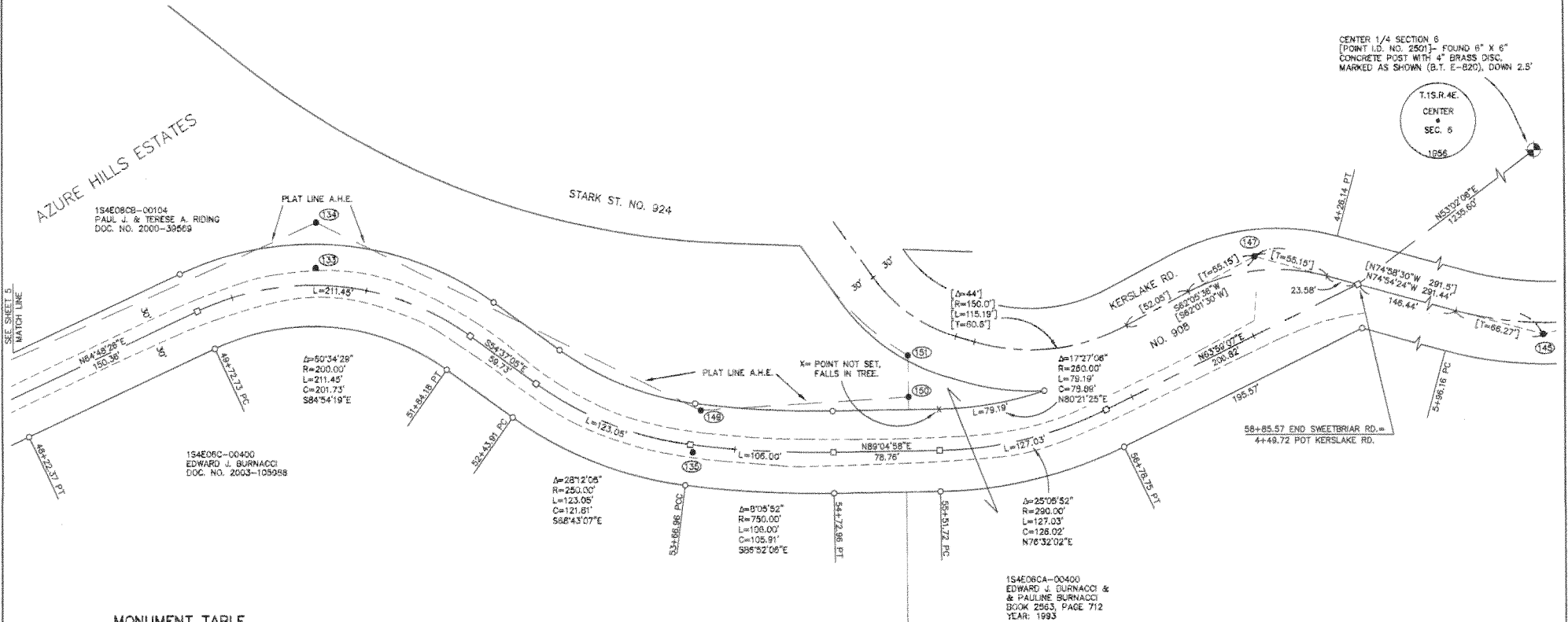
FROM TROUTDALE ROAD NO. 1570
TO KERSLAKE ROAD NO. 908

LOCATED IN THE SW & SE 1/4 OF SECTION 1, T. 1 S., R. 3 E.,
AND THE SW 1/4 SECTION 6, T. 1 S., R. 4 E., W.M.
CITY OF TROUTDALE AND MULTNOMAH COUNTY, OREGON

MULTNOMAH COUNTY
SURVEY RECORDS
DATE FILED JULY 6, 2006
60584
REGISTER NUMBER

CENTER 1/4 SECTION 6
[POINT I.D. NO. 2501]- FOUND 8" X 6"
CONCRETE POST WITH 4" BRASS DISC,
MARKED AS SHOWN (B.T. E-820), DOWN 2.5'

T.1S.R.4E
CENTER
SEC. 6
1656



MONUMENT TABLE

POINT NUMBER	STATION	OFFSET	MONUMENT DESCRIPTION	REFERENCE
133	50+82.21	12.58' LT.	1/2" IRON PIPE, FLUSH	SN A35/8
134	50+82.35	45.72' LT.	5/8" IRON ROD WITH YPC MARKED "SEIGER L.S. 2847"-FLUSH	SN 58049
135	53+69.50	5.41' RT.	1/2" IRON PIPE, FLUSH	SN A35/8
149	53+71.86	25.83' LT.	5/8" IRON ROD WITH YPC MARKED "SEIGER L.S. 2847"-FLUSH	SN 58049
150	55+29.42	39.30' LT.	5/8" IRON ROD WITH YPC MARKED "SEIGER L.S. 2847"-FLUSH	SN 58049
151	55+29.41	89.40' LT.	5/8" IRON ROD WITH YPC MARKED "SEIGER L.S. 2847"-FLUSH	SN 58049
147	SEE MAP		1" IRON PIPE- NO CAP	SN E1/4A
145	SEE MAP		1" IRON PIPE- NO CAP	SN E1/4A

LEGEND:

- FOUND MULTNOMAH COUNTY MONUMENT AS DESCRIBED.
- FOUND MONUMENT AS DESCRIBED IN MONUMENT TABLE.
- SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "MULT. CO. SURVEY".
- SET 5/8" X 30" IRON ROD WITH 2" ALUMINUM CAP STAMPED "MULTNOMAH COUNTY SURVEYOR" WITH PUNCH MARK.
- ⑤ FOUND MONUMENT IDENTIFIER, SEE MONUMENT TABLE.
- B.T. BEARING TREE BOOK & PAGE REFERENCE, MULTNOMAH COUNTY SURVEY RECORDS.
- SN SURVEY NUMBER, MULTNOMAH COUNTY SURVEY RECORDS.
- EXISTING EDGE OF PAVEMENT OF AS-TRAVELED ROADWAY.
- A.H.E. PLAT OF AZURE HILLS ESTATES
- [] RECORD DATA PER SN E1/4A.
- YPC YELLOW PLASTIC CAP.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Robert A. Hovden
OREGON
JULY 16, 1971
ROBERT A. HOVDEN
954

RENEWAL DATE: 6/30/2007

I CERTIFY THAT THIS SURVEY WAS PREPARED USING HP PRODUCT
C1092A ON CONTINENTAL JPCAM2 POLYESTER FILM.



MULTNOMAH COUNTY
DEPARTMENT OF COMMUNITY SERVICES
TRANSPORTATION DIVISION / COUNTY SURVEYOR'S OFFICE
1800 S.E. 180TH AVE., PORTLAND, OR 97233

SWEETBRIAR ROAD NO. 5022 LEGALIZATION

ROBERT A. HOVDEN, P.L.S. COUNTY SURVEYOR
DRAFTED: SRO CHECKED: RAH SH: 6 OF 6
DATE: 6/23/2006 SCALE: 1" = 50'

60584

60584

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. _____

Authorizing Legalization of Sweetbriar Road from SE Troutdale Road, Easterly Approximately 1.1 Miles to SE Kerslake Road, as County Road No. 5022.

The Multnomah County Board of Commissioners Finds:

- a. Sweetbriar Road was established as a County Road in 1889, and maintenance and improvements have changed its location over the years.
- b. The above-described Sweetbriar Road is a road that has been traveled and used by the public for more than 10 years in a location that does not conform to the location of the road as described in the County Records.
- c. On November 3, 2005, the Board initiated proceedings for legalizing Sweetbriar Road in its traveled location and directed the County Surveyor to conduct a survey of the road.
- d. The County Surveyor completed the survey of the road. The County Engineer filed a written report recommending legalization of Sweetbriar Road.
- e. By Resolution 06-138, adopted on August 3, 2006, the Board set a public hearing on September 21, 2006, to consider legalization of the portion of Sweetbriar Road.
- f. The County Surveyor provided notice of the hearing to interested parties by certified mail and by posting along the roadway in a manner consistent with ORS 368.401 – 368.426. No objections to the proposal or other information have been filed with the County Surveyor. No claims for compensation with respect to any encroaching structures on this portion of Sweetbriar Road (ORS 368.211) have been filed with the Board.
- g. The Board has determined that legalization of said portion of Sweetbriar Road is in the public interest.

The Multnomah County Board of Commissioners Orders:

1. That Sweetbriar Road from SE Troutdale Road No. 1570, Easterly approximately 1.1 Miles to SE Larch Kerslake No. 908, as more particularly described in the attached Exhibit "A," and as shown on Survey No. 60584, Multnomah County Survey Records, is legalized as County Road No. 5022, in accordance with ORS 368.201 through ORS 368.221.
2. This Order legalizing Sweetbriar Road to be recorded as provided under ORS 368.216(2) and ORS 368.106.

ADOPTED this 21st day of September, 2006.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

EXHIBIT "A"

SWEETBRIAR ROAD No. 5022

A strip of land in the Southwest one-quarter and Southeast one-quarter of Section 1, Township 1 South, Range 3 East, and the Southwest one-quarter of Section 6, Township 1 South, Range 4 East, Willamette Meridian, Multnomah County, Oregon, said strip of land running from the centerline of SE Troutdale Road No. 1571, easterly along the centerline of the as-traveled Sweetbriar Road to its intersection with the centerline of SE Kerslake Road No. 908, said strip of land being 60 feet in width, 30 feet on each side of the following described centerline:

Beginning at Engineer's Station 0+00.00, said station being at Engineer's centerline Station 32+19.85 POC of said SE Troutdale Road, said station bears S62°51'42"E, a distance of 871.66 feet from a 4" brass disc in concrete post found at the Northwest corner of the William B. Jones DLC No. 50 in said Section 1;

Thence N89°20'46"E, a distance of 1798.59 feet to an angle point at Engineer's Station 17+98.59;

Thence S01°10'21"W, a distance of 402.23 feet to an angle point at Engineer's Station 22+00.82;

Thence N84°23'18"E, a distance of 923.63 feet to Engineer's Station 33+23.82 PC;

Thence on a curve to the right, having a radius of 250.00 feet, through a central angle of 32°56'47" (long chord of which bears S79°08'19"E, a distance of 141.78 feet), an arc distance of 143.76 feet to Engineer's Station 34+67.59 PT;

Thence S62°39'55"E, a distance of 360.03 feet to Engineer's Station 38+27.62 PC;

Thence on a curve to the right, having a radius of 1170.00 feet, through a central angle of 8°56'31" (long chord of which bears S58°11'40"E, a distance of 182.41 feet), an arc distance of 182.60 feet to Engineer's Station 40+28.82 PRC;

Thence on a curve to the left, having a radius of 225.00 feet, through a central angle of 76°23'34" (long chord of which bears N88°44'42"E, a distance of 278.26 feet), an arc distance of 299.99 feet to Engineer's Station 43+28.81 PT;

Thence N50°32'55"E, a distance of 331.80 feet to Engineer's Station 46+60.61 PC;

Thence on a curve to the right, having a radius of 650.00 feet, through a central angle of 14°15'32" (long chord of which bears N57°40'40"E, a distance of 161.34 feet), an arc distance of 161.76 feet to Engineer's Station 48+22.38 PT;

Thence N64°48'26"E, a distance of 150.36 feet to Engineer's Station 49+72.73 PC;

Thence on a curve to the right, having a radius of 200.00 feet, through a central angle of 60°34'29" (long chord of which bears S84°54'19"E, a distance of 201.73 feet), an arc distance of 211.45 feet to Engineer's Station 51+84.18 PT;

Thence S54°37'05"E, a distance of 59.73 feet to Engineer's Station 52+43.91 PC;

Thence on a curve to the left, having a radius of 250.00 feet, through a central angle of 28°12'05" (long chord of which bears S68°43'07"E, a distance of 121.81 feet), an arc distance of 123.05 feet to Engineer's Station 53+66.96 PT;

Thence N89°04'58"E, a distance of 78.76 feet to Engineer's Station 55+51.72 PC;

Thence on a curve to the left, having a radius of 290.00 feet, through a central angle of 25°05'52" (long chord of which bears N76°32'02"E, a distance of 126.02 feet), an arc distance of 127.03 feet to Engineer's Station 56+78.75 PT;

Thence N63°59'07"E, a distance of 206.82 feet to Engineer's Station 58+85.57 and the terminus of Sweetbriar Road No. 5022, which equals Engineer's centerline Station 4+49.72 POT of said SE Kerslake Road, said terminus being S53°02'06"W, a distance of 1235.60 feet from a 4" brass disc in concrete post found at the center one-quarter corner of said Section 6;

Together with the property dedicated as street by Document No. 98-080182, Multnomah County Deed Records and the street dedication at the Southwest corner of the plat of Estates at Riverbend, Multnomah County Plat Records.

The heretofore description is written and based on a survey by Robert A. Hovden, Multnomah County Surveyor, recorded as Survey Number 60584, Multnomah County Survey Records, and by said reference is hereby made a part thereof.

BOGSTAD Deborah L

From: HOVDEN Robert A
Sent: Tuesday, September 19, 2006 4:29 PM
To: BOGSTAD Deborah L; MAESTRE Robert A
Cc: SOWLE Agnes
Subject: RE: Possible Typo in Order R-10 on this Thursday's agenda

Deb,

You are correct. I will ask the board to approve an amendment striking the word "Larch" from order number one.

Thanks you for finding this typo.

Bob

Robert A. Hovden, PLS
Multnomah County Surveyor
1600 SE 190th Avenue
Portland, OR 97233
503-988-5573

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

From: BOGSTAD Deborah L
Sent: Tuesday, September 19, 2006 10:13 AM
To: HOVDEN Robert A; MAESTRE Robert A
Cc: SOWLE Agnes
Subject: Possible Typo in Order R-10 on this Thursday's agenda
Importance: High

I believe there is a typo in the Legalization of Sweetbriar Road Order as follows:

The Multnomah County Board of Commissioners Orders:

1. That Sweetbriar Road from SE Troutdale Road No. 1570, Easterly approximately 1.1 Miles to **SE Larch Kerslake** No. 908, as more particularly described in the attached Exhibit "A," and as shown on Survey No. 60584, Multnomah County Survey Records, is legalized as County Road No. 5022, in accordance with ORS 368.201 through ORS 368.221.

Should it just be SE Kerslake No. 908? If so, please ask the Board to approve an amendment striking the word Larch from order number one. Please let Agnes and me know. Thanks!

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

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. 06-162

Authorizing Legalization of Sweetbriar Road from SE Troutdale Road, Easterly Approximately 1.1 Miles to SE Kerslake Road, as County Road No. 5022

The Multnomah County Board of Commissioners Finds:

- a. Sweetbriar Road was established as a County Road in 1889, and maintenance and improvements have changed its location over the years.
- b. The above-described Sweetbriar Road is a road that has been traveled and used by the public for more than 10 years in a location that does not conform to the location of the road as described in the County Records.
- c. On November 3, 2005, the Board initiated proceedings for legalizing Sweetbriar Road in its traveled location and directed the County Surveyor to conduct a survey of the road.
- d. The County Surveyor completed the survey of the road. The County Engineer filed a written report recommending legalization of Sweetbriar Road.
- e. By Resolution 06-138, adopted on August 3, 2006, the Board set a public hearing on September 21, 2006, to consider legalization of the portion of Sweetbriar Road.
- f. The County Surveyor provided notice of the hearing to interested parties by certified mail and by posting along the roadway in a manner consistent with ORS 368.401 – 368.426. No objections to the proposal or other information have been filed with the County Surveyor. No claims for compensation with respect to any encroaching structures on this portion of Sweetbriar Road (ORS 368.211) have been filed with the Board.
- g. The Board has determined that legalization of said portion of Sweetbriar Road is in the public interest.

The Multnomah County Board of Commissioners Orders:

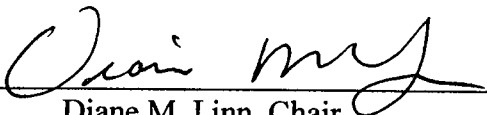
1. That Sweetbriar Road from SE Troutdale Road No. 1570, Easterly approximately 1.1 Miles to SE Kerslake No. 908, as more particularly described in the attached Exhibit "A," and as shown on Survey No. 60584, Multnomah County Survey Records, is legalized as County Road No. 5022, in accordance with ORS 368.201 through ORS 368.221.

2. This Order legalizing Sweetbriar Road to be recorded as provided under ORS 368.216(2) and ORS 368.106.

ADOPTED this 21st day of September, 2006.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

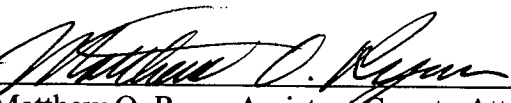
By 
Matthew O. Ryan, Assistant County Attorney

EXHIBIT "A"

SWEETBRIAR ROAD No. 5022

A strip of land in the Southwest one-quarter and Southeast one-quarter of Section 1, Township 1 South, Range 3 East, and the Southwest one-quarter of Section 6, Township 1 South, Range 4 East, Willamette Meridian, Multnomah County, Oregon, said strip of land running from the centerline of SE Troutdale Road No. 1571, easterly along the centerline of the as-traveled Sweetbriar Road to its intersection with the centerline of SE Kerslake Road No. 908, said strip of land being 60 feet in width, 30 feet on each side of the following described centerline:

Beginning at Engineer's Station 0+00.00, said station being at Engineer's centerline Station 32+19.85 POC of said SE Troutdale Road, said station bears $S62^{\circ}51'42''E$, a distance of 871.66 feet from a 4" brass disc in concrete post found at the Northwest corner of the William B. Jones DLC No. 50 in said Section 1;

Thence $N89^{\circ}20'46''E$, a distance of 1798.59 feet to an angle point at Engineer's Station 17+98.59;

Thence $S01^{\circ}10'21''W$, a distance of 402.23 feet to an angle point at Engineer's Station 22+00.82;

Thence $N84^{\circ}23'18''E$, a distance of 923.63 feet to Engineer's Station 33+23.82 PC;

Thence on a curve to the right, having a radius of 250.00 feet, through a central angle of $32^{\circ}56'47''$ (long chord of which bears $S79^{\circ}08'19''E$, a distance of 141.78 feet), an arc distance of 143.76 feet to Engineer's Station 34+67.59 PT;

Thence $S62^{\circ}39'55''E$, a distance of 360.03 feet to Engineer's Station 38+27.62 PC;

Thence on a curve to the right, having a radius of 1170.00 feet, through a central angle of $8^{\circ}56'31''$ (long chord of which bears $S58^{\circ}11'40''E$, a distance of 182.41 feet), an arc distance of 182.60 feet to Engineer's Station 40+28.82 PRC;

Thence on a curve to the left, having a radius of 225.00 feet, through a central angle of $76^{\circ}23'34''$ (long chord of which bears $N88^{\circ}44'42''E$, a distance of 278.26 feet), an arc distance of 299.99 feet to Engineer's Station 43+28.81 PT;

Thence $N50^{\circ}32'55''E$, a distance of 331.80 feet to Engineer's Station 46+60.61 PC;

Thence on a curve to the right, having a radius of 650.00 feet, through a central angle of $14^{\circ}15'32''$ (long chord of which bears $N57^{\circ}40'40''E$, a distance of 161.34 feet), an arc distance of 161.76 feet to Engineer's Station 48+22.38 PT;

Thence $N64^{\circ}48'26''E$, a distance of 150.36 feet to Engineer's Station 49+72.73 PC;

Thence on a curve to the right, having a radius of 200.00 feet, through a central angle of $60^{\circ}34'29''$ (long chord of which bears $S84^{\circ}54'19''E$, a distance of 201.73 feet), an arc distance of 211.45 feet to Engineer's Station 51+84.18 PT;

Thence $S54^{\circ}37'05''E$, a distance of 59.73 feet to Engineer's Station 52+43.91 PC;

Thence on a curve to the left, having a radius of 250.00 feet, through a central angle of $28^{\circ}12'05''$ (long chord of which bears $S68^{\circ}43'07''E$, a distance of 121.81 feet), an arc distance of 123.05 feet to Engineer's Station 53+66.96 PT;

Thence $N89^{\circ}04'58''E$, a distance of 78.76 feet to Engineer's Station 55+51.72 PC;

Thence on a curve to the left, having a radius of 290.00 feet, through a central angle of $25^{\circ}05'52''$ (long chord of which bears $N76^{\circ}32'02''E$, a distance of 126.02 feet), an arc distance of 127.03 feet to Engineer's Station 56+78.75 PT;

Thence $N63^{\circ}59'07''E$, a distance of 206.82 feet to Engineer's Station 58+85.57 and the terminus of Sweetbriar Road No. 5022, which equals Engineer's centerline Station 4+49.72 POT of said SE Kerslake Road, said terminus being $S53^{\circ}02'06''W$, a distance of 1235.60 feet from a 4" brass disc in concrete post found at the center one-quarter corner of said Section 6;

Together with the property dedicated as street by Document No. 98-080182, Multnomah County Deed Records and the street dedication at the Southwest corner of the plat of Estates at Riverbend, Multnomah County Plat Records.

The heretofore description is written and based on a survey by Robert A. Hovden, Multnomah County Surveyor, recorded as Survey Number 60584, Multnomah County Survey Records, and by said reference is hereby made a part thereof.



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 09/21/06
Agenda Item #: R-11
Est. Start Time: 9:58 AM
Date Submitted: 09/11/06

BUDGET MODIFICATION:

RESOLUTION Setting a Public Hearing and Directing Notice and Preparation of a Special Ordinance Regarding the Proposed Renaming of NE 207th Avenue, a County Road in the City of Fairview to Fairview Parkway

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

Date Requested:	September 21, 2006	Time Requested:	5 minutes
Department:	Non-Departmental	Division:	Commission District 4
Contact(s):	Robert Maestre		
Phone:	(503) 988-5001	Ext.	85001
		I/O Address:	#455/Annex
Presenter(s):	Robert Maestre and Matthew Ryan		

General Information

1. What action are you requesting from the Board?

Adoption of a Resolution Setting a Public Hearing and Directing Notice and Preparation of a Special Ordinance Regarding the Proposed Renaming of NE 207th Avenue, a County Road in the City of Fairview to Fairview Parkway.

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

NE 207th is a County road located within the city limits of Fairview, Oregon. Fairview desires to improve the traveling public's awareness of the community's location by changing the name of NE 207 Avenue to Fairview Parkway. Currently, there is only one house with an actual NE 207th Avenue address, and no other structures with a NE 207th address front the road. The County's Land Use and Transportation Program supports the name change. To save taxpayer funds, the County is coordinating the renaming of this road with the Oregon Department of Transportation's project to re-sign I-84 in this area. The County and the cities of Gresham and Fairview have provided information to local businesses about the proposed name change and will provide additional

information to nearby residences. If the resolution is adopted, the Public Hearing and Ordinance to change the name of NE 207th Avenue would come before the Board on October 5, 2006.

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

The costs associated with changing the name of this road will be covered by funds recently received by the County from the sale of County property along NE 207th. With respect to I-84 signs with the new road name, the County has coordinated with ODOT which will keep the cost low. The County's sign shop will be building and installing three smaller signs along the road to direct travelers to Fairview's City Center.

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

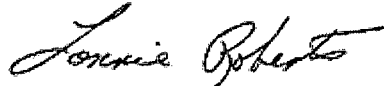
A stand alone ordinance appears to be the most efficient and appropriate mechanism for changing the name of the road since the existing County Code did not contemplate the situation where the County would be asked to rename a County road located within a City's limits.

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

Approximately 100 flyers have been delivered to businesses at NE 207th and Sandy, along NE Halsey from 207th to 230th, within the Wood Village Town Center shopping center, and to major employers in Gresham. Telephone and written information has been provided to the cities of Wood Village, Troutdale, and Gresham. The local US Post Office has also received information about the proposed change. Formal notice to abutting property owners and others will be given in accordance with MCC 11.05.550.

Required Signatures

**Department/
Agency Director:**



Date: 09/11/06

Budget Analyst:

Date: _____

Department HR:

Date: _____

Countywide HR:

Date: _____

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Setting a Public Hearing and Directing Notice and Preparation of a Special Ordinance Regarding the Proposed Renaming of NE 207th Avenue, a County Road in the City of Fairview to Fairview Parkway

The Multnomah County Board of Commissioners Finds:

- a. On April 10, 2003 Multnomah County received from the City of Fairview a request to conduct a preliminary review of the City's proposal to rename NE 207th Avenue, a county road (as defined under ORS Chapter 368), but located within the City of Fairview to "Fairview Parkway".
- b. The County's Land Use and Transportation Program (LUTP) has conducted a preliminary review of the City's proposal and agrees with Fairview that this name change is in the best interest of the public, will facilitate the City's economic development efforts and improve community visibility.
- c. Presently Multnomah County Code (MCC 11.05.500 et seq.) only provides a procedure for the renaming of county roads in unincorporated Multnomah County.
- d. In addition, MCC 11.05.505 and 11.05.525 provide that it is the County's policy to carry on the street naming pattern of the City of Portland into urban unincorporated areas of the County, under the Portland pattern, which requires most streets in a north-south alignment be designated "Avenues" and usually are identified by number, e.g. "SE 39th Avenue".
- e. Notwithstanding MCC 11.05. 525, the LUTP determined that the existing County Code road naming policy does not preclude the renaming of NE 207th Avenue as "Fairview Parkway" by a stand alone ordinance because the road is not in unincorporated area of the county but is entirely within the City of Fairview.
- f. The Oregon Department of Transportation (ODOT) has a pending re-signing project for ODOT controlled right of way including I-84, and LUTP and Fairview deemed it desirable to coordinate the renaming of NE 207th, for which there is a fairly heavily used exit on I-84, to allow for the Fairview Parkway street name to be placed on the new ODOT I-84 exit signage.
- g. LUTP has committed to coordinate with ODOT and work in conjunction with that agency on it's I-84 re-signing project to save funds and facilitate the re-signing of the road.
- h. The LUTP has also coordinated with the Cities of Fairview and Gresham to provide information to local businesses, Chambers of Commerce and Post Office regarding the proposed name change for NE 207th Avenue.

The Multnomah County Board of Commissioners Resolves:

1. The County Attorney is directed to prepare a Special Ordinance authorizing changing the name of NE 207th Avenue in the City of Fairview to "Fairview Parkway", to be heard before this Board on October 5, 2006 at 9:30 AM.
2. The LUTP is directed to provide notice by first class mail of the proposed name change not less than ten days prior to October 5, 2006 to:
 - a. Owners and occupants of all property abutting on the street to be renamed;
 - b. Any affected school or service districts, State and or Federal Agencies;
 - c. Any affected emergency services providers;
 - d. The United States Postal Service;
 - e. The Bureau of Emergency Communications at the City of Portland; and
 - f. The cities of Gresham, Troutdale, and Wood Village.
3. The LUTP is further directed to publish the notice in a paper of general circulation in Multnomah County not less than ten days prior to October 5, 2006.
4. The above referenced notice must contain the following:
 - a. The date, time and location of the hearing.
 - b. A statement of the subject matter of the hearing.
 - c. The name, telephone number and email address of a contact person at the County.
 - d. An address for parties to send written comments to the County.

ADOPTED this 21st day of September 2006.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By


Matthew O. Ryan, Assistant County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 06-163

Setting a Public Hearing and Directing Notice and Preparation of a Special Ordinance Regarding the Proposed Renaming of NE 207th Avenue, a County Road in the City of Fairview to Fairview Parkway

The Multnomah County Board of Commissioners Finds:

- a. On April 10, 2003 Multnomah County received from the City of Fairview a request to conduct a preliminary review of the City's proposal to rename NE 207th Avenue, a county road (as defined under ORS Chapter 368), but located within the City of Fairview to "Fairview Parkway".
- b. The County's Land Use and Transportation Program (LUTP) has conducted a preliminary review of the City's proposal and agrees with Fairview that this name change is in the best interest of the public, will facilitate the City's economic development efforts and improve community visibility.
- c. Presently Multnomah County Code (MCC 11.05.500 et seq.) only provides a procedure for the renaming of county roads in unincorporated Multnomah County.
- d. In addition, MCC 11.05.505 and 11.05.525 provide that it is the County's policy to carry on the street naming pattern of the City of Portland into urban unincorporated areas of the County, under the Portland pattern, which requires most streets in a north-south alignment be designated "Avenues" and usually are identified by number, e.g. "SE 39th Avenue".
- e. Notwithstanding MCC 11.05. 525, the LUTP determined that the existing County Code road naming policy does not preclude the renaming of NE 207th Avenue as "Fairview Parkway" by a stand alone ordinance because the road is not in unincorporated area of the county but is entirely within the City of Fairview.
- f. The Oregon Department of Transportation (ODOT) has a pending re-signing project for ODOT controlled right of way including I-84, and LUTP and Fairview deemed it desirous to coordinate the renaming of NE 207th, for which there is a fairly heavily used exit on I-84, to allow for the Fairview Parkway street name to be placed on the new ODOT I-84 exit signage.
- g. LUTP has committed to coordinate with ODOT and work in conjunction with that agency on its I-84 re-signing project to save funds and facilitate the re-signing of the road.
- h. The LUTP has also coordinated with the Cities of Fairview and Gresham to provide information to local businesses, Chambers of Commerce and Post Office regarding the proposed name change for NE 207th Avenue.

The Multnomah County Board of Commissioners Resolves:

1. The County Attorney is directed to prepare a Special Ordinance authorizing changing the name of NE 207th Avenue in the City of Fairview to "Fairview Parkway", to be heard before this Board on October 5, 2006 at 9:30 AM.
2. The LUTP is directed to provide notice by first class mail of the proposed name change not less than ten days prior to October 5, 2006 to:
 - a. Owners and occupants of all property abutting on the street to be renamed;
 - b. Any affected school or service districts, State and or Federal Agencies;
 - c. Any affected emergency services providers;
 - d. The United States Postal Service;
 - e. The Bureau of Emergency Communications at the City of Portland; and
 - f. The cities of Gresham, Troutdale, and Wood Village.
3. The LUTP is further directed to publish the notice in a paper of general circulation in Multnomah County not less than ten days prior to October 5, 2006.
4. The above referenced notice must contain the following:
 - a. The date, time and location of the hearing.
 - b. A statement of the subject matter of the hearing.
 - c. The name, telephone number and email address of a contact person at the County.
 - d. An address for parties to send written comments to the County.

ADOPTED this 21st day of September 2006.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED: MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-12 DATE 9.21.06
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 09/21/06
Agenda Item #: R-12
Est. Start Time: 10:00 AM
Date Submitted: 08/28/06

BUDGET MODIFICATION: DCHS - 06

**Budget Modification DCHS-06 Reclassifying a Data Technician to
Program Development Specialist in the Mental Health and Addiction
Services Division, as Determined by the Class/Comp Unit of Central**
Agenda Title: Human Resources

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

Date Requested:	<u>September 21, 2006</u>	Time Requested:	<u>5 mins</u>
Department:	<u>Dept. of County Human Services</u>	Division:	<u>Mental Health</u>
Contact(s):	<u>Chris Yager</u>		
Phone:	<u>503 988-3691</u>	Ext.	<u>84135</u>
		I/O Address:	<u>167/620</u>
Presenter(s):	<u>Keith Mitchell/Jennifer Huntsman</u>		

General Information

1. What action are you requesting from the Board?

The Department of County Human Services recommends approval of budget modification DCHS-06 reclassifying a position in Mental Health & Addiction Services Division Program Offers # 25054 MH Business Operations [0.50 FTE] and # 25067 MH Family Care Coordination Team [0.50 FTE].

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

This modification reflects a Class/Comp decision on a reclassification request from management. Class/Comp reviewed the submitted job duties and descriptions and agreed that a Program Development Specialist was the best fit for the position. Class/Comp fit analysis is as follows:

"This position is responsible for the collection and analysis of data for the Verity program, and the operational coordination with the accounts payable functions of the Third Party Administrator. The position serves as the Technical Expert, giving internal and external assistance concerning the Verity and applicable Oregon Health Plan facets. The position aids the contract renewals for the program.

This classification is a good fit for the position."

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

For the current fiscal year, this reclassification increases personnel expense by \$10,920. This additional cost includes \$3,832 for the retroactive pay adjustment in FY06 and \$7,088 for FY07 (ongoing). The increased cost is offset in the current fiscal year by a reduction of \$10,920 in Professional Services budgeted in MH Business Operations.

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

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

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

N/A

ATTACHMENT A

Budget Modification

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

- What revenue is being changed and why?
N/A
- What budgets are increased/decreased?
Insurance Risk budget increases by \$47.
- What do the changes accomplish?
Approval of classification decision from Class/Comp initiated by management.
- Do any personnel actions result from this budget modification? Explain.
Reclassification of a Data Technician to Program Development Specialist.
- How will the county indirect, central finance and human resources and departmental overhead costs be covered?
N/A
- Is the revenue one-time-only in nature?
N/A
- If a grant, what period does the grant cover?
N/A
- If a grant, when the grant expires, what are funding plans?
N/A

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

ATTACHMENT B

BUDGET MODIFICATION: DCHS - 06

Required Signatures

**Department/
Agency Director:**

Ret Surface

Date: 08/24/06

Budget Analyst:

Michael D. Gaspin

Date: 08/28/06

Department HR:

Carolyn L. Edgett

Date: 08/24/06

Countywide HR:

Date:

DCHS-06



MULTNOMAH COUNTY OREGON

DEPARTMENT OF COUNTY
MANAGEMENT
HUMAN RESOURCES
CLASS/COMP

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

PHONE (503) 988-5015 x24422
FAX (503) 988-3048
TDD (503) 988-5170

7.13.20061

To: Keith Mitchell 167/520
From: Leon Oswalt Classification/Compensation 503/4
Subject: Reclassification Request #529

Based upon a management request for reclassification of position 710142 received on June 9, Class/Comp reviewed the presented job duties and descriptions, and the position classification documents. We have determined the position best fits within the PROGRAM DEVELOPMENT SPECIALIST - JCN 6021 classification.

The position will be reclassified, subject to Board of County Commissioners approval. Under County Personnel Rule 5-50-030, the incumbent will be reclassified with it, as the incumbent has performed the duties of a PROGRAM DEVELOPMENT SPECIALIST for at least six months.

The request for reclass is APPROVED, pending any necessary Board action.

Summary of position purpose and main job functions.

This position provides planning, design, development, implementation, monitoring and evaluation of Outpatient and Integrated Service Array Programs claims' authorization, adjudication, and payment systems. This included both payments made by the TPA and payments made directly through the County's accounts Payable system.

This position also provides both technical and administrative assistance in the research, design, development, implementation, monitoring and evaluation of programs, projects, contracts and grants. This position collects and analyzes data and prepares reports regarding member demographics and needs, utilization management, quality management, and other areas as required administering and meeting the Division's contractual obligations as an MHO under the Oregon Health Plan.

FIT ANALYSIS FOR CLASS.

Proposed Class

PROGRAM DEVELOPMENT SPECIALIST

Class Definition - To provide research, planning, design, development, implementation, monitoring and evaluation of programs, projects or grants. Employees within this class are distinguished from the Program Development Technician by the performance of the full range of duties as assigned including the research, design, development, implementation, monitoring and evaluation of programs, projects or grants. Employees at this level receive only occasional instruction or assistance as new or unusual situations arise, and are fully aware of the operating procedures and policies of the work unit. This class is distinguished from the Senior Program Development Specialist in that the latter is

responsible for organizational policy, procedure and program analysis, planning and development at the department level; and for the coordination of interdivisional and interagency special projects.

FIT ANALYSIS FOR CLASS. This position is responsible for the collection and analysis of data for the Verity program, and the operational coordination with the accounts payable functions of the Third Party Administrator. The position serves as the Technical Expert, giving internal and external assistance concerning the Verity and applicable Oregon Health Plan facets. The position aids the contract renewals for the program. This classification is a good fit for the position.

Reclassification Details:

The effective date of the reclassification is December 9, 2005. The step increase date will remain 2/3 of each year.

Because the position is represented, the Local 88 Collective Bargaining Agreement (Article 15, IV.C) determines the salary level and step increase date.

<i>Date</i>		<i>Class/JCN</i>	<i>Pay Scale Group</i>	<i>Pay Rate</i>	<i>Pay Step</i>	<i>Union</i>
12/8/05	<i>Old</i>	Data Technician 6074	15	18.76	7	88
12/9/05	<i>Reclass</i>	Program Development Specialist 6021	25	21.13	1	88
2/3/06	<i>Step</i>	Program Development Specialist 6021	25	21.73	2	88
7/1/06	<i>COLA</i>	Program Development Specialist 6021	25	22.34	2	88

If you have questions, please contact me at extension 24422.

cc:	Employee	C Bailey	167/520
	AFSCME Local 88	B Lally	
	Position HR Rep	K Pasquinelli	167/640
	HR Maintainer	P Reed	167/640
	File Copy		

Budget Modification or Amendment ID: **DCHS-06****EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 07

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Program Offer	Cost Center	WBS Element						
1	20-80	1000	40	25054		MA SA BA CGF	60000	266,644	267,320	676		BASE [710142]
2	20-80	1000	40	25054		MA SA BA CGF	60130	85,127	85,326	199		FRINGE
3	20-80	1000	40	25054		MA SA BA CGF	60140	72,259	71,384	(875)		INSURANCE
4												
5	20-80	3002	520	25067		MA SC CMH XIX	60000	352,300	356,122	3,822		BASE [710142]
6	20-80	3002	520	25067		MA SC CMH XIX	60130	104,483	105,696	1,213		FRINGE
7	20-80	3002	520	25067		MA SC CMH XIX	60140	91,928	92,353	425		INSURANCE
8	20-80	3002	520	25067		MA SC CMH XIX	50190	(572,711)	(578,171)	(5,460)		IG-OP Fed thru State
9												
10	20-80	82020	40	25067		MA SC CMH 22	60000	129,139	129,449	310		BASE [710142]
11	20-80	82020	40	25067		MA SC CMH 22	60130	39,885	39,977	92		FRINGE
12	20-80	82020	40	25067		MA SC CMH 22	60140	31,907	31,505	(402)		INSURANCE
13												
14												
15	20-80	3002	520	25054		MA SA BA XIX	60000	0	3,455	3,455		BASE [710142]
16	20-80	3002	520	25054		MA SA BA XIX	60130	0	1,106	1,106		FRINGE
17	20-80	3002	520	25054		MA SA BA XIX	60140	0	899	899		INSURANCE
18	20-80	3002	520	25054		MA SA BA XIX	60170	238,634	227,714	(10,920)		Professional Svcs
19	20-80	3002	520	25054		MA SA BA XIX	50190	(238,634)	(233,174)	5,460		IG-OP Fed thru State
20												
21												
22												
23												
24	72-10	3500		705210			50316			(47)		Risk Fund Revenue
25	72-10	3500		705210			60330			47		Claims Paid
26												
27												
28												
29												
										0	0	Total - Page 1
										0	0	GRAND TOTAL

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

						ANNUALIZED			
Prog Offer	Job #	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
25054	6074	63314	Data Tech	710142	(0.50)	(20,811)	(6,678)	(6,470)	(33,959)
25067	6074	64401	Data Tech	710142	(0.50)	(20,811)	(6,678)	(6,470)	(33,959)
25054	6021	63314	Prog Dev Spec	710142	0.50	23,539	7,554	6,410	37,503
25067	6021	64401	Prog Dev Spec	710142	0.50	23,540	7,554	6,409	37,503
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
TOTAL ANNUALIZED CHANGES					0.00	5,457	1,752	(121)	7,088

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

						CURRENT YEAR			
Fund	Job #	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
25054	6074	63314	Data Tech	710142	(0.50)	(20,811)	(6,678)	(6,470)	(33,959)
25067	6074	64401	Data Tech	710142	(0.50)	(20,811)	(6,678)	(6,470)	(33,959)
25054	6021	63314	Prog Dev Spec	710142	0.50	24,942	7,983	6,494	39,419
25067	6021	64401	Prog Dev Spec	710142	0.50	24,943	7,983	6,493	39,419
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
TOTAL CURRENT FY CHANGES					0.00	8,263	2,610	47	10,920



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-13 DATE 9.21.06
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 09/21/06
Agenda Item #: R-13
Est. Start Time: 10:03 AM
Date Submitted: 09/01/06

BUDGET MODIFICATION: -

Agenda Title: NOTICE OF INTENT to Apply for a Grant to Evaluate the Impact of Housing Stability on Children Exposed to Domestic Violence

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

Date Requested:	<u>September 21, 2006</u>	Time Requested:	<u>5 minutes</u>
Department:	<u>Dept. of County Human Services</u>	Division:	<u>Domestic Violence</u>
Contact(s):	<u>Chiquita Rollins</u>		
Phone:	<u>503-988-4112</u>	Ext.	<u>84112</u>
		I/O Address:	<u>167/630</u>
Presenter(s):	<u>Chiquita Rollins, Jana McLellan</u>		

General Information

1. What action are you requesting from the Board?

Multnomah County Department of County Human Services is requesting approval to apply to the Northwest Health Foundation (Kaiser Community Fund) for a grant to evaluate the impact of housing stability on children exposed to domestic violence. The request is for \$180,000 for three years. The evaluation will augment the evaluation component of the Federally funded Safe Start Initiative, which is identifying best practices in responding to children exposed to violence.

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

The Kaiser Permanente Community Fund (KPCF) was established in late 2004 at the Northwest Health Foundation to advance the health of the communities served by Kaiser Permanente Northwest. The fund intends to achieve this goal by addressing those factors in the social, policy, and physical environment that impact community health that have been shown to play a major role in health disparities based on race, ethnicity, and socio-economic status. KPCF seeks to support community-based efforts to enhance social supports that promote health equity, and eliminate those factors that contribute to health disparities. Proposals may address topics as diverse as public safety,

secure employment, environmental quality, education, affordable housing, and community organizing, to name a few.

Prior research on children exposed to domestic violence has found that children witness an alarming amount of the domestic violence that takes place within families. More than half of Oregon female domestic violence victims live in households with children and nearly nine million American children witness domestic violence every year. Researchers have documented immediate and short-term physical problems, emotional and behavioral problems for children exposed to a batterer/ domestic violence. Research on the impact of homelessness and/or housing instability has also documented a range of negative consequences for children, including poor academic achievement, problems with physical and emotional health, and hunger, as well as problems later in life, such as substance abuse and sexual risk taking. There are, however, only a handful of studies that consider the effects of cumulative exposure to violence and homelessness/housing instability or that provide policy direction or models for services to address these problems.

The Multnomah County Domestic Violence Coordinator's Office (DVCO) currently is funded by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to provide domestic violence victim services to women and their children involved in the Child Welfare system. The OJJDP Project includes a national multi-site evaluation that focuses on outcomes for children, but does not include factors related to housing stability and the victimization of the mother.

The County funds a significant level of services for homeless families and for children and youth, many of whom face housing problems or exposure to domestic violence. The proposed project will provide a understanding of the cumulative impact of these two problems on children and of the services and policies that are most effective in mitigating that impact. In July, 2006, DVCO submitted a letter of intent to the Northwest Health Foundation to apply for this grant and based on that letter, have been asked to submit a full application for the project.

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

This is a limited duration 3-year project, beginning January 1, 2007, through December 31, 2009. DCHS is requesting \$180,000 for the period. This figure includes direct costs and indirect costs on salary and benefits only (up to 10%). We expect to have the project completed by the end of the funding period.

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

None

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

This project will include that programs that are involved in the Safe Start project funded by OJJDP: Oregon Department of Human Services Child Welfare, Volunteers of America, El Programa Hispano, Listen to Kids, US Department of Justice OJJDP Safe Start Initiative staff and contractors, Rand Corporation and Portland State University. In addition, researchers from OHSU and Johns Hopkins University will provide technical assistance.

ATTACHMENT A

Grant Application/Notice of Intent

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

- **Who is the granting agency?**

Kaiser Permanente Community Fund through the Northwest Health Foundation.

- **Specify grant (matching, reporting and other) requirements and goals.**

The Kaiser Permanente Community Fund (KPCF) was established to advance the health of the communities served by Kaiser Permanente Northwest, by addressing those factors in the social, policy, and physical environment that impact community health. These factors have been shown to play a major role in the development of health disparities based on race, ethnicity, and socio-economic status. KPCF seeks to support community-based efforts to enhance social supports that promote health equity, and eliminate those factors that contribute to health disparities. KPCF is not primarily focused on research, but the fund advisors will consider projects that fall under the community-based participatory research (CBPR) model, involving and an academic institution, provided the community partner submits the application and can demonstrate meaningful participation in the project's design, implementation, and dissemination. Of particular interest will be research that helps fill the gaps in the published literature about what types of interventions work, and why.

Public agencies, working in the KPCF funding region are eligible to apply. Up to ten percent of indirect costs may be included in your proposed budget, but this rate may be calculated only against the salary and benefits of key personnel. A site visit may be required prior to funding approval.

- **Explain grant funding detail – is this a one time only or long term commitment?**

We will be requesting \$180,00 to be expended over three years. This is one-time-only funding for a project that will be completed by the end of the grant period.

- **What are the estimated filing timelines?**

The grant is due October 5, 2006.

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

It is unclear when funding will be awarded, but appears to be by the end of this year (December 31, 2006). The grant period will be three years from the start date.

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

The project will have been completed when the grant expires.

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

Grant funds can cover up to 10% indirect and the proposed budget will include other direct costs.

ATTACHMENT B

Required Signatures

Department/
Agency Director:

Ret Surface

Date: 09/01/06

Budget Analyst:

Michael D. Gaspin

Date: 09/05/06

Department HR:

Date:

Countywide HR:

Date:



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED: MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-14 DATE 9.21.06
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 09/21/06
Agenda Item #: R-14
Est. Start Time: 10:05 AM
Date Submitted: 08/28/06

BUDGET MODIFICATION: OSCP - 02

**Budget Modification OSCP-02 Increasing the Department of School and
Agenda Community Partnerships Fiscal Year 2007 Budget by \$96,065 in Weatherization
Title: Grant Funding for Energy Services**

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

Date Requested: September 21, 2006 Time Requested: 5 mins
Department: OSCP Division: _____
Contact(s): Mary Li, Kathy Tinkle
Phone: 503 988-6295 Ext. 26787(ml) I/O Address: 167/200
Presenter(s): Mary Li/Kathy Tinkle

General Information

1. What action are you requesting from the Board?

The Department of School and Community Partnerships requests the approval of Budget Modification OSCP_02. This budget modification increases the Department of School and Community Partnerships' Fiscal Year '07 budget for Energy Services by \$96,065 in new State Housing and Community Services grant funding.

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

The State of Oregon Department of Housing and Community Services receives funding for Weatherization projects from various Federal grants and State tax programs. These funds are then allocated to various counties and service agencies throughout Oregon, including the Multnomah County Department of School and Community Partnerships.

The states affected by the West Coast Energy Crisis in 2000-2001 filed lawsuits against several wholesale electric companies including the Williams Company. The lawsuits resulted in monetary

settlements to the states, including the State of Oregon. The Attorney General's office dedicated a portion of the settlement from the Williams Company to be distributed to the counties and service agencies in Oregon.

Of the funds allocated, \$96,065 was awarded to the Multnomah County Department of School and Community Partnerships. These funds have been designated to pay for furnace repair and replacement in low income and elderly-occupied homes.

At the time that the Fiscal Year '07 budget was prepared, there was no certainty of whether the Williams settlement would be allocated to the counties, or how much the funding would be. As a result, the Williams settlement revenue was not included in the Department of School and Community Partnerships' Fiscal Year '07 Adopted budget.

Budget Modification OSCP_02 increases the Department of School and Community Partnerships' Fiscal Year '07 budget for Energy Services by \$96,065 to include this new, one-time increase in Weatherization grant funding from the State.

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

Budget Modification OSCP_02 increases the Department of School and Community Partnerships' Fiscal Year '07 budget for Energy Services by \$96,065 in one time only Weatherization grant funding from the State of Oregon Department Housing and Community Services, to be spent by June 30, 2007.

Of the \$96,065, \$86,459 will pay for replacement and repair of furnaces in 43 low income and elderly-occupied homes. The work will be contracted to local vendors that have successfully completed a competitive bidding process. The bids and vendor information are kept in a Weatherization program database and work is assigned to the vendors as needed.

The remaining \$9,606 of the grant has been awarded for Administrative costs, including Central and Departmental Indirect. Based on established Fiscal Year '07 Indirect rates, \$2,159 will pay for Central Indirect, \$6,127 will pay for Departmental Indirect, and the remaining \$1,320 will be used to pay for contracted maintenance of the Weatherization database.

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

n/a

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

n/a

ATTACHMENT A

Budget Modification

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

- What revenue is being changed and why?

The Department of School and Community Partnerships Fiscal Year '07 budget will be increased by \$96,065 in one time only Weatherization grant funding for the Energy Services program. This increase is a result of the revenue projections for the Fiscal Year '07 adopted budget being developed before actual grant award amounts were known.

After the West Coast Energy Crisis in 2000-2001, the affected states including the State of Oregon, filed lawsuits against several wholesale electric companies. One of these lawsuits resulted in a settlement from the Williams Company to the State of Oregon. The Attorney General's office dedicated a portion of the settlement to be distributed to the counties and service agencies in Oregon.

- What budgets are increased/decreased?

Budget Modification OSCP_02 increases the Department of School and Community Partnerships' Fiscal Year '07 budget for Energy Services by \$96,065 in one time only Weatherization grant funding from the State of Oregon Department Housing and Community Services.

Of the \$96,065, \$86,459 will pay for replacement and repair of furnaces in low income and elderly-occupied homes. The work will be contracted to local vendors that have successfully completed a competitive bidding process. The bids and vendor information are kept in a Weatherization program database and work is assigned to the vendors as needed.

The remaining \$9,606 of the grant has been awarded for Administrative costs, including Central and Departmental Indirect. Based on established Fiscal Year '07 Indirect rates, \$2,159 will pay for Central Indirect, \$6,127 will pay for Departmental Indirect, and the remaining \$1,320 will be used to pay for contracted maintenance of the Weatherization database.

- What do the changes accomplish?

The \$96,065 grant funding will pay for the repair or replacement of furnaces in approximately 43 low income and/or elderly occupied homes. The increased efficiencies of the furnaces will help lower the future heating costs in these homes.

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

There will be no personnel changes.

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

Based on established Fiscal Year '07 Indirect rates, \$2,159 will pay for Central Indirect, \$6,127 will pay for Departmental Indirect, and the remaining \$1,320 will be used to pay for contracted maintenance of the Weatherization database.

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

The Williams settlement funding is one-time-only and will be spent by June 30th, 2007. The funding will be used to repair or replace furnaces in 43 additional households in Fiscal Year '07. The increased efficiencies of the repaired and replaced furnaces will continue to benefit these households for many years.

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

This one-time-only funding will be spent by June 30th, 2007

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

This is one-time-only revenue. The number of households served will resume to current levels after the funding ends.

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

ATTACHMENT B

BUDGET MODIFICATION: OSCP - 02

Required Signatures

Department/
Agency Director:

Salenjo T. Poetra

Date: 08/24/06

/kt

Budget Analyst:

Michael D. Gaspin

Date: 08/28/06

Department HR:

Date:

Countywide HR:

Date:

EXPENDITURES & REVENUES

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

Budget/Fiscal Year: 07

Line No.	Fund Center	Fund Code	Func. Area	tern Orde	Accounting Unit		Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
					Cost Center	WBS Element						
1	21-62	20731	40			SCPCESRR.WLMSWX.PG	50170	0	(86,459)	(86,459)		IG-OP-Direct State
2	21-62	20731	40			SCPCESRR.WLMSWX.PG	60155	0	86,459	86,459	0	Direct Client Assistance
3								0	0			
4	21-62	20731	40			SCPCESPA.WLMSWX.AD	50170	0	(9,606)	(9,606)		IG-OP-Direct State
5	21-62	20731	40			SCPCESPA.WLMSWX.AD	60170	0	1,320	1,320		Professional Services
6	21-62	20731	40			SCPCESPA.WLMSWX.AD	60350	0	2,159	2,159		Central Indirect
7	21-62	20731	40			SCPCESPA.WLMSWX.AD	60355	0	6,127	6,127	0	Dept Indirect
8								0	0			
9	21-02	1000	40			SCPOP.CGF	50370	(717,188)	(723,315)	(6,127)		Dept Indirect Revenue
10	21-62	1000	40			SCPCESPA.CGF	60240	10,671	16,798	6,127	0	Supplies
11									0			
12	19	1000	20		9500001000		50310		(2,159)	(2,159)		Intl Svc Reimbursement
13	19	1000	20		9500001000		60470		2,159	2,159	0	Contingency
14									0			
15									0			
16									0			
17									0			
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31									0			
										0	0	Total - Page 1
										0	0	GRAND TOTAL



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-15 DATE 9.21.06
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 09/21/06
Agenda Item #: R-15
Est. Start Time: 10:10 AM
Date Submitted: 09/11/06

BUDGET MODIFICATION:

Agenda Title: NOTICE OF INTENT to Submit a Proposal to the Health Resources and Services Administration's Ryan White CARE Act Title I HIV Emergency Relief Grant Competition

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

Date Requested:	<u>September 21, 2006</u>	Time Requested:	<u>5 minutes</u>
Department:	<u>Health Department</u>	Division:	<u>Community Health Services HIV Prevention Programs</u>
Contact(s):	<u>Jodi Davich</u>		
Phone:	<u>503-988-3663</u>	Ext.	<u>26561</u>
	I/O Address:		<u>160/9</u>
Presenter(s):	<u>Loreen Nichols, Kalissa Canyon-Scopes and John Motter</u>		

General Information

1. What action are you requesting from the Board?

The Multnomah County Health Department (MCHD) requests approval to submit a proposal to the Health Resources and Services Administration's Ryan White CARE Act Title I HIV Emergency Relief grant competition to secure funding for the 2007/2008 program year. The Health Department recommends that this request be approved.

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

As of 12/31/05, 3,952 persons were estimated as living with HIV in the six-county Portland Eligible Metropolitan Area (EMA). The EMA is a six-county area that includes Multnomah, Washington, Clackamas, Columbia, Yamhill and Clark counties.

The Health Department has administered the EMA's Ryan White Title I Program since 1995. The federal government provides Title I funds to EMAs that have been the most severely affected by the HIV epidemic. These funds help to enhance access to a comprehensive continuum of high quality,

community-based care for low-income individuals and families with HIV disease.

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

Multnomah County Health Department will request approximately \$3,600,000 from the Health Resources and Services Administration for the period of March 2007 through February 2008.

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

No legal or policy issues are involved.

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

Citizen stakeholders are represented on the MCHD's Community Health Council, the HIV Planning Council and the HIV Health Services Center's Client Advisory Board.

ATTACHMENT A

Grant Application/Notice of Intent

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

- **Who is the granting agency?**

Health Resources and Services Administration (HRSA)

- **Specify grant (matching, reporting and other) requirements and goals.**

Title I of the Ryan White CARE Act provides emergency assistance to Eligible Metropolitan Areas (EMAs) that are most severely affected by the HIV/AIDS epidemic. Title I funds may be used to provide a continuum of care for persons living with HIV disease. As federally mandated, the prioritization of services and subsequent allocation of Title I funds is determined by the Ryan White Title I HIV Planning Council. The Planning Council has allocated funding for these priority services for the 2007/2008 Title I program year:

- Outpatient Medical Care
- Health Insurance
- Case Management
- Dental Care
- Housing Assistance
- Housing Related Services
- Psychosocial Support
- Outreach
- Complementary Care
- Transportation
- Food/Home Delivered Meals
- Council Support

While the County directly provides some Ryan White Title I funded services, most of the above services will be provided through contracts with a diverse group of community-based organizations.

- **Explain grant funding detail – is this a one time only or long term commitment?**

Multnomah County Health Department will request approximately \$3,600,000 from the Health Resources and Services Administration for the period of March 2007 through February 2008. No new county funds are needed to support this proposal. Grant funds shall not be used to take the place of current funding for activities described in the application. Although this grant has the federal standard Maintenance of Effort requirements, in some instances this requirement may be waived.

- **What are the estimated filing timelines?**

The grant application is due October 2, 2006.

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

March 2007 through February 2008.

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

We will reapply for additional Title I funds.

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

The grant will pay the county indirect and other overhead costs for all on-site expenditures. The grant does not cover the county indirect and other overhead costs on the pass-through funds to

contractors delivering health and support services because of grant limitations on administrative costs. County general funds have been budgeted for the indirect costs not covered under the federally mandated 5% administrative cap.

ATTACHMENT B

Required Signatures

Department/
Agency Director:



Date: 09/11/06

Budget Analyst:



Date: 09/12/06

Department HR:

Date:

Countywide HR:

Date:



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 09/21/06
Agenda Item #: R-16
Est. Start Time: 10:15 AM
Date Submitted: 09/13/06

BUDGET MODIFICATION:

Agenda Title: **RESOLUTION Appointing a School-Age Services Task Force**

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

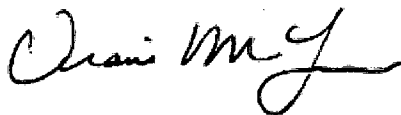
Date Requested:	<u>September 21, 2006</u>	Time Requested:	<u>5 mins</u>
Department:	<u>Non-Departmental</u>	Division:	<u>Chair's Office</u>
Contact(s):	<u>Barbara Willer</u>		
Phone:	<u>503-988-5002</u>	Ext.	<u>85002</u>
I/O Address:	<u>503/600</u>		
Presenter(s):	<u>Dianne Iverson and Barbara Willer</u>		

General Information

1. What action are you requesting from the Board?
Approval of Task Force membership
2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.
Budget notes in the June 22, 2006, adopted budget direct that a Task Force on school-age services be appointed and staffed by the Commission on Children, Families and Community (CCFC).
3. Explain the fiscal impact (current year and ongoing).
n/a
4. Explain any legal and/or policy issues involved.
n/a
5. Explain any citizen and/or other government participation that has or will take place.
Representatives from community and local government organizations will participate on the Task Force.

Required Signatures

**Department/
Agency Director:**



Date: 09/13/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Appointing a School-Age Services Task Force

The Multnomah County Board of Commissioners Finds:

- a. Programs and services that contribute to education outcomes for school-age children are a priority for Multnomah County.
- b. The SUN system provides valuable services to school-aged youth and families but is facing a revenue shortfall.
- c. Budget notes in the June 22, 2006, adopted budget direct that a Task Force on school-age services be appointed and staffed by the Commission on Children, Families and Community (CCFC).

The Multnomah County Board of Commissioners Resolves:

1. A Task Force led by Chair-elect Ted Wheeler and staffed by the CCFC shall convene to recommend strategies for delivering services for school-aged children, including within the SUN service system.
2. The Task Force shall include representatives from community organizations and local government, including the Multnomah County Commission on Children and Families, Leaders Roundtable, Coalition of Communities of Color, Stand for Children, City of Portland, local school districts and service providers.
3. The Task Force shall report its findings to the Board in February 2007.

ADOPTED this 21st day of September, 2006.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____

Agnes Sowle, County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 06-164

Appointing a School-Age Services Task Force

The Multnomah County Board of Commissioners Finds:

- a. Programs and services that contribute to education outcomes for school-aged children are a priority for Multnomah County.
- b. The SUN system provides valuable services to school-aged youth and families but is facing a revenue shortfall.
- c. Budget notes in the June 22, 2006, adopted budget direct that a Task Force on school-age services be appointed and staffed by the Commission on Children, Families and Community (CCFC).

The Multnomah County Board of Commissioners Resolves:

1. A Task Force led by Chair-elect Ted Wheeler and staffed by the CCFC shall convene to recommend strategies for delivering services for school-aged children, including within the SUN service system.
2. The Task Force shall include representatives from community organizations and local government, including the Multnomah County Commission on Children and Families, Leaders Roundtable, Coalition of Communities of Color, Stand for Children, City of Portland, local school districts and service providers.
3. The Task Force shall report its findings to the Board in February 2007.

ADOPTED this 21st day of September, 2006.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 

Agnes Sowle, County Attorney